

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, September 17, 2003

PLACE: Division of Real Estate, Commission Meeting Room, N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLES:	RULE NOS.:
Disciplinary Guidelines	61J2-24.001
Citation Authority	61J2-24.002
Revocation	61J2-24.005

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to bring the rules into compliance with statutory changes.

SUBJECT AREA TO BE ADDRESSED: The proposed rule change affects rule provisions relating to licensure designation, disciplinary guidelines and issuance of citations.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.01, 475.15, 475.42 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, September 17, 2003

PLACE: Division of Real Estate, Commission Meeting Room, N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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 Psychology

RULE TITLE:	RULE NO.:
Examination	64B19-11.001

PURPOSE AND EFFECT: The Board proposes to review the existing rule to determine if changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Examination.

SPECIFIC AUTHORITY: 456.017(1)(b),(c), 490.004(4) FS.

LAW IMPLEMENTED: 456.017(1)(b),(c),(d), 490.005 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: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

**Section II
Proposed Rules**

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Group Conversion Premium	4-149.203
Outline of Coverage	4-149.204
Health Maintenance Organization Standard Risk Rates	4-149.207

PURPOSE, EFFECT AND SUMMARY: Rule Chapter 4-149 Part X governs group conversion rates. Section 627.6675, F.S., requires that the Office annually survey the market and publish the standard risk rates representing the average of 80 percent of the market. The rates are published for a particular benefit design. This design is the state mandated "standard" plan. With the adoption of the new standard plans this year, the rule is being amended to provide maximum group conversion rates for that plan design.

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:	624.308,	627.410(6)(b),
	627.6675(3)(c) FS.	

LAW IMPLEMENTED:	624.307(1),	627.410(6)(a),
	627.6498(4), 627.6675(3),	641.3922(3) 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., October 1, 2003

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 below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014, e-mail dinof@dfs.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

4-149.203 Group Conversion Premium.

(1) through (4) No change.

(5) Terminating employees or members shall be offered the same "category of coverage" (see subsection 4-149.202(1), F.A.C.) as the underlying group policy form from which they are being offered conversion coverage. The provisions of Sections 627.6675 and 641.3922, F.S., provide for the following plan designs:

(a) The statutory health benefit plan required by Section 627.6675(10), F.S., and

(b) The standard health benefit plan required by Section 627.6675(11), or 641.3922(10), F.S.

1. The standard health benefit plan designs are summarized in Rule 4-149.204, F.A.C.

2. The reference to the 2003 Standard Health Benefit Plan refers to the plan recommended by the health benefit committee pursuant to Section 627.6699(12), F.S. and approved by the Office of Insurance Regulation. These plan designs can be found by accessing: http://www.fldfs.com/comapnies/lh_fr/is_LHFR_Small_Emp_Benefit_Plan.htm.

3. If the company has more than one 2003 standard plan option approved, the standard plan option offered to an individual shall be the option providing coverage nearest to the insured's current group coverage.

(6) The following benefit adjustment factors to reflect the benefit difference from the \$1,000 deductible plan provided in this part, for PPO/EPO and indemnity Plans A, B and C, and for HMO Plans D and E, will be accepted without further justification required by subsection (8):

(a) through (g) No change.

(7) No change.

(8) Group conversion rate schedules are subject to all filing and approval requirements of Section 627.410(6), or 641.31(3), F.S., and Chapter 4-149 or 4-191.054, F.A.C.

(9) The following benefit adjustment factors shall be used to reflect the benefit differences from Plan A, which is the published rate for each category, to Plan options B through E:

(a) 0.871 for PPO/EPO Plan B

(b) 0.917 for Indemnity Plan B

(c) 0.846 for PPO/EPO Plan C

(d) 0.891 for Indemnity Plan C

(e) 0.834 for HMO Plan B

(f) 0.828 for HMO Plan C

(g) 0.762 for HMO Plan D

(h) 0.752 for HMO Plan E.

(i) Benefit adjustment factors for other 2003 standard benefit plan designs shall be filed and reviewed to be consistent with subsections (a) through (h) above.

(10)(a) Existing conversion plans shall be guaranteed renewable at the option of the insured.

(b) The coverage may be non-renewed only for the reasons delineated in Sections 627.6675(7)(b) or 641.3922(7), F.S.

(c) The 2003 health benefit plans may be offered to existing insureds, but existing policies may not be modified to a new plan without the written consent of the insured.

Specific Authority 624.308, 627.410(6)(b), 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.410(6)(a), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New 3-2-00, Amended 4-2-01, _____.

4-149.204 Outline of Coverage.

(1) No change.

(2) It is noted that this list is an outline and not intended to be a comprehensive description of all policy benefits. The statutory sections indicated should be reviewed for more comprehensive information.

	Plan A	Plan B	Plan C
PPO/EPO and Indemnity	Standard Health Benefit Plan (Section 627.6675(11))	2003-Standard Health Benefit Plan	2003-Standard Health Benefit Plan
Lifetime Limit	\$1,000,000	\$5,000,000	\$5,000,000
Annual Deductible* Single/Family	\$1,000/\$3,000	\$1,000, \$3,000	\$1,000, \$3,000
Out-of-Pocket Maximum Single/Family	\$2,000/\$4,000	\$3,000/\$6,000	\$5,000/\$10,000
Plan Coinsurance Amount: (1) Preferred Provider	(1) 80% of allowance in-network/60% of allowance out-of-network 80% in-network/60% out-of-network of the first \$10,000 per individual, then 100%. For family coverage, the aggregate coinsurance limit is two times the individual coinsurance limit.	(1) 80% of allowance in-network/60% of allowance out-of-network	(1) 80% of allowance in-network/60% of allowance out-of-network
(2) Indemnity Plan	(2) 80% of allowance of the first \$10,000 per individual, then 100%. For family coverage, the aggregate coinsurance limit is 2 times the individual coinsurance.	(2) 80% of allowance.	(2) 80% of allowance
Physician	Coinsurance	Coinsurance	Coinsurance
Specialist	Coinsurance	Coinsurance	Coinsurance
Maternity	Coinsurance	Coinsurance	Coinsurance
Prescription Drug	Covered \$7/\$14 Copay	\$10/\$30/\$50 Copay*	\$10/\$30/\$50 Copay*
In-patient Hospital	Covered Coinsurance	Coinsurance	Coinsurance
Out-patient Hospital	Covered Coinsurance	Coinsurance	Coinsurance
Out-Patient Rehabilitation	Coinsurance, 10 visits per year	Coinsurance, 20 visits per year	Coinsurance, 20 visits per year
Out-of-Network	Covered		
Emergency	Covered Coinsurance +\$50 Copay per visit	Coinsurance	Coinsurance
Mental and Nervous Disorders, In-Patient	Coinsurance, 10 days per year	Coinsurance, 10 days per year	Coinsurance, 10 days per year
Mental and Nervous Disorders, Out-Patient	Coinsurance, 20 visits per year, \$50 per visit maximum reimbursement	Coinsurance, 20 visits per year, \$50 per visit maximum reimbursement	Coinsurance, 20 visits per year, \$50 per visit maximum reimbursement
Alcohol/Substance Abuse, In-Patient	Not covered	Coinsurance, \$2,000 maximum benefit	Coinsurance, \$2,000 maximum benefit
Alcohol/Substance Abuse Out-Patient	Not covered	Coinsurance, \$2,000 maximum benefit	Coinsurance, \$2,000 maximum benefit
Preventive Medical Services	Coinsurance, \$150 maximum per year	Coinsurance, \$250 maximum per year	Coinsurance, \$250 maximum per year
Organ Transplant	\$200,000 lifetime maximum	Coinsurance	Coinsurance
Home Health Care	Coinsurance, 60 visits per year, maximum \$60 per visit	Coinsurance, 60 visits per year	Coinsurance, 60 visits per year

*Not included in out of pocket maximum

	Plan A	Plan B -HMO plan	Plan C- HMO plan
HMO	Standard Health Benefit Plan (Section 641.3922(10))	2003-Standard Health Benefit Plan	2003-Standard Health Benefit Plan
Lifetime Limit	None	\$5,000,000	\$5,000,000
Out-of-Pocket Maximum Single/Family	\$1,500/\$3,000	\$3,000/\$6,000	\$5,000/\$10,000
Office visit co-pay Primary Care Physician	\$10.00 Copay per visit	\$25 Copay per visit	\$25 Copay per visit
In-Patient	\$100.00		
Emergency Room co-pay (if not admitted)	\$100.00		
Specialist	\$10 Copay per visit	\$50 Copay per visit	\$50 Copay per visit
Rx generic	\$7.00		
Rx brand	\$14.00		
Maternity	Covered	\$300 Copay per day for five days	\$300 Copay per day for five days
Prescription Drug	Covered \$7/\$14 Copay	\$10/\$30/\$50 Copay*	\$10/\$30/\$50 Copay*
In-Patient Hospital	Covered \$100 Copay per day	\$300 Copay per day for five days	\$300 Copay per day for five days
Out-Patient Hospital	Covered \$50 Copay per procedure	\$200 Copay per procedure	\$200 Copay per procedure
Out Patient Rehabilitation	\$20 Copay per visit, 10 visits per year	\$25 Copay per visit, 20 visits per year	\$25 Copay per visit, 20 visits per year
Out-of-Network (emergency only)	Covered	Covered	Covered
Emergency	Covered \$100-Copay (if not admitted)	\$150 Copay (if not admitted)	\$150 Copay (if not admitted)
Mental and Nervous Disorders, In-Patient	\$100 Copay per day for first 5 days, 10 days per year	\$100 Copay per day, 10 days per year	\$100 Copay per day, 10 days per year
Mental and Nervous Disorders, Out-Patient	\$10 Copay per visit, 20 visits per year, \$50 per visit maximum reimbursement	\$25 Copay per visit, 20 visits per year, \$50 per visit maximum reimbursement	\$25 Copay per visit, 20 visits per year, \$50 per visit maximum reimbursement
Alcohol/Substance Abuse, In-Patient	Not covered	\$100 Copay per day, \$2,000 maximum benefit	\$100 Copay per day, \$2,000 maximum benefit
Alcohol/Substance Abuse Out-Patient	Not covered	\$25 Copay per visit, \$2,000 maximum benefit	\$25 Copay per visit, \$2,000 maximum benefit
Preventive Medical Services	\$150 maximum	\$250 maximum	\$250 maximum
Organ Transplant	\$200,000 lifetime maximum	Covered	Covered
Home Health Care	Covered in full, 60 visits per year	\$25 Copay per visit, 60 visits per year	\$25 Copay per visit, 60 visits per year

*Not included in out of pocket maximum

	Plan A	Plan D – coins plan	Plan E – coins plan
HMO	Standard Health Benefit Plan (Section 641.3922(10))	2003-Standard Health Benefit Plan	2003-Standard Health Benefit Plan
Lifetime Limit	None	\$5,000,000	\$5,000,000
Annual Deductible* Single/Family	Not applicable	\$1,000/\$3,000	\$1,000/\$3,000
Out-of-Pocket Maximum Single/Family	\$1,500/\$3,000	\$3,000/\$6,000	\$5,000/\$10,000
Plan Coinsurance Amount:	Not applicable	80% of allowance	80% of allowance
Primary Care Physician	\$10 Copay per visit	Coinsurance	Coinsurance
Specialist	\$10 Copay per visit	Coinsurance	Coinsurance
Maternity	Covered	Coinsurance	Coinsurance
Prescription Drug	\$7/\$14 Copay	\$10/\$30/\$50 Copay*	\$10/\$30/\$50 Copay*
In-Patient Hospital	\$100 Copay	Coinsurance	Coinsurance
Out-Patient Hospital	Covered	Coinsurance	Coinsurance
Out-of-Network (emergency only)	Covered	Coinsurance	Coinsurance
Emergency	\$100-Copay (if not admitted)	Coinsurance	Coinsurance
Mental and Nervous Disorders In-Patient	\$100 Copay per day for first 5 days, 10 days per year	Coinsurance, 10 days per year	Coinsurance, 10 days per year
Mental and Nervous Disorders Out-Patient	\$10 Copay per visit, 20 visits per year, \$50 per visit maximum reimbursement	Coinsurance, 20 visits per year, \$50 per visit maximum reimbursement	Coinsurance, 20 visits per year, \$50 per visit maximum reimbursement
Alcohol/Substance Abuse, In-Patient	Not covered	Coinsurance, \$2,000 maximum benefit	Coinsurance, \$2,000 maximum benefit
Alcohol/Substance Abuse Out-Patient	Not covered	Coinsurance, \$2,000 maximum benefit	Coinsurance, \$2,000 maximum benefit
Preventive Medical Services	\$150 maximum	Coinsurance, \$250 maximum per year	Coinsurance, \$250 maximum per year
Organ Transplant	\$200,000 lifetime maximum	Coinsurance	Coinsurance
Home Health Care	Covered in full, 60 visits per year	Coinsurance, 60 visits per year	Coinsurance, 60 visits per year

*Not included in out of pocket maximum

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History–New 3-2-00, Amended 4-2-01, 4-17-02,_____.

4-149.207 Health Maintenance Organization Standard Risk Rates.

(1) through (2) No change.

(3) Standard risk rates for coverage providing benefits coordinating with Medicare shall be determined by multiplying the standard risk rates identified herein by .278.

[Table – No change]

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History–New 3-2-00, Amended 4-2-01, 4-17-02, 1-20-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Bureau Chief, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 9, 2003

DEPARTMENT OF INSURANCE

RULE TITLE: _____ RULE NO.: _____

Notification of Insured’s Rights

and Standard Disclosure Form;

Personal Injury Protection Benefits 4-176.013

PURPOSE, EFFECT AND SUMMARY: To develop a standardized disclosure form to be used in connection with personal injury protection insurance as required by SB 32A adopted by the Legislature, and correct references in the Notification of Insured’s Rights form resulting from the legislation.

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: 624.308(1), 627.7401(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.736, 627.7401, 627.745 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., September 29, 2003

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 below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mike Milnes, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5306, E-mail MilnesM@dfs.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

4-176.013 Notification of Insured’s Rights and Standard Disclosure Form; Personal Injury Protection Benefits.

(1) Each insurer issuing a policy in this state providing personal injury protection benefits shall mail or deliver form OIR-B1-D14-1149 10/01/01 “Notification of Personal Injury Protection Benefits” ~~which is hereby incorporated herein by reference,~~ to an insured within 21 days after receiving from the insured notice of an automobile accident or claim involving personal injury to an insured who is covered under the policy.

Form DI4-1149 is available from the Bureau of Property and Casualty Forms and Rates, 200 E. Gaines St., Tallahassee, FL 32399-0330.

(2) Form OIR-B1-____, “Standard Disclosure and Acknowledgement Form – Personal Injury Protection – Initial Treatment or Service Provided” shall be utilized by providers as described in Section 627.736(5)(e), F.S.

(3) The forms in subsections (1) and (2) are incorporated herein by reference, and are available from the Bureau of Property and Casualty Forms and Rates, 200 E. Gaines St., Tallahassee, FL 32399-0330, or from the Department of Financial Services website at www.fldfs.com.

Specific Authority 624.308(1), 627.7401(1) FS. Law Implemented 624.307(1), 627.736, 627.7401, 627.745 FS. History—New 10-1-94, Amended 12-6-00, 1-20-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mike Milnes, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Shirley Kerns, Bureau Chief, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 27, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2003

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification and Employment
or Appointment

RULE CHAPTER NO.: 11B-27

RULE TITLE: Maintenance of Officer Certification

RULE NO.: 11B-27.00212

PURPOSE AND EFFECT: To require completion of Weapons of Mass Destruction and Basic Incident Command System continuing training prior to June 30, 2008.

SUMMARY: Revisions to this rule chapter are necessary to train officers in the learning competency requirements for weapons of mass destruction and basic incident command training.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1) FS.

LAW IMPLEMENTED: 943.12, 943.13(11), 943.135, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS.

IF REQUESTED, IN WRITING, WITHIN 21 DAYS 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: 10:00 a.m., Tuesday, September 30, 2003
PLACE: 2331 Phillips Road, Elevator Conference Room, Quad A, 3rd Floor, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this program are requested to please advise the Department at least five days prior to the workshop by contacting: Donna Hunt, (850)410-7900 (Voice) or (850)656-9597 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-27.00212 Maintenance of Officer Certification.

(1) through (12) No change.

(13) Weapons of Mass Destruction (WMD) and Basic Incident Command System (ICS) continuing training. Certified law enforcement officers shall complete WMD and Basic ICS training prior to June 30, 2008.

(a) Certified law enforcement officers who have completed WMD and Basic ICS training, prior to the effective date of this rule section, shall have satisfied the mandatory WMD and Basic ICS training requirements.

1. Certified law enforcement officers who have completed WMD training shall be required to complete only Basic ICS training prior to June 30, 2008.

2. Certified law enforcement officers who have completed Basic ICS training shall be required to complete only WMD training prior to June 30, 2008.

(b) Certified law enforcement officers who complete the Prepare Florida Basic WMD and Basic ICS Course shall have satisfied the mandatory training requirements. This course contains separate modules that can be used separately to satisfy WMD and Basic ICS training.

1. The following “learning competency requirements” satisfy Weapons of Mass Destruction training:

a. Understanding and recognizing terrorism.

b. Weapons of Mass Destruction and the methods of dissemination.

c. Incident scene security.

d. Self-protection.

e. Personal protective equipment (PPE).

f. Decontamination.

2. The following "learning competency requirements" satisfy Basic ICS training:

a. Incident Command System and Unified Command training.

b. Field operations and tactical considerations.

(c) Courses that satisfy the "learning competency requirements" for Basic ICS training include:

1. Incident Command System course number IS-195.

2. Federal Emergency Management Institute.

3. National Incident Management System Incident Command (NIMS).

4. Hospital Incident Command System (HICS).

(d) Emergency Response to Terrorism by the U.S. Department of Justice satisfies WMD training only.

(e) Law enforcement officers who have successfully completed a CMS Application-Based Law Enforcement Basic Recruit Training Program have satisfied both WMD and Basic ICS training requirements.

(f) The CMS Law Enforcement Basic Recruit Training Program satisfies both WMD and Basic ICS training requirements.

(g) If an officer fails to meet the required WMD and Basic ICS training, his or her certification shall become inactive until such time the employing agency submits to Commission staff, through the Commission's ATMS, a completed Mandatory Retraining Report, form CJSTC-74.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS. History--New, 11-5-02, Amended _____. Editorial Note: See 11B-27.0023, F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Manager Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE CHAPTER TITLE: Criminal History Records

RULE CHAPTER NO.:

Dissemination Policy 11C-6

RULE TITLE: Procedures for Requesting Criminal

RULE NO.:

History Records 11C-6.004

PURPOSE AND EFFECT: To update Rule 11C-6.004, F.A.C., to reflect legislative amendments to criminal history fees.

SUMMARY: Revisions to this rule chapter increase the fee for criminal history records requested by persons or entities other than criminal justice agencies to \$23 per record. The amendments also provide that the fee for criminal history records requested by vendors of the Departments of Children and Families, Juvenile Justice, and Elder Affairs will be \$15 per name submitted, and that the fee for requests for volunteers under the National Child Protection Act shall be \$18 per name submitted. Further, the amendment states that Public Defender offices will not be assessed a fee for Florida criminal history information.

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 working days of this notice.

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS 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: 10:00 a.m., Tuesday, September 30, 2003

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad A, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cynthia McGollie, Florida Crime Information Bureau, Criminal Justice Information Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8681

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-6.004 Procedures for Requesting Criminal History Records.

(1) through (2) No change.

(3) Fees.

(a) There shall be no charge for conducting record checks under paragraphs (2)(a) through (c).

(b) As provided in subsection 943.053(3), F.S., a A processing fee of \$23 ~~15~~ shall be charged for each subject inquired upon under paragraphs (2)(d) through (f), except that a fee of \$8 shall be charged for each subject inquired upon for vendors of the Department of Children and Family Services,

the Department of Juvenile Justice, and the Department of Elderly Affairs; a fee of \$15 shall be charged for each subject inquired upon pursuant to a state criminal history record check required by law to be performed by the Department of Agriculture and Consumer Services; a fee of \$18 shall be charged for each volunteer subject inquired upon under the National Child Protection Act of 1993, as amended; and no fee shall be charged for Florida criminal history information or wanted person information requested by the state offices of the Public Defender. If ~~unless~~ the Executive Director of the Department determines that conducting the record check would be in the interest of law enforcement or criminal justice or that good cause otherwise exists, the prescribed fee may be waived or reduced if the fee is otherwise waivable, as provided in subsection 943.053(3), F.S.

(c) ~~The A~~ processing fee of ~~\$15.00~~ shall be charged for each subject inquired upon ~~under paragraphs (2)(d) through (f)~~ via the internet shall be the fee authorized for inquiries from persons in the private sector in subsection 943.053(3), F.S. This fee shall be assessed based on the inquiry regardless of whether the results show no criminal history record or some possible records. When an inquiry on one subject is made and more than one person is presented as possibly the same person, the customer will receive one criminal history record as a result of the prescribed ~~\$15.00~~ payment. If the customer wants additional criminal history records from the list of persons presented for this same inquiry, a processing fee of \$8.00 shall be charged for each additional criminal record.

(4) No change.

Specific Authority 943.03(4), 943.053(3), 943.0542, 943.056 FS. Law Implemented 943.053(3), 943.0542, 943.056 FS. History—New 12-30-76, Amended 11-7-83, Formerly 11C-6.04, Amended 9-1-88, 4-1-93, 7-7-99, 8-22-00, 7-29-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Booth, Assistant General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7676

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Martha Wright, Bureau Chief, User Services, Criminal Justice Information Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiner’s Commission

RULE CHAPTER TITLE: Standard Investigation Procedures
RULE CHAPTER NO.: 11G-2

RULE TITLE: Investigation
RULE NO.: 11G-2.003

PURPOSE AND EFFECT: Removes the provision that allows a medical examiner’s designee to sign a death certificate.

SUMMARY: Revisions to this rule chapter remove the provisions that allow a medical examiner’s designee to sign a death certificate and the requirement that the medical examiner observe the body.

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 working days of this notice.

SPECIFIC AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 406.11, 406.13 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS 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: 10:00 a.m., Tuesday, September 30, 2003

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad A, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Luten, Staff, Medical Examiners Commission, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

11G-2.003 Investigation.

(1) No change.

(2) Medical examiner autopsies performed pursuant to Section 406.11, Florida Statutes, shall be performed by pathologists or directly supervised residents in pathology. Performance shall require in situ examination of the tissues pertinent to determining the cause of death and the removal of viscera pertinent to the determination of the cause of death. Removal of other organs and tissues during the autopsy shall be under the direct supervision of the pathologist. Direct supervision requires the presence of the supervising pathologist in the autopsy room. A medical examiner shall not sign a death certificate unless he or she has ~~or his designee has observed the body and~~ made such ~~other~~ investigation as needed to assure the accuracy of the findings.

(3) through (5) No change.

Specific Authority 406.04 FS. Law Implemented 406.11, 406.13 FS. History—New 10-18-81, Formerly 11G-2.03, Amended 8-27-87, 9-23-93, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Craig Rockenstein, Regional Legal Advisor, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7676
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Lutten, Staff, Medical Examiners Commission, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

DEPARTMENT OF LAW ENFORCEMENT

Office of Inspector General

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account	11N-1
RULE TITLES:	RULE NOS.:
Matching Drug Control Investigative Funding	11N-1.0022
Limitations on Violent Crime Investigative Reimbursement Funding	11N-1.003
Limitations on Matching Drug Control Investigative Funding	11N-1.0031
Procedures for Emergency Violent Crime Investigative Funding	11N-1.004
Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding	11N-1.005
Procedures for Funding Requests for Matching Drug Control Investigative Funding	11N-1.0051
Victim/Witness Protection Program	11N-1.009

PURPOSE AND EFFECT: To update Chapter 11N funding procedures and forms and create a new rule section addressing the Victim/Witness Protection Program.

SUMMARY: Rule 11N-1.0022, F.A.C., adds the provision that the names of targets in drug investigations funded in part by Council funds shall be entered in DrugNet. Rule 11N-1.003, F.A.C., expands the date that violent crime investigations are authorized to receive reimbursement from the Violent Crime and Drug Control Council. Rule 11N-1.0031, F.A.C., provides that drug investigations that have been previously approved by the Council for funding may be considered for additional funding if the requesting agency. Rule 11N-1.004, F.A.C., amends the titles of forms used to gather information from participating agencies. Forms are revised to include definitions and rule references. Rule 11N-1.005, F.A.C., amends the titles of forms used to gather information from participating agencies. Forms are revised to include rule references. Rule 11N-1.0051, F.A.C., amends the titles of forms used to gather information from participating agencies. Forms are revised to exclude "benefits" from overtime calculations and titles,

signature lines rule references. Rule 11N-1.009, F.A.C., filing deadlines and filing address. Form revisions include rule references to definitions. Certain language is amended to conform to Joint Administrative Procedures Committee (JAPC) guidelines.

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 working days of this notice.

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS 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: 10:00 a.m., Tuesday, September 30, 2003

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad A, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joyce Gainous-Harris, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

11N-1.0022 Matching Drug Control Investigative Funding.

(1) In determining whether requests for matching funding relate to multi-agency or statewide drug control or illicit money laundering investigative or task force efforts that:

(a) through (b) No change.

(c) Otherwise significantly support statewide strategies developed by the Statewide Drug Policy Council, the following criteria shall be considered:

1. Mandatory Factors:

a. through g. No change.

h. The proposed investigative effort shall provide that all known targets in a drug investigation proposed to be funded by the Council funds shall be entered into the "DrugNet" database maintained by the Florida Department of Law Enforcement. The funding request shall indicate that such entry has been accomplished. All targets becoming known after application to the Council or after funding by the Council or both shall be promptly entered into "DrugNet." Upon failure to make such

entry, the Council is authorized to suspend funding not yet provided and to direct refund of all unexpended funds previously provided by the Council.

2. No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 10-25-01, Amended 11-5-02, _____.

11N-1.003 Limitations on Violent Crime Investigative Reimbursement Funding.

(1) Requests for Violent Crime Investigative Reimbursement Funding.

(a) through (e) No change.

(f) Funding provided under this section from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account ~~is available only for investigations of violent crime incidents which occurred on or after July 1, 1993. Such funding shall not be used to supplant, take the place of, or substitute for existing appropriations of state and local law enforcement agencies and counties.~~

(2) No change.

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

(c) ~~No R~~ Reimbursement shall be available only for funding for expenses incurred in an agency's current fiscal year, and shall not be provided for expenses incurred in an agency's previous fiscal years shall be provided.

(d) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 3-10-94, Amended 10-10-95, 10-25-01, _____.

11N-1.0031 Limitations on Matching Drug Control Investigative Funding.

(1) through (2) No change.

(3) If an additional agency is brought into the investigation after funding has already been appropriated and no additional monies are being sought and there is no change of focus of the investigation, a lead investigative agency is authorized to request that the additional agency be permitted to share in council funds for the investigation.

(a) The lead agency shall verify and endorse both that matching funding is available from the new agency and that all requirements of Rule 11N-1.0031, F.A.C., will be fulfilled by the new agency.

(b) Pursuant to Rule 11N-1.0031, F.A.C., the new agency shall guarantee its agreements are completed and obtain matching funding before presenting its package, with the lead agency's endorsement, to the Chairman of the Council.

(c) The Council shall have the ability to make interim ratification of additional agencies participation in a specific funded investigation until the next regularly scheduled council meeting at which time the entire Council shall vote upon the issue.

(4) Supplemental funding requests shall be presented by the lead investigative agency at the next regularly scheduled Council meeting. Mutually agreed upon investigations may be adopted by reference by the Council when there is no change in the original investigative focus and mission of the originally funded investigation.

~~(5)(3)~~ Matching funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account is available only to a Florida state or local law enforcement agency, and such funding shall be used for investigative purposes directly linked to the investigative effort approved for funding by the Council. As used herein, "law enforcement agency" includes a Florida police department, a Florida sheriff's office, a regional office of the Florida Department of Law Enforcement or other Florida state law enforcement agency, the Florida Comptroller's Office of Financial Investigations, or a troop of the Florida Highway Patrol. However, the term excludes state attorneys' offices and the Office of Statewide Prosecution except for resources provided by such offices exclusively dedicated to investigative efforts approved for funding by the Council.

~~(7)(4)~~ Limits Upon Matching Funding.

(a) through (d) No change.

(e) Previously-approved drug investigation initiatives are eligible for additional funding from the council, up to the funding limits set by Rules 11N-1.003, and 11N-1.0031, F.A.C., and Section 943.031, F.S. In order to receive consideration for additional funding, an entity seeking such consideration must demonstrate:

1. That it has compiled fully with reporting and accountability obligations for the initial funding, and;

2. That the request for additional funding conforms with Council requirements for funding, and comports with the originally-funded request, and;

3. That any supplemental funds sought must be matched dollar for dollar by the requesting entity as required for any drug investigation funding.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 10-25-01, Amended _____.

11N-1.004 Procedures for Emergency Violent Crime Investigative Funding.

(1) Requests for violent crime investigative emergency funding up to the maximum of \$25,000 shall be made by a detailed written request demonstrating how emergency funding criteria established in this rule are satisfied and certifying that the requesting agency cannot initiate or continue the investigation without immediate supplemental funding. The request shall be accompanied by Form FDLE/OSI-001, Violent Crime Investigative Reimbursement Application, 20-003, Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account Application Cover Sheet, revised 10/08/02 8/22/01, hereby incorporated by reference,

and shall be mailed to the chairperson of the Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302. This form can be obtained by written request to the above address.

(2) No change.

(3) Agencies receiving emergency violent crime investigative funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall provide a written quarterly report to the chairperson of the Florida Violent Crime and Drug Control Council of all expenditures from the Account funds. The report shall be accompanied by Form FDLE/OSI-002, Violent Crime Investigative Quarterly Report, 20-004, Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account Quarterly Report, revised 10/08/02 & 2/22/01, hereby incorporated by reference, and shall be mailed to the chairperson of the Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302. This form can be obtained by written request to the above address. Requesting agencies shall retain documentation supporting expenditures from the Account and make these available during the annual evaluation and audit of the trust fund.

(4) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 3-10-94, Amended 10-10-95, 8-22-00, 10-25-01, _____.

11N-1.005 Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding.

(1) through (2) No change.

(3) Agencies making formal funding requests under this section, shall submit to the Council via the Regional Violent Crime Investigative Coordinating Team a detailed and itemized written request and the head of the requesting agency shall certify in writing that the request complies with the requirements established by this rule for funding. The request shall be accompanied by Form FDLE/OSI-001 ~~20-003~~. The request shall describe the violent crime case in relation to the criteria established in this rule chapter and shall state details and specifics demonstrating that the resources of each requesting agency are insufficient to meet the investigative or trial expenses in the agency's current fiscal year.

(4) through (5) No change.

(6) Agencies receiving advance funding under this section from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall provide a written quarterly report to the chairperson of the Florida Violent Crime and Drug Control Council of all expenditures from the Account funds. The report for such advance funding shall be accompanied by Form FDLE/OSI-002 ~~20-004~~.

Requesting agencies shall retain documentation supporting expenditures from the Account and make these available during the annual evaluation and audit of the trust fund.

(7) through (9) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 3-10-94, Amended 10-10-95, 10-25-01, _____.

11N-1.0051 Procedures for Funding Requests for Matching Drug Control Investigative Funding.

(1) through (12) No change.

(13) Agencies seeking matching funding under this section shall cooperate with the Team in the agencies' area, and provide all information as requested by the Team to assist in the preparation of a funding request, including information to identify the amounts of funds being committed by each participating agency to be matched by Council matching funds. The head of each requesting agency that seeks to receive Council matching funds shall include in the submission to the Team a certification in writing that to the agency head's best knowledge and belief, the request complies with the requirements established by law and this rule for funding. The agency head shall also agree to provide requested information to the Council to assist the Council in its performance-monitoring obligations and shall agree to retain proof and documentation as may be required by the Council and to submit to any audits or reviews of agency utilization of Council funds or funds derived from any Council-funded investigative effort as may be performed. The request shall be accompanied by Form FDLE/OSI-003, Matching Drug Control and Money Laundering Application, revised 10/08/02, incorporated by reference.

(14) Funding Calculations.

(a) In calculating the amount being provided by a requesting agency for which matching Council funds may be provided, the Council shall consider:

1. The base salary (~~including excluding~~ benefits and taxes) and overtime compensation pledged (~~including excluding~~ benefits and taxes) of agency employees for that portion of the employees' efforts dedicated exclusively to the proposed investigative effort, and

2. No change.

(b) No change.

(15) Council-provided funds shall not be used for any purposes used by the requesting agency in calculating its contribution to be matched by Council Funds. Where an employee's overtime has been pledged by an agency as a contribution to be matched by Council funds, no Council-provided funds may be used for the employee's overtime until such time as the agency's pledged overtime funding has been completely expended. Matching funds shall not be used to purchase or lease vehicles, vessels, aircrafts or conveyances, computer equipment, or buildings or the maintenance or repair of any such property or equipment.

Matching funds shall not be used to pay employee base salaries. In each agency's fiscal year, up to \$10,000 in matching funds may be applied to an employee's overtime (including ~~excluding~~ benefits and taxes) for efforts dedicated exclusively to the funded investigative effort. Matching Council funds may be used for the temporary rental of property or equipment for an undercover operation in support of the investigative effort, or for use in surveillance activities tied to the investigative effort. Matching Council funds may be utilized to pay overtime of agency employees' efforts directly in support of the funded investigative effort, limited to \$10,000 per employee in the employee's agency's fiscal year.

(16) Matching Funding Documentation.

(a) Agencies receiving matching funding under this section shall provide a written quarterly report of expenditures of Council funds and of the progress of the investigative effort. The report shall be prepared in consultation with the Regional Drug Enforcement Coordinating Team and submitted by that Team through the Office of Statewide Intelligence for compilation and presentation to the Council at a quarterly meeting. Form FDLE/OSI-004, Matching Drug Control Quarterly Report, revised 10/08/02, incorporated by reference, shall be utilized to make the report. In addition, the Council may require oral progress reports to be made at Council meetings by a representative of the Regional Drug Enforcement Coordinating Team or a designee of the lead investigative agency in a funded investigative effort.

(b) through (c) No change.

(17) through (18) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 10-25-01, Amended _____.

11N-1.009 Victim/Witness Protection Program.

(1) Requests for Victim Witness Protection funding, pursuant to Section 943.031(6), F.S., must be made using the Victim/Witness Protection Program Application, form FDLE/OSI-005, revised 10/8/02 and incorporated by reference.

(2) In order to be considered for funding, completed applications shall be submitted to the Victim and Witness Protection Review Committee at least 15 days prior to the next scheduled Violent Crime and Drug Control Council (VCDCC) meeting. Application information and dates of scheduled VCDCC meetings can be found at <http://osiweb.fdle.flcjn.net/VCDCC/vwcases/vsapplication.htm>.

(3) Completed forms shall be mailed to:

Chairman, Florida Violent Crime & Drug Control Council
c/o Florida Department of Law Enforcement
Post Office Box 1489
Tallahassee, Florida 32302-1489
Attn: SA Kris Cullen/ Office of Statewide Intelligence

Specific Authority 943.03(4) FS. Law Implemented 943.031(6), 914.25 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fern Rosenwasser, Assistant Legal Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7676

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Ramage, General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

DEPARTMENT OF REVENUE

Communications Services Tax

RULE TITLE: RULE NO.:

Homes for the Aged and Religious and Educational Institutions Exemptions from the Communications Services Tax 12A-19.043

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.043, F.A.C. (Homes for the Aged and Religious and Educational Institutions Exemptions from the Communications Services Tax) is to implement 2003 legislative changes providing an exemption from the Florida communications services tax and the local communications services tax to qualified homes for the aged.

SUMMARY: The proposed amendments to Rule 12A-19.043, F.A.C.: (1) change the rule title to "Homes for the Aged and Religious and Educational Institutions Exemptions from the Communications Services Tax"; (2) define the term "homes for the aged" for purposes of the exemption; (3) provide that a qualified home for the aged is required to issue an exemption certificate to the selling dealer to purchase communications services tax-exempt; and (4) provide a suggested exemption certificate for such purchases.

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

Any person who wishes to provide information regarding 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: 202.26(3)(c) FS.

LAW IMPLEMENTED: 92.525(2), 202.125(4), 202.13(2), 202.16(4), 202.26(2), 202.34(1),(3), 213.37 FS.

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

TIME AND DATE: 9:00 a.m., September 29, 2003

PLACE: Room 435, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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 48 hours before such proceeding by contacting Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Department's proposed rules are available on the Department's web site: www.myflorida.com/dor/rules.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jennifer Silvey, Senior Attorney, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4727

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-19.043 Homes for the Aged and Religious and Educational Institutions Exemptions ~~Exemption~~ from the Communications Services Tax.

(1)(a) The sale of communications services, as defined in Section 202.11(3), F.S., is subject to the Florida communications services tax and the local communications services tax, unless specifically exempt.

(b) This rule provides guidelines regarding sales by religious institutions and the documentation and recordkeeping requirements regarding the exemption for sales to homes for the aged and to religious or educational institutions from the communications services taxes.

(2) SALES TO HOMES FOR THE AGED.

(a) The sale of communications services to a home for the aged, as defined by Section 202.125(4), F.S., is exempt from the Florida communications services tax and the local communications services tax when the home for the aged is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code, holds a valid Consumer's Certificate of Exemption (form DR-14) issued by the Department for sales and use tax purposes, and meets one of the following provisions:

1. The home for the aged is licensed as a nursing home or an assisted living facility under Chapter 400, F.S.; or

2. At least 75 percent of the occupants in the home for the aged are 62 years of age or older or totally and permanently disabled and the home for the aged qualifies for an ad valorem property tax exemption under Section 196.196, 196.197, or 196.1975, F.S.

(b) DOCUMENTATION REQUIREMENTS.

1. To be entitled to exemption as a home for the aged at the time of purchase, the purchaser must issue to the selling dealer a certificate signed by an authorized representative stating that the purchases are for a home for the aged, as defined by Section 202.125(4), F.S., that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code. Dealers are not required to obtain copies of Internal

Revenue Service determination letters granting the home for the aged an exemption under s. 501(c)(3) of the Internal Revenue Code.

2. The following is a suggested format to be provided by a home for the aged to the selling dealer.

EXEMPTION CERTIFICATE FOR PURCHASES OF COMMUNICATIONS SERVICES BY HOMES FOR THE AGED

DATE: _____
TO: _____ (Selling Dealer's Business Name)
_____ (Selling Dealer's Address)

I, the undersigned, am a representative of the exempt home for the aged identified below. The purchases of communications services made on or after _____ from the business identified above are for use by the home for the aged identified below.

The charges for the purchases of communications services from the dealer identified above will be billed to and paid directly by the exempt home for the aged identified below. These purchases are exempt from the Florida communications services tax and the local communications services tax because the entity is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code, holds a valid Florida Consumer's Certificate of Exemption, and is a "home for the aged," as defined by Section 202.125(4), F.S.

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true.

AUTHORIZED SIGNATURE ON BEHALF OF THE EXEMPT HOME FOR THE AGED

PRINTED NAME OF AUTHORIZED SIGNATORY AND TITLE

NAME OF THE EXEMPT HOME FOR THE AGED

ADDRESS OF EXEMPT HOME FOR THE AGED
(2) through (4) renumbered (3) through (5) No change.

Specific Authority 202.26(3)(c) FS. Law Implemented 92.525(2), 202.125(4), 202.13(2), 202.16(4), 202.26(2), 202.34(1)(3), 213.37 FS. History--New 1-31-02, Amended 4-17-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jennifer Silvey, Senior Attorney, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4727

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Bridges, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-7157

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Proposed changes to Rule Chapter 12A-19, F.A.C. (Communications Services Tax), were noticed for a rule development workshop in the Florida Administrative Weekly on July 3, 2003 (Vol. 29, No. 27, pp. 2627-2632). A rule development workshop for the proposed amendments to Rule 12A-19.020 (Tax Due at Time of Sale; Tax Returns and Regulations), the proposed creation of Rule 12A-19.036, F.A.C. (Substitute Communications Systems), the proposed amendments to Rule 12A-19.043, F.A.C. (Homes for the Aged and Religious and Educational Institutions Exemptions from the Communications Services Tax), and the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), was held on August 1, 2003. No comments were received regarding the proposed amendments to Rule 12A-19.043, F.A.C., from persons appearing at the rule development workshop. No written comments have been received by the Department. Technical changes have been made by the Department.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incorporation by Reference
RULE TITLE: Toll Facilities Description and Toll Rate Schedule
RULE CHAPTER NO.: 14-15
RULE NO.: 14-15.0081

PURPOSE AND EFFECT: The purpose of this rulemaking to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule required by the construction of a partial interchange on Florida's Turnpike at Jog Road in Palm Beach County. Tolls are proposed to be collected from vehicles entering and exiting the Turnpike southbound. This new interchange is on the Ticket System, approximately one mile north of the SR 80 interchange and approximately one mile south of the existing West Palm Beach interchange.

SUMMARY: The proposed action is being taken to determine the Toll Rate Schedule resulting from the Florida Department of Transportation's construction of a partial interchange at Jog Road and Florida's Turnpike. The Toll Rate Public Hearing is being held in conjunction with the Design Public Hearing for the Jog Road Partial Interchange on Florida's Turnpike, Financial Project ID 406112-1. The required Toll Rate Rule Development Workshop was held on June 24, 2003.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 338.222, 338.231, 338.155 FS.

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

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.

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

TIMES AND DATE: 6:00 p.m. – Informal Open House; 6:30 p.m. – Formal Hearing, Thursday, October 9, 2003

PLACE: Wynnebrook Elementary School, 1167 Drexel Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, and April 10, 2003, and _____, is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 338.222, 338.231, 338.155 FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Ely, Executive Director, Turnpike Enterprise

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2003

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE CHAPTER TITLE: Breath Alcohol Ignition Interlock Devices
RULE CHAPTER NO.: 15A-9

RULE TITLES:	RULE NOS.:
Authority	15A-9.001
Purpose	15A-9.002
Definitions	15A-9.003
When Ignition Interlock Devices are Required	15A-9.004
Specifications	15A-9.005
Procedure for Ignition Interlock Device Approval	15A-9.006
Certification	15A-9.007
Installation and De-installation	15A-9.008
Servicing	15A-9.009
Monitoring	15A-9.010
Warning Label	15A-9.011
Auditing of Administrative Offices and Service Providers	15A-9.013
Forms	15A-9.014

PURPOSE AND EFFECT: The purpose of the proposed rule action is to amend the current rule to add the implementation and use of ignition interlock devices as specified in Section 316.193, 316.1937 and 316.1938, Florida Statutes. The 2002 Legislature amended Section 316.193, F.S., to require the ignition interlock device to be installed on the vehicles used by certain persons convicted of driving under the influence (DUI). This rule is amended to set minimum specifications for the ignition interlock device, to establish the process for approving a device, and to set servicing and monitoring requirements.

SUMMARY: The proposed rule action allows for the implementation of the use of the breath alcohol ignition interlock devices. The proposed rule sets minimum specifications for the ignition interlock device, including fail points, lockouts, and violations; establishes the process for device approval; outlines servicing requirements, including intervals and data to be collected; and describes monitoring requirements for convicted persons who violate the ignition interlock requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The costs of the rule actions to the agency will be those normally associated with the administrative processing of rulemaking activity. The proposed rule action will have minimal impact on small entities.

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: 316.193, 316.1937, 316.1938 FS. and Federal Register Vol. 57, No. 67, pages 11772-11787.

LAW IMPLEMENTED: 316.193, 316.1937, 316.1938 FS. and Federal Register Vol. 57, No. 67, pages 11772-11787.

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: Barbara Lauer, Bureau of Driver Education and DUI Programs, Division of Driver Licenses,

Department of Highway Safety and Motor Vehicles, Room B211, Neil Kirkman Building, Tallahassee, Florida 32399-0571, (850)487-1227

THE FULL TEXT OF THE PROPOSED RULES IS:

15A-9.001 Authority.

This chapter is promulgated pursuant to Sections 316.193, 316.1937, and 316.1938, Florida Statutes.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History--New 10-12-92, Amended _____.

15A-9.002 Purpose.

The purpose of this chapter is to establish guidelines for certification and installation of Breath Alcohol Ignition Interlock Devices and implementing the use of such devices as required by Sections 316.193, 316.1937, and 316.1938, Florida Statutes.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History--New 10-12-92, Amended _____.

15A-9.003 Definitions.

(1) Alcohol. Any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol, and isopropanol as defined in Section 322.01(2), Florida Statutes.

(2) Breath alcohol concentration (BrAC). The number of grams of alcohol per 210 liters of breath as defined in Section 322.01(3)(b), Florida Statutes.

(3) Breath test. An analysis of the breath alcohol concentration of an deep lung breath sample.

(4) Calibration. The process which ensures an accurate alcohol concentration reading on an ignition interlock device.

(5)(+) Certification. The testing and approval process required by the Department of Highway Safety and Motor Vehicles.

(6) Convicted person. The person required by the court or the department to drive only motor vehicles that have certified ignition interlock devices installed.

(7) Deep lung breath sample. Also called "alveolar breath sample." An air sample which is the last portion of a prolonged, uninterrupted exhalation and which gives a quantitative measurement of alcohol concentration from which breath alcohol concentrations can be determined. "Alveolar" refers to the aveoli, which are the smallest air passages in the lungs, surrounded by capillary blood vessels and through which an interchange of gases occurs during respiration.

(8)(-) Department. The Department of Highway Safety and Motor Vehicles.

(9)(-) Device. A breath alcohol ignition interlock device.

(4) Driver. The person required by the department to drive only vehicles, which have certified devices installed.

(5) Vendor. The retail supplier of the approved devices. Vendor is also referred to as service provider.

(10) Emergency bypass. A one-time event, authorized by a service provider, that permits the ignition interlock device-equipped motor vehicle to be started without the requirement of passing the breath test.

(11) Fail point. A preset or predetermined breath alcohol level, defined in Section 316.1937, Florida Statutes.

(12) Free restart. The ability to start the engine again within three (3) minutes without completion of another breath test, when the condition exists where a breath test is successfully completed and the motor vehicle is started, but then the engine stops for any reason (including stalling).

(13) Ignition interlock device. A breath alcohol analyzer connected to a motor vehicle's ignition. In order to start the motor vehicle engine, a convicted person must blow a deep lung breath sample into the analyzer, which measures the breath alcohol concentration. If the breath alcohol concentration exceeds the fail point on the ignition interlock device, the motor vehicle engine will not start.

(14) Lockout. The ability of the ignition interlock device to prevent a motor vehicle's engine from starting.

(15)(6) Manufacturer. The actual producer of the ignition interlock device who assembles the product and who may provide distribution and services. ~~The person, company or corporation who produced the device, or a recognized representative thereof.~~

(16) Motor vehicle. Any self-propelled motor vehicle not operated upon rails or guideway, but not including any motorcycle, bicycle, motorized scooter, electric personal assistive mobility device, or moped.

(17) Permanent lockout. A feature of the ignition interlock device in which a motor vehicle will not start until the ignition interlock device is reset by a service provider.

(18) Retest. An additional chance to provide an deep lung breath sample below the alcohol fail point.

(19) Rolling retest. Additional deep lung breath samples required while the motor vehicle is in operation.

(20) Service provider. The retail supplier of the approved ignition interlock devices.

(21) Tampering. An unlawful act or attempt to disable or circumvent the legal operation of the ignition interlock device.

(22) Temporary lockout. A feature of the ignition interlock device which will not allow the motor vehicle to start for time periods specified in Rule 15A-9.005, F.A.C., after a breath test result indicating a BrAC above the fail point.

(23) Violation. An event, such as two (2) breath tests above the fail point upon initial startup, a refusal to provide a rolling retest deep lung breath sample, a rolling retest above the fail point, or tampering, which breaches the guidelines for use of the ignition interlock device.

(24) Violation reset. A feature of the ignition interlock device in which a service reminder is activated due to a violation.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History--New 10-12-92, Amended _____.

15A-9.004 When Ignition Interlock Devices Are Required.

(1) When required pursuant to Section 316.193, Florida Statutes. Drivers whose driving privileges have been revoked five years or more for driving under the influence of alcoholic beverages, chemical substances or controlled substances prior to reinstatement on a restricted basis pursuant to Section 322.271, Florida Statutes.

(2) When court ordered in accordance with Section 316.1937, Florida Statutes.

(3) When required by the department pursuant to Section 322.271, Florida Statutes.

Specific Authority 316.193, 316.1937, 316.1938, 322.271 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.271 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History--New 10-12-92, Amended _____.

15A-9.005 Specifications.

(1) All ignition interlock devices will be required to meet or exceed the standards set forth in the model specifications published in the Federal Register, Volume 57, No. 67, page 11772 by the National Highway Traffic Safety Administration with the exception of the rolling retest.

(2) Technical specifications for the operation and installation of the ignition interlock device shall be described in the contract between the department and the manufacturer(s).

(3)(2) The ignition interlock devices alcohol fail point shall be the level specified by Section 316.1937, Florida Statutes 0.03% w/v, with a virtual lockpoint of 0.05% w/v.

(4) For initial startup of the motor vehicle.

(a) The first breath test above the fail point shall result in a five (5) minute temporary lockout.

(b) The second breath test above the fail point is a violation and shall result in a 30-minute temporary lockout.

(c) The violations reset message shall instruct the convicted person to return the ignition interlock device to the service provider for servicing within five (5) days.

(d) If the ignition interlock device is not reset within five (5) days, a permanent lockout will occur.

(5) A rolling retest feature is required for all ignition interlock devices.

(a) An ignition interlock device shall require a rolling retest within the first five (5) minutes after the start of the motor vehicle and randomly thereafter at least once every 45 minutes but no more than once every 15 minutes as long as the motor vehicle is in operation.

(b) A free restart shall not apply if the ignition interlock device was awaiting a rolling retest that was not delivered.

(c) Any deep lung breath sample above the fail point or any failure to provide a rolling retest deep lung breath sample shall activate the motor vehicle's horn and/or cause the motor vehicle's emergency lights to flash until the engine is shut off by the convicted person.

(d) The first breath test above the fail point shall result in a five (5) minute temporary lockout.

(e) The second breath test above the fail point is a violation and shall result in a 30-minute temporary lockout.

(f) The violations reset message shall instruct the convicted person to return the ignition interlock device to the service provider for servicing within five (5) days.

(g) If the ignition interlock device is not reset within five (5) days, a permanent lockout will occur.

(6) In the case of an emergency bypass, the ignition interlock device must record the event. The ignition interlock device must be reset by a service provider within five (5) days of the emergency bypass to avoid a permanent lockout.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended _____.

15A-9.006 Procedure For Ignition Interlock Device Approval Requirement Waiver.

(1) All ignition interlock devices used pursuant to Sections 316.193 and 316.1937, Florida Statutes must be approved by the department.

(2) The department shall contract with a manufacturer or manufacturers of ignition interlock devices for the services and commodities required for implementation of Sections 316.193, 316.1937, and 316.1938, Florida Statutes.

(3) The department shall maintain a list of approved ignition interlock devices.

Any driver may have the device requirement waived by producing evidence that their resident city is more than seventy five miles from the nearest location where a device service center is situated. Mileage will be computed by using a department of transportation map mileage. This waiver is not applicable in court ordered installations.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended _____.

15A-9.007 Certification.

(1) Each manufacturer under contract with the department will submit a certification from an independent laboratory certifying that their ignition interlock device has been tested in accordance with the model specifications published in the Federal Register, Volume 57, No. 67, page 11772 by the National Highway Traffic Safety Administration and the ignition interlock device meets or exceeds those specifications, as well as criteria set forth in the contract with the department. The only exception to the specifications is the rolling retest. Federal Register as published in Volume 57, No. 67, page 11772, Tuesday, April 7, 1992 is hereby incorporated by reference.

(2) The manufacturer shall be responsible for the continuing certification of ignition interlock device service providers for use of an approved ignition interlock device. Upon receiving the appropriate documentation the department will issue a certificate (HSMV 72124) to the manufacturer showing the device has been certified for use.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended _____.

15A-9.008 Installation and De-installation.

(1) The ignition interlock device must be installed by a manufacturer or his representative in accordance with the Federal Guidelines published in the Federal Register, Volume 57, No. 67, page 11772 by the National Highway Traffic Safety Administration.

(2) An orientation to the ignition interlock device will be developed and delivered by the service provider to the convicted person driver and other persons any family members who may drive the vehicle, including information on all servicing locations, procedures for regular servicing and emergency situations.

(3) Whenever an ignition interlock device is de-installed, the vehicle must be restored to its original condition. All severed wires must be permanently reconnected and insulated with heat shrink tubing or its equivalent.

(4) Prior to installation of the ignition interlock device, the convicted person must provide to the service provider: Upon installation, the manufacturer or his representatives shall complete a notice of proof of installation (HSMV 72122) and submit to Department of Highway Safety and Motor Vehicles within 15 days of installation date.

(a) Photo identification;

(b) The VIN numbers of all motor vehicles owned and/or routinely driven by the convicted person; and

(c) A statement disclosing the names of all other operators of the motor vehicles owned and/or driven by the convicted person

(5) No later than the first service appointment, the convicted person must provide to the service provider a statement from each licensed driver living at the same address as the convicted person acknowledging their understanding of the requirements of the use of the ignition interlock device. De-installation shall be completed after the date indicated on Form HSMV 72125.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended _____.

15A-9.009 Servicing.

(1) The convicted person must present photo identification to the service provider for all required services. All BAHD devices will be serviced at 60 day intervals. Servicing entails ensuring precision and accuracy of the device and completion of Form HSMV 72123.

(2) The service provider must ~~The service provider will be required to maintain service centers and will have a 24 hour, toll free number in the event of emergencies with the ignition interlock device.~~

(a) Provide service at intervals specified in the contract with the department;

(b) Calibrate the ignition interlock device;

(c) Retrieve data from the ignition interlock device data log for the previous period and electronically submit it to the department within 3 days of calibration;

(d) Record the odometer reading of the motor vehicle in which the ignition interlock device is installed; and

(e) Check for signs of tampering and electronically report to the department any violation within 48 hours of servicing.

(3) All malfunctions of the ignition interlock device will be repaired or the ignition interlock device replaced by the service provider within 48 hours.

(4) A service provider will be available at the service center during specified hours, to answer questions and to deal with any mechanical concerns that may arise with a vehicle as a result of the ignition interlock device.

(5) The ignition interlock device shall record, at a minimum, the following data:

(a) The time and date of each failed breath test;

(b) The time and date of each passed breath test;

(c) The breath alcohol level of each test; and

(d) The time and date of any attempt to tamper or circumvent the ignition interlock device.

(6) The manufacturer or service provider must maintain a toll-free 24-hour emergency phone service that may be used to request assistance in the event of failure of the ignition interlock device or motor vehicle problems related to operation of the ignition interlock device. The assistance provided by the authorized service provider shall include technical information,

tow service, or road service. The ignition interlock device shall be made functional within 48 hours of the call for assistance or the ignition interlock device shall be replaced.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended _____.

15A-9.010 Monitoring.

(1) The licensed DUI programs shall, prior to each periodic update, review the summary report of the ignition interlock device data for each convicted person who is in the Special Supervision Services Program, as described in Chapter 15A-10, Florida Administrative Code. In addition to the periodic update fee listed in Chapter 15A-10, Florida Administrative Code, the fee to be charged by the DUI program shall not exceed \$10. All BAHD devices shall be monitored at 60 day intervals.

(2) The department will refer the convicted person who is not in the Special Supervision Services Program to a licensed DUI program. A record of all tests where alcohol is detected must be recorded by day, date and time.

(a) Upon the first violation, as defined in subsection 15A-9.003(23), F.A.C.

1. The convicted person must schedule an appointment with the DUI program within twenty (20) days from the date of the referral letter. The DUI program shall notify the department within 10 days of when the convicted person contacts the DUI program. If notification is not received within 45 days from the date of the referral letter, the department will cancel the convicted person's driver license.

2. The DUI program shall complete the Ignition Interlock Device Interview Report, HSMV Form 77136 to document the face-to-face interview.

3. The interview fee to be charged by the DUI programs shall not exceed \$25. This is the only fee to be charged for the services except for department-approved ancillary fees, as provided in Chapter 15A-10, Florida Administrative Code.

(b) Upon the second violation, as defined in subsection 15A-9.003(23), F.A.C.

1. The convicted person must schedule an appointment with the DUI program within twenty (20) days from the date of the referral letter. The DUI program shall notify the department within 10 days of when the convicted person contacts the DUI program. If notification is not received within 45 days from the date of the referral letter, the department will cancel the convicted person's driver license.

2. For the remainder of the convicted person's ignition interlock requirement, the convicted person must report monthly to the DUI program.

3. The DUI program shall complete the Ignition Interlock Device Interview Report, HSMV 77136 to document the monthly face-to-face interview. The fee for the initial appointment shall not exceed \$55 and shall include the

development of a case management plan. The monthly fee shall not exceed \$25. These are the only fees to be charged for the services, except for department-approved ancillary fees, as provided in Chapter 15A-10, Florida Administrative Code.

4. Prior to each monthly appointment, the DUI program shall review the summary report of the ignition interlock device data for the convicted person.

5. There shall be no less than 20 days and no more than 40 days between the convicted person's appointments with the DUI program.

6. Failure to contact the DUI program within five (5) business days after the missed appointment to reschedule the appointment shall result in notification to the department of failure to comply.

7. If the convicted person misses two consecutive appointments, the DUI program shall recommend cancellation of the license unless the convicted person has good cause for missing the appointment. Good cause is defined as natural disaster, death in the immediate family, or illness documented by the attending physician. The DUI program shall notify the department on the Letter Recommending Cancellation, HSMV Form 77137, unless good cause is documented.

~~(3) The device must provide a notice to the user that a servicing is scheduled three days in advance of required servicing.~~

~~(4) The device shall remain on interlock if not serviced within seven days following the scheduled servicing requirement.~~

~~(5) The device must be able to record tampering. If disconnected or otherwise tampered with, it must be recorded.~~

~~(6) The device must record day, date, time, BAC level, and test result.~~

~~(7) A report (HSMV 72123) shall be provided to the department by the recognized representative of the manufacturer summarizing all problems related to monitoring/servicing checks and all complaints received by the manufacturer.~~

Specific Authority 316.193, 316.1937, 316.1938, 322.292 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.292 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended _____.

15A-9.011 Warning Label.

All ignition interlock devices that have been approved by the Department shall have affixed a warning label containing the following: "WARNING – Any person tampering, circumventing, or otherwise misusing this device is guilty of a violation of the law and may be subject to civil liability." The cost and supply of the warning labels to be affixed to the ignition interlock devices shall be borne by the manufacturer vendor. The manufacturer vendor shall submit to the department a prototype of the warning label for approval.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended _____.

15A-9.013 Auditing of Administrative Offices and Service Providers Listing of Approved Devices.

~~The department may conduct on-site audits of administrative offices and service providers to ensure compliance with the contract. The Department shall maintain a list of approved devices. This list is available upon request by any person, laboratory or court.~~

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended _____.

15A-9.014 Forms.

The forms identified by this rule are listed below by number, title, and effective date. Each form is incorporated by reference. Copies may be obtained by contacting the nearest office of the Division of Driver Licenses, Bureau of Driver Improvement. The forms are not provided by the department but rather shall be used in the same format and content.

(1) Ignition Interlock Device Interview Report, HSMV Form 77136 (effective _____). ~~Letter Authorizing Restricted Reinstatement of Driving Privilege for "BUSINESS PURPOSES ONLY" HSMV 72120 (07-01-92).~~

(2) Letter Recommending Cancellation, HSMV Form 77137 (effective _____). ~~Authorizing Restricted Reinstatement of Driving Privilege for "EMPLOYMENT PURPOSES ONLY" HSMV 72121 (07-01-92).~~

~~(3) Ignition Interlock Device Installation Verification HSMV 72122 (07-01-92).~~

~~(4) Ignition Interlock Device Report HSMV 72123 (07-01-92).~~

~~(5) Certificate to Manufacturer Showing Device Has Been Certified For Use HSMV 72124 (07-01-92).~~

~~(6) Ignition Interlock Device De-installation Authorization HSMV 72125 (07-01-92).~~

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbara Lauer, Bureau of Driver Education and DUI Programs, Division of Drivers Licenses, Department of Highway Safety and Motor Vehicles, Room B211, Neil Kirkman Building, Tallahassee, Florida 32399-0571, (850)487-1227

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sandra C. Lambert, Director, Division of Drivers Licenses

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2003

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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."

PUBLIC SERVICE COMMISSION

DOCKET NO. 030426-EI

RULE TITLE: Definitions
 RULE NO.: 25-6.003

PURPOSE AND EFFECT: The purpose of the amendments is to: 1) update the rules to reflect definitions in The Authoritative Dictionary of IEEE Standard Terms, 7th Edition, published in 2000 (IEEE Standard 100); 2) revise definitions for clarity and consistency; and, 3) eliminate unnecessary definitions.

SUMMARY: Rule 25-6.003, F.A.C., provides definitions for terms that are most commonly used throughout Chapter 25-6, F.A.C.,. The rule change provides that the terms used to regulate electric service are defined within Rule 25-6.003, F.A.C., or IEEE Standard 100, the Authoritative dictionary of IEEE Standards Terms, 7th Edition, except to the extent and for the purposes that terms are defined elsewhere in Chapter 25-6, F.A.C., Florida Administrative Code. In addition, the definition of 'point of delivery' was revised so that the definitions of 'service conductors' and 'service entrance conductors' were not needed. The definition of the term 'customer installation' was deleted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Costs was not prepared for this proposed rule.

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: 366.05(1) FS.

LAW IMPLEMENTED: 366.05(1) FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record,

including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing 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 IS: Jim Breman, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6664

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.003 Definitions.

(1) Definitions of general applicability.

The definitions of terms used in this chapter shall be as stated in the Authoritative Dictionary of IEEE Standard Terms, 7th edition, published in December 2000, except to the extent and for the purposes that the terms are defined elsewhere in this chapter. The definitions in Section(2) shall be used for all purposes in this chapter.

~~Unless otherwise defined in Rule 25-6.003, F.A.C., below, Rule 25-6.075, F.A.C., or in adopted national codes, pursuant to Rule 25-6.034, F.A.C., the definition of the terms used in Chapter 25-6, F.A.C., shall be as stated in the IEEE Dictionary of Electrical and Electronic terms.~~

(2) Definitions of terms.

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

~~(3) "Customer's Installation." Wires, enclosures, switches, appliances, and other apparatus, including the service entrance and service equipment, forming the customer's facilities utilizing service for any purpose on the customer's side of the point of delivery.~~

~~(c)(4) No change.~~

(d)(5) "Point of Delivery." The first point of connection between the facilities of the serving utility and the premises wiring. first point of attachment where the utility's service drop or service lateral is connected to the customer's service entrance conductors either at a riser, in a terminal box, or meter or other enclosure inside or outside the building wall.

~~(e)(6) No change.~~

~~(7) "Service Conductors." The overhead conductors from the last pole or other aerial support to the point of delivery including the splices, if any, connecting the service drop to the service entrance conductors.~~

~~(f)(8) No change.~~

~~(9) "Service Entrance Conductors, Underground System." The service conductors between the terminals of the service equipment and the point of connection of the service lateral.~~

~~(10) "Service Equipment." The customer's equipment, usually consisting of circuit breaker or switch and fuses, and their accessories, connected to the supply conductors of a building.~~

(11) through (12) renumbered (g) through (h) No change.

Specific Authority 366.05(1) FS. Law Implemented 366.05(1) FS. History--New 7-29-69, Amended 4-13-80, Formerly 25-6.03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jim Breman, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6664

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 9, 2003

PUBLIC SERVICE COMMISSION

DOCKET NO. 030712-GU

RULE TITLES:	RULE NOS.:
Records and Reports in General	25-7.014
Location and Preservation of Records	25-7.015
Annual Reports	25-7.135
Diversification Reports	25-7.1351
Earnings Surveillance Report	25-7.1352
Forecasted Earnings Surveillance Report	25-7.1353

PURPOSE AND EFFECT: Rule 25-7.014, F.A.C., is to be amended to update the reference to the most recent Uniform System of Accounts, Code of Federal Regulations, Part 201, as of April 1, 2002. Rule 25-7.015, F.A.C., is to be amended to update the reference to the most recent "Preservation of Records of Natural Gas Companies," Code of Federal Regulations (CFRs), Part 225, as of April 1, 2002. Also, the rule has been amended to included seven exceptions to the retention periods incorporated in the CFRs, Part 225, as of April 1, 2002. Due to the time between rate proceedings, audits, and other matters before the Commission a longer retention period is necessary for these records. Rule 25-7.135, F.A.C., is to be amended to update the reference to the revised Commission Form PSC/ECR 020-G, entitled "Annual Report of Natural Gas Utilities." In an effort to simplify the reporting requirements, some schedules have been deleted while other schedules have been consolidated. Rule 25-7.1351, F.A.C., is to be repealed as the information provided in this report has been incorporated as part of Commission Form 020-G, as adopted by Rule 25-7.135, F.A.C. This repeal eliminates a reporting requirement that is currently included in the utility's annual report. Rule 25-7.1352, F.A.C., is to be amended to update the reference to the revised Commission Form PSC/ECR 013-G, entitled "Investor-Owned Natural Gas Utility Earnings Surveillance Report (ESR)." The year end schedules have been deleted since average schedules are used

to monitor earnings. Also, the amendment changes the filing of monthly ESRs to quarterly filings. Rule 25-7.1353, F.A.C., is to be amended to require each investor-owned natural gas utility with more than 50,000 customers to file with the Commission its forecasted financial information on Commission Form PSC/ECR 023-G, entitled "Investor-Owned Natural Gas Utility Forecasted Earnings Surveillance Report." Changing the monthly ESR to quarterly makes the forecasted ESR more crucial for monitoring earnings.

SUMMARY: Rule 25-7.014, F.A.C., is to be amended to update the reference to the most recent Uniform System of Accounts, Code of Federal Regulations, Part 201, as of April 1, 2002. Rule 25-7.015, F.A.C., is to be amended to update the reference to the most recent "Preservation of Records of Natural Gas Companies," Code of Federal Regulations (CFRs), Part 225, as of April 1, 2002. Also, the rule has been amended to included seven exceptions to the retention periods incorporated in the CFRs, Part 225, as of April 1, 2002. Due to the time between rate proceedings, audits, and other matters before the Commission a longer retention period is necessary for these records. Also, a definition of good cause was added to the rule. Rule 25-7.135, F.A.C., is to be amended to update the reference to the revised Commission Form PSC/ECR 020-G, entitled "Annual Report of Natural Gas Utilities." In an effort to simplify the reporting requirements, some schedules have been deleted while other schedules have been consolidated. Also, a definition of good cause was added to the rule. Rule 25-7.1351, F.A.C., is to be repealed as the information provided in this report has been incorporated as part of Commission Form 020-G, as adopted by Rule 25-7.135, F.A.C. This repeal eliminates a reporting requirement that is currently included in the utility's annual report. Rule 25-7.1352, F.A.C., is to be amended to update the reference to the revised Commission Form PSC/ECR 013-G, entitled "Investor-Owned Natural Gas Utility Earnings Surveillance Report (ESR)." The year end schedules have been deleted since average schedules are used to monitor earnings. Also, the amendment changes the filing of monthly ESRs to quarterly filings. Also, a definition of good cause was added to the rule. Rule 25-7.1353, F.A.C., is to be amended to require each investor-owned natural gas utility with more than 50,000 customers to file with the Commission its forecasted financial information on Commission Form PSC/ECR 023-G, entitled "Investor-Owned Natural Gas Utility Forecasted Earnings Surveillance Report." Changing the monthly ESR to quarterly makes the forecasted ESR more crucial for monitoring earnings. Also, a definition of good cause was added to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Costs was not prepared.

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: 366.05(1), 350.127(2) FS.

LAW IMPLEMENTED: 366.05(1)(9),(11), 366.08, 366.093(1), 350.117(1), 366.04(2)(f) FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing 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 RULES IS: Dale Mailhot, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6418

THE FULL TEXT OF THE PROPOSED RULES IS:

25-7.014 Records and Reports in General.

(1) Each natural gas utility shall maintain its accounts and records in conformity with the Uniform System of Accounts for Natural Gas Companies (USOA) as found in the Code of Federal Regulations, Title 18, Subchapter F, Part 201, for Major Utilities as revised, April 1, ~~2002~~ 2000, and as modified below. All inquiries relating to interpretation of the USOA shall be submitted to the Commission's Division of Economic Regulation in writing.

(2) through (6) No change.

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 366.05(1) FS. History—Amended 7-19-72, Repromulgated 1-8-75, 5-4-75, Amended 12-30-75, 9-28-81, 11-18-82, Formerly 25-7.14, Amended 10-1-86, 4-4-88, 7-20-89, 12-27-94, 4-22-96, _____.

25-7.015 Location and Preservation of Records.

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

1. For any utility that makes its out-of-state records available at the utility's office located in Florida or at another mutually agreed upon location in Florida within 10 working days from the Commission's initial request. If a utility would like more than 10 working days, it must submit a request for approval of a time extension stating the date by which it would like to make the records available. A request for approval of a time extension shall only be granted for good cause. To establish good cause for a time extension, the utility must show that:

a. The nature of the issues, the volume of the records, or the type of record is such that assembling and providing the records requires more than 10 days;

b. The utility has worked diligently to assemble the records; and

c. The additional time requested is both reasonable and necessary given the utility's particular circumstances.

~~If 10 working days is not reasonable because of the complexity and nature of the issues involved or the volume and type of material requested, the Commission may establish a different time frame for the utility to bring records into the state.~~ For individual data requests made during an audit, the response time frame established in Rule 25-7.0151, Florida Administrative Code, shall control; or

2. No change.

(3) All records shall be preserved in accordance with the Federal Energy Regulatory Commission's regulations, Title 18, Subchapter F, Part 225, Code of Federal Regulations, entitled "Preservation of Records of Natural Gas Companies" as revised, April 1, ~~2002~~ 1994, which is incorporated by reference into this rule, with the exception of the records listed in section (3)(a) of this rule. Item 64 (Records of predecessors and former associates) of the Schedule of records and periods of retention contained in Title 18, Subchapter F, Section 225.3, Code of Federal Regulations. Instead, utilities shall retain records listed in section (3)(a) of this rule for the periods indicated of acquired companies until permission for disposal is petitioned for and approved by the Florida Public Service Commission.

(a) The Code of Federal Regulations Items listed below are exceptions to the Schedule of Records and Periods of Retention contained in Title 18, Subchapter F, Section 225.3, Code of Federal Regulations:

1. Item 2(a), minute books of stockholders', directors', and directors' committee meetings, earlier of 20 years or termination of corporation's existence;

2. Item 6(a)(1), general ledgers, 20 years;

3. Item 6(a)(2), ledgers subsidiary or auxiliary, 20 years;

- 4. Item 7, journals: general and subsidiary, 20 years;
- 5. Item 8(a), journal vouchers and journal entries, 20 years;

6. Item 20(a), appraisals and valuations made by the company of its properties or investments or of the properties or investments of any associated companies (includes all records essential thereto.), 10 years after appraisal.

~~(b)(a)~~ However, all source documents retained as required by Title 18, Subchapter F, Part 225, Code of Federal Regulations shall be maintained in their original form for a minimum of three years, or for any lesser period of time specified for that type of record in Title 18, Subchapter F, Part 225, Code of Federal Regulations, after the date the document was created or received by the utility. This paragraph does not require the utility to create paper copies of documents where the utility would not otherwise do so in the ordinary course of its business. A utility may request approval to The Commission may waive the requirement that documents be retained in their original form. Such request must show upon a showing by a utility that the utility it employs a storage and retrieval system that consistently produces clear, readable copies that are substantially equivalent to the originals, and clearly reproduces handwritten notations on documents.

~~(c)(b)~~ No change.

Specific Authority 366.05(1)(9),(11), 366.08, 366.093(1), 350.127(2) FS. Law Implemented 366.05(1)(9),(11), 366.08, 366.093(1) FS. History—Amended 7-19-72, Repromulgated 1-8-75, Amended 12-30-75, 9-28-81, 11-28-82, 10-1-86, 4-4-88, 11-13-95, _____.

25-7.135 Annual Reports.

(1) Each investor-owned natural gas utility shall file annual reports with the Commission on Commission Form PSC/ECR ~~020-G(/) 20 (4/96)~~ which is incorporated by reference into this rule. Form PSC/ECR ~~020-G 20~~, entitled “Annual Report of Natural Gas Utilities”, may be obtained from the Commission’s Division of Economic Regulation. These reports shall be verified by a responsible accounting officer of the company making the report and shall be due on or before April 30 for the preceding calendar year. A utility may file a written request for an extension of time with the Division of Economic Regulation no later than April 30. One extension of 31 days will be granted upon request. A request for Commission approval of a longer extension must be accompanied by a statement of good cause and shall specify the date by which the report will be filed. Good cause means a demonstration that the utility has worked diligently to prepare the report and that the additional time period requested to submit the report is both reasonable and necessary.

(2) The utility shall also file with the original and each copy of the annual report form, or separately within 30 days, a letter or report, signed by an independent certified public accountant, attesting to the conformity in all material respects of the Comparative Balance Sheet, Statement of Income, ~~and~~

~~Statement of Cash Flows~~ and any applicable notes from Form PSC/ECR ~~020-G 20~~ with the Commission’s applicable uniform system of accounts and published accounting releases.

(3) No change.

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 366.05(1) FS. History—New 12-27-94, Amended 4-15-96, _____.

25-7.1351 Diversification Reports.

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 366.05(1) FS. History—New 12-27-94, Amended 4-15-96, ~~Repealed~~ _____.

25-7.1352 Earnings Surveillance Report.

(1) Each investor-owned natural gas utility shall file rate of return data using Commission Form PSC/ECR ~~013-G (/) 13 (5/96)~~, which is incorporated by reference into this rule. Form PSC/ECR ~~013-G 13~~, entitled “Investor-Owned Natural Gas Utility Earnings Surveillance Report,” may be obtained from the Commission’s Division of Economic Regulation.

(2) The report shall be filed:

(a) ~~Quarterly~~ Monthly, by the 15th day of the second month following the reported ~~quarter~~ month for natural gas utilities with 25,000 ~~50,000~~ or more customers.

~~(b) Quarterly, by the 15th day of the second month following the reported quarter for natural gas utilities with fewer than 50,000 customers and more than 5,000 customers.~~

~~(b)(e)~~ Semiannually, by the 15th day of the second month following the reported period for natural gas utilities with 25,000 ~~5,000~~ or fewer customers.

(3) A utility may file a written request for an extension of time with the Division of Economic Regulation prior to the due date of the report. One extension of 31 days will be granted upon request. A request for Commission approval of a longer extension must be accompanied by a statement of good cause and shall specify the date by which the utility proposes to file the report the report will be filed. Good cause means a demonstration that the utility has worked diligently to prepare the report and that the additional time period requested to submit the report is both reasonable and necessary.

Specific Authority 350.127(2) FS. Law Implemented 350.117(1), 366.04(2)(f) FS. History—New 11-18-82, Formerly 25-7.24, Amended 4-23-92, Formerly 25-7.024, Amended 6-10-94, 5-8-96, _____.

25-7.1353 Forecasted Earnings Surveillance Report.

(1) Each investor-owned natural gas utility with more than 50,000 customers ~~that is not under an incentive regulation plan or not subject to an earnings cap~~ shall file with the Commission its forecasted financial information on Commission Form PSC/ECR ~~023-G (/) 23 (1/95)~~ which is incorporated into this rule by reference. Form PSC/ECR ~~023-G 23~~, entitled “Investor-Owned Natural Gas Utility Forecasted Earnings Surveillance Report”, may be obtained from the Commission’s Division of Economic Regulation. The report shall be verified by the responsible officer of the utility making the report. The

report shall be due no later than 60 days after the end of the fiscal year, and shall contain the forecasted financial information for the following fiscal year.

(2) A utility may file a written request for an extension of time with the Division of Economic Regulation no later than 60 days after the end of the fiscal year. One extension of 15 days will be granted upon request. A request for approval of a longer extension must be accompanied by a statement of good cause and shall specify the date by which the utility proposes to file the report ~~report will be filed.~~ Good cause means a demonstration that the utility has worked diligently to prepare the report and that the additional time period requested to submit the report is both reasonable and necessary.

(3) No change.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 350.117(1), 366.05(1) FS. History—New 1-11-95, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Mailhot, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6418

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2003

PUBLIC SERVICE COMMISSION

DOCKET NO. 030575-PU

RULE TITLE: Customer Complaints
RULE NO.: 25-22.032

PURPOSE AND EFFECT: To streamline the process for handling customer complaints; to put utility companies in more direct contact with their customers for resolution of complaints; to clarify that the complaint procedure is designed to address only those complaints that fall within the Commission’s jurisdiction; to delineate information filing deadlines where the rule is currently silent; to implement the e-mail transfer connection program; to allow for a company’s use of a customer complaint liaison; to establish a Commission staff complaint review panel; and to allow for extensions of time for filing information in emergency circumstances.

SUMMARY: The rule amendments clarify that the complaint procedure is designed to address only those complaints that fall within the Commission’s jurisdiction; it will require that telephone, e-mail and written complaints be forwarded directly to the utility company for resolution in most instances; it will provide response dates to Commission staff inquiries for additional information from companies; it reflects the implementation of the e-mail transfer connection program; it allows for the use of a complaint liaison; it establishes the Process Review Team, which will review complaints before

they are forwarded to an informal conference; it will ensure that the issues addressed at the informal conference are clearly delineated; and it provides for extensions of time for filing required information in emergency situations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs was prepared.

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: 350.127(2), 364.19, 364.0252, 366.05, 367.121 FS.

LAW IMPLEMENTED: 364.01, 364.0252, 364.03(1), 364.183, 364.185, 364.15, 364.19, 364.337(5), 366.03, 366.04, 366.05, 367.011, 367.111, 367.121, 120.54, 120.569, 120.57, 120.573 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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: Samantha Cibula, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6202

THE FULL TEXT OF THE PROPOSED RULE IS:

25-22.032 Customer Complaints.

(1) Intent; Application and Scope.

It is the Commission’s intent that disputes between regulated companies and their customers be resolved as quickly, effectively, and inexpensively as possible. This rule establishes informal customer complaint procedures that are designed to address disputes, subject to the Commission’s jurisdiction, that occur between regulated companies and individual customers ~~accomplish that intent. This rule applies to all companies regulated by the Commission.~~ It provides for expedited processes for customer complaints that can be resolved quickly by the customer and the company ~~without extensive Commission participation.~~ It also provides a process for informal Commission staff resolution of complaints that cannot be resolved by the company and the customer.

(2) Processing of Complaints.

(a) Any customer of a Commission regulated company may file a complaint with the Division of Consumer Affairs whenever the customer has an unresolved dispute with the company regarding electric, gas, telephone, water, or

wastewater service that is subject to the Commission's jurisdiction. The complaint may be communicated orally or in writing. The complaint shall include the name of the company against which the complaint is made, the name of the customer of record, and the customer's service address. Upon receipt of a the complaint by telephone, Commission a staff member will determine if the customer has contacted the company and,

(b) In the case of complaints made by telephone, if the customer agrees, Commission staff will put the customer in contact with the company for resolution of the complaint using the telephone transfer-connect system described in subsection (4)(3), or by other appropriate means if the company does not subscribe to the telephone transfer-connect system. If the customer does not agree to be put in contact with the company, then, in the case of for those companies subscribing to the telephone transfer-connect system, the staff member will submit the complaint to the company for resolution in accordance with the provisions three-day complaint resolution process set forth in subsection (5)(4).

(c) For those companies not subscribing to the telephone transfer-connect or to the E-mail transfer system described in subsection (4), the staff member will submit the complaint to the company for resolution in accordance with the provisions of subsection (6)(5).

(3) Protection from Disconnection. During the complaint process described in sections (5)-(9), a company shall not discontinue service to a customer because of any unpaid disputed amount until the complaint is closed by Commission staff. However, the company may require the customer to pay that part of a bill which is not in dispute. If the company and the customer cannot agree on the amount in dispute, Commission staff will make a reasonable estimate to establish an interim disputed amount until the complaint is closed by Commission staff. If the customer fails to pay the undisputed portion of the bill, the company may discontinue the customer's service pursuant to Commission rules.

(4)(3) Telephone Transfer-connect and E-mail Transfer systems.

(a) Each company subject to regulation by the Commission may provide a telephone transfer-connect (warm transfer) telephone number by which the Commission may directly transfer a customer to that company's customer service personnel. When the telephone transfer is complete, any further charges for the call shall be the responsibility of the company and not the Commission or the customer. Each company that subscribes to the telephone transfer-connect system must provide customer service personnel to handle transferred calls during the company's normal business hours and at a minimum from Monday through Friday, 9:00 a.m. to 4:00 p.m., Eastern time, excluding all holidays observed by the company. Telephone transfer-connect calls shall not be initially answered by a recorded voice but shall be answered by a person ready to receive information about the complaint.

(b) A company may also provide to the Commission an E-mail address by which the customer may directly E-mail a complaint to the company's customer service personnel from the Commission's Internet Web site. The company shall acknowledge the customer's E-mail to the customer by no later than the working day after the date of receipt.

(5)(4) Complaints resolved within three (3) days by companies participating in the Telephone Transfer-Connect System or the E-mail Transfer System. Companies that subscribe to the telephone transfer-connect or E-mail transfer system may resolve a customer complaints within three days in the following manner:

(a) The Commission staff member handling the complaint will forward a description of the complaint to the company for response and resolution. The three day period will begin the working day after at 5:00 p.m. on the day the information is sent to the company and end at 5:00 p.m. Eastern time on the third working day, excluding weekends and company holidays. If the company satisfactorily resolves the complaint, the company shall notify Commission the staff member of the resolution in writing by no later than 5:00 p.m. Eastern time on the third day.

(b) The Commission will contact the customer to confirm that the complaint has been resolved. If the customer does not object to the company's resolution to the complaint confirms that the complaint has been resolved, the complaint will not be reported in the total number of complaints shown for that company in the Commission's Consumer Complaint Activity Report. However, the Commission will retain the information for use in enforcement proceedings, or for any other purpose necessary to perform its regulatory obligations.

(c) If the customer informs the Commission staff member that the complaint has not been resolved, the Commission staff will notify the company and require a full report as prescribed in subsection (6)(5).

(d) For purposes of this subsection a complaint will be considered "resolved" if the company report indicates that the problem has been corrected or the company report indicates that the company and the customer have agreed to a plan to correct the problem, and the customer indicate that the problem has been corrected, or the company and the customer indicate that they have agreed to a plan to correct the problem.

(6)(5) General Commission Staff Complaint Investigation. Complaints not resolved within three days.

If the customer is not placed in direct contact with the company by means of the telephone transfer connect or E-mail transfer system for resolution of his complaint, does not agree to contact the company directly, if the customer is not satisfied with the company's proposed resolution of the complaint, or if the company does not subscribe to the transfer-connect system, a Commission staff member will investigate the complaint and attempt to resolve the dispute in the following manner:

(a) Commission The staff member will acknowledge receipt of the complaint to the customer, notify the company of the complaint and request a written response from the company. Notification to the company by Commission staff will be to the primary Commission liaison for each certificate unless the company has provided to the Director of the Division of Consumer Affairs a name, address, telephone and facsimile numbers and E-mail address for a separate point of contact for complaint handling for each certificate. It is preferable for a company to have a single point of contact for complaint handling but a company may identify up to a maximum of three points of contact for complaint handling per certificate. However, if Commission staff directs a complaint to any one of the identified multiple complaint handling contacts, the company shall process the complaint and not return the complaint to Commission staff for redirecting the complaint to other company points of contact. The company shall provide its response to the complaint within fifteen (15) working days.

(b) Unless the Commission staff requests that the company not contact the customer directly, the company shall make direct contact with the customer verbally or in writing and provide to the customer its response to the complaint within 15 working days after the Commission staff sends the complaint to the company. Responses sent by mail must be postmarked within the 15 working day time period. The company shall also provide to the Commission staff, within 15 working days after the Commission staff sends the complaint to the company, a written response to the customer's complaint. However, in the case of those complaints where the company has proposed, under the provisions of subsection (5) of this rule (complaints resolved in 3 days), a resolution with which the customer is not satisfied, the company shall respond within twelve (12) working days of the case being resent to the company.

(c) The company's response to the Commission staff shall explain the company's likely cause of the problem, all actions taken by the company to resolve the customer's complaint, and the company's resolution or proposed resolution of the complaint and shall answer any specific questions raised by Commission staff. The company response shall also include letters or E-mails sent to the customer that contain the company's proposed resolution of the complaint or statement of position in addressing or resolving the complaint. Upon Commission staff request, other documentation related to the complaint shall be provided to Commission staff. ~~actions in the disputed matter and the extent to which those actions were consistent with applicable statutes and regulations. The response shall also describe all attempts to resolve the customer's complaint. If the company's proposed resolution has not yet been implemented at the time of the response to the Commission staff and customer, the company shall fully set forth in its response the steps that will be taken by the company to resolve the complaint and the dates by which each step will be taken by the company. The company shall promptly notify~~

the customer if it is subsequently unable to take its proposed action as scheduled and shall provide to the customer and, upon request, to Commission staff, a new resolution schedule for the complaint.

(d) Commission staff will not normally further respond to the customer. However, if a customer objects to the company response to the complaint, the customer may request further review of the complaint by Commission staff. Commission staff will then propose a resolution of the complaint. The proposed resolution to the customer may be either oral or written. Upon request of either the customer or the company, Commission staff shall provide the proposed resolution in writing.

(e)(b) Commission The staff member investigating the ~~complaint~~ may request copies of bills, billing statements, field reports, written documents, or other information in the participants' possession that may be necessary to resolve the dispute. The company shall respond in 7 working days to each subsequent request by staff after the initial company response. If a complete response cannot be provided in the 7 working days, the company shall provide an update regarding the response every 15 working days until the response is completed. Such update shall identify all actions taken since the last report, an explanation of why a complete response cannot be provided, and a time schedule for providing a complete response. Commission The staff member may perform, or request the company to perform, any tests, on-site inspections, and reviews of company records necessary to aid in the resolution of the dispute.

(6) ~~During the complaint process, a company shall not discontinue service to a customer because of any unpaid disputed bill. However, the company may require the customer to pay that part of a bill which is not in dispute. If the company and the customer cannot agree on the amount in dispute the staff member will make a reasonable estimate to establish an interim disputed amount until the complaint is resolved. If the customer fails to pay the undisputed portion of the bill the company may discontinue the customer's service pursuant to Commission rules.~~

(7) Process Review Team.

(a) If the customer or the company is not in agreement with Commission staff's proposed resolution, the Division of Consumer Affairs will refer the complaint to a Process Review Team consisting of staff from the Office of the General Counsel, the Division of Consumer Affairs, and the appropriate technical division. This Process Review Team will review the complaint file to determine further handling of the complaint.

(b) If the Process Review Team finds that the subject matter of the complaint may be within the Commission's jurisdiction, that the relief sought can possibly be granted by the Commission, that the basis of the complaint is not an objection to current statutes, rules, company tariffs, or orders

of the Commission, and that a violation of an applicable statute, rule, company tariff or order of the Commission may have occurred, the Division of Consumer Affairs shall schedule an informal conference. The fact that an informal conference is scheduled shall not preclude any participant or Commission staff from later taking a position that the complaint does not fall into one or more of the above categories.

(c) The Process Review Team will recommend that the Office of the General Counsel send a closure letter to the participants if the team finds that:

1. The case involves issues or concerns that fall outside the jurisdiction of the Commission,

2. The relief sought cannot be provided by the Commission,

3. The basis of the complaint is an objection to current statutes, rules, company tariffs, or orders of the Commission, or

4. It does not appear that a violation of applicable statutes, rules, company tariffs, or orders of the Commission occurred.

(d) Once the closure letter has been sent, the case will be closed. The staff member will propose a resolution of the complaint based on the information provided by all participants to the complaint and applicable statutes and regulations. The proposed resolution may be either oral or written. Upon request, either participant shall be entitled to a written copy of the proposed resolution.

(8) Informal Conference.

(a) If the Process Review Team identifies a complaint for an informal conference, Division of Consumer Affairs staff will notify the company and provide to the customer a Dispute Resolution form (PSC/CAF10) via certified mail. The customer shall return the completed Dispute Resolution Form (PSC/CAF10) to the Division of Consumer Affairs postmarked within 15 working days after the date of its being sent to the customer. If the completed Dispute Resolution Form (PSC/CAF10) is not received from the customer with a postmark within the required 15 working days, the customer's complaint will be closed at that point. If the Dispute Resolution Form is completed and returned by the customer, Commission staff will provide a copy to the company.

(b) A customer's completed Dispute Resolution Form (PSC/CAF10) shall consist of:

1. A statement describing the facts that give rise to the complaint and, to the extent known, an explanation of why the basis of the complaint may be a violation of the applicable statutes, rules, company tariffs, or orders of the Commission. The statements filed by the customer should not raise any new issues not addressed in the initial complaint.

2. A statement of the issues to be resolved.

3. Any dollar amount in dispute.

4. A statement of the relief requested.

If a participant objects to the proposed resolution, the participant may request an informal conference on the complaint.

(a) The request for an informal conference shall be in writing and filed with the Division of Consumer Affairs within 30 days after the proposed resolution is sent to the participants.

(b) When the request for an informal conference is received, the Director of the Division of Consumer Affairs will assign a Commission staff member to process the request for an informal conference. The staff member will advise the participants to complete Form X (PSC/CAF Form X), incorporated by reference herein, and return the form to the Commission within fifteen (15) days. A copy of Form X may be obtained from the Division of Consumer Affairs. At a minimum, the participants shall provide the following information on the form:

1. A statement describing the facts that give rise to the complaint;

2. A statement of the issues to be resolved; and

3. A statement of the relief requested.

The informal conference shall be limited to the complaint and the statement of facts and issues identified by the participants in the form. The Commission staff will notify the requesting participant that the request for an informal conference will be denied if the requesting participant's form is not received within the 15 days.

(c) Staff handling the informal conference may permit any participant to file additional information, documentation, or arguments; however, such additional information, documentation or arguments shall be limited to the issues from the customer's original complaint which are identified in the customer's Dispute Resolution request form (PSC/CAF10). The Director of the Division will review the statements and either appoint a staff member to conduct the informal conference, or make a recommendation to the Commission for dismissal based on a finding that the complaint states no basis upon which relief may be granted.

(d) When an informal conference is scheduled, the presiding staff member appointed to conduct the conference shall not have participated in the investigation or proposed resolution of the complaint. The appointed staff shall be comprised of a representative of the Division of Consumer Affairs staff, an attorney from the Office of the General Counsel, and a staff member from appropriate technical staff. The representative from the Division of Consumer Affairs will preside at the informal conference.

(e) After receiving the Dispute Resolution Form from the customer, Commission staff will consult with the participants, the staff member will send a written notice to the participants setting forth the unresolved issues, the procedures to be followed at the informal conference, and the dates by which written materials are to be filed and the time and place for the conference. A company may at this time respond to

information contained on the customer's Dispute Resolution Form. Each participant may be represented at the informal conference by an attorney or other representative or may represent himself. Each participant shall be responsible for his own expenses in the handling of the complaint. The conference may be held no sooner than ten days following a notice, unless all participants agree to an earlier date. The conference may be held by telephone conference, video teleconference, or in person, no sooner than ten days following the notice.

(f) At the conference, the participants shall have the opportunity to present information, orally or in writing, in support of their positions. During the conference, ~~the staff member~~ may encourage the parties to resolve the dispute. The Commission staff will be responsible for tape-recording, but not transcribing, the informal conference. A participant may arrange for transcription at his own expense.

~~(g) The staff member may permit any participant to file additional information, documentation, or arguments. The opposing participant shall have an opportunity to respond.~~

~~(g)(h)~~ If a settlement is not reached within 20 working days following the informal conference and if the complaint is not withdrawn, or the last post-conference filing, whichever is later, the staff member shall submit a recommendation to the Commission for consideration at the next available Commission Agenda Conference. Copies of the recommendation shall be sent to the participants by the Office of the General Counsel.

~~(i) If the Director denies the request for an informal conference, the participants shall be notified in writing. Within 20 days of giving notice, the staff shall submit a recommendation for consideration at the next available Agenda Conference. Copies of the recommendation shall be sent to the participants.~~

~~(h)(j)~~ The Commission will address the matter by issuing a notice of proposed agency action or by setting the matter for hearing pursuant to section 120.57, Florida Statutes.

~~(9)~~ At any point during the complaint proceedings, a participant has the right to be represented by an attorney or other representative. For purposes of this rule a representative may be any person the party chooses, unless the Commission sets the matter for hearing. If the Commission sets the matter for hearing, the participants may be represented by an attorney or a qualified representative as prescribed in Rule 28-106.106, Florida Administrative Code, or may represent themselves. Each participant shall be responsible for his own expenses in the handling of the complaint.

(9)(10) Settlement.

At any time the participants may agree to settle their dispute. If a settlement is reached, the participants or their representatives shall file with the Division of Consumer Affairs a written statement to that effect. The statement shall indicate that the settlement is binding on all both participants, and that the participants waive any right to further review or action by the

Commission. If the complaint has been docketed, the Division of Consumer Affairs shall submit the settlement to the Commission for approval. If the complaint has not been docketed, the Division of Consumer Affairs will acknowledge the statement of settlement by letter to the participants.

(10)(11) Record Retention, Reports, and Auditing.

(a) All companies shall retain ~~notes or~~ documentation relating to each Commission complaint for two years after the date beginning when the complaint was closed by the Commission first received.

(b) All companies that participate in the telephone-transfer connect, E-mail transfer or three day complaint resolution options shall file with the Commission's Division of Consumer Affairs, by the fifth working day of each month beginning 60 days after the effective date of this rule and monthly thereafter, a report in tabular form that summarizes the following information for the preceding calendar month:

1. The ~~total~~ number of calls handled via telephone transfer, connect, including the date received, customer's name, a brief description of the complaint, and whether ~~or not~~ the complaint was addressed;

2. The number of complaints handled via E-mail transfer, including the date received, the customer's name, the Commission assigned tracking number, a brief description of the complaint, and whether the complaint was addressed.

~~3.2.~~ The number of complaints handled under the three day complaint resolution procedure, including the date received, the customer's name, the Commission assigned filing number, a brief description of the complaint, and whether the complaint was resolved.

(c) Companies shall provide access to the Commission to all such records for audit purposes. The Commission shall have access to all such records for audit purposes.

(11) Extensions of Time.

(a) In the event of a storm named by the National Hurricane Center, a tornado recorded by the National Weather Service, a flood, a telephone cable cut, a severe gas or water main break, a major electrical outage, an extreme weather disturbance or fire causing activation of the county emergency operation center, acts of terrorism, or work stoppage, any of which substantially affects its operations and resources, a company may file a notice which will automatically extend by three working days the time for filing responses, forms, reports and other submissions required by this rule. Such notice shall be submitted in writing to the Director of the Division of Consumer Affairs and shall state a reason for the three day extension. The utility will send one written request that will apply to all complaints or reports pending or received during the extension period. When the company does provide complaint responses or reports containing information on complaints affected by an extension of time, the extension must be noted on the complaint or report. For complaints, the three day extension shall apply to any complaints pending at

the time such notification is given and to new complaints received during the extension period. A company may also seek an additional extension of time upon application to the Director of the Division of Consumer Affairs. The request for additional extension of time must be accompanied by a statement of good cause and shall specify the date by which the information will be filed. "Good cause" means a demonstration that the company has worked diligently to prepare the information and that the additional time period requested to complete and submit the information is both reasonable and necessary given the company's particular circumstances.

(b) If the company participates in the transfer connect system described in subsection (4), and the circumstances described in paragraph (11)(a) affect the operation of the transfer connect system, the company may establish an alternative, temporary means of transmitting customer concerns from the Commission to the company for handling within the transfer connect program.

Specific Authority 350.127(2), 364.19, 364.0252, 366.05, 367.121 FS. Law Implemented 364.01, 364.0252, 364.03(1), 364.183, 364.185, 364.15, 364.19, 364.337(5), 366.03, 366.04, 366.05, 367.011, 367.111, 367.121, 120.54, 120.569, 120.57, 120.573 FS. History--New 1-3-89, Amended 10-28-93, 6-22-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard Tudor
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 9, 2003, Vol. 29, No. 19

DEPARTMENT OF CORRECTIONS

RULE TITLE: Employee Grooming, Uniform and Clothing Requirements
RULE NO.: 33-208.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the department's policy on the wearing of uniform skirts by correctional officers.

SUMMARY: The proposed rule clarifies that female correctional officers can substitute brown uniform skirts for trousers for religious reasons only.

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 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: 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 RULE IS:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) through (3) No change.

(4) The following provisions shall apply to employees in the positions of correctional officer colonel, correctional officer major, correctional officer captain, correctional officer lieutenant, correctional officer sergeant and correctional officer. For the purposes of this rule, "correctional officer" is used to refer to the individual position or the class which includes all of the above-listed positions.

(a) through (g) No change.

(h) The following items may be worn with the correctional officer uniform as defined below:

1. through 8. No change.

9. Brown skirt for females can be substituted for trousers for religious reasons only upon written authorization of the regional director of institutions following review of the officer's written request. The skirts will be the same fabric as the trousers with no stripe.

10. through (10) 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, 2-20-03, 6-26-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Rathmann

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLE: Routine Mail
RULE NO.: 33-210.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to specify circumstances under which free postage is provided for routine mail, to clarify possession limits for postage stamps and delivery of routine mail consistent with other department rules, and to prohibit the use of padded envelopes.

SUMMARY: The proposed rule specifies circumstances under which free postage is provided for routine mail, clarifies possession limits for postage stamps and delivery of routine mail consistent with other department rules, and prohibits the use of padded envelopes.

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 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: 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 RULE IS:

33-210.101 Routine Mail.

(1) through (2) No change.

(3) No other items may be received through incoming routine mail. If an impermissible item is found (other than items of an illegal nature), the entire correspondence will be returned to the sender pursuant to subsection (13) of this rule. For example, the following items are not permissible for inclusion in or attachment to routine mail:

(a) through (e) No change.

(4) through (15) No change.

(16) No postage or writing materials shall be provided to inmates for routine mail except as provided in this subsection ~~that~~ Postage and writing materials shall be provided to any inmate with insufficient funds for mailing one first class letter weighing one ounce or less each month to be used for mailing one first class letter weighing one ounce or less each month. Local procedures may be established to require the inmate to request the free postage and writing materials or to establish a specific day of the month for the free letters to be processed. Postage shall also be provided to any inmate with insufficient funds for the purpose of mailing a complaint to the Florida Bar concerning ineffective assistance of counsel in the inmate's criminal case. Inmates shall be permitted to receive U.S. postage stamps in their routine mail so long as the value of the stamps does not exceed the equivalent of 20 (1 oz.) first class stamps. Inmates may not possess more than the maximum number of stamps permitted by Rule 33-602.201, F.A.C ~~equivalent of 25 (1 oz.) first class stamps.~~ Due care shall be

exercised in processing mail, however, the department shall not be responsible for any postage stamps sent through the mail.

(17) through (18) No change.

(19) Inmates shall not be permitted to receive routine mail in padded envelopes.

(20) Routine mail shall be delivered to the institution or facility by the U.S. Postal Service only.

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 12-4-02, 8-5-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joel Anderson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 15, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLE:

Law Libraries

RULE NO.:

33-501.301

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: correct titles and provide definitions of terms associated with the department's law library program; clarify provisions concerning operation of institutional law libraries and associated inmate work assignments; and provide a standard process and form for inmate law clerk retention of legal papers in the law library.

SUMMARY: The proposed rule corrects titles and provides definitions of terms associated with the department's law library program; clarifies provisions concerning operation of institutional law libraries and associated inmate work assignments; and provides a standard process and form for inmate law clerk retention of legal papers in the law library.

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 RULE 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 RULE IS:

33-501.301 Law Libraries.

(1) No change.

(2) Definitions.

(a) Central office library services: where used herein, refers to library services section in the bureau of programs, office of classification and programs, in the department's central office headquarters.

(b) Deadline: where used herein, refers to any requirement imposed by law, court rule or court order that imposes a maximum time limit on the filing of legal documents with the court.

(c) Functionally illiterate: where used herein, refers to inmates who demonstrate academic competence below the 9th grade level, as measured by means approved for this purpose by the Florida State Board of Education.

(d) Incompetence or incompetent: where used herein, refers to oral or written statements or conduct that demonstrates to departmental staff that an inmate law clerk does not have ability or knowledge to research and use the law library collection, to provide inmates with accurate information on the law and civil or criminal procedure, or to assist inmates in the preparation of legal documents or legal mail.

(e) Inmate law clerk: where used herein, refers to any inmate that an institution has assigned to work in a law library in departmental inmate work assignment codes L04 and L09. Inmate law clerks have successfully completed the department's law clerk training program, or have equivalent legal training, and have "LEGAL" or "LAW" certificate entries recorded in the department's offender database.

(f) Inmate law clerk trainee: where used herein, refers to any inmate that an institution has assigned to work in a law library in departmental inmate work assignment codes L03 and L08. Inmates must meet all of the qualifications established in paragraph (7)(d) to be assigned as a law clerk trainee.

(g) Inmate library clerk: where used herein, refers to any inmate that an institution has assigned to work in the law library in departmental work assignment codes L01 and L06.

(h) Interstate Corrections Compact: where used herein, refers to an interstate agreement that permits the State of Florida to transfer custody of Florida inmates to other state correctional systems in accordance with Sections 941.55-941.57, F.S.

(i) Law library supervisor: where used herein, refers to a library program specialist, librarian specialist, library technical assistant, and, whenever these positions are vacant, any other employee that the warden or designee appoints to oversee operation of the institution's law library program.

(j) Legal assistance: where used herein, refers to those services that the law library program or inmate law clerks provide to the inmate population. They include: providing inmates access to law library materials; assisting inmates in

conducting legal research; assisting inmates with the preparation of legal documents and legal mail associated with the filing of post-conviction petitions filed in the state or federal courts, civil rights actions filed in the state or federal courts, and administrative actions filed with the Florida Parole Commission or the Florida Bar; assisting inmates with the preparation of grievances filed with the Department of Corrections; providing inmates with access to grievance and court forms; providing indigent inmates with access to legal writing supplies pursuant to Rule 33-210.102, F.A.C.; and providing copying services to inmates pursuant to Rule 33-501.302, F.A.C.

(k) Library services administrator: where used herein, refers to departmental employee in the bureau of programs who is responsible for statewide coordination of library and law library services.

(l) Major collection: where used herein, refers to a law library that includes the following legal publications: an annotated edition of the Florida Statutes; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner's rights; Florida and federal case reporters; Florida and federal Shepard's citation indexes; Florida and federal practice digests; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post-conviction and post-sentence remedies, and prisoner's rights. Major collection law libraries also maintain current copies of departmental rules and regulations as provided in paragraph (4)(b).

(m) Minor collection: where used herein, refers to a law library that includes the following legal publications: an annotated edition of the Florida Statutes; Florida case reporters; Shepards Florida Citations; Florida and federal practice digests; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner's rights; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post-conviction and post-sentence remedies, and prisoner's rights. Minor collection law libraries also maintain current copies of departmental rules and regulations as provided in paragraph (4)(b).

(n) Official state holiday: where used herein, refers to any day that the governor or the state legislature of the state of Florida designates a state holiday.

(o) Open population inmates: where used herein, refers to inmates housed in general population at a institution or unit with a major or minor collection law library and any inmates housed at satellite correctional facilities if major or minor collection law libraries are not located there.

(p) Personal legal papers: where used herein, refers to legal documents, legal correspondence, research notes, and transcripts relating to ongoing civil or criminal litigation where the inmate is a named plaintiff or defendant.

(q) Priority access: where used herein, refers to the act of providing an inmate with exceptional access to the law library collection, inmate law clerks, interlibrary loan services, or to copying services.

(r) Research items: where used herein, refers to photocopies of cases and statutes, and tables of contents, sections, or chapters from other reference titles in the institution's law library collection, which are loaned to inmates for legal research purposes. These do not include the inmate's personal legal papers, pleadings, or transcripts.

(s) Satellite correctional facilities: where used herein, refers to a medium or minimum custody correctional facility, such as an annex, work camp, road prison, forestry camp, or drug treatment center. Satellite correctional facilities do not include work release centers.

(t) Starter collection: where used herein, refers to a law library that includes the following legal publications: an annotated edition of the Florida Statutes; an annotated edition of the Title 42, United States Code, Section 1983; the Florida and federal rules of court; and a legal dictionary.

(u) Working day, where used herein, refers to any weekday, i.e., Monday to Friday, except when the day is an official state holiday.

(3)(2) Law Library Access – General.

(a) Hours of Operation. Major and minor collection law libraries shall be open for inmate use a minimum of 25 hours per week, except weeks which include official state holidays. The law library's operating schedule shall be designed to permit each inmate access to legal materials consistent with:

1. through 4. No change.

(b) Inmates at satellite correctional facilities work camps, road prisons, forestry camps, vocational centers and drug treatment centers attached to institutions with major or minor law collections shall be provided access to the law library and inmate law clerks research aides by means of correspondence, except as otherwise provided in paragraphs (3)(2)(d), (3)(2)(e) and (3)(2)(f).

(c) No change.

(d) Law libraries shall provide interpreters for any language, other than English, native to 5 five percent or more of the statewide inmate population. Such inmates at work camps and satellite correctional facilities shall be provided an opportunity to visit the law library within 1 one week of submitting an oral request or Form DC6-236, Inmate Request, for legal assistance to the law library supervisor or other facility staff. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(e) Inmates who are functionally illiterate, mentally disordered, or have other disabilities that hinder their ability to research the law and prepare legal documents and legal mail, and need research assistance, shall be provided access to the law library and to inmate law clerks research aides. These inmates may request legal assistance by making an oral request

for same to the correctional staff working in their housing or confinement units, classification staff, work supervisors, mental health staff, or to the law library supervisor. Staff shall relay oral requests for legal assistance to the law library supervisor. Upon receipt of an oral request or Form DC6-236, Inmate Request, the law library supervisor shall schedule the inmate for a visit to the law library or a visit with an inmate law clerk research aide.

(f) Inmates who must meet deadlines imposed by law, court rule or court order of court in legal proceedings challenging convictions, sentences or prison conditions shall be given priority in the use of the law library and related legal services. However, the inmate shall be responsible for notifying the department of the deadline in a timely manner. Department staff shall respond to a request for special access to meet a deadline within 3 working days of receipt of the request, not including the day of receipt. For purposes of this rule, "working day" shall mean any weekday not including holidays or weekends. This period shall not be shortened due to the failure of the inmate to give timely notice of the deadline. A court deadline is any requirement imposed by law, rule or order of court that establishes a maximum time limit on the filing of legal documents with a court.

1. For purposes of this rule, Priority access shall only be granted if the maximum time limit is 20 or fewer calendar days.

2. Law library supervisors shall not excuse an inmate in open population at any institution, work camp, road prison, or forestry camp from a work or program assignment to use the law library for more than one-half of the inmate's workweek. The warden or designee is authorized to afford individual inmates in open population additional research time in the law library when the inmate demonstrates an exceptional need for it. The inmate bears sole responsibility for proving why additional research time in the law library should be provided. No inmate shall be excused from work, or excused from work and transported from a work camp, road prison, or forestry camp, for more than two days per work week.

3. Upon confirmation of the deadline, the law library supervisor shall contact the classification department and schedule an appointment by call-out to enable excusing an inmate from his or her work or program assignment, and, where necessary, transportation from a satellite correctional facility, the work camp, forestry camp, or road prison, when:

4.1. Inmates who only need priority The inmate needs to secure access to law library services, such as copying or interlibrary loan services. In such instances, the inmate shall only be excused for as long as is necessary to request or receive the necessary assistance, or,

2. The inmate needs access to legal research materials only available in the law library collection, and the time available to the inmate to use the law library during off-duty hours is determined to be less than six hours per week.

(g) No inmate shall be excused from a work or program assignment solely for the purpose of drafting legal documents and legal mail; such activities shall be performed during off-duty hours. Inmates in open population who do not have court deadlines as described in paragraph (3)(f) above shall be expected to use the law library or access law library services during off-duty hours.

(h) Inmates who mutilate, deface or pilfer law library materials shall be subject to formal disciplinary action as provided in Rules 33-601.301-601.314, F.A.C., and penalties for infraction may include a temporary suspension of the inmate's privilege of on-site use of the law library of up to 30 days. The disciplinary team which presides over the disciplinary hearing shall determine the length of the suspension after considering the inmate's past record of rule infractions while in the law library, assessing the material damage to the legal research collection, and determining whether the damage to the collection was intentional or inadvertent. Inmates who have been suspended from the law library shall conduct business through correspondence or through inmate law clerks research aides rather than through personal visits to the law library. However, steps shall be taken to ensure that the inmate is not denied access to legal material during this suspension.

~~(4)(3)~~ Law Library Access for Inmates in Administrative Confinement, Disciplinary Confinement, Close Management, Protective Management, on Death Row, and in Medical or Mental Health Units.

(a) Inmates in administrative confinement, disciplinary confinement, and close management shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library deliver legal materials to their cells, and, as provided in paragraphs sections (3)(2)(e) and (3)(f), to visit with inmate law clerks research aides. Efforts shall be made to accommodate the research needs of inmates who have filing deadlines imposed by law, court rule or court order of court in legal proceedings challenging convictions, sentences or prison conditions.

~~1. Inmates in administrative confinement, disciplinary confinement and close management at Florida State Prison Main Unit who need research assistance from the law library shall submit Form DC6-236, Inmate Request, to the law library supervisor. Inmates shall be permitted to visit the law library if security requirements permit it. If security requirements prevent a personal visit to the law library, the inmate shall be required to secure legal assistance through visits with inmate law clerks research aides or by means of correspondence.~~

~~2. At all other institutions, inmate law clerks shall visit the confinement unit at least once per week to provide assistance to inmates. Illiterate and disabled inmates shall be permitted to request a visit with an inmate law clerk by making an oral request for legal assistance to the correctional staff working in the confinement unit. Upon receipt of an oral request, the~~

~~correctional staff shall permit the inmate to visit with an inmate law clerk at the next scheduled law clerk visit. All other inmates shall request law clerk visits by submitting Form DC6-236, Inmate Request, to the law library supervisor. The law library supervisor shall develop a list of the inmates in confinement who are approved for a law clerk visit, and shall provide a copy of that list to security staff on or before the inmate law clerk's visit to the confinement unit.~~

(b) Inmates in mental health units shall be provided access to the law library and provided opportunities to visit with inmate law clerks research aides. These inmates shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, and to have the law library deliver legal materials to their cells. These inmates may request legal assistance by submitting Form DC6-236, Inmate Request, to the law library supervisor or by making an oral request for legal assistance same to the security or mental health staff working in the unit. Security and mental health staff shall relay oral requests for legal assistance to the law library supervisor. Upon receipt of a request, the law library supervisor shall arrange for an inmate law clerk research aide to visit the inmate. Efforts shall be made to accommodate the research needs of inmates who have filing deadlines imposed by law, court rule or court order of court in legal proceedings challenging convictions, sentences or prison conditions.

(c) Inmates in protective management shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, and to have the law library deliver legal materials to their cells. Inmates in protective management shall have access to the law library, to include access to at least 1 inmate law clerk one research aide, during evening or other hours when general population inmates are not present. If security reasons prevent a visit to the law library, access shall be provided through visits with inmate law clerks research aides or by means of correspondence. Efforts shall be made to accommodate the research needs of inmates who have filing deadlines imposed by law, court rule or court order of court in legal proceedings challenging convictions, sentences or prison conditions.

(d) Inmates on death row shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library deliver legal materials to the inmate's cell, and to visit with inmate law clerks research aides. Inmates on death row who have filing deadlines imposed by law, court rule or court order of court, in legal proceedings challenging convictions, sentences, or prison conditions, shall be permitted to visit the unit's law library at least once per week for up to two hours if the law library has research cells and if security requirements permit it. If security requirements prevent a personal visit to the law library, the inmate shall be required to secure legal assistance through visits with inmate law clerks research aides or by means of correspondence.

(e) Inmates who are temporarily housed in institutional infirmaries or hospitals, or who are on medical or dental lay-in, and who are unable to visit the law library due to medical or treatment reasons, shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library materials delivered to them, and to visit with inmate law clerks ~~research aides~~ unless medical or security requirements ~~reasons~~ prevent it. These inmates may secure legal assistance by contacting the law library supervisor. Upon receipt of an oral request or Form DC6-236, Inmate Request, or a referral from medical or dormitory staff, the law library supervisor shall assign an inmate law clerk ~~research aide~~ to provide legal assistance to the inmate.

(f) Inmates shall be limited to possession of no more than 15 research items from the law library. ~~Research items are defined as photocopies of cases, statutes and other reference materials provided by the law library and do not include the inmate's personal legal papers, pleadings, or transcripts.~~ Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.

~~(5)(4)~~ Major, mMinor and sStarter cCollection law libraries.

(a) Major or minor collection law libraries shall be established at all institutions and satellite correctional facilities; annexes, work camps and forestry camps housing more than 400 inmates. Starter collection law libraries shall be established at institutions and satellite correctional facilities; work camps, forestry camps and road prisons housing less than 400 inmates and located 50 or more miles from the main unit of the institution or other institutions with major or minor law library collections.

~~(a) A major collection law library contains: an annotated edition of the Florida Statutes; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner's rights; Florida and federal case reporters; Florida and federal Shepard's citation indexes; Florida and federal practice digests; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post conviction and post sentence remedies, and prisoner's rights. In determining whether a major collection shall be established at an institution, consideration shall be given to the following factors:~~

1. through 5. No change.

(b) ~~A minor collection law library contains: an annotated edition of the Florida Statutes; Florida case reporters; Shepards Florida Citations; Florida and federal practice digests; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner's rights; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post conviction and post sentence remedies, and prisoner's rights.~~

~~(e) A starter collection law library contains: an annotated edition of the Florida Statutes; an annotated edition of the Title 42, United States Code, Section 1983; the Florida and federal rules of court; and a legal dictionary.~~

~~(b)(4)~~ Major and minor collection law libraries shall ~~also~~ maintain current copies of the following departmental rules and regulations:

1. through 3. No change.

(e) through (f) renumbered (c) through (d) No change.

~~(e)(g)~~ The contents of legal collections shall be reviewed annually by the library services administrator to ensure continued compliance with applicable federal and state laws and American Correctional Association standards. When the library services administrator believes that titles need to be added or deleted from the collections, he or she shall make such recommendation to the chief director of the bureau of programs services. If the recommendation is approved ~~director of program services approves the request~~, the material shall be ordered and placed in the appropriate law library collections.

~~(f)(4)~~ Requests for the addition or deletion of titles in major, minor, and starter law library collections shall be submitted in writing to the library services administrator in the central office. The library services administrator shall review all requests and make a recommendation to the chief director of the bureau of programs services. Requests shall be reviewed according to the material's primary research value and whether it substantively provides additional information, or merely duplicates what is in the current collection. If the recommendation request is approved, the materials shall be ordered and placed in the appropriate law library collections.

~~(g)(1)~~ No change.

~~(6)(5)~~ Interlibrary loan services for law libraries.

(a) Major collection law libraries shall provide research assistance to minor and starter collection libraries and to inmates housed at satellite correctional facilities without law libraries. On receipt of Form DC5-~~152609~~, Law Library Interlibrary Loan Request, the law library supervisor shall immediately assign an inmate law clerk ~~research aide~~ to provide legal assistance. Form DC5-152 ~~DC5-609~~ is ~~hereby~~ incorporated by reference in subsection (11) of this rule. ~~Copies of this 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 November 5, 2001.~~ All assistance that can be provided through use of that institution's major collection shall be completed within 3 working days of receipt, not including the day of receipt, except where the request requires the researching of complex or multiple legal issues or is so broad in scope that work can not be initiated without further information from the requesting inmate.

(b) Inmates at facilities with minor collection law libraries who need access to legal research materials only available in major collection law libraries, shall submit Form DC5-~~152609~~,

Law Library Interlibrary Loan Request, for the material or assistance to the law library supervisor. Within two working days of receipt of Form DC5-~~152609~~, not including the day of receipt, the law library supervisor shall forward the request to the law library supervisor at a major collection law library for completion.

(c) Inmates at facilities with starter collection law libraries, who need access to legal materials in major or minor collection law libraries, shall submit Form DC5-~~152609~~, Law Library Interlibrary Loan Request, to the law library supervisor at the main unit of the institution. The law library supervisor shall review the request to determine whether it can be completed by that institution's law library.

1. If the law library has the information that the inmate has requested, the request shall be completed within three working days of receipt, not including the day of receipt, except when the request requires the researching of complex or multiple legal issues or is so broad in scope that work cannot be initiated without further information from the requesting inmate. The law library supervisor shall provide a copy of Form DC5-~~152609~~, Law Library Interlibrary Loan Request, and the requested material to the inmate.

2. If the law library does not have the information that the inmate has requested, then within 2 ~~two~~ working days of receipt, not including the day of receipt, the law library supervisor shall forward the request to the law library supervisor at a major collection law library for completion.

(d) Inmate requests to secure law materials not in the department's major collection libraries shall be submitted to the library services administrator for review and approval. Only requests for primary source materials, such as statutes, rules, and court decisions, that relate to ~~Florida criminal law, state Florida~~ post-conviction and post-sentence remedies, federal habeas corpus, or the rights of prisoners, shall be approved.

1. Inmates needing such materials are to submit Form DC5-~~152609~~, Law Library Interlibrary Loan Request, to the institution's law library supervisor. Form DC5-~~152609~~, Law Library Interlibrary Loan Request, is to include the full and complete citation of the material needed, and a written justification on why the material is needed to litigate any of the above types of actions. If any deadlines apply, the date of the deadline is to be noted on Form DC5-~~152609~~, Law Library Interlibrary Loan Request. The law library supervisor is then to forward the request to the library services administrator in the central office. The correct mailing address is: Department of Corrections, ATTN: Library Services, 2601 Blair Stone Road, Tallahassee, FL 32399-2500.

2. The library services administrator or designee shall review the request and either approve it or disapprove it. If the request is disapproved, the reason for disapproval will be noted on the request and the request shall be returned to the requesting law library. The law library supervisor will provide

a copy of Form DC5-~~152609~~, Law Library Interlibrary Loan Request, to the inmate. If the request is approved, the request shall be forwarded to the Florida State University law library for completion. When the completed work is received from the Florida State University law library, it shall be mailed to the requesting law library. The law library supervisor will provide a copy of Form DC5-~~152609~~, Law Library Interlibrary Loan Request, and the requested material to the inmate.

(e) Inmates with deadlines imposed by law, court rule or court order ~~of court~~ in legal proceedings challenging convictions and sentences or prison conditions shall be given priority in the handling of interlibrary loan requests, and such requests shall be submitted separately from requests not involving deadlines.

(f) No change.

(g) No limits shall be placed on the number of requests for interlibrary loan service submitted by inmates. However, inmates in confinement and other special management housing shall be limited to possession of no more than 15 items at a any ~~one~~ time.

~~(7)(6)~~ Use of inmates as clerks in law libraries ~~Research Aides~~.

(a) Inmate library clerks: ~~major and minor collection law libraries shall be assigned inmates as library clerks to perform work of a clerical nature and for training as research aides.~~

~~1-~~ Duties of library clerks include circulating legal materials, maintaining law library files, keeping the law library clean and orderly, and assisting the law library supervisor in collecting statistics, preparing typing reports and correspondence, and other job tasks related to program operations. Library clerks who are assigned only such work shall not be required to complete the law clerk research aide training program.

~~2- Inmates who have no formal training in legal research and who wish to work as research aides shall be assigned to the law library as library clerks and shall be required to attend and successfully complete the research aide training program.~~

~~3- Inmates assigned as library clerks shall not assist inmates in the preparation of legal documents and legal mail, and nor shall not they be assigned to conduct used in conducting confinement visits unless they are accompanied by an inmate law clerk research aide.~~

(b) Inmate law clerk trainees: inmates who have no formal training in legal research and who wish to work as inmate law clerks in major and minor collection law libraries shall be assigned as law clerk trainees, and shall be required to attend and successfully complete the law clerk training program. Inmates assigned as law clerk trainees shall not assist inmates in the preparation of legal documents and legal mail, and shall not be assigned to conduct confinement visits unless accompanied by an inmate law clerk.

~~(c)(b)~~ Inmate law clerks: Major and minor collection law libraries shall be assigned ~~one or more~~ inmates as inmate law clerks ~~research aides~~ to assist inmates in open population, in confinement, at work camps, or at institutions without law libraries, in the research and use of the law library collection, and in the drafting of legal documents, and legal mail associated with the filing of post-conviction petitions or civil rights actions filed in the state or federal courts, administrative actions filed with the Florida Parole Commission, the Florida Bar and other administrative bodies, and inmate grievances filed with the Department of Corrections. A minimum of ~~2~~ two inmate law clerks ~~research aides~~ shall be assigned to major and minor collection law libraries in adult institutions, and a minimum of 1 research aide shall be assigned to minor collection law libraries in youthful offender institutions. Institutions shall assign additional inmate law clerks ~~research aides~~ to the law library as needed to ensure that illiterate and impaired inmates are provided research assistance.

~~(d)(e)~~ Qualifications. Inmate law clerks ~~Research aides~~ shall:

1. Have a high school diploma, ~~or~~ general educational development equivalency diploma (GED), or ~~TABE~~ (Test of Adult Basic Education) total battery scores of grade 9.0 or higher, or otherwise demonstrate that he or she possesses the reading and language skills necessary to read and understand the law, to conduct legal research, and to assist other inmates in legal research and the preparation of legal documents.
2. Have a release date that indicates that he or she has sufficient time remaining on his or her sentence to complete the law clerk ~~research aide~~ training program and to perform work in the law library;
3. Have a satisfactory record of institutional adjustment;
4. Display a willingness to work and cooperate with others and the ability to perform the general duties of an inmate law clerk ~~research aide~~, including good oral and written communication skills, good comprehension and intelligence.

~~(e)(d)~~ Law clerk ~~Research Aide~~ Training Program. ~~Central~~ The office of library services shall develop a training program to provide inmates who work in law libraries with knowledge of legal research and writing, use of specific legal research materials, the law and rules of criminal law and post-conviction remedies, prisoners' civil rights, and other subject matter identified as necessary for an inmate law clerk ~~research aide~~ to provide meaningful assistance to inmates.

~~1. Library clerks who have no formal training in legal research and who wish to work as research aides shall be required to successfully complete the research aide training program.~~

~~1.2.~~ Successful completion of the law clerk ~~research aide~~ training program shall be evidenced by attendance at the law clerk ~~research aide~~ training seminar, completion of all writing assignments and practice exercises included as part of the law

~~clerk~~ ~~research aide~~ training seminar, and receipt of a passing score (80%) on the law clerk ~~research aide~~ training seminar's final examination.

~~2.3.~~ Inmates who successfully complete the law clerk ~~research aide~~ training seminar shall be given a certificate by ~~central~~ the office of library services documenting successful completion of the program, and a notation shall be recorded in the department's offender database.

~~4. Inmates who have been awarded an associate degree in paralegal research or a juris doctorate degree shall not have to attend the research training program to be certified as a research aide. The office of library services shall certify any such inmate upon verification of educational achievements and successful completion of a written examination that verifies that he or she possesses current knowledge of the law, knowledge of legal research materials and how to use them, and can communicate effectively in writing. If the inmate demonstrates to the office of library services that he or she has the requisite knowledge and skills to work as a research aide, he or she shall be certified.~~

~~(f)(e)~~ Central The office of library services shall be responsible for the scheduling of law clerk ~~research aide~~ training programs. When training programs are scheduled, institutions shall be notified of the upcoming training, and requested to identify inmates in need of training. The library services administrator shall review the requests and verify that the inmates satisfy the minimum qualifications established in paragraph (7)(d) section (6)(e); only inmates who meet the minimum qualifications shall be accepted for training. No inmate shall attend the law clerk ~~research aide~~ training program unless his or her participation has been approved by the library services administrator. Central The office of library services shall arrange for the temporary transfer of the approved inmate participants to the institution where the seminar is to be conducted.

(g) Inmates, who have prior educational or work experience in the law, or who possess current knowledge of the law, knowledge of legal research materials and how to use them, may be certified by the office of library services without having to attend a law clerk training seminar. Admissible educational achievements or work experiences include:

1. Receipt of an associate or bachelor's degree in paralegal research or pre-law;
2. Receipt of a juris doctorate degree;
3. One or more years of verifiable work experience as a paralegal working under the direct supervision of an attorney; or
4. Successful completion a written examination developed by the office of library services that verifies that an inmate possesses current knowledge of the law, knowledge of legal research materials and how to use them, and can communicate effectively in writing.

~~(h)(f)~~ No change.

~~(i)(g)~~ The ~~L~~aw ~~L~~ibrary ~~S~~upervisor shall immediately remove an inmate law clerk research aide from his or her work assignment in the law library upon demonstration that the inmate law clerk research aide is incompetent. Central ~~O~~ffice ~~L~~ibrary ~~S~~ervices shall also have the authority to order the removal of an inmate law clerk research aide from his or her work assignment in the law library for incompetence. ~~For purposes of this rule, incompetence is defined as a demonstrated inability to research and use the law library collection, to provide inmates with accurate information on the law and civil or criminal procedure, or to assist inmates in the preparation of legal documents or legal mail.~~

~~(j)(h)~~ Prohibited ~~C~~onduct: inmate law clerks Research Aides. Violation of any of the provisions of this section shall result in the immediate removal of the inmate law clerk research aide from his or her work assignment in the law library, and disciplinary action pursuant to rules 33-601.301-601.314, F.A.C. The library services administrator will be informed whenever an institution removes an inmate law clerk research aide from the law library for any of the following reasons.

1. Inmate law clerks Research aides shall not act as legal representatives or in any way appear to be engaged in the unauthorized practice of law, to include participation in judicial and administrative hearings or telephonic hearings conducted for other inmates;

2. Inmate law clerks Research aides shall not sign or include their names, work assignment title, or a reference to certification as an inmate law clerk research aide or trained paralegal in any legal document, legal mail, privileged mail, routine mail, or grievance prepared on behalf of an inmate;

3. Inmate law clerks Research aides shall not include their work assignment title or a reference to certification as an inmate law clerk research aide or trained paralegal in the return address of their outgoing correspondence, or in legal documents, legal mail, privileged mail, routine mail and grievances;

4. Inmate law clerks Research aides shall not use department or institution letterhead stationary or memoranda to prepare personal letters or legal documents;

5. Inmate law clerks Research aides shall not charge nor shall they receive payment of any kind for providing legal assistance to inmates;

6. Inmate law clerks Research aides shall not disclose information about an inmate's legal work to other inmates;

7. Inmate law clerks Research aides shall not conduct legal research or prepare legal documents for staff;

8. Inmate law clerks shall not use department-owned typewriters, word processors, personal computers, or like equipment to prepare legal documents and legal mail; and

9. Inmate law clerks shall not display an unwillingness to work and cooperate with others or refuse or fail to perform the general duties of that work assignment. Such conduct shall be defined as a failure to follow departmental rules and procedures relating to law library program operations, or violation of the rules of prohibited conduct, Rule 33-601.314, F.A.C., while in the law library or performing work-related tasks.

~~(k)(i)~~ Upon receipt of notice that an inmate law clerk research aide has been found guilty of a disciplinary infraction concerning violation of any of the provisions of paragraph (7)(j) section (h), the library services administrator will review the matter to determine whether the inmate's law clerk research aide certificate should be revoked. The determination as to whether the inmate's certificate shall be revoked shall be based on a consideration of the following factors: the findings of the disciplinary report; discussions with institution staff about the infraction; a record of prior counseling or disciplinary action for violation of the provisions of paragraph (7)(j) section (h); a record of multiple violations of the provisions of paragraph (7)(j) section (h); and a determination that the violations of paragraph (7)(j) section (h) were intentional rather than inadvertent. If the library services administrator determines that revocation is warranted, the inmate's law clerk training certificate shall be revoked and his or her certificate entry will be deleted from the offender database.

~~(l)(j)~~ No action shall be taken against an inmate law clerk research aide for assisting, preparing, or submitting legal documents to the courts or administrative bodies, to include complaints against the department or staff. Good faith use or good faith participation in the administrative or judicial process shall not result in formal or informal reprisal against the inmate law clerk research aide.

~~(m)(k)~~ An inmate law clerk research aide who wishes to correspond in writing with inmate law clerks research aides at other institutions regarding legal matters shall be required to obtain prior approval from the warden at his or her institution. The approved correspondence shall be mailed through institution mail from ~~one~~ law library supervisor to ~~another~~ law library supervisor.

~~(n)(l)~~ Inmate law clerks Research aides shall give all work files to inmates who are being transferred or released. If the inmate law clerk research aide is unable to give the inmate the file prior to transfer, he or she shall give it to the law library supervisor. As soon as the inmate's destination is known, the law library supervisor shall forward the file to the law library supervisor or other designated employee at the inmate's new location for forwarding to the inmate. Work files for inmates who have escaped, died, or been released shall be handled in accordance with subsection 33-602.201(10), F.A.C. If the inmate has been released from the custody of the Department

of Corrections, then the law library supervisor shall give the file to the institution's inmate property officer for return to the released inmate.

~~(o)(m)~~ The law library supervisor at the institution from which an inmate is transferred may authorize an inmate law clerk research aide at that institution to continue assistance to the transferred inmate on a pending matter if the inmate's new institution or facility does not have a major or minor collection law library and the inmate requests continued assistance in writing.

~~(p)(n)~~ Central The office of library services shall suspend the law clerk research aide certificate of an inmate when ~~2 two~~ years have passed since he or she worked in a law library as an inmate law clerk research aide. Whenever a law clerk research aide certificate is suspended, central the office of library services shall remove the certificate entry from the offender database. Provided that no more than ~~5 five~~ years have passed since an inmate has worked as an inmate law clerk research aide, a law library supervisor may request that an inmate's suspended law clerk research aide certificate be reinstated. In such cases, central the office of library services shall require that the inmate demonstrate, through successful completion of a written examination, that he or she still possesses current knowledge of the law, knowledge of legal research materials and how to use them, and can communicate effectively in writing. If the inmate demonstrates to central the office of library services that he or she still has the requisite knowledge and skills to work as an inmate law clerk research aide, the suspension shall be lifted and the law clerk research aide certificate shall be re-entered in the offender database.

~~(o)~~ The office of library services shall revoke the research aide certificate of an inmate who demonstrates that he or she is incompetent, or when five or more years have passed since he or she has worked in a law library as a research aide. Whenever a research aide certificate is revoked, the office of library services shall remove the certificate entry from the offender database. Such action is not deemed to be judgmental or prejudicial. However, the inmate shall be required to attend and successfully complete the research aide training program to be re-certified as a research aide.

(q) Inmate law clerks must secure prior, written approval from the law library supervisor, on Form DC5-153, Personal Legal Papers Authorization, to retain their own or another inmate's personal legal papers in the law library. Form DC5-153 is incorporated by reference in subsection (11) of this rule. At a minimum, the following information shall be documented on Form DC5-153: the committed name and DC number of the inmate who owns the papers; a list of all documents and papers to be retained in the law library and the number of pages for each; and, the committed name and dc number of the inmate law clerk who is assisting the inmate. The inmate shall then sign and date the form and submit it to the law library supervisor for approval. If the law library

supervisor approves the request, he or she shall sign the form and enter the date when the personal legal papers must be removed from the law library. Inmates who do not remove their personal legal papers from the law library by that date shall be subject to formal disciplinary action as provided in Rules 33-602.301-.314, F.A.C.

1. Only those personal legal papers that are specifically needed for research, or to prepare the necessary legal documents or mail, shall be stored in the law library. The personal legal papers may be retained in the law library for only as long as it takes to prepare the needed legal documents or legal mail or for 20 calendar days, whichever is shorter.

2. Inmates' personal legal papers shall be secured in a locked file cabinet in the law library when the inmate law clerk is not present or using them. Inmate law clerks shall not take another inmate's personal legal papers out of the law library unless approved in writing by the law library supervisor. Approval shall be limited to instances where the inmate law clerk is visiting the inmate in confinement or other special housing units and needs access to the papers during the visit to provide the needed legal assistance. Inmate law clerks who otherwise take another inmate's personal legal papers out of the law library shall be subject to formal disciplinary action as provided in Rules 33-601.301-.314, F.A.C.

(r) Inmate law clerks normally shall not be permitted to conduct legal research or prepare legal documents and legal mail on personal legal matters during work hours. However, law library supervisors are authorized to make exceptions when:

1. The inmate law clerk has a legal deadline imposed by law, court rule, or court order to prepare legal documents in legal proceedings challenging convictions, sentences or prison conditions, and qualifies for priority access as provided in paragraph (3)(f); or

2. The inmate law clerk's work schedule does not afford him or her any off-duty time during which to use the law library.

~~(8)(7)~~ Circulation and control of legal materials.

(a) No change.

(b) The law library's shelves shall be closed to direct access by inmates not assigned as library clerks, law clerk trainees, or inmate law clerks research aides. Inmates needing access to legal materials shall direct a request to a library clerk, law clerk trainee, or inmate law clerk research aide who shall then retrieve the material and issue it to him or her. Inmates shall sign for all legal research materials issued to them for use in the law library or library. At a minimum, inmates shall be permitted to sign out at least 1 case reporter and 1 other volume at a ~~any one~~ time.

(c) No change.

~~(9)(8)~~ Grievance and Court Forms.

(a) Major and minor collection law libraries shall provide inmates access to Form DC6-236, Inmate Request, and Form DC1-303, Request for Administrative Remedy or Appeal. Form DC1-303 is incorporated by reference in Rule 33-103.019, F.A.C. Inmates shall not be required to submit a Form DC6-236, Inmate Request, in order to secure grievance forms. Inmates who request more than 5 grievance forms at a time may be required to explain how the forms will be used.

(b) Major and minor collection law libraries shall provide inmates access to court-approved forms needed to ~~file~~ prepare Rule 3.800 and Rule 3.850, Florida Rules of Criminal Procedure, post-conviction relief petitions with the Florida courts. Federal habeas corpus, affidavits of insolvency, and civil rights complaint forms shall only be supplied if copies of the forms are provided to the law library by the federal courts. In all instances, law libraries are obligated to provide only ~~1~~ one copy of the form. If additional copies are required for submission to the courts, the inmate shall secure them using the procedures established in Rule 33-501.302, F.A.C.

~~(10)(9)~~ All institutions having major and minor law libraries shall prepare a monthly law library report detailing at a minimum the days and hours that the law library was open to inmate use, the circulation of law library materials, the volume of legal services provided to inmates, the number of inmate law clerks ~~research aides~~ on staff, and legal materials added to the law library collection during the month. This report shall be submitted to the library services administrator by the tenth day of each calendar month for the previous month's activities. The library services administrator shall be responsible for developing the report and ~~for disseminating it~~ instructions to law libraries ~~all institutions for accurately completing the report.~~

(11) Forms. The following forms relevant to this section are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) Form DC5-152, Law Library Interlibrary Loan Request, effective _____.

(b) Form DC5-153, Personal Legal Papers Authorization, effective _____.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History--New 4-6-93, Amended 7-3-94, 11-2-94, 4-28-96, 9-30-96, 12-7-97, Formerly 33-3.0055, Amended 2-15-01, 11-5-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Allen Overstreet

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLE: Community Release Programs
RULE NO.: 33-601.602

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify restitution requirements for inmates working at paid employment and to revise provisions related to transportation of inmates in community release programs.

SUMMARY: The proposed rule clarifies that restitution will be provided for damage or loss caused by current or prior offenses, and limits community release inmate methods of transportation in accordance with SB 278.

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: 945.091 FS.

LAW IMPLEMENTED: 945.091 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: 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 RULE IS:

33-601.602 Community Release Programs.

(1) through (8) No change.

(9) Transportation.

(a) Transportation for inmates engaged in community release programs will be secured by the following means depending upon safety concerns and which method or combination of methods is most feasible in the given situation:

1. Employer furnished transportation;

2. Public conveyance;

3. Employee car pools;

4. Bicycling;

5.4. Walking Transportation furnished by the facility; or

6.5. Sponsor furnished transportation.

(b) Transportation by motorized enclosed ~~department~~ vehicle shall be mandatory after dark unless an exception is granted. For the purpose of this rule, "after dark" is defined as 30 minutes after sunset and extends until 30 minutes before sunrise. Exceptions to this requirement shall be granted on a case by case basis following review and approval by the warden over the work release center who shall assess whether the rehabilitative benefit to the inmate outweighs the risks to public safety. In making this assessment, the following factors shall be taken into account:

1. If a patient, or a person who is legally responsible for the patient and acting on the patient's behalf, after being informed of the hospital's obligation under Chapter 395, F.S., and of the risk of transfer, requests that the transfer be effected; or

2. If a physician has signed a certification that, based upon the reasonable risks and benefits to the patient, and based upon the information available at the time of transfer, the medical benefits reasonably expected from the provision of appropriate medical treatment at another hospital outweigh the increased risks to the individual's medical condition from effecting the transfer; or

3. If a physician is not physically present in the emergency services area at the time an individual is transferred, a qualified medical person may sign a certification that a physician with staff privileges at the transferring hospital, in consultation with such personnel, has determined that the medical benefits reasonably expected from the provision of appropriate medical treatment at another medical facility outweigh the increased risks to the individual's medical condition from effecting the transfer. The certification shall summarize the basis for such determination. The consulting physician must sign the certification within 72 hours of the transfer.

(c) A provision providing that all medically necessary transfers shall be made to the geographically closest hospital with the service capability, unless another prior arrangement is in place or the geographically closest hospital is at service capacity as stated in subsection 395.1041(3)(e), F.S.

(d) Protocols for maintaining records of patient transfers made or received for a period of five years. Patient transfer information shall be incorporated separately in transfer logs and into the patient's permanent medical record as stated in subsection 395.1041(4)(a)1., F.S.

(e) Documentation of all current transfer arrangements that have been made with other hospitals and physicians.

(f) A copy of Section 395.1041, F.S., Access to Emergency Services and Care, and a copy of these rules.

(g) Provisions for informing hospital emergency services personnel and medical staff of the hospital's emergency service policies and procedures, having at a minimum, the requirement to provide emergency services and care pursuant to Section 395.1041, F.S.

(3) OFF-SITE EMERGENCY DEPARTMENTS. A hospital operating an emergency department located other than on the hospital campus shall meet all of the criteria in this section and Chapter 395.1041, Florida Statutes, required of that hospital's on-site emergency department. This criteria includes, but is not limited to:

(a) Inspection by the agency's Office of Plans and Construction prior to occupancy;

(b) Meeting all state and federal emergency access requirements including transfer to the nearest hospital with capability to treat the patient;

(c) Accreditation, consistent with the hospital's accreditation;

(d) The provision of emergency services equal to the services provided at the hospital's on-site emergency department, 24 hours per day, 7 days per week. Actual services may be provided at the off-site emergency department or via transport to the on-site emergency department or hospital. Transportation from the off-site emergency department to hospital's main campus must be provided by the hospital and not rely on the local community EMS system. All services provided by on-call physicians must be available to patients that present at the off-site emergency department as well as the hospital's on-site emergency department.

(e) Outdoor signage must clearly identify the off-site emergency department as an emergency department of the hospital.

(4)(3) INVENTORY REPORTING.

(a) Pursuant to Section 395.1041, F.S., the agency is responsible for compiling an inventory of hospitals with emergency services. This inventory shall list all services within the service capability of the hospital. ~~A copy of this inventory may be obtained by contacting the Agency for Health Care Administration, Division of Health Quality assurance, Ft. Knox Office Building, 2727 Mahan Drive, Tallahassee, Florida. The per page duplication cost will be computed in accordance with Chapter 119, F.S.~~

(b) Every hospital offering emergency services and care shall report to the agency using AHCA Form 3130-8008, December 2002, for inclusion in the emergency services inventory those services ~~that which~~ are within the service capability of the hospital. The following services, when performed on an infrequent and short time limited basis, are not considered to be within the service capability of the hospital:

1. Services performed for investigative purposes under the auspices of a federally approved institutional review board; or
2. Services performed for educational purposes; or
3. Emergencies performed by physicians who are not on the active medical staff of the reporting hospital.

(c) Any addition of service shall be reported to the agency prior to the initiation of the service. The agency will act accordingly to include the service in the next publication of the inventory and to add the service on the face of the hospital license.

(d) If the agency has reason to believe that a hospital offers a service and the service was not reported on the inventory, the agency will notify the hospital and provide the hospital with an opportunity to respond.

1. The agency shall arrange for an on-site visit prior to the agency's determination of capability, with advance notice of the on-site visit.

2. If, after investigation, the agency determines that a service is offered by the hospital as evidenced by the patient medical records or itemized bills, the agency shall amend the inventory and the face of the hospital license.

(e) As services are added or changed, and at the time of the license renewal, each hospital is responsible for updating the inventory of emergency services using the AHCA Form 3130-8008, December 2002. A renewal license will not be issued if the hospital fails to submit a current emergency service inventory with the renewal application.

(f) A copy of the emergency services inventory may be obtained by interested parties by contacting the Agency for Health Care Administration, Hospital & Outpatient Services Unit, Mail Stop #31, 2727 Mahan Drive, Tallahassee, Florida 32308. The per page duplication, mailing and staff costs will be computed in accordance with Chapter 119, F.S.

~~(5)~~(4) EXEMPTIONS.

(a) Every hospital providing emergency services shall ensure the provision of services within the service capability of the hospital, 24 hours per day, 7 days per week either directly or indirectly through:

1. An agreement with another hospital made prior to receipt of a patient in need of the service; or
2. An agreement with one or more physicians made prior to receipt of a patient in need of the service; or
3. Any other arrangement made prior to receipt of a patient in need of the service.

(b) ~~A~~ If a hospital ~~that~~ has determined that it is unable to provide a service on a 24 hour per day, 7 day per week basis, either directly or indirectly through arrangement with another hospital or physician(s), ~~the hospital~~ must file ~~an request for service exemption application~~ with the agency ~~to request a service exemption~~. The application must identify the service for which the hospital is requesting an exemption. This information shall be submitted to the agency on AHCA Form 3000-1, August 2003, effective July 1993, ~~that which~~ is incorporated by reference and available from the Agency for Health Care Administration, Hospital and Outpatient Services Unit, Division of Health Quality Assurance Mail Stop #31, Ft. Knox Office Building, 2727 Mahan Drive, Tallahassee, Florida 32308. ~~The agency will make a determination of exemption status pursuant to the procedures in paragraph (5) of this rule and notify the hospital of the determination within 45 days of receipt of the request.~~

(c) Upon receipt of a hospital exemption request, the agency must act to approve or deny the exemption request within 45 days, during which time deemed exemption status does not exist. If the agency fails to notify the hospital of the status of the exemption request within the 45-day time frame, the hospital is deemed to be exempt from offering the service until such time that the agency acts to deny the request.

(d) When a hospital has been providing 24 hour per day, 7 day per week coverage either directly or indirectly through an agreement with another hospital or physician(s) for a specialty service as evidenced by the inventory and hospital license, and the circumstances significantly change such that the hospital can no longer provide the service on a 24 hour per day, 7 day per week basis, the hospital must apply for an exemption from the agency. ~~The agency will make a determination of exemption status pursuant to paragraph (5) of this rule and notify the hospital of the determination within 45 days of receipt of the request.~~

(e) When a hospital has been granted an exemption from providing a specialty service 24 hours per day, 7 days per week, either directly or indirectly through an agreement with another hospital or physician(s), and the agency has information to indicate that the circumstances forwarded by the hospital, and accepted by the agency, as the basis for the granting of the exemption have changed, the agency will notify the hospital of this information and shall provide the hospital with an opportunity to respond. If the change in circumstances is confirmed and the hospital failed to report the change, the agency will amend the inventory accordingly and add the service capability to the face of the hospital license accordingly. Revocation of exemption status shall be effective upon the expiration of 21 days following the hospital's receipt of the agency decision or the entry of a final order if appealed.

(f) Each hospital shall immediately report any change in the conditions ~~that which~~ led to the granting of an exemption.

(g) If approved by the agency, an exemption request, AHCA Form 3000-1, August 2003, must be completed and resubmitted to the agency biennially with each license renewal or with any change of ownership application. Each resubmission must fully justify the continuation of the exemption to include but not be limited to:

1. Detailed description of all efforts that have been made to obtain the necessary coverage;

2. List of current credentialed providers providing the exempt services on staff of the hospital;

3. Number of times the service has been performed in the emergency room during the time period the exemption has been in effect;

4. The number of patients who received the service on an inpatient basis in the hospital during the time period the exemption has been in effect;

5. The number of emergency transfers for that particular service that have been made to other facilities during the time period the exemption has been in effect for the requested exempt service;

6. Failure to provide an exemption request renewal will result in the emergency service being required of the hospital.

~~(6)~~(5) AGENCY REVIEW PROCESS. The review process for exemption requests shall be as follows:

(a) Upon receipt of a completed exemption request application, the agency shall schedule an on-site visit at the hospital when deemed necessary to verify the facts as set forth in the application. The hospital will be notified of the date of the visit in advance. The agency shall have access to all records necessary for the confirmation and substantiation of the information submitted in the application and to any other records deemed necessary by the agency to make a determination.

(b) Upon receipt of an application, the agency shall publish, in the next available Florida Administrative Weekly, notice of receipt of the application, identifying the applicant and the service(s) for which exemption is requested. Comments submitted within 15 days of the date of publication will be considered by the agency prior to making a determination of exemption status.

(c) Within 45 days of receipt of application, the agency shall determine if the hospital has demonstrated that it meets the requirements for service exemption set forth in Section 395.1041, F.S. The agency shall notify the applicant in writing of its decision, and shall provide the applicant with specific reasons in the event that the request is denied.

(d) If the agency fails to notify the hospital of the status of the exemption request within the required 45 day time frame, pursuant to Section 395.1041(3)(d)4., F.S., the hospital is deemed to be exempt from offering the service until such time that the agency acts to deny the request.

~~(7)(6)~~ EMERGENCY SERVICE DELIVERY REQUIREMENTS.

(a) Every hospital offering emergency services and care shall provide emergency care ~~available~~ 24 hours a day within the hospital to patients presenting to the hospital. At a minimum:

1. Emergency services personnel shall be available to ensure that emergency services and care are provided in accordance with Section 395.002(9), F.S.

2. At least one physician shall be available within 30 minutes through a medical staff call roster; initial consultation through two-way voice communication is acceptable for physician presence.

3. Specialty consultation shall be available by request of the attending physician or by transfer to a designated hospital where definitive care can be provided. the transfer manual and maintaining it.

(b) When a patient is transferred from one hospital to another, all pertinent medical information shall accompany the patient being transferred.

(c) Every hospital offering emergency services and care shall maintain a transfer manual, ~~that which~~ shall include in addition to the requirements in paragraph (2) of this Section:

1. Decision protocols for when to transfer a patient;

2. A list of receiving hospitals with special care capabilities, including the telephone number of a contact person;

3. A list of all “on-call” critical care physicians available to the hospital, including their telephone numbers; and

4. Protocols for receiving a call from a transferring hospital, including:

a. Requirements for specific information regarding the patient’s problem;

b. Estimated time of patient arrival;

c. Specific medical requirements;

d. A request to transfer the patient’s medical record with the patient; and

e. The name of the transporting service.

(d) Both transferring and receiving hospitals shall assign a specific person on each shift who shall have responsibility for being knowledgeable of the transfer manual and maintaining it.

(e) Each hospital offering emergency services and care shall maintain written policies and procedures specifying the scope and conduct of emergency services to be rendered to patients. Such policies and procedures must be approved by the organized medical staff, reviewed at least annually, revised as necessary, dated to indicate the time of last review, and enforced. Such policies shall include requirements for the following:

1. ~~Direction of the emergency department by a~~ A designated physician who is a member of the organized medical staff directing the emergency department;

2. A defined method of providing for a physician on call at all times.

3. ~~Supervision of the care provided by all nursing service personnel with the emergency department by~~ A designated registered nurse who is qualified by relevant training and experience in emergency care to supervise the care provided by all nursing service personnel within the emergency department;

4. A written description of the duties and responsibilities of all other health personnel providing care within the emergency department.

5. ~~A planned formal training program on emergency access laws, and~~ Participation by all health care personnel working in the emergency department through a planned formal training program on emergency access laws;

6. A control register ~~adequately~~ identifying all persons seeking emergency care ~~to be established, and that a medical record to be maintained and on every patient seeking emergency care that is~~ incorporated into the patient’s permanent medical record along with a copy of the patient care record as defined in subsection 64E-2.001(15), F.A.C., and that Florida EMS Report, HRS 1894, as required by Rule 10D-66.060 be included in the medical record, if the patient

was delivered by ambulance. The control register must be continuously maintained and shall include at least the following for every individual seeking care:

- b. Date, time and means of arrival;
- a. Identification to include patient name, age and sex;
- c. Nature of complaint;
- d. Disposition; and
- e. Time of departure.

(f) Every hospital offering emergency services and care shall have a method for assuring that a review of emergency patient care is performed and documented at least monthly, using the medical record and pre-established criteria.

(g) Every hospital offering emergency services and care shall insure the following:

1. That clinical laboratory services with the capability of performing all routine studies and standard analyses of blood, urine, and other body fluids are readily available at all times to the emergency department.

2. That an adequate supply of blood is available at all times, either in-hospital or from an outside source approved by the organized medical staff, and that blood typing and cross-matching capability and blood storage facilities are readily available to the emergency department.

3. That diagnostic radiology services within the service capability of the hospital are readily available at all times to the emergency department.

4. That the following are available for immediate use to the emergency department at all times:

- a. Oxygen and means of administration;
- b. Mechanical ventilatory assistance equipment, including airways, manual breathing bag, and ventilator;
- c. Cardiac defibrillator with synchronization capability;
- d. Respiratory and cardiac monitoring equipment;
- e. Thoracenteses and closed thoracostomy sets;
- f. Tracheostomy or cricothyrotomy set;
- g. Tourniquets;
- h. Vascular cutdown sets;
- i. Laryngoscopes and endotracheal tubes;
- j. Urinary catheters with closed volume urinary systems;
- k. Pleural and pericardial drainage set;
- l. Minor surgical instruments;
- m. Splinting devices;
- n. Emergency obstetrical pack;
- o. Standard drugs as determined by the facility, common poison antidotes, syringes and needles, parenteral fluids and infusion sets, and surgical supplies;
- p. Refrigerated storage for biologicals and other supplies requiring refrigeration, within the emergency department; and
- q. Stable examination tables.

~~(8)(7)~~ COMMUNICATIONS Each hospital offering emergency services and care shall have the capability to communicate via two-way radio with licensed EMS providers and their primary communications centers. The two-way radio communications system must meet the following provisions:

(a) Conform to the State EMS Communications Plan applicable to emergency room or department communications; and

(b) Any new communications system or an expansion of an existing communication system shall be approved by the EMS Communications, State Technology Office ~~Department of Management Services, Division of~~, prior to purchasing.

Specific Authority 395.1031, 395.1041, 395.1055, 401.024 FS. Law Implemented 395.1031, 395.1041, 395.1055 FS. History—New 9-4-95, Formerly 59A-3.207, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill McCort, Bureau of Health Facility Regulation, Division of Health Quality Assurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, MD, FAAFP, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 11, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: Fees
 RULE NO.: 61-20.504

PURPOSE AND EFFECT: The Council proposed a rule amendment intended to address the increase in the fingerprint processing fee.

SUMMARY: In response to a legislative increase, the Council seeks to increase the fingerprint processing fee.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 468.4315, 943.053 FS.

LAW IMPLEMENTED: 455.2171, 455.219(3),(6), 455.2281, 455.271, 468.4315(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON OCTOBER 10, 2003 IN TALLAHASSEE, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Malone, Executive Director, Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61-20.504 Fees.

The following fees are adopted by the Council:

- (1) No change
- (2) Fingerprint processing fee ~~\$47.00~~ ~~\$39.00~~
- (3) through (16) No change

Specific Authority 468.4315, 943.053 FS. Law Implemented 455.2171, 455.219(3),(6), 455.2281, 455.271, 468.4315(2), 468.433, 468.435, ~~943.053~~ FS. History--New 5-4-97, Amended 5-10-98, 9-9-98, 2-11-99, 3-13-00, 11-2-00, 1-3-01, 7-15-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Regulatory Council of Community Association Managers
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULES NOS.:
General Provisions; Forms and Fees	61B-60.002
Application for and Renewal of Broker or Salesperson License	61B-60.003

PURPOSE AND EFFECT: To amend the fee required for national fingerprint processing to align it with changes made during the 2003 Legislative Session.

SUMMARY: Increases the fee required for the processing of fingerprints.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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: 215.405, 326.003, 326.004 FS.

LAW IMPLEMENTED: 326.004 FS.

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

TIME AND DATE: 9:00 a.m., September 29, 2003

PLACE: Warren Building Meeting Room, #B03, 201 W. Bloxham Street, Tallahassee, Florida

Those persons who cannot attend in person may submit their comments in writing to: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-60.002 General Provisions; Forms and Fees.

(1) through (3) No change.

(4) Fees shall be \$500 for application relating to an initial license and \$500 for biennial renewal of a license. The fee for national fingerprint processing shall be ~~\$51~~ ~~\$43~~ and shall apply to the initial application process. The fee for each broker's branch office license and renewal thereof shall be \$100, based upon an effective period of 2 years. The fee for reinstating a license that has been suspended due to termination of the surety, surrendered due to a termination of business at a licensed office address, or cancelled due to a change in affiliation shall be \$100.

(5) through (6) No change.

Specific Authority 215.405, 326.003, 326.004 FS. Law Implemented 326.004 FS. History--New 2-13-90, Amended 11-25-90, 10-11-90, 10-11-92, Formerly 7D-60.002, Amended 3-13-02, 5-15-03, _____.

61B-60.003 Application for and Renewal of Broker or Salesperson License.

(1) Application for License.

(a) All persons desiring to obtain a license to act as a broker or salesperson, shall apply for licensure by filing with the division a completed application on DBPR Form YS 6000-1, APPLICATION FOR A YACHT AND SHIP EMPLOYING BROKER, BROKER OR SALESPERSON LICENSE, incorporated herein by reference and effective ~~_____ 3-13-02~~, a copy of which may be obtained at the address referenced in subsection 61B-60.002(1), F.A.C., accompanied by the \$500 application fee, the ~~\$51~~ ~~\$43~~ fingerprint processing fee, a complete set of fingerprints which

comply with the form provided in the application materials, and by the bond or irrevocable letter of credit as provided by Rule 61B-60.004, F.A.C.

(b) No application for licensure shall be deemed acceptable for purposes of filing unless all of the aforementioned components are tendered therewith. Furthermore, no application for licensure shall be deemed acceptable unless funds are available upon deposit for any negotiable instrument tendered to the division in order to satisfy the respective application and fingerprint processing fee requirements.

(c) Except as to time frames relating to review for form provisions as described within subsection 61B-60.003(2), F.A.C., no operative time-frame within which the division would otherwise be required to act shall be commenced until an acceptable filing has been received by the division.

(2) through (9) No change.

Specific Authority 215.405, 326.003 FS. Law Implemented 326.004, 326.006 FS. History--New 2-13-90, Amended 11-25-90, 10-11-90, Formerly 7D-60.003, Amended 2-13-97, 3-13-02, 5-15-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Badger, Yacht and Ship Section Supervisor, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE TITLES:	RULE NOS.:
Barber License	61G3-16.001
Examination for Barber Licensure	61G3-16.0010
Restricted Barber License	61G3-16.006
Examination for Restricted Licensure	61G3-16.007

PURPOSE AND EFFECT: The proposed rule amendments are intended to address the training qualifications for barber licensure, the examination requirements for barber licensure, training qualifications for restricted barber license, and the examination requirements for restricted barber license.

SUMMARY: The proposed rule amendments set forth criteria for training and examination requirements for barber licensure and restricted barber license.

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: 217, 455, 455.217(1)(b),(c), 476.064(4), 476.114(2), 476.134, 476.144(6) FS., Chapter 98-323, Laws of Florida.

LAW IMPLEMENTED: 217, 455, 455.217(1)(b),(c), 476.114(2), 476.134, 476.144(6) FS., Chapter 98-323, Laws of Florida.

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: Julie Malone, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G3-16.001 Barber License.

(1) through (2) No change.

(3) All barber courses which are taught for the purpose of qualifying an individual for a license to practice barbering shall consist of a minimum of 1200 barber hours of training and instruction in the subjects set forth in subsection (3)(b), ~~and the completion of the minimum number of barber services within those hours set forth in subsection (3)(c).~~

(a) If an applicant for licensure by examination meets all required qualifications except the required minimum hours of training, he or she may ~~shall~~ be entitled to take the licensure examination upon completion of ~~to practice barbering if the applicant has received a minimum of 1,000 hours of training and has been certified by the school or program in which he or she is currently enrolled to have achieved the minimum competency standards of performance as prescribed below in subsection (3)(b) and (e), for the hours completed.~~ If the applicant fails to achieve a passing grade on either or both portions of the licensure examination, he or she shall be entitled to re-examination only upon completion of the full requirements of 1200 hours of training and instruction provided for in Section 476.114(2)(c)2., F.S.

~~(b) All barber courses which are taught for the purpose of qualifying an individual for a license to practice barbering shall provide training and instruction in the following subjects and areas:~~

- ~~1. Florida Law;~~
- ~~2. Sanitation and Sterilization;~~
- ~~3. Hair Cutting;~~
- ~~4. Hair Styling;~~
- ~~5. Shampooing;~~
- ~~6. Hair Structure and Chemistry;~~
- ~~7. Shaving, Mustache and Beard Trim;~~

- 8. Permanent Waving;
- 9. Hair Pieces;
- 10. Coloring and Bleaching;
- 11. Hair Relaxing;
- 12. Scalp Treatment;
- 13. Facials.

(b)(e) A school of barbering shall certify on a student's examination application that said individual student has completed 650 hours of training in barbering skills, services and correlating trade techniques along with 550 hours of classroom instruction and lab studies. All barbering courses which are taught for the purpose of qualifying an individual for a license to practice barbering shall be as specified below performed the minimum number of services specified below:

- 1. Florida Laws and Rules 300 Hair Cuts;
- 2. Safety, Sanitation and Sterilization 50 Shampoos;
- 3. Hair Structure and Chemistry 25 Shaves or Mustache and Beard Trims;
- 4. Hair Cutting 50 Permanent Waves;
 - a. Taper Cuts
 - I. Freehand
 - II. Shear over comb
 - III. Clipper over comb
 - b. Style Cuts (to include blow drying)
- 5. Shampooing 25 Colorings or Bleachings;
- 6. Chemical Services as follows: 10 Hair Relaxings;
 - a. Permanent Waving
 - b. Coloring and Bleaching
 - c. Hair Relaxing and Curling
- 7. Shaving, Beard and Mustache Trimming 30 Scalp Treatments;
- 8. 15 Facials;
- 9. 200 Hair Stylings.

Specific Authority 455.217(1)(b), 476.064(4), 476.114(2), 476.134 FS. Law Implemented 455.217(1)(b), 476.114(2), 476.134 FS. History—New 7-16-80, Amended 7-6-81, 8-31-82, 5-29-85, Formerly 21C-16.01, Amended 9-3-86, 5-30-88, 12-31-89, 1-26-93, 3-15-93, Formerly 21C-16.001, Amended 9-15-94, 11-12-00, _____.

61G3-16.0010 Examination for Barber Licensure.

- (1) No change.
- (2) The following subjects will be tested on the written examination consisting of seventy-five questions and will be weighted approximately as designated:

Category	Weight
(a) <u>Florida Laws and Rules Ethics and Hygiene</u>	<u>25%</u> 8%
(b) <u>Safety, Sanitation, and Sterilization State Barber Laws and Rules</u>	<u>30%</u> 7%
(c) <u>Hair Structure and Chemistry Skin and Scalp (composition, diseases, function, care)</u>	<u>10%</u> 7%

- (d) Hair Cutting and Hair Styling Hair (structure, protein, characteristics, types, services, hairpieces 10% 16%)
- (e) Shampooing Cosmetics Chemistry (emulsions, pH, types) 5% 11%)
- (f) Chemical Procedures (Permanent Waving, Coloring and Bleaching, Hair Relaxing and Curling) Scalp and Facial Treatments (including light therapy) 15% 11%)
- (g) Shaving, Beard and Mustache Trimming Haircoloring and Lightening 5% 12%)
- (h) Permanent Waving, Hair Relaxing, and Soft Curl Permanents 20%)
- (i) Shaving, Mustache and Beard Trim 4%)
- (j) Implements, Tools and Equipment (including use characteristics) 4%)

(3) The practical portion of the examination for licensure shall test the applicant's ability to perform the barbering services authorized by a license to practice barbering. The practical examination shall have a maximum time limit of 1 1/4 hours. The examination shall have a maximum time limit of 1 3/4 hours. All applicants will provide their own model for the practical exam and will be required to shampoo the model's hair, perform a taper haircut, and perform a permanent wave to satisfy the practical portion of the examination. The areas to be tested and the relative weights are as follows:

Grading Area	Relative Weight
(a) Haircut	45
(b) Permanent Wave	8
(b)(e) Shampoo	5
(c)(d) Safety and Sanitation <u>The Bureau of Education and Testing shall be responsible for assigning point value for grading criteria. Any changes to criteria should be brought to the Board for approval prior to implementation</u>	<u>50</u> 42

(4) The grade sheet for the practical examination will contain spaces for comments by the grading examiner. The areas of comment shall be drawn from the following criteria:

- (a) No change.
- (b) Permanent Wave:
 - 1. The blocking of the permanent wave is clean, uniform, and matches rod diameter and length;
 - 2. The bands are placed across the rods to provide the proper amount of tension;
 - 3. The rods are placed parallel to the subsection parting and are on base;
 - 4. The hair is spread evenly on the rods with the end papers extending beyond the hair ends.
- (b)(e) No change.
- (c)(d) Safety and Sanitation:
 - 1. through 8. No change.

- 9. The candidate washed his or her hands before beginning the permanent wave;
 - 10. The candidate used the proper draping for the permanent wave;
 - 11. The candidate used the proper cotton wrap protection for the permanent wave;
 - 12. The candidate applied protective cream for the permanent wave;
 - 13. The candidate kept his or her tools sanitized during the permanent wave;
 - 14. The candidate properly stored clean and dirty linen during the permanent wave.
- (5) through (6) No change.

Specific Authority 455.217(1)(b),(c), 476.064(4), 476.114(2), 476.134 FS. Law Implemented 455.217(1)(b),(c), 476.114(2), 476.134 FS. History—New 11-12-00, Amended 11-27-02, _____.

61G3-16.006 Restricted Barber License.

(1) Individuals who seek to be eligible to take the licensure examination for a restricted license to practice barbering by having completed a restricted barber course shall submit with their application satisfactory proof of their successful completion of such course at a school of barbering licensed pursuant to Chapter 246, Florida Statutes, a barbering program within the public school system, or a government-operated barbering program in the State of Florida. Satisfactory proof of successful completion of the restricted barber course shall consist of the school or program which administers the course certifying that the applicant has successfully completed the restricted barbers course; and, that the course complied with the minimum requirements as set forth below.

(a) All restricted barber courses which are taught for the purpose of qualifying an individual for a restricted license to practice barbering shall consist of a minimum of 1200 ~~1000~~ hours of training, and instruction in the subjects set forth below; and, the completion within those hours of the minimum number of barber services as set forth below. After an individual has completed a minimum of 1000 ~~900~~ hours of training and instruction, a school or program may certify that the individual has completed a stated number of hours in excess of 1000 ~~900~~ hours of training and instruction in the subjects set forth below in section (b), ~~has~~ The individual must achieved a minimum competency in all subjects; and ~~has~~ completed the total number of barber hours ~~services~~ as set forth below. Upon such certification by the school or program, the individual shall be eligible to take the licensure examination for a restricted license to practice barbering. However, if the individual fails to achieve a passing grade on either or both portions of the licensure examination, he shall not be eligible to retake either portion of the licensure examination until the individual shall have completed the full 1200 hours of training and instruction.

(b) All restricted barber courses which are taught for the purpose of qualifying an individual for a restricted license to practice barbering shall provide training and instruction in the following subjects and areas:

- 1. The laws and rules governing the practice of barbering in Florida.
- 2. Sanitation and sterilization.
- 3. Hair cutting, including taper hair cuts.
- 4. Hair styling.
- 5. Shampooing.
- 6. Hair, scalp, and skin and their disorders.
- 7. Full facial shaving.
- 8. Beard and mustache trimming.
- 9. Scalp treatments.
- 10. Facials.

(b)(e) A school of barbering shall certify on a student examination application that said student has 650 hours of training in restricted barbering skills, services and correlating trade techniques along with 550 hours of classroom instruction and lab studies. All restricted barber courses which are taught for the purpose of qualifying an individual for a restricted barber license to practice restricted barbering shall be as specified below ~~require that the individual must perform, at a minimum, the following numbers and types of barbering services in order to successfully complete the restricted barber course:~~

- 1. Florida Laws and Rules ~~Three hundred (300) haircuts, of which a minimum of fifty (50) shall be taper haircuts;~~
 - 2. Safety, Sanitation and Sterilization ~~One hundred (100) hair stylings, which shall include the shampooing, cutting, and styling of the hair to a finished appearance;~~
 - 3. Hair Structure and Chemistry ~~One hundred (100) shampoos;~~
 - 4. Hair Cutting ~~Twenty (20) full facial shaves;~~
 - a. Taper Cuts
 - I. Freehand
 - II. Shear over comb
 - III. Clipper over comb
 - b. Style Cuts (to include blow drying)
 - 5. Shampooing ~~Fifty (50) outline/neck shaves;~~
 - 6. Shaving, Beard and Mustache Trimming ~~Fifteen (15) mustache trims;~~
 - 7. Twenty (20) beard trims;
 - 8. Twenty (20) scalp treatments, and
 - 9. Ten (10) facials.
- (2) through (3) No change.

(4) All applicants who are found to be eligible to take the licensure examination for a restricted license to practice barbering shall be required to take and pass the examination for restricted licensure. Upon achieving a passing grade on all portions of the restricted licensure examination, and the

issuance of a restricted license to practice barbering by the Department, an individual shall be permitted to perform the following barber services for compensation subject to the same terms, conditions, and restrictions imposed on holders of an unrestricted license to practice barbering:

- (a) through (d) No change.
- ~~(e) Scalp treatments, and~~
- ~~(f) Facials.~~

Specific Authority 476.064(4), 476.144(6) FS., Chapter 98-323, Laws of Florida. Law Implemented 476.144(6) FS., Chapter 98-323, Laws of Florida. History—New 11-12-87, Formerly 21C-16.006, Amended 5-23-99.

61G3-16.007 Examination for Restricted Licensure.

(1) No change.

(2) The written portion of the examination for restricted licensure shall consist of 75 questions and will be weighted as designated ~~cover the laws and rules which govern the practice of barbering in Florida, and shall consist of questions on the following:~~

(a) Florida Laws and Rules 25% ~~The function of the Barbers' Board, how its members are appointed, and their duties;~~

(b) Safety, Sanitation and Sterilization 30% ~~The laws and rules of the Board that determine where and when an individual may legally practice barbering;~~

(c) Hair Structure and Chemistry 10% ~~The laws and rules of the Board that protect the health, safety, and welfare of the consumer;~~

(d) Hair Cutting and Styling 15% ~~The laws and rules of the Board which specify prohibited conduct, and the penalties for failure to follow the laws and rules;~~

(e) Shampooing 5% ~~The dates, fees, and requirements for renewal of a license to practice barbering.~~

(f) Shaving, Beard and Mustache Trimming 15%

(3) The practical portion of the examination for restricted licensure shall test the applicant's ability to perform the barbering services authorized by a restricted license to practice barbering. The practical examination for licensure shall have a maximum time limit of 1 1/4 ~~1 3/4~~ hours. All applicants will provide their own model for the practical exam and will be required to shampoo the model's hair, perform a taper haircut, ~~and perform a facial shave~~ to satisfy the practical portion of the examination. The areas to be tested and the relative weights are as follows:

GRADING AREA	RELATIVE WEIGHT
Haircut	45%
Shave	8
Shampoo	5%
Safety and Sanitation	50% 42

~~The Bureau of Education and Testing shall be responsible for assigning point value for grading criteria. Any changes to criteria should be brought to the Board for approval prior to implementation.~~ The grade sheet for the practical examination

will contain spaces for comments by the grading examiner. The areas for comment shall be drawn from the following grading criteria:

(a) No change.

~~(b) Shave:~~

~~1. The candidate used the proper beard softening procedures;~~

~~2. After the shave, the model had a clean shaven appearance;~~

~~3. After the shave, there were no apparent cuts in the model's skin;~~

~~4. After the shave, there were no signs of razor burn on the model's skin.~~

~~(b)(e)~~ No change.

~~(c)(d)~~ Safety and Sanitation:

1. through 8. No change.

~~9. The candidate washed his or her hands before beginning the shave service;~~

~~10. The candidate used the proper draping for the shave service;~~

~~11. The candidate placed a protective covering on the headrest;~~

~~12. The candidate used the razor in a safe manner and without any blood contact during the shave;~~

~~13. The candidate kept tools sanitized during the shave service;~~

~~14. The candidate properly stored clean and dirty linen during the shave service.~~

(4) Failure of the examinee to complete the services required in a particular category tested in the practical examination, e.g., shampoo, haircut, or shave, shall result in the examinee losing the possible points assigned to that area.

(5) No change.

Specific Authority 455.217, 476.064(4), 476.134, 476.144 FS., Chapter 98-323, Laws of Florida. Law Implemented 455.217, 476.134, 476.144 FS., Chapter 98-323, Laws of Florida. History—New 11-12-87, Amended 3-22-92, 1-26-93, Formerly 21C-16.007, Amended 9-15-94, 12-9-98, 11-27-02.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers' Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE:
Public Liability Insurance

RULE NO.:
61G4-15.003

PURPOSE AND EFFECT: The proposed rule amendment sets forth the amounts of liability required for the newly created Glass and Glazing Specialty Contractor.

SUMMARY: The proposed rule amendment adds Glass and Glazing Specialty Contractor and sets forth the amounts of liability.

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: 489.108, 489.115(5), 489.129(3) FS.

LAW IMPLEMENTED: 489.115(5) 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.003 Public Liability Insurance.

(1) No change.

(2) To verify the accuracy of the signed affidavit, the Board will, from time to time, conduct random sample audits of licensees by zip code area in which the total number of certificates and registrations selected for audit will be in a sufficient amount to insure the validity of the audit. Upon written request by the Board, each selected licensee shall, within thirty days of mailing of request to the licensee, by the Board office, by certified mail, submit proof of coverage, in the form of an original Certificate of Insurance, if available, or in the alternative, a certified copy of the Certificate of Insurance on file with the building department for the period being audited or a copy of the insurance policy in force for the period being audited showing that the licensee had obtained the proper amount of public liability and property damage insurance and that the proper coverage has been continually maintained since the time of the last license renewal. The Certificate of Insurance shall be prepared by an insurance agency and must contain the following information to meet the requirements of the Board:

(a) through (g) No change.

(h) Proper aggregate amount of public liability and property damage as defined below:

	Liability	Property Damage
General Contractor	\$ 300,000	\$ 50,000
Building Contractor	300,000	50,000
Residential Contractor	100,000	25,000
Sheet Metal Contractor	100,000	25,000
Air Conditioning Contractor	100,000	25,000
Roofing Contractor	100,000	25,000
Mechanical Contractor	100,000	25,000
Pool Contractor	100,000	25,000
Plumbing Contractor	100,000	25,000
Residential Solar Water Contractor	100,000	25,000
Underground Utility and Excavation Contractor	100,000	25,000
Specialty Structure Contractor	100,000	25,000
Pollutant Storage System Specialty Contractor	100,000	25,000
Gypsum Drywall Specialty Contractor	100,000	25,000
Response Action Specialty Contractor	300,000	50,000
Solar Contractor	100,000	25,000
Traditional Thatched Structure Contractor	100,000	25,000
Gas Line Specialty Contractor	100,000	25,000
<u>Glass and Glazing Specialty Contractor</u>	<u>100,000</u>	<u>25,000</u>

(i) through (l) No change.

(3) through (5) No change.

Specific Authority 489.108, 489.115(5), 489.129(3) FS. Law Implemented 489.115(5) FS. History—New 1-10-80, Amended 9-15-82, Formerly 21E-15.03, Amended 1-26-88, 1-1-89, 5-23-89, 6-5-90, Formerly 21E-15.003, Amended 7-18-94, 1-10-95, 2-6-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Requirements for Certification and Registration **RULE NO.:** 61G4-15.005

PURPOSE AND EFFECT: The proposed rule amendment sets forth the net worth required for the newly Glass and Glazing Specialty Contractor.

SUMMARY: The proposed rule amendment adds Glass and Glazing Specialty Contractor and sets forth the required net worth.

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: 489.115(5),(6), 489.129(1), 489.132(5) FS.

LAW IMPLEMENTED: 489.113(1), 489.115(5),(6), 489.129(1), 489.132(5) 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.005 Requirements for Certification and Registration.

In order that the Board may carry out its statutory duty to investigate the financial responsibility, credit, and business reputation of a new applicant for certification or registration or a change of status of a certification or registration, an applicant shall be required to forward the following to the Department for a review by the Board:

- (1) through (2) No change.
- (3) As a prerequisite to issuance of a certificate, an applicant shall, in addition to the submissions required in subsections (1) and (2) above, submit competent, substantial evidence to the Florida Construction Industry Licensing Board demonstrating the following:
 - (a) Net worth as listed below for the following categories of contractors:
 - 1. through 19. No change.
 - 20. Gas Line Speciality Contractor, \$10,000; ~~or~~
 - 21. Glass and Glazing Specialty Contractor, \$ 10,000; or
 - (b) through (d) No change.
- (4) No change.

Specific Authority 489.115(5),(6), 489.129(1), 489.132(5) FS. Law Implemented 489.113(1), 489.115(5),(6), 489.129(1), 489.132(5) FS. History—New 1-10-80, Amended 4-15-82, 9-5-82, 3-21-83, Formerly 21E-15.05, Amended 4-18-86, 1-19-87, 7-1-87, 1-26-88, 1-1-89, 5-23-89, 6-5-90, 4-16-92, Formerly 21E-15.005, Amended 10-17-93, 7-18-94, 7-19-95, 4-24-96, 9-8-96, 10-31-96, 2-4-97, 8-2-98, 9-15-98, 4-5-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2003

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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: Licensure Denial
 RULE NO.: 64B8-4.022

PURPOSE AND EFFECT: The Board proposes the repeal of the rule to address concerns submitted by the Joint Administrative Procedures Committee.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 458.309, 458.310, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS.

LAW IMPLEMENTED: 458.311, 458.313, 458.331 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 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:

64B8-4.022 Licensure Denial.

Specific Authority 458.309, 458.310, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. Law Implemented 458.311, 458.313, 458.331 FS. History—New 11-4-93, Formerly 61F6-22.022, 59R-4.022, 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: August 2, 2003

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Manner of Application
 RULE NO.: 64B13-4.004

PURPOSE AND EFFECT: The Board proposes the rule amendment to revise the course requirements for qualifications of the licensure examination.

SUMMARY: The proposed rule amendment intends to notify applicants of the prevention of medical errors course requirement for licensure.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.033, 463.006(1)(b),(2) FS.

LAW IMPLEMENTED: 456.033, 463.006(1)(b),(2) 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: Joe R. Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-4.004 Manner of Application.

(1) through (4) No change.

(5) Applicants are required to complete a 2-hour course relating to prevention of medical errors as part of the licensure process. The course shall be approved by the Board and shall include a study of root-cause analysis, error reduction and prevention, and patient safety.

Specific Authority 456.033, 463.006(1)(b),(2) FS. Law Implemented 456.033, 463.006(1)(b),(2) FS. History—New 11-13-79, Amended 4-17-80, Formerly 21Q-4.004, Amended 11-20-86, 4-19-89, 6-25-92, 6-6-93, Formerly 21Q-4.004, Amended 6-14-94, Formerly 61F8-4.004, Amended 3-21-95, Formerly 59V-4.004, Amended 7-15-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 27, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Fees
 RULE NO.: 64B13-6.001

PURPOSE AND EFFECT: The Board's proposed rule amendment revises the initial and biennial renewal fees for a request to provide continuing education courses and programs.

SUMMARY: The proposed rule amends the fee in paragraph (15) and (16) of the rule.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 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: Joe R. Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-6.001 Fees.

(1) through (14) No change.

(15) The initial fee for any entity seeking approval to provide continuing education courses or programs shall be \$25 ~~\$250~~.

(16) The Biennial renewal fee for any entity seeking approval to provide continuing education courses or programs shall be \$25 ~~\$250~~.

Specific Authority 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS. Law Implemented 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS. History—New 12-13-79, Amended 2-14-82, 8-18-82, 12-2-82, 5-6-84, 7-29-85, Formerly 21Q-6.01, Amended 11-20-86, 7-21-88, 2-5-90, 5-29-90, 7-10-91, 4-14-92, 7-1-93, Formerly 21Q-6.001, Amended 1-24-94, Formerly 61F8-6.001, Amended 12-22-94, 2-13-95, 4-5-95, 5-29-95, 12-31-95, Formerly 59V-6.001, Amended 12-24-97, 3-21-00, 11-18-01, 5-9-02, 9-10-02, 7-3-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2003