

## Section I

Notices of Development of Proposed Rules  
and Negotiated Rulemaking

## PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE: Electric Utilities Dismantlement Studies

RULE NO.: 25-6.04364

PURPOSE AND EFFECT: The purpose of this rule is to set forth the requirements for determination of the annual dismantlement accrual, for filing dismantlement studies, and for information to be included in the studies.

SUBJECT AREA TO BE ADDRESSED: Dismantlement Studies.

SPECIFIC AUTHORITY: 350.115, 350.127(2) FS.

LAW IMPLEMENTED: 366.041, 366.06(1) FS.

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

TIME AND DATE: 9:30 a.m., Tuesday, March 25, 2003

PLACE: Betty Easley Conference Center, Room 182, 4075 Esplanade Way, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Lee, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6453, PLee@psc.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.04364 Electric Utilities Dismantlement Studies.

(1) The purpose of this rule is to ensure that each utility that owns a fossil fuel generating unit maintains a reserve that is sufficient to meet all removal expenses at the time of dismantlement by establishing dismantlement accruals. The purpose of the study required by (3) is to obtain sufficient information to update cost estimates based on new developments, additional information, technological improvements, and forecasts; to evaluate alternative methodologies; and to revise the annual accrual needed to recover the costs.

(2) For the purpose of this rule, the following definitions shall apply:

(a) “Contingency Costs.” A specific provision for unforeseeable elements of cost within the defined project scope.

(b) “Dismantlement.” The process of safely managing, removing, demolishing, disposing, or converting for reuse the materials and equipment that remain at the fossil fuel generating unit following its retirement from service and restoring the site to a marketable or useable condition.

(c) “Dismantlement Costs.” The costs for the ultimate physical removal and disposal of plant and site restoration, minus any attendant gross salvage amount, upon final retirement of the site or unit from service.

(3) Each utility shall file a site-specific dismantlement study for each generating site once every 4 years from the submission date of the previous study unless otherwise required by Commission order. A utility may file a study sooner than 4 years. Each utility’s dismantlement study shall include:

(a) A narrative describing each fossil fuel generating unit, including the in-service date and estimated retirement date.

(b) A list of all entities owning an interest in each generating unit, the percentage of ownership by each entity, and documentation showing the status of each entity in providing its share of the total dismantlement costs.

(c) The dismantlement study methodology.

(d) A summary of the major assumptions used in the study.

(e) The methodology selected to dismantle each generating unit and support for the selection.

(f) The methodology and escalation rates used in converting the current estimated dismantlement costs to future estimated dismantlement costs and supporting documentation and analyses.

(g) The total utility and jurisdictional dismantlement cost estimates in current dollars for each unit.

(h) The total utility and jurisdictional dismantlement cost estimates in future dollars for each unit.

(i) For each year, the estimated amount of dismantlement expenditures.

(j) The projected date each generating unit will cease operations.

(k) For each site, a comparison of the current approved annual dismantlement accruals with those proposed. Current accruals shall be identified as to the effective date and proposed accruals to the proposed effective date.

(l) A summary and explanation of material differences between the current study and the utility’s last filed study including changes in methodology and assumptions.

(m) Supporting schedules, analyses, and data, including the contingency allowance, used in developing the dismantlement cost estimates and annual accruals proposed by the utility. Supporting schedules shall include the inflation analysis.

(4) The dismantlement annual accrual shall be calculated using the current cost estimates escalated to the expected dates of actual dismantlement. The future costs less amounts recovered to date shall then be discounted in a manner that accrues the costs over the remaining life span of the unit.

(5) Dismantlement accruals shall be accumulated monthly to assure that the costs for dismantlement have been provided for at the time the production unit or site ceases operations.

(6) A utility shall not establish a new annual dismantlement accrual without prior Commission approval.

(7) A utility shall not change its annual dismantlement accrual without prior Commission approval.

(8) The annual dismantlement accrual shall be a fixed dollar amount and shall be based on a 4-year average of the accruals related to the years between the dismantlement study reviews.

(9) The accumulated dismantlement reserve and accruals shall be maintained as a subaccount for each site separate from the accumulated depreciation reserve and expenses.

Specific Authority 350.115, 350.127(2) FS. Law Implemented 366.041, 366.06(1) FS. History--New \_\_\_\_\_.

## DEPARTMENT OF CORRECTIONS

RULE TITLE:

RULE NO.:

Admissible Reading Material

33-501.401

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language, incorporate a new form, and address admissible reading material issues related to: commercial photographs; procedures for the handling of impounded, approved and rejected publications; individual rejections; procedures for appealing impoundment decisions; non-print media; subscription purchases; and educational correspondence study materials.

SUBJECT AREA TO BE ADDRESSED: Admissible Reading Material.

SPECIFIC AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.11 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:

33-501.401 Admissible Reading Material.

(1) The provisions of this section shall apply to all publications, including books, newspapers, magazines, brochures, flyers, and catalogues, calendars and any other printed materials addressed to a specific inmate or found in the personal property of an inmate. Personal and commercially reproduced photographs are not publications. No photograph will be approved and issued to an inmate as admissible reading material. Policy governing the receipt of photographs by inmates through the mail is established in Rule 33-210.101, F.A.C.

(2) Definitions.

(a) General circulation newspaper – a publication issued daily or weekly under the same title that contains current news, editorials, feature articles, and usually advertising.

(b) Hard-bound book – a publication with a rigid, pressboard cover that is commonly attached to the book through use of end sheets.

(c) Impoundment – the action taken by authorized department staff to withhold an inmate's incoming publication or a publication found in an inmate's personal property pending review of its admissibility by the Literature Review Committee.

(d) Inmate grievance appeal – a Request for Administrative Remedy or Appeal, Form DC1-303. Form DC1-303 is incorporated by reference in Rule 33-103.019, F.A.C.

(e) Mail order distributors and bookstores – business establishments that sell publications to the general public.

(f) Non-print media – publications published in formats other than on paper. Examples include microfilm, microfiche, computer disks, CD-ROM disks, and audio-tapes.

(g) Periodical – a publication issued under the same title and published at regular intervals of more than once a year. Examples of periodicals include journals and magazines and some newspapers and catalogs.

(h) Print media – publications that are printed or written on paper. These include hardcover books, soft cover books, magazines, newspapers, catalogs, and brochures.

(i) Publication – a document that is offered to the public by sale or by gratuitous distribution. Single photographs are not publications.

(j) Publisher – a corporation, governmental agency, private or public educational institution, church or other religious organization, professional, business or fraternal organization or association that prints publications for sale or gratuitous distribution to the public.

(k) Redaction – a procedure whereby a reviewer removes specific subject matter deemed inadmissible.

(l) Rejection – the act or procedure for declaring a book, periodical, or other single issue of a publication to be contraband.

(m) Religious testament – sacred texts, prayer books, and devotional books for the inmate’s recorded faith orientation.

(n) Soft cover book – a bound publication with a flexible, paper cover, also referred to as a soft bound or paperback book.

(3)(2) Inmates shall be permitted to receive and possess publications per terms and conditions established in this rule unless the publication is found to be detrimental to the security, order or disciplinary or rehabilitative interests of any institution of the department, or any privately operated institution, or when it is determined that the publication might facilitate criminal activity. Publications shall be rejected when one of the following criteria is met:

(a) through (h) No change.

(i) It pictorially depicts sexual conduct as follows:

1. through 6. No change.

(j) It pictorially depicts nudity or a lewd exhibition of the genitals in such a way as to create the appearance that sexual conduct is imminent, i.e., display of contact or intended contact with a person’s unclothed genitals, pubic area, buttocks or female breasts orally, digitally or by foreign object, or display of sexual organs in an aroused state.

(k) through (m) No change.

(4)(a) The department shall maintain a list of rejected publications that shall identify all publications that have been reviewed and rejected by the literature review committee. The list of rejected publications shall be updated after every meeting of the literature review committee. All institutions shall keep a current copy of the list of rejected publications in every institutional mailroom and at a location accessible by inmates.

(b) The department shall maintain a list of approved publications that shall identify all publications that have been approved for receipt by inmates after being impounded by institutions and forwarded to the literature review committee for review. All institutions shall keep a current copy of the list of approved publications in every institutional mailroom and at a location accessible by inmates.

(5)(3) A subscription to a periodical publication cannot be totally rejected by the institution, but each issue of the subscription shall be reviewed separately and impoundment or rejection shall be based on the criteria established in subsection (3)(2).

(6) Inmates who are foreign nationals shall be permitted to receive publications in their native language that are mailed direct from government agencies, diplomatic missions, and consular offices of their country of citizenship. Such publications can be new or used, however, all other restrictions on admissible reading material established in this rule shall apply.

(7)(4) Incoming publications previously rejected by the literature review committee.

(a) An incoming publication that has previously been rejected by the department’s literature review committee due to inclusion of subject matter held to be inadmissible per the criteria established in subsection (3)(2) shall not be reviewed again unless the publisher presents proof to the literature review committee that it has been revised and in the revision process the material resulting in the original rejection has been removed. When a rejected publication is received at an institution, it shall be impounded and shall not be issued to inmates. The warden or designee shall notify the inmate in writing on Form DC5-101, Notice of Rejection or Impoundment of Publications, within 15 calendar days of receipt that the publication has been rejected by the department’s literature review committee and cannot be received. Form DC5-101 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 \_\_\_\_\_. The notice shall also advise the inmate that he or she has 30 days to make arrangements to have the rejected publication picked up by an approved visitor or sent to a relative or friend or the sender at the inmate’s expense, or the institution will destroy it. The 30-day limit shall not include any time that a grievance appeal is pending provided that the inmate has provided the warden with the written notice required in paragraph (7)(b) of this rule. The actual date that the notice is mailed to the publisher or sender shall be documented by date stamp on the copies provided to the publisher or sender and the institution’s copy. For purposes of this subsection, the warden’s “designee” may include the mailroom supervisor. A Notice of Rejection or Impoundment of Publications, Form DC5-101, notice shall address only one publication. If a single mailing notice includes more than one rejected publication, a Notice of Rejection or Impoundment of Publications, Form DC5-101 separate rejection notices shall be prepared for each.

(b) A list of books and individual issues of periodicals that have been rejected by the department’s literature review committee shall be maintained in the institution mail room.

(8)(5) Incoming publications that have not been previously rejected by the literature review committee.

(a) The warden or designee shall impound and not issue to inmates any publication ~~that~~ which he or she finds to be inadmissible pursuant to the criteria in subsection (3)(2) within 15 calendar days of receipt of the publication at the institution. If only a portion of a publication meets one of the criteria for rejection established in subsection (3)(2), the entire publication shall be impounded. For the purposes of approving the impoundment of publications, the warden’s “designee” shall be limited to the assistant warden ~~or chief of a work camp, road prison, or forestry camp.~~

(b) The warden or designee shall advise the inmate in writing on Form DC5-101, Notice of Rejection or Impoundment of Publications, of the specific reasons for the impoundment within 15 calendar days of receipt of the publication at the institution and shall provide two copies of the form impoundment notice to the inmate. The warden or designee of the institution that originated the impoundment shall also provide a copy of the completed form notice to the publisher, mail order distributor, bookstore or sender. The actual date that Form DC5-101, Notice of Rejection or Impoundment of Publications, ~~the notice~~ is mailed to the publisher, mail order distributor, bookstore or sender shall be documented by date stamp on the copies provided to the publisher or sender and the institution's copy. ~~An impoundment Notice of Rejection or Impoundment of Publications, Form DC5-101,~~ shall only address one publication. ~~If a single mailing or package includes more than one publication and more than one are determined to be inadmissible, separate Notice of Rejection or Impoundment of Publications, Form DC5-101, notices shall be prepared for each.~~

~~(e) The inmate shall be informed that the impounded or rejected publication shall be held at the institution for 30 days, and that he or she must make arrangements to have it picked up by an approved visitor or sent to a relative or friend or the sender at the inmate's expense. The inmate shall also be advised that if the material is not picked up or mailed out within 30 days, the institution shall destroy it. The 30 day limit shall not include any time that a grievance appeal is pending provided that the inmate has provided the warden with the written notice required in paragraph (7)(b) of this rule. However, if the inmate fails to provide the warden with written notice of his or her appeal within 15 days of the impoundment or rejection, the institution shall not be required to store the publication beyond 30 days.~~

~~(c)(4)~~ The impoundment of a publication by a warden or authorized designee of any correctional facility of the department shall result in that publication being impounded at all correctional facilities until such time as the literature review committee reviews the action. Inmates at other institutions who also receive the impounded publication shall be provided a Notice of Rejection or Impoundment of Publications, Form DC5-101, written notice explaining that it has been impounded pending review for admissibility; the Notice of Rejection or Impoundment of Publications, Form DC5-101, shall also detail the specific reasons why the publication was impounded. For purposes of this subsection, the warden's "designee" may include the mailroom supervisor.

~~(d)(e)~~ No change.

~~(9)(6)~~ Admissible Reading Material in an Inmate's Property.

(a) The review criteria established in subsection ~~(3)(2)~~ of this rule also apply to publications found in an inmate's personal property. If correctional staff find a publication that has been rejected by the department, the publication shall be impounded and DC Form DC6-220, Inmate Impounded Personal Property List, shall be completed as required by Rules 33-602.201 and 33-602.203, F.A.C. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C.

(b) If correctional staff believe that a publication found in an inmate's personal property is inadmissible per subsection ~~(3)(2)~~ of this rule, it shall be impounded and DC Form DC6-220, Inmate Impounded Personal Property List, shall be completed as required by Rules 33-602.201 and 33-602.203, F.A.C. The publication shall then be forwarded to the warden or his or her designee for review. The warden or warden's designee shall review the publication within 15 days of impoundment. If the publication is found to be inadmissible, the warden or warden's designee shall prepare a Notice of Rejection or an Impoundment of Publications, Form DC5-101, notice that advises the inmate of the specific reasons for the impoundment. The Notice of Rejection or an Impoundment of Publications, Form DC5-101, notice shall only address one publication. ~~If more than one publication is determined to be inadmissible, a separate Notice of Rejection or an Impoundment of Publications, Form DC5-101, notices shall be prepared for each. The inmate shall be provided with two copies of the form impoundment notice.~~

(10) Single issues of periodicals and newspapers, any book, and any other printed material addressed to a specific inmate or found in the property of an inmate shall be impounded when circumstances detailed in an individual inmate's criminal conviction, detailed in departmental disciplinary reports, or detailed in prior criminal convictions, indicates it would be a threat to the security, order or rehabilitative objectives of the correctional system or the safety of any person to allow the inmate access to subject matter in that publication.

(a) Publications received through the mail. Within 15 calendar days of receipt of the publication at the institution, the warden or designee shall advise the inmate in writing on Form DC5-101, Notice of Rejection or Impoundment of Publications, of the specific subject matter that is cause for impoundment pursuant to this subsection, to include the page numbers in the publication where this information is found, and the specific security, safety, or rehabilitation concerns that justify denying the individual inmate access to the publication. The warden or designee shall provide a copy of the completed Form DC5-101, Notice of Rejection or Impoundment of Publications, to the publisher, mail order distributor, bookstore, or sender. The actual date that the Form DC5-101, Notice of Rejection or Impoundment of Publications, is mailed to the publisher, mail order distributor, bookstore, or sender shall be documented by date stamp on the copies provided to the publisher or sender and the institution's copy. The inmate also shall be provided two

copies of the form. Form DC5-101, Notice of Rejection or Impoundment of Publications, shall only address one publication. If a single mailing or package includes more than one publication and more than one are determined to be inadmissible, a Form DC5-101, Notice of Rejection or Impoundment of Publications, shall be prepared for each.

(b) Publications found in an inmate's personal property. Correctional staff shall impound the publication and complete DC Form DC6-220, Inmate Impounded Personal Property List, as required by Rules 33-602.201 and 33-602.203, F.A.C. The publication shall then be forwarded to the warden or his or her designee for review. The warden or warden's designee shall review the publication within 15 days of impoundment. If the warden or designee agrees that the publication should be impounded, he or she shall prepare a Form DC5-101, Notice of Rejection or Impoundment of Publications, identifying the specific subject matter that is cause for impoundment pursuant to this subsection, to include the page numbers in the publication where this information is found, and the specific security, safety, or rehabilitation concerns that justify denying the individual inmate access to the publication. Form DC5-101, Notice of Rejection or Impoundment of Publications, shall only address one publication. If more than one publication is determined to be inadmissible, a Form DC5-101, Notice of Rejection or Impoundment of Publications, shall be prepared for each. The inmate shall be provided with two copies of the form.

(c) A copy of the completed Form DC5-101, Notice of Rejection or Impoundment of Publications, shall also be sent to the Literature Review Committee, together with any other information that the warden or designee believes justifies the institution's decision to deny the inmate the publication.

(d) Publications that are impounded pursuant to this subsection shall be handled as provided in subsections (8) and (9) of this rule.

(e) Inmates may appeal impoundment decisions undertaken pursuant to this subsection through use of the inmate grievance procedure as provided in subsections (13) and (14)(c) of this rule and Chapter 33-103, F.A.C.

1. If the impoundment decision is disapproved, the institution shall give the publication to the inmate.

2. If the impoundment decision is approved, the institution shall advise the inmate that he or she has 30 days from date of receipt of notice that the grievance appeal has been denied to make arrangements to have the publication picked up by an approved visitor or sent to a relative or friend or the sender at the inmate's expense. If the publication is not picked up or mailed out within 30 days, the institution shall destroy it.

(f) Impoundment decisions that are approved pursuant to this subsection are individualized in nature and do not have affect on any other inmate. If institution staff believe that a publication is inadmissible per the criteria established in

subsection (3) of this rule, and should be denied to all inmates, they shall follow the procedures established in subsections (8) and (9) of this rule.

(f) Inmates who otherwise secure publications that they were specifically prohibited from receiving pursuant to this subsection shall be subject to formal disciplinary action as provided in Rules 33-601.300-314, F.A.C. Any such publications found in the possession of the inmate shall be impounded as contraband, and may be destroyed upon conclusion of disciplinary proceedings and related grievance or legal appeals.

(11)(a) Rejected and impounded publications shall be held at the institution for 30 days. Upon receipt of a Form DC5-101, Notice of Rejection or Impoundment of Publications, an inmate shall have 30 days from date of receipt of the form to make arrangements to have the publication picked up by an approved visitor or sent to a relative or friend or the sender at the inmate's expense. If the publication is not picked up or mailed out within 30 days, the institution shall destroy it. The 30 day limit shall not include any time that a grievance appeal is pending provided that the inmate has provided the warden with the written notice required in paragraph (13)(b) of this rule. However, if the inmate fails to provide the warden with written notice of his or her appeal within 15 days of the impoundment or rejection, the institution shall not be required to store the publication beyond 30 days.

(b) At any time during the 30 day limit, an inmate may elect to have an impounded or rejected publication picked up by an approved visitor, relative, or friend or to pay to have the publication mailed to one of these approved individuals, or to have it disposed of or destroyed. If the inmate authorizes the institution to have the publication disposed of or destroyed before the 30 day limit or while a grievance appeal is known to be pending, such authorization shall be secured in writing.

(12) Institutions shall store impounded or rejected publications in a secure location that is inaccessible by inmates. A copy of the completed Form DC5-101, Notice of Rejection or Impoundment of Publications, shall be kept with the impounded or rejected publication.

(13)(7) Inmates may appeal the impoundment or rejection of reading material through use of the inmate grievance procedure, Chapter 33-103, F.A.C Florida Administrative Code. When publications are impounded or rejected pursuant to the criteria established in this rule, inmates shall bypass the informal and formal institutional level of review, and file grievances direct to the office of the secretary. The grievance appeal shall be addressed to the office of the secretary and not to the literature review committee or to the library services administrator.

(a) If the inmate decides to appeal the impoundment or rejection to the office of the secretary, he or she shall file the appeal within 15 calendar days of the impoundment or rejection and must include a copy of Form DC5-101, Notice of

Rejection or the Impoundment of Publications or rejection notice with the appeal. The inmate shall identify the grievance as being related to admissible reading material by writing the words "Admissible Reading Material" at the top of the grievance. Only one impounded or rejected publication shall be addressed in the appeal.

(b) through (d) No change.

~~(14)(8)~~ Literature Review Committee.

(a) through (b) No change.

(c) Upon receipt of a Form DC5-101, Notice of Rejection or Impoundment of Publications, impoundment notices from a correctional facility facilities or receipt of inmate grievance appeals forwarded by the Bureau of Inmate Grievance Appeals, the library services administrator or designee shall schedule a meeting of the literature review committee to review institutional decisions to impound publications and inmate appeals within 30 days of receipt. ~~The literature review committee shall meet at least once every month if impoundment notices or appeals have been received.~~ The committee shall review the inmate's appeal, or, in the case of institutional impoundment decisions, the rule authority and reasons for the impoundment cited on the Form DC5-101, Notice of Rejection or Impoundment of Publications, the portions of the publication that have been cited as cause for impoundment, and any other specific material relating to the decision to impound the publication or the inmate's appeal. The committee shall affirm or overturn the impoundment decision, or approve or deny the appeal based upon the criteria set forth in this rule. Decisions shall be by majority vote. The decision of the committee shall be final.

(d) No change.

(e) If the inmate's grievance appeal is approved or if the literature review committee notifies institutions that the impoundment of a publication has been overturned, the institution shall issue the publication to the inmate. The following guidelines shall be followed:

1. The publication shall be retrieved from secure storage and turned over to security or service center staff authorized by the warden or designee to issue impounded publications to inmates.

2. A copy of the completed Form DC5-101, Notice of Rejection or Impoundment of Publications, shall be attached to the publication.

3. Institution staff shall stamp the completed Form DC5-101, Notice of Rejection or Impoundment of Publications, "Received by (signature of inmate) on (date)" in the upper right-hand corner on page 1 of the form.

4. The stamped Form DC5-101, Notice of Rejection or Impoundment of Publications, shall be presented to the inmate. The inmate shall be required to sign and date the form. The inmate shall be issued the publication only after he or she has signed and dated the form.

5. The signed form shall be retained by institutional or service center staff as documentation that the inmate was issued the publication.

~~(15)(9)(a)~~ The publisher, ~~wholesale or~~ mail order distributor, bookstore or sender may obtain an independent review of the warden's decision to impound a publication by writing to the library services administrator at 2601 Blair Stone Road, Tallahassee, Florida 32399-2500 within 15 days following receipt of Form DC5-101, the Notice of Rejection or Impoundment of Publications or rejection by the warden. The request for review must be accompanied by:

1. A copy of the completed Form DC5-101, Notice of Rejection or Impoundment of Publications or rejection notice; and

2. A copy of the impounded or rejected publication.

(b) The library services administrator shall forward this information to the literature review committee for review. If the appeal is approved, the publisher, ~~wholesale or~~ mail order distributor, bookstore or sender shall be notified of the decision. The decision shall also be communicated to all institutions of the department, and all privately operated institutions under contract with the department.

~~(16)(10)~~(a) through (b) No change.

(c) Inmates subscribe to periodicals or other reading materials at their own risk and expense. Inmates will not be reimbursed by the Department of Corrections for materials that which are rejected.

(d) No change.

(e) Inmates may only receive and possess print media publications. Incoming publications published on non-print media or print media publications that include non-print media that are an integral part of the publication will be rejected and returned to the sender along with an explanation as to why the material is being rejected. However, unsolicited promotional computer diskettes and CD-ROMs that are mailed with a periodical issue, e.g. the CD-ROMs promoting America Online's Internet service, will be handled as provided in subsection (24) of this rule.

(f) If an inmate does not have space to store admissible reading material in his or her personal living area without creating a fire, safety, or sanitation hazard, the institution is authorized to not issue the items or to impound the items if previously issued until the inmate disposes of other personal property in order to create storage space for the publications.

(g) Inmates shall not order publications from publishers or senders on a "bill me later" basis. All book or periodical subscription purchases that are initiated by inmates shall include an Inmate Bank Trust Fund Special Withdrawal, Form DC2-304, that covers the complete cost of the purchase, and postage, if necessary, and shall include an envelope that is properly addressed to the publisher or sender. Such requests shall be submitted to the warden or designee for approval. If approved, the warden or designee shall forward the request to

the Bureau of Finance and Accounting, Inmate Bank Section, for processing. Any outgoing correspondence that does not comply with these requirements shall be returned to the inmate. Form DC2-304 is incorporated by reference in Rule 33-203.201, F.A.C.

(17)(14) No change.

(18)(12) Books, periodicals or other publications shall be sent directly from the publishers, ~~wholesale or~~ mail order distributors or bookstores to the inmate unless otherwise authorized by the warden.

(19)(13) No change.

(20) The address of all incoming books, periodicals and other publications must contain the inmate's committed name, identification number, and institutional address.

(21)(14)(a) Publications and training materials selected for use in authorized programs of the Department, or in private correctional institutions operated under contract with the Department, PRIDE or the Corrections Medical Authority shall be reviewed by the department head or person designated by the warden to ensure that the subject matter contained therein is admissible and does not meet any of the criteria for inadmissibility in subsection (3)(2).

(b) Institutions shall permit inmates to enroll in correspondence study programs provided that the subject matter of course materials is not inadmissible pursuant to the criteria stated in subsection (3)(2). The warden shall designate one or more department heads to screen and approve all materials received pursuant to participation in correspondence study programs. Individual items shall be inspected by institution staff upon receipt and shall either be approved and issued to the inmate, or rejected and handled as contraband in accordance with Rules 33-602.201 and 33-602.203, F.A.C. Upon delivery to the institution, course or training materials shall be forwarded to the department head that approved the request for inspection prior to delivery to the inmate.

1. Inmates shall secure prior approval from the warden or designee to receive any item not listed on the Inmate Property List, Appendix One, to Rule 33-602.201, F.A.C. Any such item that was not approved by the warden or designee in advance of receipt shall be rejected as contraband and handled in accordance with Rules 33-602.201 and 33-602.203, F.A.C.

2. Inmates in close management or on death row shall not be permitted to receive hardcover correspondence study materials. Paperback materials shall not have metal or spiral bindings.

3. All educational correspondence study materials shall be mailed directly from the course provider to the institution's education department via U.S. Postal Service mail.

(22) through (23) renumbered (15) through (16) No change.

(a) No change.

(b) Authorized sources:

1. Inmates shall be permitted to receive calendars from publishers, ~~wholesale or~~ mail order distributors and bookstores.

2. through 3. No change.

(c) Calendars that contain written or pictorial matter that is inadmissible per subsection (3)(2) of this rule shall be rejected and shall not be issued to inmates.

(d) No change.

(24)(17) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 944.11 FS. History—New 10-8-76, Amended 3-3-81, 9-24-81, Formerly 33-3.12, Amended 6-9-87, 3-11-91, 12-17-91, 3-30-94, 11-2-94, 5-10-98, 10-20-98, Formerly 33-3.012, Amended 3-21-00, 8-10-00, 10-13-02, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Sex Offender Visiting Restrictions  
 RULE NO.: 33-601.720

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the factors to be considered by the warden when determining whether to grant a request for a visit between an inmate sex offender and a minor accompanied by an authorized adult.

SUBJECT AREA TO BE ADDRESSED: Restrictions on sex offender visits with minors.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 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:

33-601.720 Sex Offender Visiting Restrictions.

(1) No change.

(2) A warden, with a recommendation from the CVA supervisor, is authorized to approve a visit between a minor who is accompanied by an authorized adult and an inmate who meets the criteria in subsection 33-601.720(1), F.A.C., above if visiting is not restricted by court order and the warden determines the visit to be in the minor's best interest. Factors to be considered are:

(a) An evaluation from a Florida licensed mental health counselor, marriage and family therapist, clinical social worker, psychologist or psychiatrist professionally certified or licensed counselor from the community, which reports the impact on the minor of such visits or the lack of visits,

(b) The duration and frequency of prior visits without adverse incidents,

~~(c) A psychological evaluation of the inmate as to the danger presented to the minor and any continuing issues regarding visits with the minor;~~

~~(c)(4)~~ The availability of non-contact visiting facilities at the institution, and

~~(d)(e)~~ Other factors related to the safety and best interest of the minor.

(3) The warden shall also consider the disciplinary history of the inmate when making the determination of whether to allow visitation. In order to be eligible to visit, an inmate must not have been found guilty of any of the following disciplinary charges in Rule 33-601.314, F.A.C., during the three months prior to the request for visitation:

(a) 1-1 Assault or battery or attempted assault or battery, with a deadly weapon;

(b) 1-2 Other assault or battery or attempted assault or battery;

(c) 1-3 Spoken or written threats;

(d) 1-4 Disrespect to officials, employees, or other persons of constituted authority expressed by means of words, gestures, and the like;

(e) 1-5 Sexual battery or attempted sexual battery;

(f) 2-1 Participating in riots, strikes, mutinous acts or disturbances;

(g) 2-2 Inciting or attempting to incite riots, strikes, mutinous acts or disturbances--Conveying any inflammatory, riotous or mutinous communication by word of mouth, in writing or by sign, symbol or gesture;

(h) 2-3 Participating in or inciting a minor disturbance;

(i) 2-4 Fighting;

(j) 3-1 Possession or manufacture of weapons, ammunition or explosives;

(k) 7-6 Arson or attempted arson;

(l) 9-1 Obscene or profane act, gesture, or statement – oral, written or signified;

(m) 9-3 Breaking and entering or attempted breaking;

(n) 9-7 Sex acts or unauthorized physical contact involving inmates;

(o) 9-18 Unauthorized physical contact involving non-inmates;

(p) 9-20 Extortion or attempted extortion; or

(q) 9-22 Robbery or attempted robbery.

(4) Inmates shall not be permitted to visit with minors who are victims of their offenses unless a family court makes the determination that the visitation is necessary.

~~(5)(3) The warden shall provide documentation required in paragraphs 33-601.720(2)(a) and (c), F.A.C., above to the CVA supervisor who shall recommend approval or denial to the warden.~~

(6) If visitation is recommended, the custodial parent or guardian of the child must complete and sign Form DC6-138, Consent for Visitation with Minor Child. Form DC6-138 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.

~~(7)(4)~~ No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New 11-18-01, Formerly 33-601.707, Amended \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Conducting a Business While Incarcerated

RULE NO.: 33-602.207

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the department's policy prohibiting inmates from conducting a business or profession while incarcerated.

SUBJECT AREA TO BE ADDRESSED: Conducting a business while incarcerated.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT 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:

33-602.207 Conducting a Business While Incarcerated.

(1) No inmate shall establish or engage actively in a business or profession while incarcerated.

(2) For the purposes of this rule, a business or profession is defined as any revenue generating or profit making activity or any activity having the potential to generate revenue or profit for the inmate while incarcerated. Engaging in a business or profession also includes individual activities such as one-time submission of a single manuscript for publication when such publication will result or has the potential to result in the generation of revenue for the inmate, unless the inmate obtains approval from the warden for the individual transaction. The warden shall base the decision to approve or disapprove the request on whether the transaction presents a threat to the security, order or effective management of the institution, to the rehabilitative objectives of the correctional system, or to the safety of any person.



(3) An inmate who is engaged in a business or profession prior to commitment to the department shall assign authority for the operation of such business or profession to a person in the community within 90 days of commitment.

(4) Incoming or outgoing mail relating to the direction of an inmate's business or profession shall be rejected.

(5) Any inmate who attempts to conduct a business or profession through the mail, telephone, or any other avenue of communication while incarcerated shall be subject to disciplinary action in accordance with Rules 33-601.301-.314, F.A.C.

(6) Inmates shall not be restricted from mail, telephone, or other non-prohibited communications necessary to enable an inmate to protect property and funds that were legitimately the inmate's at the time of commitment.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New

**DEPARTMENT OF ELDER AFFAIRS**

**Aging and Assisted Living Programs**

RULE CHAPTER TITLE: Hospice  
 RULE CHAPTER NO.: 58A-2

RULE TITLES: LICENSURE PROCEDURE  
 RULE NOS.: 58A-2.004  
 Administration of the Hospice 58A-2.005  
 Residential Units 58A-2.0236  
 Physical Plant Standards 58A-2.025

PURPOSE AND EFFECT: Proposed amendment to Rule 58A-2.004, F.A.C., will (a) delete the requirement that the Agency for Health Care Administration conduct a fire safety survey of hospice administrative offices as a condition of initial licensure and renewal, and (b) provide that the Agency for Health Care Administration conduct a fire safety survey of hospice residential and freestanding in-patient facilities prior to the opening of the facility on a periodic basis. Proposed amendments to Rules 58A-2.005 and 58A-2.0236, F.A.C., and proposed Rule 58A-2.0025, F.A.C., will provide physical plant standards for hospice facilities as specified in paragraph (i) of Section 400.605, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Physical Plant Standards.

SPECIFIC AUTHORITY: 400.605 FS.

LAW IMPLEMENTED: 400.605 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 SHOW BELOW.

TIME AND DATE: 10:00 a.m. – 12:00 Noon, March 21, 2003

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 225F, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Macdonald, Division of Community Based Services, 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.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE TITLE: Unemployment Compensation  
 RULE NO.: 60BB-2.036

Tax – Indian Tribe

PURPOSE AND EFFECT: This rule implements s. 443.1315, Fla. Stat. (2002) which allows Indian Tribes to be liable for payments of unemployment compensation in lieu of making contributions. In order to qualify under this provision, the tribe or tribal unit must submit a surety bond.

SUBJECT AREA TO BE ADDRESSED: Unemployment Compensation Tax – Indian Tribe.

SPECIFIC AUTHORITY: 443.1315(7) FS.

LAW IMPLEMENTED: 443.1315 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, March 31, 2003

PLACE: 107 E. Madison Street, Room B-049, Tallahassee, Florida 32399, (850)245-7150

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robin Westcott, Senior Attorney, Agency for Workforce Innovation, 107 E. Madison Street, MSC 150, Tallahassee, FL 32399-4128

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60BB-2.036 Unemployment Compensation Tax – Indian Tribe.

(1) Each Tribe or tribal unit that elects to become liable for payments in lieu of contributions must submit a completed form UCT-28T in accordance with s. 443.131, F.S.. The Tribe or tribal unit must also submit a surety bond. The surety bond must be issued by a bonding company or insurance company authorized by the Department of Insurance to do business in this state. If the bond is signed by an out-of-state agent it shall be countersigned by a Florida resident agent. The surety bond must be submitted on form UCT-40 within 90 days of the effective date of an Indian tribe or tribal unit's election to become liable for payments in lieu of contributions. The bond must be effective as of January 1 of that calendar year. The Department will not grant final approval of the election application until the bond is timely received and approved. The bond is to be conditioned upon the Indian tribe or tribal unit's

timely compliance with the payment provisions of s. 443.131(5), Florida Statutes. Forms UCT-28T and UCT-40 are hereby incorporated by reference and are available by:

(a) Writing to the Florida Department of Revenue, Central Registration-Unemployment Tax, Post Office Box 6510, Tallahassee, Florida 32314-6510;

(b) Faxing a request to the Department of Revenue's Unemployment Tax Registration Unit at (850)488-5833;

(c) Calling the Department of Revenue's Unemployment Tax Registration Unit at (850)488-5079; or

(d) Dialing the TDD number for the Department of Revenue at 1(800)367-8331 for persons with hearing or speech impairments.

(2) The bond shall be duly executed by the principal and the surety. The amount of the bond shall be calculated by determining the average amount of benefits charged to the applicant per quarter during the previous calendar year and multiplying that average by two. If there is insufficient employer history to determine the average, the amount of the bond shall be thirty percent of the number of the applicant's employees, multiplied by three thousand dollars. The Department may review the bond annually to determine if there is a need to adjust the face amount. If the Department determines that the bond amount needs to be increased it shall advise the Indian tribe or tribal unit which shall have 90 days from the date of notification to increase the amount of the bond. The Department may seek recovery from the surety on the bond at any time subsequent to the failure of the Indian tribe or tribal unit to pay any bill within 30 days of the mailing date of the bill pursuant to s. 443.131(5) of the Florida Statutes.

(3) The bond shall be effective until it is canceled. The surety company must give the DOR at least 90 days written notice if it intends to cancel the surety bond. The cancellation shall not be effective until 90 days after the Department receives written notice of the cancellation. Any cancellation of the bond shall not affect any liability incurred or accrued prior to the effective date of the cancellation. Failure of the Indian tribe or tribal unit to have in effect a surety bond in the amount determined necessary by the Department will cause the Indian tribe or tribal unit to lose the option to make payments in lieu of contributions effective the following calendar year.

Specific Authority 443.1315 (7) FS. Law Implemented 443.1315 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Retirement**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Municipal Police Officers' Retirement Trust Fund	60Z-1
RULE TITLE:	RULE NO.:
Use of State Premium Tax Revenues	60Z-1.026

PURPOSE AND EFFECT: To clarify the use of state premium tax revenues to provide extra benefits to police officers as provided in Chapter 99-1, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Municipal Police Officers' Retirement Funds established by municipalities pursuant to Chapter 185, Florida Statutes.

SPECIFIC AUTHORITY: 120.54, 185.105, 185.23 FS.

LAW IMPLEMENTED: 185.10, 185.16, 185.35 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: 1:00 p.m., March 18, 2003

PLACE: Room 220, 2nd Floor Conference Room, Building B, Cedars Executive Center, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Patricia F. Shoemaker, Retirement Administrator, Police & Fire Pension Fund Office, Division of Retirement, Post Office Box 3010, Tallahassee, Florida 32315-3010, (850)922-0667

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60Z-1.026 Use of State Premium Tax Revenues.

(1) For pension plans that were in effect on October 1, 1998, that have not met the minimum benefit requirements described in Section 185.16, Florida Statutes, benefits shall be increased incrementally as additional premium tax revenues become available.

(2) For pension plans that were in effect on October 1, 1998, that provide benefits that meet or exceed the minimum benefits described in Section 185.16, Florida Statutes, increases in premium tax revenues over the amount collected for calendar year 1997, must be used in their entirety to provide extra benefits in addition to those benefits provided prior to the effective date of Chapter 99-1, Laws of Florida.

(3) For local law plans that were not in existence on October 1, 1998, premium tax revenues must be used in their entirety to provide extra benefits.

Specific Authority 120.54, 185.105, 185.23 FS. Law Implemented 185.10, 185.16, 185.35 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Retirement**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Municipal Firefighters' Pension Trust Fund	60Z-2
RULE TITLE:	RULE NO.:
Use of Premium Tax Revenues	60Z-2.017

PURPOSE AND EFFECT: To clarify the use of state premium tax revenues to provide extra benefits to firefighters as provided in Chapter 99-1, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Firefighters' Pension Trust Funds established by municipalities and fire control districts pursuant to Chapter 175, Florida Statutes.

SPECIFIC AUTHORITY: 120.54, 175.1215, 175.341 FS.

LAW IMPLEMENTED: 175.121, 175.162, 175.351 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: 1:00 p.m., March 18, 2003

PLACE: Room 220, 2nd Floor Conference Room, Building B, Cedars Executive Center, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Patricia F. Shoemaker, Retirement Administrator, Police & Fire Pension Fund Office, Division of Retirement, P. O. Box 3010, Tallahassee, Florida 32315-3010, (850)922-0667

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60Z-2.017 Use of Premium Tax Revenues.

(1) For pension plans that were in effect on October 1, 1998, that have not met the minimum benefit requirements described in Section 175.162, Florida Statutes, benefits shall be increased incrementally as additional premium tax revenues become available.

(2) For pension plans that were in effect on October 1, 1998, that provide benefits that meet or exceed the minimum benefits described in Section 175.162, Florida Statutes, increases in premium tax revenues over the amount collected for calendar year 1997, must be used in their entirety to provide extra benefits in addition to those benefits provided prior to the effective date of Chapter 99-1, Laws of Florida.

(3) For local law plans that were not in existence on October 1, 1998, premium tax revenues must be used in their entirety to provide extra benefits.

Specific Authority 120.54, 175.1215, 175.341 FS. Law Implemented 175.121, 175.162, 175.351 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Pilot Commissioners**

RULE TITLE: Safety Guidelines  
 RULE NO.: 61G14-15.003

PURPOSE AND EFFECT: The Board proposes to review the existing rule to clarify the safety guidelines.

SUBJECT AREA TO BE ADDRESSED: Safety Guidelines.

SPECIFIC AUTHORITY: 310.185 FS.

LAW IMPLEMENTED: 310.0015(3)(a), 310.075(4), 310.101(1)(d) 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: Anthony Spivey, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G14-15.003 Safety Guidelines.

As used in this rule, "pilot" shall mean both a state licensed pilot and a state certified deputy pilot.

(1) through (3) No change.

(4) Each association of pilots in each port where such association(s) exists, and the licensed state pilots in each port who are not members of such association shall submit to the Board for its review and approval or rejection, the current maximum allowable draft of vessels calling at the port and restrictions on bottom clearance for each ~~berth and~~ channel, as required by Sections 310.075(4) and 310.101(1)(d), Florida Statutes.

(5) In order to assist the board in serving the public interest in maintaining efficient and safe piloting services as required by Section 310.061, Florida Statutes, each association of pilots, in each port where such association(s) exists, and the licensed state pilots in each port who are not members of such association shall ~~annually~~ submit for the board's review and approval or rejection, the current pilot work schedules for the port which are best suited to meet local conditions and demands and which:

(a) Insure that an adequate number of pilots is always available to handle any vessel requiring the services of a pilot;

(b) Provide sufficient off-duty time for rest; and

(c) Outline procedures which provide for backup support which may become necessary due to disability or loss of available pilots.

Specific Authority 310.185 FS. Law Implemented 310.0015(3)(a), 310.075(4), 310.101(1)(d) FS. History—New 11-6-89, Amended 6-26-90, 12-30-91, 10-25-92, Formerly 21SS-9.001, 21SS-15.003, Amended 11-15-93, 1-26-99, 10-4-99, 1-7-02, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Pilot Commissioners**

RULE TITLE: Percentage of Gross Pilotage Assessed  
 RULE NO.: 61G14-19.001

PURPOSE AND EFFECT: The Board proposes to amend the existing rule to determine if any amendments are necessary to the percentage of gross pilotage assessed.

SUBJECT AREA TO BE ADDRESSED: Percentage of Gross Pilotage Assessed.

SPECIFIC AUTHORITY: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 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, Board of Pilot Commissioners, 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**

**Board of Pilot Commissioners**

RULE TITLE: Deputy Pilots' and State Pilots' Physical and Mental Capabilities

RULE NO.:

61G14-20.001

PURPOSE AND EFFECT: The Board proposes to amend the existing rule to update the revision date for form Dept. of Trans., USCG, CG-719K, entitled "Merchant Marine Personnel Physical Examination Report."

SUBJECT AREA TO BE ADDRESSED: Revision date for form Dept. of Trans., USCG, CG-719K, entitled "Merchant Marine Personnel Physical Examination Report."

SPECIFIC AUTHORITY: 310.185(1) FS.

LAW IMPLEMENTED: 310.071, 310.073 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: Anthony Spivey, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G14-20.001 Deputy Pilot' and State Pilots' Physical and Mental Capabilities.

(1) The purpose of this rule is to establish minimum standards for the physical and mental capabilities necessary to carry out the professional duties of a certificated deputy pilot or licensed state pilot, as required by Sections 310.071 and 310.073, Florida Statutes.

(2) As used in this rule, the following definitions shall apply:

(a) "Applicant" shall mean a person applying for initial certification as a deputy pilot;

(b) "Pilot" shall mean a Florida licensed state pilot or a Florida certified deputy pilot;

(c) "Certification of physical fitness" shall consist of all the following documents signed by a physician who holds an active, valid license issued pursuant to Chapter 458 or 459, Florida Statutes:

1. Annual certification that the applicant, or pilot is fully fit and qualified to perform the duties of a pilot. The certification shall occur each calendar year and shall bear a date no later than thirteen months after the date appearing on such certification most recently submitted;

2. An original or true copy of the latest revision of form Dept. of Trans., USCG, CG-719K (Rev. 1/02 ~~3-95~~) entitled "Merchant Marine Personnel Physical Examination Report," which form is incorporated herein by reference and can be obtained by contacting the Board office at 1940 North Monroe Street, Tallahassee, Florida 32399-0773. The form shall bear a date no later than thirteen months after the date appearing on the copy of such form most recently submitted; and

3. Documentation that the applicant or pilot, within six months prior to the date the document is submitted, has been found to be drug free by a test approved by the United States Coast Guard. "Submitted" shall mean received at the Board office at 1940 North Monroe Street, Tallahassee, Florida 32399-0773.

(3) Certification of physical fitness shall be submitted at the following times:

(a) Applicants – within six months prior to the date the application is submitted;

(b) Pilots – not later than thirteen months following the date the most recent certification of that pilot's physical fitness was submitted.

(c) Failure to comply with this rule shall result in discipline pursuant to section 310.101, Florida Statutes, and Rule Chapter 61G14-17, F.A.C.

(4) Any evidence from a physical examination which indicates that the subject has a clinical dependence upon alcohol use or uses any controlled substance (with zero tolerance) unless the subject is under the care of a physician and the controlled substance was prescribed by that physician shall subject the applicant or pilot to the provisions of Section 310.101, Florida Statutes. Proceedings thereunder shall be in accordance with the requirements of Section 120.569 and 120.57, Florida Statutes.

(5) Any applicant or pilot affected by the Board's action may request a hearing in accordance with Chapter 120, F.S., and must do so within twenty-one (21) days of receipt of notice

of Board action, otherwise the Board action will become a final order of the Board on the day following the last day to request a hearing.

(6) Nothing in this rule section shall be construed to limit the Department's statutory authority to issue an emergency order suspending or revoking a pilot's license or certificate where there is an immediate danger to the public health, safety, or welfare.

Specific Authority 310.185(1) FS. Law Implemented 310.071, 310.073 FS. History—New 2-22-95, Amended 1-4-00,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Building Code Administrators and Inspectors Board**

RULE TITLE: Continuing Education for Biennial Renewal RULE NO.: 61G19-9.001

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

SUBJECT AREA TO BE ADDRESSED: Continuing Education for Biennial Renewal.

SPECIFIC AUTHORITY: 455.2124, 455.213(6), 468.627 FS.

LAW IMPLEMENTED: 455.2124, 455.213(6), 468.627 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE TITLE: Practitioner Profile RULE NO.: 64B-2.001

PURPOSE AND EFFECT: The Division proposes to review the language in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Practitioner profile.

SPECIFIC AUTHORITY: 456.044, 456.004 FS.

LAW IMPLEMENTED: 456.039, 456.0391, 456.041, 456.042, 456.043, 456.044, 456.045, 456.046 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lola Pouncey, MQA Bureau of Operations, 4052 Bald Cypress Way, Bin C10, Tallahassee, Florida 32399-3270

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Requirement for Physician Office Registration; Inspection or Accreditation RULE NO.: 64B8-9.0091

PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify criteria for compliance with regard to office surgery laws and rules.

SUBJECT AREA TO BE ADDRESSED: Clarification of criteria for compliance with office surgery requirements.

SPECIFIC AUTHORITY: 458.309(1),(3) FS.

LAW IMPLEMENTED: 458.309(3), 456.069 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: Larry G. McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.0091 Requirement for Physician Office Registration; Inspection or Accreditation.

(1) Registration.

(a) No change.

(b) In order to register an office for surgical procedures, the physician must provide to the Board of Medicine, his or her name, mailing address, Florida license number, and a list of each office where the covered surgical procedures are going to be performed by the physician. The list shall also include each office name, address, telephone number, and level of surgery being performed at that location by the physician; and if more than one physician is practicing at that location, a list of all physicians and levels of surgery being performed must be provided. The list shall also include the name of each physician assistant, ARNP and CRNA involved in the office surgery or anesthesia; copies of any protocols necessary for the supervision of any ARNP or CRNA; and any transfer agreements with local hospitals. In addition, the physician shall submit a statement of compliance with Rule 64B8-9.009,

F.A.C., "Standard of Care for Office Surgery", and Section 456.0375, F.S., "Registration of certain clinics; requirements; discipline; exemption." when registering with the Department.

- (c) through (d) No change.
(2) through (3) No change.

Specific Authority 458.309(1),(3) FS. Law Implemented 458.309(3), 456.069 FS. History--New 5-15-00, Amended 9-18-01,\_\_\_\_\_.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: Physician Assistant Licensure, Physician Assistant Performance, Citation Authority
RULE NOS.: 64B8-30.003, 64B8-30.012, 64B8-30.014

PURPOSE AND EFFECT: The proposed rule amendments to Rules 64B8-30.003 and 64B8-30.014, F.A.C., are intended to address concerns of the Joint Administrative Procedures Committee. The proposed amendments to Rule 64B8-30.012, F.A.C., are intended to clarify requirements for the signing of physician assistant medical records by physicians.

SUBJECT AREA TO BE ADDRESSED: Amendments to Rules 64B8-30.003 and 64B8-30.014, F.A.C., are in response to concerns of the Joint Administrative Procedures Committee. The amendments to Rule 64B8-30.012, F.A.C., address signing of medical records.

SPECIFIC AUTHORITY: 456.013, 456.031(2), 456.033(6), 456.077, 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.031, 456.033, 456.077, 458.331, 458.347 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B8-30.003 Physician Assistant Licensure.
(1) through (3) No change.
(4) The applicant must submit notarized statements containing attesting to the following information:
(a) through (c) No change.
(5) through (6) No change.

Specific Authority 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS. Law Implemented 456.013, 456.017, 456.031, 456.033, 458.347 FS. History--New 4-28-76, Amended 11-15-78, 10-23-80, 12-4-85, Formerly 21M-17.03, Amended 5-13-87, 11-15-88, 11-15-90, 1-9-92, 5-6-93, Formerly 21M-17.003, Amended 9-21-93, Formerly 61F6-17.003, Amended 9-8-94, 11-30-94, 10-25-95, 3-25-96, Formerly 59R-30.003, Amended 6-7-98, 8-19-99, 5-28-00, 3-3-02,\_\_\_\_\_.

64B8-30.012 Physician Assistant Performance.
(1) through (2) No change.

(3) All tasks and procedures performed by the physician assistant must be documented in the appropriate medical record. As a requirement of appropriate supervision of a physician assistant, each supervising physician is required to review, sign and date physician assistant documentation in medical charts as set forth herein.

(a) During the initial six months of supervision of each physician assistant, all documentation by the physician assistant in a medical chart must be reviewed, signed and dated, by a supervising physician within seven days.

(b) Subsequent thereto, a supervising physician must review, sign and date all documentation by a physician assistant in medical charts that include prescriptions written by the physician assistant within 30 days.

(c) In addition, subsequent to the initial six months of supervision, and at intervals of no more than 30 days, the supervising physician shall randomly select at least 25% of all other medical charts that include physician assistant documentation to review, sign and date. The supervising physician must review, sign and date the physician assistant record within seven (7) days.

(4) No change.

Specific Authority 458.309, 458.347(4)(a),(13) FS. Law Implemented 458.347(2),(3),(4),(13) FS. History--New 5-13-87, Amended 7-7-87, 11-15-88, 9-15-92, Formerly 21M-17.012, Amended 11-4-93, Formerly 61F6-17.012, 59R-30.012, Amended 10-13-98, 3-28-99,\_\_\_\_\_.

64B8-30.014 Citation Authority.

(1) through (2) No change.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

Table with 2 columns: VIOLATIONS and PENALTY. Row 1: (a) No change. Row 2: (b) Obtaining license renewal by negligent fraud or misrepresentation. (Sections 458.347(7)(g) and 458.331(1)(a), F.S.) \$2500 fine. Row 3: (c) through (f) No change. Row 4: (4) through (7) No change.

Specific Authority 458.309, 456.077, 458.347(7)(g),(12) FS. Law Implemented 456.077, 458.331, 458.347(7)(g),(12) FS. History--New 3-3-02, Amended\_\_\_\_\_.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE CHAPTER TITLE: Licensure Renewal
RULE CHAPTER NO.: 64B14-5

PURPOSE AND EFFECT: The Board proposes to review the existing language in the entirety of this chapter to determine if amendments are necessary and/or new rules should be promulgated relating to licensure renewal and continuing education.

SUBJECT AREA TO BE ADDRESSED: Licensure renewal.
SPECIFIC AUTHORITY: 456.013, 468.802, 468.806(2) FS.
LAW IMPLEMENTED: 456.013, 456.024, 468.805(2), 468.806 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE CHAPTER TITLE: Standards of Practice RULE CHAPTER NO.: 64B14-6

PURPOSE AND EFFECT: The Board proposes to promulgate a new chapter relating to standards of practice.

SUBJECT AREA TO BE ADDRESSED: Licensure renewal.

SPECIFIC AUTHORITY: 468.802 FS.

LAW IMPLEMENTED: 468.802 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program Office

CRULE TITLE: Food Stamp Program Case Processing RULE NO.: 65A-1.602

PURPOSE AND EFFECT: This proposed rule amendment implements the s. 414.32, F.S., requirements for custodial and noncustodial parents' cooperation with child support enforcement (CSE) as a condition of eligibility for the receipt of food stamps.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will provide for custodial and noncustodial parent cooperation with CSE as a condition of food stamp eligibility. Custodial parents will be required to cooperate in establishing paternity for a child born out-of-wedlock and in obtaining child support. Noncustodial parents must show they are current with court-ordered child support payments. The amendment also provides for good cause for non-cooperation by custodial parents when cooperation is not in the best interest of the child, custodial parent, or caretaker relative. Additionally, it provides for the incorporation by reference of forms necessary to implement this policy.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.32 FS.

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

TIME AND DATE: 10:00 a.m., March 10, 2003

PLACE: 1317 Winewood Blvd., Bldg. 3, Room 100, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Program Support Unit, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, (850)488-3090

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

Section II Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER TITLE: Rules of Procedure and Practice Pertaining To Developments of Regional Impact RULE CHAPTER NO.: 9J-2

RULE TITLES: PART II PROCEDURES PERTAINING TO DEVELOPMENTS OF REGIONAL IMPACT

Subpart A General Procedures

Forms 9J-2.010

Clearance Letters 9J-2.015

Binding Letters of Interpretation 9J-2.016

Preliminary Development Agreements 9J-2.0185

Subpart B Development of Regional Impact Review Procedures

Regional Report and Recommendations 9J-2.024

Local Government Development Orders 9J-2.025

Abandonment of Development Orders 9J-2.0251