



PURPOSE AND EFFECT: Rule Chapter 14-87 is being amended relating to commercial motor vehicle penalties and fees. The definitions rule is amended and restructured, the surety bonds rule is repealed, and the rule relating to penalties, fees, and detaining and impounding commercial motor vehicles is amended.

SUBJECT AREA TO BE ADDRESSED: Rule Chapter 14-87 is being amended relating to commercial motor vehicle penalties and fees.

SPECIFIC AUTHORITY: 316.302, 334.044(2) FS.

LAW IMPLEMENTED: 316.302, 316.3025, 316.515, 316.535, 316.545, 316.550, 316.70 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Management Analyst 4, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-87.0011 Definitions.

The following words and phrases, when used in these rules, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(1) "Citation" means a written statement issued by the Department to a motor carrier for:

(a) A violation A Load Report and Field Receipt issued to the owner or driver of a commercial motor vehicle for violation of weight or and vehicle registration laws; or

(b) A Safety Report and Field Receipt issued to the owner or driver of a commercial motor vehicle for violation of safety laws, and regulations, or and permit violations; or

(c) A The penalty portion of an I.R.P. Trip Permit & Temporary Fuel Use Permit issued to the owner or driver of a eommeercial motor vehicle in violation of the fuel use tax requirements contained in Chapter 207, Florida Statutes.

(2) "Commercial Motor Vehicle" means as defined in Section 316.003(66), Florida Statutes.

(3) "Department" means the Florida Department of Transportation.

(4) "Director" means the Director of the Motor Carrier Compliance Office, Florida Department of Transportation.

(5) "Fee" means a charge for a permit.

(6) "Motor Carrier" means any person, corporation, or entity of any kind owning, controlling, operating, managing, contracting with the owner or operator of, or dispatching any commercial motor vehicle.

(7) "Motor Carrier Compliance Office" means that office within the Department which is responsible for enforcing Commercial Motor Vehicle regulations.

(8) "Penalty" means a monetary amount prescribed by statute or Department rule as an administrative assessment for a violation of a commercial motor vehicle law or rule pursuant to the issuance of a citation or a notice of violation.

(9) "Penalty Collections Unit" means those employees of the Motor Carrier Compliance Office assigned by the Director to ensure that penalties are collected in a manner consistent with applicable rules and laws.

(10)(2) "Permit" means:

(a) An International Registration Plan (I.R.P.) Trip Permit issued to a motor carrier the owner or driver of a commercial motor vehicle authorizing temporary operation on the public roads of this State in lieu of permanent registration; or

(b) A Temporary Fuel Use Permit issued to a motor carrier the owner or driver of a commercial motor vehicle authorizing temporary operation on the public roads of this State in lieu of permanent registration.

(c)(3) A "Special Permit" means a permit issued by the Department which authorizes the operation of an oversize or overweight commercial motor vehicle and load over the State Highway System.

(4) "Penalty" means a monetary amount prescribed by statute or Department rule as a civil penalty to be assessed administratively for a violation of a commercial motor vehicle law pursuant to the issuance of a citation or a notice of violation.

(5) "Fee" means a charge for a permit.

(6) "Commercial Motor Vehicle", when used in these rules shall be as defined in Section 316.003(66), Florida Statutes.

(7) "Director" means the Director of the Motor Carrier Compliance Office, Florida Department of Transportation.

(8) "Association" means an organized body of people who have a common interest in the business of transporting persons or property by commercial motor vehicle in commerce on the public roads of this State, and who have registered as an association with the Secretary of State.

(9) "Notice of Violation" means a notice of violation as defined by Rule 14-108.002(5).

Specific Authority 316.302, 316.3025, 316.515, 316.535, 316.545, 316.550, 316.70, 334.044(2) FS. Law Implemented 316.302, 316.3025, 316.515, 316.535, 316.545, 316.550, 316.70 FS. History-New 7-15-91, Amended 9-12-96.

14-87.002 Penalties and Fees Due; Detaining and Impounding Commercial Motor Vehicles.

(1) Penalties and fees imposed upon the operations of commercial motor vehicles are due and payable upon the issuance of a citation or a permit. Law enforcement officers and weight inspectors employed by the Motor Carrier Compliance Office, and other authorized agents of the

Department, upon issuance of a citation, shall allow motor carriers in good standing to make payment of penalties within 20 calendar days from the issuance of the citation. Payment must be received by the Motor Carrier Compliance Office Penalty Collections Unit in Tallahassee, Florida, within 20 calendar days from the date of the citation. Penalties due under Chapter 14-108 are due in accordance Rule 14-108.004. All penalties and fees not guaranteed by a Surety Bond must be paid to the officer or inspector issuing the citation or permit or detaining the vehicle for nonpayment of penalties prescribed under Rule 14-108.005 prior to further operation of the affected commercial motor vehicle on the roads of this State. Payment may be in cash, by cashier's check or by money order. In the event that payment is not made when payment is due, the motor vehicle will be impounded in accordance with Sections 316.3025 or 316.545, Florida Statutes.

(2) In the event that payment of penalties is not received within the 20 calendar day period, the commercial motor vehicle(s) shall be impounded in accordance with Sections 316.545, 316.3025, 316.516, and 316.550, Florida Statutes. Motor carriers who fail to pay any and all penalties owed to the Department will be referred to the Department of Highway Safety and Motor Vehicles, where the vehicle's registrations and fuel permits shall be revoked or suspended in accordance with Section 320.18, Florida Statutes. When a Surety Bond has been properly filed and accepted by the Department, the vehicle will be released upon presenting written evidence of the surety bond to the officer or inspector detaining the vehicle and payment must be remitted to the officer or inspector within ten working days of the release of the vehicle. Company checks may be accepted when a proper Surety Bond is on file. In the event that payment is not made within ten working days of release of the vehicle, the Department will take action to recover the penalty amount from the surety bond.

(3) The Director shall develop and adopt payment and collection practices consistent with state law and sound fiscal policy, and approve all forms for citations and notices of violations to be issued for violations involving commercial motor vehicles. Payment methods for citations include cash, money orders, certified funds (electronic or manual), credit cards, and company checks. A receipt shall be provided to the motor carrier upon payment of penalties collected. All penalties collected in accordance with these rules will be made payable to the State Treasurer, who will credit the funds to the State Transportation Trust Fund and any other accounts specified by state law.

(4) Motor carriers who owe penalties to the state or have not paid penalties in a timely fashion on one or more previous occasion, shall be deemed to be not in good standing. Commercial motor vehicles operated by such motor carriers may be detained or impounded immediately and held until all penalties are paid to the Department. A list of such motor

carriers will be provided statewide to Motor Carrier Compliance Office law enforcement officers and weight inspectors by the Penalty Collections Unit.

(5) Except as set forth in Rule Chapter 14-108, F.A.C., involving penalties assessed during compliance reviews, the fact that a motor carrier has requested a hearing before the Commercial Motor Vehicle Review board does not relieve responsibility to make payment of the assessed penalty within the 20 day period.

(6)(3) Commercial mMotor vehicles impounded in accordance with this rule will be released upon payment of all penalties owed to the Motor Carrier Compliance Office Penalty Collections Unit in Tallahassee, Florida, the penalty of the posting of a bond pursuant to Section 316.545, Florida Statutes, or upon a determination by the Commercial Motor Carrier Review Board to cancel or revoke the penalty, or upon the issuance of a Department order setting aside the penalty as the result of a proceeding held pursuant to Section 120.57, Florida Statutes. Commercial mMotor vehicles released as a result of the posting of a bond under Section 316.545, Florida Statutes, remain subject to the lien imposed by that statute.

(7) Any costs associated with the detention, impoundment, and storage of commercial motor vehicles in accordance with Sections 316.545, 316.3025, and 316.516, Florida Statutes, shall be the responsibility of the motor carrier, and proof of payment of such costs shall be provided to the Department prior to the vehicle being released.

Specific Authority 316.302, 316.515, 316.3025, 316.545, 316.550, 316.70, 334.044(2) FS. Law Implemented 316.302, 316.3025, 316.515, 316.535, 316.545, 316.550, 316.70 FS. History--New 1-8-86, Amended 2-25-87, 7-15-91, 9-12-96, \_\_\_\_\_.

14-87.004 Surety Bonds.

Specific Authority 316.3025, 316.515, 316.545, 316.550, 316.70, 334.044(2) FS. Law Implemented 316.302, 316.3025, 316.515, 316.535, 316.545, 316.550, 316.70 FS. History--New 1-8-86, Amended 2-25-87, 7-15-91, Repealed \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Transition Assistance Program  
 RULE NO.: 33-601.504

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement s. 944.7065, F.S., which requires that each inmate released from incarceration be provided with a 100 hour comprehensive transition course that covers job readiness and life management skills.

SUBJECT AREA TO BE ADDRESSED: Mandatory transition skills program.

SPECIFIC AUTHORITY: 944.09, 944.701, 944.706, 944.708 FS.

LAW IMPLEMENTED: 20.315, 944.291, 944.708, 944.611, 944.613, 944.7065 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.504 Transition Assistance Program.

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

(b) The transition skills program will be provided to all inmates and all inmates will be required to complete the course prior to release except for the following:

1. Emergency releases;

2. Inmates who are not to be released from incarceration such as those released to detainees to other state or federal authorities where the inmate will be detained or incarcerated. However, pursuant to Section 944.703, F.S., the Department of Corrections shall determine whether cancellation of the detainer is likely or that the incarceration for which the detainer was issued will be of short duration.

3. Inmates who are unable to attend due to mental or medical conditions as supported by written medical staff direction or opinion.

4. Inmates who are in the reception process.

5. Inmates who have completed the reception process but cannot complete the course.

6. Inmates who are serving a Florida sentence in another jurisdiction.

(c) The transition assistance specialist shall review all inmates at the facility who are within 180 days of release to verify completion of the transition skills program.

(d) The Institutional Classification Team (ICT) shall ensure that inmates mandated for the 100-Hour Transition Skills Program are informed of this assignment in accordance with classification procedures and that the consequences of the refusal are explained. The explanation shall include:

1. The inmate is required to participate in the mandatory transition skills program.

2. Disciplinary action in accordance with Chapter 33-601, F.A.C., will be imposed as a consequence of the inmate refusing to work or participate in mandatory programs.

3. In addition to disciplinary action, no inmate will be eligible to participate in a work release center assignment or work release program if he or she refuses to participate in the mandatory transition skills program or has not subsequently completed the program.

4. Disciplinary action will also be taken if the inmate agrees to enter the mandatory transition skills program but is subsequently reassigned due to behavior problems or the inmate's unwillingness to actively participate in program activities and follow program rules as determined by transition services staff.

(e) If an inmate refuses to participate after program enrollment, the refusal shall be documented in the Ofender Based Information System (OBIS).

1. The inmate shall be required to sign Form DC5-415, Refusal of Mandatory 100-Hour Transition Skills Program. Form DC5-415 is hereby incorporated by reference. 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 \_\_\_\_\_.

2. If the inmate refuses to sign Form DC5-415, the refusal shall be noted on the referral form and witnessed by two staff members.

3. If the inmate refuses to participate and later recants, the inmate shall be allowed to request to participate by completing an Inmate request, Form DC6-236, and submitting it to the transition assistance specialist. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(b) through (c) renumbered (f) through (g) No change.

(4) through (7) No change.

(8) The department is authorized to enter into contracts with the Agency for Workforce Innovation ~~Department of Labor and Employment Security~~ for the provision of job placement. The department is authorized to enter into contracts with the Department of ~~Children Health~~ and ~~Family Rehabilitative~~ Services, the Salvation Army, and other public or private organizations, including faith-based service groups, for the provision of basic support services in the various counties of the state for other provisions and special needs as the receiving agencies for inmate releaseses.

Specific Authority 944.09, 944.701, 944.706, 944.708 FS. Law Implemented 20.315, 944.291, 944.701-708, 944.611, 944.613, 944.7065 FS. History--New 1-19-86, Amended 11-8-86, 5-18-87, 4-20-89, 1-29-92, 5-21-92, 1-5-93, 11-16-97, Formerly 33-7.008, Amended \_\_\_\_\_.

**DEPARTMENT OF ELDER AFFAIRS**

**Ageing and Assisted Living Programs**

RULE TITLE: Administration RULE NO.: 58C-1.003

PURPOSE AND EFFECT: The purpose of this rule development is to consider making changes to the above referenced rule relating to the administration of the Department's Community Care for the Elderly (CCE) Program. This rule has not been updated since 1995.

SUBJECT AREA TO BE ADDRESSED: Department of Elder Affairs, Community Care for the Elderly Program.

SPECIFIC AUTHORITY: 410.021-.029, 430.08 FS., ch. 80-101, s. 10, ch. 91-115, s. 10, Laws of Fla.

LAW IMPLEMENTED: 410.024, 410.0241, 430.03(6) FS., ch. 91-115, s. 10, Laws of Fla.

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, IF AVAILABLE, IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Medicaid Certified School Match Program

RULE NO.: 59G-4.035

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Certified School Match Program Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Certified School Match Program Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Medicaid Certified School Match Program.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 1011.70, 409.905, 409.906, 409.9071, 409.908, 409.9122, 409.9126 FS.

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

TIME AND DATE: 9:30 a.m. (EST), March 7, 2003

PLACE: 2728 Ft. Knox Blvd., Bldg. 3, Conf. Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kim Corsmeier, Bureau of Medicaid Services, 2728 Ft. Knox Blvd., Bldg. 3, MS #20, Tallahassee, Florida 32308-5403, (850)922-7318

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.035 Medicaid Certified School Match Program.

(1) This rule applies to all school districts enrolled in the Medicaid certified school match program, as described in Section 409.9071, F.S.

(2) All school district providers enrolled in Medicaid under the certified school match program must be in compliance with the Florida Medicaid Certified School Match Program Coverage and Limitations Handbook, October 2003 ~~July 2002~~, incorporated by reference, and the Florida Medicaid General Handbook and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 1011.70, 409.905, 409.906, 409.9071, 409.908, 409.9122, 409.9126 FS. History--New 4-9-98, Amended 11-23-99, 5-27-01, 10-31-02, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Chiropractic Services

RULE NO.: 59G-4.040

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Chiropractic Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Chiropractic Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., March 5, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Mail Stop 20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Jackson, Medicaid Services, 2727 Mahan Drive, Building #3, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.040 Chiropractic Services.

(1) No change.

(2) All chiropractic services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Chiropractic Coverage and Limitations Handbook, October 2003, ~~January 2001~~, which is incorporated by reference, and the Florida Medicaid Provider General Handbook and the Florida Medicaid Provider Reimbursement

Handbook, CMS HCFA-1500 and Child Health Check-Up 221, which is incorporated in Rule 59G-5.020, F.A.C. These Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History--New 6-1-89, Amended 7-1-91, 12-31-91, 3-17-92, 4-21-92, 11-9-92, 7-5-93, 1-19-94, Formerly 10C-7.066, Amended 10-10-94, 5-25-95, 1-9-96, 10-21-97, 5-24-99, 4-23-00, 7-5-01, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: County Health Department Clinic Services  
 RULE NO.: 59G-4.055

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: County Health Department Clinic Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

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

TIME AND DATE: 9:30 a.m., March 7, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Mail Stop 20, Conference Room E, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kay Aloï, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5403, (850)922-7330

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.055 County Health Department Clinic Services.

(1) No change.

(2) All county health department clinic services providers enrolled in the Medicaid program must comply with the Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook, October 2003 ~~Florida Medicaid County Public Health Unit Clinic Services Coverage and Limitations Handbook, October 2000~~, incorporated by reference, the Florida Medicaid Provider General Handbook, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check-Up 221, incorporated by reference in Rule 59G-5.020, F.A.C. These Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, FS. History--New 6-27-93, Formerly 10P-4.350, Amended 4-16-95, 6-4-96, 6-24-98, 7-18-01, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Medicaid County Health Department  
 Certified Match Program  
 RULE NO.: 59G-4.058

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid County Health Department Certified Match Program Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid County Health Department Certified Match Program Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Medicaid County Health Department Certified Match Program.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 381.0056, 381.0057, 409.905, 409.908, 409.9122 FS.

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

TIME AND DATE: 11:00 a.m. (EST), March 7, 2003

PLACE: 2728 Fort Knox Blvd., Building 3, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ward Peck, Bureau of Medicaid Services, 2728 Fort Knox Blvd., Building 3, MS #20, Tallahassee, Florida 32308-5403, (850)922-7307

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.058 Medicaid County Health Department Certified Match Program.

(1) This rule applies to all county health departments enrolled in the Medicaid County Health Department Certified Match Program, as described in Section 409.9122, F.S.

(2) All county health department providers enrolled in Medicaid under the County Health Department Certified Match Program must comply with the Florida Medicaid County Health Department Certified Match Program Coverage and Limitations Handbook, October 2003 ~~July 1998~~, incorporated by reference, and the Florida Medicaid General Handbook and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference, in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 381.0056, 381.0057, 409.905, 409.908, 409.9122 FS. History--New 6-21-00, Amended \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Independent Laboratory Services  
 RULE NO.: 59G-4.190

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Independent Laboratory Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., March 7, 2003

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room E, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Susan Rinaldi, Medicaid Services Office, 2728 Ft. Knox, Building 3, MS #20, Tallahassee, Florida 32308-5403, (850)922-7308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.190 Independent Laboratory Services.

(1) No change.

(2) All independent laboratory providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook, October 2003 ~~April 2001~~, incorporated by reference, and the Florida Medicaid General Handbook and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. These Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Amended 10-11-81, Formerly 10C-7.41, Amended 6-30-92, Formerly 10C-7.041, Amended 9-28-94, 1-9-96, 10-20-96, 9-14-97, 3-22-00, 5-16-01, 2-14-02, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Podiatry Services  
 RULE NO.: 59G-4.220

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Podiatry Services Coverage and Limitations Handbook,

October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Podiatry Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Podiatry Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Jackson, Medicaid Services, 2727 Mahan Drive, Building #3, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.220 Podiatry Services.

(1) No change.

(2) All podiatry service providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Podiatry Services Coverage and Limitations Handbook, October 2003 ~~January 2001~~, which is incorporated by reference, and the Florida Medicaid Provider General Handbook and Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check-Up 221, which is incorporated in Rule 59G-5.020, F.A.C. These Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History—New 1-23-84, Amended 10-25-84, Formerly 10C-7.529, Amended 4-21-92, 11-9-92, 7-1-93, Formerly 10C-7.0529, 10P-4.220, Amended 1-7-96, 3-11-98 10-13-98, 5-24-99, 4-23-00, 7-5-01, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Physician Services  
 RULE NO.: 59G-4.230

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Physician Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Physician Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Physician Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., March 5, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Mail Stop 20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynne Metz, Medicaid Services, 2727 Mahan Drive, Building #3, MS 20, Tallahassee, Florida 32308, (850)922-7325

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.230 Physician Services.

(1) No change.

(2) All physician services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Coverage and Limitations Handbook, October 2003 ~~January 2002 and April 2002~~, which is incorporated by reference, and the Florida Medicaid Provider General Handbook and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and ~~Child Health Check Up 221~~, which is incorporated in Rule 59G-5.020, F.A.C. These ~~Both~~ handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Revised 2-1-78, 4-1-78, 1-2-79, 1-1-80, Amended 2-8-82, 3-11-84, Formerly 10C-7.38, Amended 1-10-91, 11-5-92, 1-7-93, Formerly 10C-7.38, Amended 6-29-93, 9-6-93, Formerly 10P-4.230, Amended 6-13-94, 2-9-95, 3-10-96, 5-28-96, 3-18-98, 9-22-98, 8-25-99, 4-23-00, 8-5-01, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors’ Licensing Board**

RULE TITLE: General Definitions  
 RULE NO.: 61G6-4.019

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

SUBJECT AREA TO BE ADDRESSED: General Definitions.

SPECIFIC AUTHORITY: 489.507(3) FS.

LAW IMPLEMENTED: 489.521(7)(b) 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: Anthony Spivey, Executive Director, Electrical Contractors Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors’ Licensing Board**

RULE TITLE: Application for Certification by Examination  
 RULE NO.: 61G6-5.002

PURPOSE AND EFFECT: The Board proposes to review the existing text to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Reexamination.

SPECIFIC AUTHORITY: 489.507(3) FS.

LAW IMPLEMENTED: 489.511 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: Anthony Spivey, Executive Director, Electrical Contractors’ Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Ballyhoo  
 RULE CHAPTER NO.: 68B-56

RULE TITLES: Definitions  
 RULE NOS.: 68B-56.001

Commercial Licensing Requirements; Appeals 68B-56.002

Allowable Commercial Harvesting Gear 68B-56.003

Commercial Season; Season Closure;

Daily Harvest and Possession Limits 68B-56.004

PURPOSE AND EFFECT: The purpose of this new rule chapter is to protect and conserve Florida’s ballyhoo resources and assure their continuing abundance. The ballyhoo stocks are being harvested at unsustainable levels and the commercial fishery is overcapitalized. The effect of these rules should be to reduce commercial harvest and effort and assure that there will be no entrants into the fishery until the ballyhoo stocks are no longer overfished.

SUBJECT AREA TO BE ADDRESSED: Florida’s commercial ballyhoo fishery.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charlie Hood, School Transportation Management Section, 325 West Gaines Street, Room 1114, Tallahassee, Florida 32399-0400, (850)488-4405

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-3.0171 Responsibilities of School Districts for Student Transportation.

Each school district shall exercise specific powers and responsibilities, as follows:

- (1) through (7) No change.
- (8) Inspection and maintenance of school buses.

(a) To provide, after considering recommendations of the superintendent, adequate storage, maintenance and inspection procedures for all buses owned by the school board, and to assure that all contract buses in use in the district are properly inspected and maintained in accordance with law and rules of the State Board.

(b) The inspection shall be conducted in accordance with procedures and include all items listed in the State of Florida School Bus Safety Inspection Manual, 2003 ~~2000~~ Edition which is hereby incorporated by reference and made a part of this rule. This document may be obtained from the Bureau of Career Development, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a cost not to exceed actual production and distribution cost.

(c) Inspection of buses shall be scheduled and performed at a maximum interval of thirty (30) ~~required every twenty (20)~~ school days. Any bus that is removed from service or deadlined so as to disrupt the safety inspection schedule shall be inspected prior to being returned to service. All deficiencies discovered during the safety inspection shall be noted on the inspection form. Follow-up repairs of all safety related items shall be made before the bus is returned to service and shall be documented.

(d) School bus inspections shall be conducted by technicians certified as school bus inspectors in accordance with the State of Florida School Bus Safety Inspection Manual, 2003 ~~2000~~ Edition. The requirement that inspections be performed by a certified school bus inspector may be waived for a period not to exceed six (6) months when an emergency condition exists, upon written notification to the Commissioner by the district superintendent. ~~This paragraph shall become effective January 1, 2001.~~

(e) No person shall knowingly render inoperative or reduce compliance of any school bus equipment required to meet Federal Motor Vehicle Safety Standards applicable at the time of manufacture.

## Section II Proposed Rules

### DEPARTMENT OF EDUCATION

#### State Board of Education

RULE TITLE: RULE NO.:

Responsibilities of School Districts 6A-3.0171  
for Student Transportation

PURPOSE AND EFFECT: The purpose of this rule amendment is to accommodate changes made by the Florida Legislature relating to school bus inspections and certification of school bus safety inspectors, and to incorporate by revision updated out-of-service criteria in the "State of Florida School Bus Safety Inspection Manual" to be used throughout the state in performing school bus inspections. In addition to improving the safety, efficiency, and reliability of school buses, the time period between required school bus safety inspections has been extended from 20 days to 30 days. The extension of this time period will have no effect on safety or reliability of school buses in use in Florida, and this change will result in cost savings for Florida's school districts and charter schools.

SUMMARY: This rule is amended to incorporate changes relating to school bus inspections and certification of school bus safety inspectors.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1006.22 FS.

LAW IMPLEMENTED: 1006.22 FS.

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

TIME AND DATE: 9:00 a.m., March 18, 2003