

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Library and Information Services

RULE TITLE: Library Grant Programs
 RULE NO.: 1B-2.011

PURPOSE AND EFFECT: The purpose of this amendment is to modify application and administrative guidelines for the State Aid to Libraries grant program. The changes are being made to reflect revisions to Chapter 257, Florida Statutes, regarding program eligibility and grant requirements. Guidelines for this grant program are outlined in the application packet that contains information on eligibility requirements, application and review procedures, grant administration procedures and application forms.

SUBJECT AREA TO BE ADDRESSED: Guidelines for the State Aid to Libraries grant program administered by the Division of Library and Information Services.

SPECIFIC AUTHORITY: 257.14-.25 FS.

LAW IMPLEMENTED: 257.15-.25 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., Wednesday, July 9, 2003

PLACE: Third Floor Training Room, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Judith Ring, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6600, Suncom 205-2600

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

DEPARTMENT OF INSURANCE

Division of Workers' Compensation

RULE TITLE: Florida Workers' Compensation Health Care Provider Reimbursement Manual
 RULE NO.: 4L-7.020

PURPOSE AND EFFECT: To amend Rule 4L-7.020, F.A.C., to adopt the new version on the Florida Workers' Compensation Health Care Provider Reimbursement Manual 2003 Edition.

SUBJECT AREA TO BE ADDRESSED: The 2003 Edition of the Florida Workers' Compensation Health Care Provider Reimbursement Manual.

SPECIFIC AUTHORITY: 440.13(7),(8),(11)-(14), 440.591 FS.

LAW IMPLEMENTED: 440.13(6)-(8),(11)-(14) 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., Tuesday, July 15, 2003

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0316, (850)922-4480

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4L-7.020 Florida Workers' Compensation Health Care Provider ~~Fee for Service~~ Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider ~~Fee for Service~~ Reimbursement Manual, 2003 ~~2002~~ Edition, is adopted by reference as part of this rule. The manual contains reimbursement policies, guidelines, codes and maximum reimbursement allowances for medical physician services, non-physician services, pharmaceutical and medical supplies; provided by health care providers as well as basic instructions and information for all providers and insurance carriers in the preparation and reimbursement of bills for medical services. The manual provides reimbursement policies and payment methodologies for pharmacists and medical suppliers. The Florida Workers' Compensation Health Care Provider ~~Fee for Service~~ Reimbursement Manual, 2003 ~~2002~~ Edition, is available for inspection during normal business hours at the State of Florida Department of Insurance, Division of Workers' Compensation, Document Processing Section Center, 200 East Gaines Street, Tallahassee, Florida 32399-0311 4230, or via the Department's Division's web site at <http://www.fldfs.com> ~~<http://www2.myflorida.com/les/we/>~~.

(2) The Physicians' Current Procedural Terminology (CPT®), Fourth Edition, Copyright 2002 ~~2001~~, American Medical Association (cover states "Current Procedural Terminology CPT® 2003 ~~2002~~, Standard Edition"), the Current Dental Terminology (CDT-43), Fourth Third Edition, Copyright 2002 ~~1999~~, American Dental Association (cover states "Current Dental Terminology (CDT-43), ~~Version 2000~~"); and 2002 HCPCS 2003 Level II Professional

- (b) 40 percent crude fiber, maximum;
- (c) 1.5 percent phosphorus, minimum;
- (d) 2.0 percent calcium, minimum;

(3) Production and Testing Requirements.

The product is processed by drying, ensiling, composting, physical and chemical fractionation, or other methods to produce an ingredient meeting the following requirements:

(a) Salmonella – Less than 30 percent of 10 random samples of 100 grams each from one day's production run or other identifiable separate unit of the ingredient shall be positive for Salmonella when analyzed in accordance with AOAC or FDA "BAM" (Bacteriological Analytical Manual) methods.

(b) Mycotoxins – 10 random 2 kilogram samples from one day's production run or other identifiable separate unit of the ingredient shall be blended together and analyzed by AOAC methods. No more than 20 ppb aflatoxins shall be present.

(c) Heavy Metals – 10 random 25 gram samples from one day's production run or other identifiable separate unit of the ingredient shall be blended together and analyzed for mercury, lead, copper, cadmium, arsenic, and fluorine by AOAC methods or other applicable validated methods. Results of such analyses shall be recorded and submitted to the department, and kept as permanent records. The manufacturer or producer is required to submit the initial sequential testing results for heavy metals and annual analyses of the same to the department. These analytical data will be evaluated to assess changes in heavy metal(s) resulting from the recycling process. When necessary, limitations for heavy metals will be established if experience demonstrates that such limitations are required to assure the safety of the ingredient.

(d) Feed Medications

1. The manufacturer of the ingredient shall obtain, and maintain on a current basis, a list of the drugs used in the animals from which the waste material used as a source of the ingredient is obtained.

2. 10 random samples of 100 grams from one production run of the ingredient blended together shall be analyzed for residues of the drugs listed by the manufacturer under paragraph (3)(d)1. above. If no such list is maintained, each of the drugs listed in sub-subparagraph (3)(d)3.b. shall be analyzed for by AOAC methods or other appropriate analytical procedures. As necessary, the manufacturer or producer of the ingredient shall develop a practical method to determine the amount of drug residue(s) in the ingredient.

3. The ingredient may be marketed for the following uses:

a. If there is no detectable residue of any drug, the ingredient may be fed to all species of livestock and poultry without a withdrawal period.

b. If there is a detectable residue of any drug(s), and the level of the drug in the ingredient is no greater than the use level shown in the table below, the ingredient may be fed to all species of livestock and poultry except that it (i) Shall not be used within 15 days of slaughter; and

(ii) Shall not be used 15 days prior to or during the food production of dairy animals and laying hens.

Drug in the Processed Maximum Level of Drug Animal Waste Permitted in Processed Animal Waste (grams/ton)

<u>Aklomide</u>	<u>220</u>
<u>Amprolium</u>	<u>36</u>
<u>Arsanilic Acid or Sodium Arsanilate</u>	<u>45</u>
<u>Bacitraci</u>	<u>3</u>
<u>Bacitracin Methylene Disalicylate</u>	<u>4</u>
<u>Butynorate</u>	<u>180</u>
<u>Zinc</u>	<u>3</u>
<u>Buquinolat</u>	<u>75</u>
<u>Carbarson</u>	<u>220</u>
<u>Chlortetracyclin</u>	<u>10</u>
<u>Clopidol</u>	<u>110</u>
<u>Coumaphos</u>	<u>0.9</u>
<u>Decoquinat</u>	<u>27</u>
<u>Dichlorvo</u>	<u>350</u>
<u>Dimetridazol</u>	<u>130</u>
<u>Erythromycin</u>	<u>4</u>
<u>Ethopabate</u>	<u>3.5</u>
<u>Hygromycycin B</u>	<u>8</u>
<u>Ipronidazole</u>	<u>57</u>
<u>Levamisole Hydrochloride</u>	<u>720</u>
<u>Lincomycin</u>	<u>2</u>
<u>Melengestrol Acetate</u>	<u>0.025</u>
<u>Monensin Sodium</u>	<u>90</u>
<u>Nequinat</u>	<u>18</u>
<u>Nicarbazi</u>	<u>90</u>
<u>Nihydrazon</u>	<u>100</u>
<u>Nitarson</u>	<u>170</u>
<u>Nitromid</u>	<u>220</u>
<u>Nystatin</u>	<u>50</u>
<u>Oleandomycin</u>	<u>1</u>
<u>Oxytetracycline</u>	<u>5</u>
<u>Penicilli</u>	<u>1.5</u>
<u>Pryantel Tartrate</u>	<u>96</u>
<u>Reserpine</u>	<u>0.18</u>
<u>Robenidine Hydrochloride</u>	<u>30</u>
<u>Ronnel</u>	<u>4</u>
<u>Roxarsone</u>	<u>22</u>
<u>Streptomycin</u>	<u>7</u>

Sulfadimethoxin 55
 Ormetoprim 34
 Sulfamethazine 100
 Sulfantran 270
 Sulfathiazole 100
 Sulfaquinoxalin..... 130
 Tylosin 4
 Zoalen 36

(iii) Shall not be used at levels exceeding 25 percent of the total ration.

c. If there is a detectable residue of any drug(s), and the level of the drug in the feed ingredient is greater than the lowest approved use level as shown in the table in sub-subparagraph (3)(d)3.b., such ingredient shall not be marketed for animal feed use.

(e) Pesticide Residues

(1) 10 random samples of 100 grams from one day's production run or other identifiable separate unit of the feed ingredient shall be blended together and analyzed for pesticide residues by AOAC methods of appropriate analytical procedures ("Pesticides Analytical Methods", Food and Drug Administration, or methods promulgated by the Environmental Protection Agency). Multi-residue methods for testing for organochlorine and organophosphate pesticides shall be adequate for determining if the ingredient complies with the requirements for these groups of pesticides.

(2) Action levels for pesticide residues in the feed ingredients are the same as those promulgated by the Food and Drug Administration for finished feeds.

(3) Animal wastes to which a pesticide has been applied directly (as, for example, for fly control) shall not be marketed for animal feed use until such time as the tolerance is established by the Environmental Protection Agency or an action level established by the Food and Drug Administration.

(f) Parasite Larvae and Ova-10 random samples of 100 grams from one day's production run or other identifiable separate unit of the ingredient shall be analyzed in accordance with AOAC procedures, by routine flotation and microscopic examination. The material must be negative for parasite larvae and ova.

(4) Sampling and Testing Frequency, Reporting and Record Keeping. The manufacturer or producer of any such ingredient shall conform to the following sample and analysis requirements:

(a) The analyses specified in paragraph (c) of this section shall be conducted on sequential production runs sufficient to establish that three consecutive daily production runs of the feed ingredient are consistently within the limitations specified.

(b) Following the initial sequential testing, periodic analyses shall be conducted sufficient to assure continued compliance with subsection (3) of this section. The frequency

of testing will be determined by the results of the analyses. This frequency may range from 0.5 to 10 percent or more of the production runs and in no event be run less than once each calendar quarter. Less frequent testing will be required where the analytical results show continued uniformity and a wide margin of compliance, whereas more frequent tests will be required where the analytical results show a wide range or show levels close to the limitations established.

(c) Sequential testing described in paragraph (4)(a) of this section shall again be required when the periodic analyses required by paragraph (4)(b) of this section or other information available to the manufacturers of the ingredient indicates that:

1. The ingredient is not within the limitations established in subsection (3) of this section.

2. Changes are made in the manufacturing process.

3. New or expanded sources of the raw ingredients are used.

4. Changes occur in the drug or pesticide used by a supplier of the raw ingredient.

(d) All records shall be maintained for at least two years following the production of such ingredient. Such records shall document the source of waste material and levels of the drugs, pesticides, or heavy metals and these records shall contain the analyses required to be conducted by this section. Such records shall be made available upon request at all reasonable hours by any inspector or authorized agent of the department.

(e) The results of heavy metal analyses determined during the initial sequential testing shall be reported to the department within 30 days. In December of each year, the manufacturer of the ingredient shall submit to the department the heavy metal analyses conducted pursuant to paragraph (3)(c) of this section.

(5) Labeling

The label and labeling of the ingredient shall bear:

(a) The name of the ingredient, as specified in paragraph (6) below for the particular product involved. The phrase "For animal feed use" shall appear immediately under the ingredient name. Any product not complying with provisions of paragraph (3) of this section shall not be sold as an animal feed ingredient, but may be diverted for fertilizer use or destroyed. If diverted as a fertilizer, the product shall have the statement "WARNING DO NOT FEED TO ANIMALS. FOR FERTILIZER USE ONLY" immediately following the ingredient name at the top of the label.

(b) The minimum percentage of protein and fat and the maximum percentage of fiber and moisture.

(c) The mineral content, if the feed ingredient contains 6.5 percent or more of mineral matter or any label claim is made with respect to mineral content, or if any mineral is added to the ingredient.

(d) The vitamin content, if any claim is made with respect to vitamin content or if any vitamin is added to the ingredient.

(e) Adequate directions for use as an animal feed ingredient including any limitation required by reason of its content.

(f) If it contains any drug residue, the name of the ingredient shall immediately be preceded or followed, in at least half-size type, by the statements: "Contains drug residue(s). Do not use within 15 days of slaughter" and "Do not use 15 days prior to or during the food production period of dairy animals and laying hens."

(g) If it contains any drug residue subject to paragraph (3)(d)3.b. of this section, the statement "Do not use this ingredient as more than 25 percent of the total ration" shall be prominently displayed in the directions for use.

(6) Specific Definitions and Limits for Allowable Products
All definitions for Recycled Animal Waste Products as listed in the current edition (2003) of the Official Publication of the Association of American Feed Control Officials, Incorporated, and those adopted thereafter by the same Association shall be deemed acceptable in Florida under this Regulation.

Specific Authority 570.07(23), 580.036(2) FS. Law Implemented 580.041(1), 580.051(2), 580.071(1), 580.081, 580.112 FS. History—New _____.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification and Employment RULE CHAPTER NO.: 11B-27

or Appointment RULE TITLE: Maintenance of Officer Certification

11B-27.00212

RULE NO.: 11B-27.00212

PURPOSE AND EFFECT: To require that certified law enforcement officers complete Weapons of Mass Destruction and Basic Incident Command System continuing training prior to June 30, 2008 by submitting through the Commission's automated training management system (ATMS) a completed Mandatory Retraining Report, form CJSTC-74.

SUBJECT AREA TO BE ADDRESSED: Weapons of Mass Destruction and Basic Incident Command System continuing training.

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

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

IF REQUESTED, IN WRITING, 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., Tuesday, July 8, 2003

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations

to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting: Donna Hunt, (850)656-9597 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-27.00212 Maintenance of Officer Certification.

(1) through (12) No change.

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

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

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

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

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

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

a. Understanding and recognizing terrorism.

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

c. Incident scene security.

d. Self-protection.

e. Personal protective equipment (PPE).

f. Decontamination.

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

a. Incident Command System and Unified Command training.

b. Field operations and tactical considerations.

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

1. Incident Command System course number IS-195.

2. Federal Emergency Management Institute.

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

4. Hospital Incident Command System (HICS).

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

(e) Students who began the CMS Law Enforcement Basic Recruit Training Program on or after September 10, 2001, will have satisfied both WMD and Basic ICS training requirements.

(f) The CMS Law Enforcement Basic Recruit Training Program, Module 13: Bombs and Explosives satisfies both WMD and Basic ICS training requirements.

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

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS. History--New 11-5-02, Amended _____.

Editorial Note: See 11B-27.0023, F.A.C.

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Criminal History Records 11C-6
Dissemination Policy

RULE TITLE: RULE NO.:

Procedures for Requesting Criminal 11C-6.004
History Records

PURPOSE AND EFFECT: To update Chapter 11C-6, F.A.C., to reflect legislative amendments to Criminal history fees.

SUBJECT AREA TO BE ADDRESSED: Criminal History Record fees.

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 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., Tuesday, July 8, 2003

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Martha Wright, Bureau

Chief, User Services Bureau, Criminal Justice Information Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11C-6.004 Procedures for Requesting Criminal History Records.

(1) Requests for Florida criminal history records contained in the systems of the Florida Department of Law Enforcement are to be directed to the following address:

Florida Department of Law Enforcement
Division of Criminal Justice Information Services
User Services Bureau
Post Office Box 1489
Tallahassee, Florida 32302-1489.

(2) All requests will be subject to processing in the following declining order of priorities:

(a) Requests from law enforcement and criminal justice agencies for criminal justice purposes, including criminal justice agency applicant processing;

(b) Requests for a personal record review pursuant to Rule 11C-8.001, F.A.C.;

(c) Requests from the Judicial Qualifications Commission, the Governor, and the President of the Senate or the appropriate Senate standing committee, select committee or subcommittee thereof relating to the appointment of officers;

(d) Requests from non-criminal justice agencies having specific statutory authority to receive criminal history information;

(e) Requests from other governmental agencies relying upon the Public Records Law (Ch. 119, F.S.);

(f) Requests from private individuals, businesses or organizations relying upon the Public Records Law.

(3) Fees.

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

(b) As provided in subsection 943.053(3), F.S., a processing fee of \$23 ~~45~~ shall be charged for each subject inquired upon under paragraphs (2)(d) through (f), except that a fee of \$8 shall be charged for each subject inquired upon for vendors of the Department of Children and Family Services, the Department of Juvenile Justice, and the Department of Elderly Affairs; a fee of \$15 shall be charged for each subject inquired upon pursuant to a state criminal history record check required by law to be performed by the Department of Agriculture and Consumer Services; a fee of \$18 shall be charged for each volunteer subject inquired upon under the National Child Protection Act of 1993, as amended; and no fee shall be charged for Florida criminal history information or wanted person information requested by the state offices of the Public Defender. If ~~unless~~ the Executive Director of the

Department determines that conducting the record check would be in the interest of law enforcement or criminal justice or that good cause otherwise exists, the prescribed fee may be waived or reduced if the fee is otherwise waivable, as provided in subsection 943.053(3), F.S.

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

(4) Entities applying to the Florida Department of Law Enforcement to be qualified to receive criminal history records under the National Child Protection Act of 1993, as amended, must first complete and submit the following documents to the Florida Department of Law Enforcement, in accordance with the instructions provided: VECHS Qualified Entity Application – Volunteer & Employee Criminal History System (NCPA 1; Rev. January 1, 2001); and VECHS User Agreement – Volunteer & Employee Criminal History System (NCPA 2; Rev. January 1, 2001). Entities that are qualified through the Florida Department of Law Enforcement to receive criminal history records under the National Child Protection Act must complete and submit the following documents to the Florida Department of Law Enforcement with each request for a criminal history record, in accordance with the instructions provided: An authorized fingerprint card for each person whose criminal history record is requested; and a VECHS Waiver Agreement and Statement – Volunteer & Employee Criminal History System (NCPA 3; Rev. January 1, 2001). Qualified entities that release to another qualified entity any criminal history record information received pursuant to the National Child Protection Act must complete and maintain the following document, in accordance with the instructions provided: VECHS Dissemination Log – Volunteer & Employee Criminal History System (NCPA 4, Rev. January 1, 2001). These forms are incorporated by reference.

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

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiner’s Commission

RULE CHAPTER TITLE: Standard Investigation Procedures
RULE TITLE: Investigation
RULE CHAPTER NO.: 11G-2
RULE NO.: 11G-2.003

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

SUBJECT AREA TO BE ADDRESSED: Autopsies conducted by the Office of the Medical Examiner.

SPECIFIC AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 406.11, 406.13 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., Tuesday, July 8, 2003

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Luten, Staff, Medical Examiners Commission, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11G-2.003 Investigation.

(1) No change.

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

(3) through (5) No change.

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

DEPARTMENT OF LAW ENFORCEMENT

Office of Inspector General

RULE CHAPTER TITLE: Violent Crime Investigative
Emergency and Drug
Control Strategy
Implementation Account
RULE CHAPTER NO.:
11N-1

RULE TITLES:	RULE NOS.:
Matching Drug Control	
Investigative Funding	11N-1.0022
Limitations on Matching Drug	
Control Investigative Funding	11N-1.0031
Procedures for Emergency Violent	
Crime Investigative Funding	11N-1.004
Procedures for Formal Funding Requests	
for Violent Crime Investigative	
Reimbursement Funding	11N-1.005
Procedures for Funding Requests for	
Matching Drug Control	
Investigative Funding	11N-1.0051
Victim/Witness Protection Program	11N-1.009

PURPOSE AND EFFECT: To update Chapter 11N-1, F.A.C., funding procedures and forms and create a new rule section addressing the Victim/Witness Protection Program.

SUBJECT AREA TO BE ADDRESSED: Florida Violent Crime and Drug Control Council funding and the Victim/Witness Protection Program.

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 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., Tuesday, July 8, 2003

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joyce Gainous-Harris, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11N-1.0022 Matching Drug Control Investigative Funding.

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

(a) through (b) No change.

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

1. Mandatory Factors:

a. through g. No change.

h. The proposed investigative effort shall provide that all known targets in a drug investigation proposed to be funded by the Council funds shall be entered into the "DrugNet" database maintained by the Florida Department of Law Enforcement. The funding request shall indicate that such entry has been accomplished. All targets becoming known after application to the Council or after funding by the Council or both shall be promptly entered into "DrugNet." The proposed investigative effort shall provide that all known targets in a drug investigation proposed to be funded by the Council funds shall be entered into the "DrugNet" database maintained by the Florida Department of Law Enforcement. The funding request shall indicate that such entry has been accomplished. All targets becoming known after application to the Council or after funding by the Council or both shall be promptly entered into "DrugNet." Upon failure to make such entry, the Council is authorized to suspend funding not yet provided and to direct refund of all unexpended funds previously provided by the Council.

2. No change.

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

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

(1) through (2) No change.

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

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

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

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

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

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

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

(a) through (d) No change.

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

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

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

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

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

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

(1) Requests for violent crime investigative emergency funding up to the maximum of \$25,000 shall be made by a detailed written request demonstrating how emergency funding criteria established in this rule are satisfied and certifying that the requesting agency cannot initiate or continue the investigation without immediate supplemental funding. The request shall be accompanied by Form FDLE/OSI-001, Violent Crime Investigative Reimbursement Application, 20-003, Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account Application Cover Sheet, revised 10/08/02 8/22/01, hereby incorporated by reference, and shall be mailed to the chairperson of the Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302. This form can be obtained by written request to the above address.

(2) No change.

(3) Agencies receiving emergency violent crime investigative funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall provide a written quarterly report to the chairperson of the Florida Violent Crime and Drug Control Council of all expenditures from the Account funds. The report shall be accompanied by Form FDLE/OSI-002, Violent Crime Investigative Quarterly Report, 20-004, Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account Quarterly Report, revised 10/08/02 8/22/01, hereby incorporated by reference, and shall be mailed to the chairperson of the Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302. This form can be obtained by written request to the above address. Requesting agencies shall retain documentation supporting expenditures from the Account and make these available during the annual evaluation and audit of the trust fund.

(4) No change.

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

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

(1) through (2) No change.

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

(4) through (5) No change.

(6) Agencies receiving advance funding under this section from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall provide a written quarterly report to the chairperson of the Florida Violent Crime and Drug Control Council of all expenditures from the Account funds. The report for such advance funding shall be accompanied by Form FDLE/OSI-002 ~~20-004~~. Requesting agencies shall retain documentation supporting expenditures from the Account and make these available during the annual evaluation and audit of the trust fund.

(7) through (9) No change.

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

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

(1) through (12) No change.

(13) Agencies seeking matching funding under this section shall cooperate with the Team in the agencies' area, and provide all information as requested by the Team to assist in the preparation of a funding request, including information to identify the amounts of funds being committed by each participating agency to be matched by Council matching funds. The head of each requesting agency that seeks to receive Council matching funds shall include in the submission to the Team a certification in writing that to the agency head's best knowledge and belief, the request complies with the requirements established by law and this rule for funding. The agency head shall also agree to provide requested information to the Council to assist the Council in its performance-monitoring obligations and shall agree to retain proof and documentation as may be required by the Council and to submit to any audits or reviews of agency utilization of Council funds or funds derived from any Council-funded investigative effort as may be performed. The request shall be accompanied by Form FDLE/OSI-001 ~~20-003~~.

(14) Funding Calculations.

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

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

2. Normal operating costs directly attributable to the proposed investigative effort as specifically identified by the requesting agency, subject to the exclusions listed below.

(b) In calculating the amount being provided by a requesting agency for which matching Council funds may be provided, the Council shall not consider:

1. No change.

2. Funding utilized for:

a. No change.

b. The cost of purchased vehicles, vessels, aircrafts, or conveyances;

c. through e. No change.

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

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

(16) Matching Funding Documentation.

(a) Agencies receiving matching funding under this section shall provide a written quarterly report of expenditures of Council funds and of the progress of the investigative effort. The report shall be prepared in consultation with the Regional Drug Enforcement Coordinating Team and submitted by that Team through the Office of Statewide Intelligence for compilation and presentation to the Council at a quarterly meeting. Form FDLE/OSI-002 ~~20-004~~ shall be utilized to make the report. In addition, the Council may require oral progress reports to be made at Council meetings by a representative of the Regional Drug Enforcement Coordinating Team or a designee of the lead investigative agency in a funded investigative effort.

(b) through (c) No change.

(17) through (18) No change.

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

11N-1.009 Victim/Witness Protection Program.

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

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

(3) Completed forms shall be mailed to:

Chairman, Florida Violent Crime & Drug Control Council
c/o Florida Department of Law Enforcement

Post Office Box 1489

Tallahassee, Florida 32302-1489

Attn: SA Kris Cullen/ Office of Statewide Intelligence

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Grievances – Terminology and Definitions

RULE NO.: 33-103.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide consistency between Rules 33-103.002 and 33-501.401, F.A.C., which is being amended to change the membership of the literature review committee.

SUBJECT AREA TO BE ADDRESSED: Literature review committee membership.

SPECIFIC AUTHORITY: 20.315, 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:

33-103.002 Inmate Grievances – Terminology and Definitions.

The following terms, as defined, shall be standard usage throughout the department:

(1) through (10) No change.

(11) Literature Review Committee: The final reviewing authority for appeals regarding rejected reading material. The committee is composed of the Bureau Chief of Security Operations or his or her representative, the Bureau Chief of Inmate Grievance Appeals or his or her representative, the Bureau Chief of Classification or his or her representative, and the Library Services Administrator or his or her representative.

(12) through (14) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-15-92, 12-22-92. 4-10-95, 12-7-97, Formerly 33-29.002, Amended 10-11-00, 1-2-03, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLES: Staff Development – Definitions

RULE NOS.: 33-209.101

Training Development and Delivery 33-209.1015

Minimum Training Requirements 33-209.102

Firearms Training and Other Certification Requirements 33-209.103

Training Requests and Assignments 33-209.104

Training Attendance, Performance and Conduct 33-209.105

Contracting for Training Services 33-209.106

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify responsibilities and requirements for staff training.

SUBJECT AREA TO BE ADDRESSED: Staff training.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09, 944.105 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:

(Substantial rewording of Rule 33-209.101 follows. See Florida Administrative Code for present text.)

33-209.101 Staff Development – Definitions.

For the purposes of this chapter:

(1) "Academy", where used herein, means the Florida Corrections Academy, within the Department of Corrections, which is a certified criminal justice training school.

(2) "Alternate Firearms", where used herein, refers to the 9mm pistol, shotgun, or rifle issued or authorized by the Department of Corrections for use by correctional officers while on duty.

(3) "Automated Training Management System (ATMS II)", where used herein, means the statewide training and certification database maintained by the Florida Department of Law Enforcement (FDLE) for all certified officers.

(4) "Basic Recruit Training", where used herein, means the basic training approved by the CJSTC for correctional officer recruits and correctional probation officer recruits.

(5) "Basic Recruit Firearms Training", where used herein, refers to the training program approved by the CJSTC to teach officers how to handle firearms safely and how to fire them accurately.

(6) "Certified Firearms Instructor", where used herein, refers to an individual certified by the CJSTC and designated by the department to teach commission-approved basic, advanced, and specialized firearm training courses.

(7) "Circuit Administrator", where used herein, means a Department of Corrections employee who is the administrator in charge of a circuit's community facilities.

(8) "Commission Approved Firing Range", where used herein, refers to a firing range that is approved for use in teaching CJSTC basic, advanced, and specialized firearm courses.

(9) “Correctional Officer”, where used herein, means a Department of Corrections employee in the Correctional Officer occupational class series.

(10) “Correctional Probation Officer”, where used herein, means a Department of Corrections employee in the Correctional Probation Officer occupational class series assigned to community supervision.

(11) “Correctional Probation Officer Basic Firearms Training”, where used herein, refers to the training program approved by the CJSTC to teach correctional probation officers how to handle firearms safely and how to fire them accurately.

(12) “Course of Fire”, where used herein, refers to the specific directions given by firearm instructors to an officer to fire a firearm such as number of rounds to be fired, from what position, and at what type of target.

(13) “Criminal Justice Standards and Training Commission (CJSTC)”, where used herein, refers to the Governor-appointed commission that oversees minimum employment and training standards for all law enforcement officers, correctional officers and correctional probation officers in Florida.

(14) “Criminal Justice Training School”, where used herein, means a private or public school or an agency academy certified by CJSTC to conduct criminal justice training courses.

(15) “C-TEC”, where used herein, refers to the correctional training and education centers that are located in each region and operated by the office of staff development in the Bureau of Human Resources.

(16) “Department” means the Department of Corrections.

(17) “Electronic Firearms System”, where used herein, refers to a computer-assisted firearms simulator utilizing a laser marking system to track and identify target hits. The system is used indoors in controlled settings and designed to improve basic marksmanship skills and reduce live fire training cost. These machines are used to conduct specialized and advanced courses approved by the Criminal Justice Standards and Training Commission.

(18) “Firearm Card”, where used herein, means the document issued to correctional probation officers and correctional officers who have been authorized by the department to carry a firearm. The card will expire the following year, on the last day of the month the firearms card was issued, unless written documentation of re-qualification is submitted to authorizing entity prior to the expiration date. For correctional officers, Form DC6-277, Weapons Qualification Card, is used for this purpose. Form DC6-277 is incorporated by reference in Rule 33-209.103, F.A.C. For correctional probation officers, Form DC3-223, Firearms Qualification and Authorization Card, is used for this purpose. Form DC3-223 is incorporated by reference in Rule 33-302.104, F.A.C.

(19) “Firearms Initial Qualification”, where used herein, refers to the academic and performance test approved by the CJSTC to measure firearms proficiency.

(20) “Firearms Pre-Qualification Training”, where used herein, refers to the training provided by the department to prepare for annual firearms re-qualification.

(21) “Firearms Remedial Training”, where used herein, refers to training provided by the department for an officer to increase proficiency or accuracy with firearms after individual deficiencies have been demonstrated.

(22) “Firearms Re-qualification”, where used herein, refers to the academic, performance test, and course of fire approved by the department to annually measure proficiency with firearms.

(23) “Florida Department of Corrections Training Database (DTD)”, where used herein, refers to the single, official, filing system for all training attendance for employees of the department.

(24) “In-service Training”, where used herein, means all training approved by the office of staff development in the Bureau of Human Resources or the CJSTC for all Department of Corrections employees and other specified personnel to enhance their knowledge, skills and abilities for the jobs they perform. All approved training except orientation training and pre-employment firearms training shall be recorded toward the department's annual in-service training requirement.

(25) “Mandatory Retraining”, where used herein, means the training or education required to maintain active certification by the CJSTC as a Correctional Officer or Correctional Probation Officer. This requirement must be met from successfully completed advanced courses, career development courses, specialized courses, agency in-service courses, or courses at colleges, community colleges and vocational-technical centers, all of which must be approved by the Commission for mandatory retraining. Advanced and career development courses taken for salary incentive pay cannot be counted for mandatory retraining.

(26) “Mission Essential Skills, Knowledge and Abilities”, where used herein, refers to those skills, knowledge and abilities required to execute the organization's core process.

(27) “Orientation Training”, where used herein, means the training approved by Staff Development for all new Department of Corrections employees and other specified personnel to orient them to the department's operations.

(28) “Primary Firearm”, where used herein, refers to the revolver issued or authorized by the department for use by a correctional officer or correctional probation officer in the course of their duties.

(a) Wardens may designate any or all weapons in the arsenal as the primary firearm for a correctional officer based upon the duties to be performed.

(b) The primary firearm for senior inspectors is the approved weapon designated by the Office of the Inspector General.

(c) The primary firearm for a correctional probation officer is the approved weapon as defined in paragraph 33-209.104(4)(b), F.A.C.

(29) "Range Master", where used herein, refers to the CJSTC firearms certified instructor who meets the eligibility requirements and is responsible for all facets of firearm training on the firing range. Staff development, institutions, or circuits may designate more than one range master at each facility.

(30) "Regional Training Coordinator", where used herein, refers to the staff development employee who has overall responsibility for managing training programs in a particular geographic location.

(31) "Staff Development", where used herein, means the office, located within the Bureau of Human Resources of the Department of Corrections, responsible for development and management of training, within the Department of Corrections.

(32) "Training", where used herein, means an organized, planned, and evaluated activity designed to achieve specific learning objectives and enhance the job performance of personnel. Training may occur on site, at an academy or training center, an institution of higher learning, during professional meetings, or through contract service or closely supervised on-the-job training. It includes a formal agenda and instruction by a teacher, manager, or official; physical training; or other instruction programs that include a trainer/trainee relationship. Training programs usually include requirements for completion, attendance recording, and a system for recognition of completion.

(33) "Training Year", where used herein, is defined as the period from July 1 of one year through June 30 of the following calendar year.

(34) "Warden", where used herein, means the Department of Corrections employee who is the administrator in charge of a correctional institution.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 440.109, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History—New 8-26-87, Formerly 33-25.001, Amended _____.

33-209.1015 Training Development and Delivery.

(1) Training shall be developed and provided based on continuous review of regulatory guidelines, laws, organizational mandates including American Correctional Association (ACA) standards, Criminal Justice Standards and Training Commission (CJSTC) policy and procedure directives, Department of Corrections rules and procedures, and on-going needs assessments which will identify current job-related training needs.

(2) The Office of Staff Development in the Bureau of Human Resources will develop the department's master training plan. The master training plan will be reviewed and updated annually based on an annual needs assessment which identifies current job related training needs. In addition, the plan will provide for on-going written evaluations of all

departmental training courses including orientation, pre-service, in-service, mandatory, and specialized training. The plan will also identify resources to facilitate career development and provide a formal evaluation of the training program.

(3) Training curriculums will be developed based on clear, concise, and measurable written statements of intended learning outcomes. The content and instructional methods selected for a training program will be consistent with the stated learning objectives, sequenced to facilitate learning and incorporate strategies to evaluate the learning. All training will be delivered from standardized lesson plans with specific course outlines, learning objectives, materials, and evaluation instruments.

(4) Each regional area and central office will be assigned a qualified individual to facilitate and coordinate training for employees assigned within that location. Full-time training personnel shall complete the CJSTC instructor techniques course and meet the minimum requirements for general instructors as established by CJSTC. Space and equipment for training will be designated within each regional area and central office. Library and reference services will also be available to compliment the training and staff development program.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History—New _____.

33-209.102 Minimum Training Requirements.

The following minimum training requirements are for the effective operation of the Department:

(1) All full-time Department employees involved in the American Correctional Association (ACA) accreditation, excluding designated clerical and support employees, shall successfully complete 40 hours of in-service training each calendar year, with the first year prorated by the number of training year ~~calendar~~ quarters worked. Clerical and support employees who are assigned to community corrections and institutional work locations involved in the American Correctional Association (ACA) accreditation and have minimum contact with inmates or probationers ~~designated by the Bureau of Personnel~~ shall successfully complete ~~16~~ 20 hours of in-service training each ~~calendar~~ training year ~~calendar~~ year, with the first year prorated by the number of ~~calendar~~ training year ~~calendar~~ quarters worked. All part-time employees, volunteers and contract personnel shall receive formal orientation as appropriate to their assignments and additional training as needed shall have a training requirement equal to the number of hours in their normal workweek, with the first year prorated by the number of calendar quarters worked.

(2) All new ~~Department~~ employees assigned to community corrections and institutional facilities shall successfully complete a minimum of 40 hours of orientation training prior to their first job assignment. This training shall

include pre-employment or basic recruit firearms training and qualification for untrained Correctional Officer recruits as specified in subsection 33-209.103(1), F.A.C.

(3) All new department employees who are not employed in the correctional officer or correctional probation officer occupational series are assigned to areas within central office, and offices that do not have contact with offenders shall successfully complete orientation training as appropriate to their duties and responsibilities. Orientation training shall be completed within thirty days of the employee's initial employment. In addition, these employees shall be required to complete in-service training each year thereafter as determined by the department and identified within the department's master training plan.

(4) Supervisors at all levels shall be responsible for ensuring that assigned employees obtain and maintain mission essential skills, knowledge and abilities. Training shall be included and addressed through the employee's performance standards. Supervisors at all levels shall cooperate with staff development personnel in designing measurable learning objectives for all new training requested.

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

(7)(5) All members of Rapid Response Teams Confrontation Control Force Squads and Corrections Emergency Response Teams shall successfully complete, respectively, 8 and 16 hours per month of training unique to their missions. This training is separate from annually as part of the Department's in-service training requirement of 40 hours each calendar year.

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

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09, 944.105 FS. History--New 8-26-87, Amended 7-4-88, Formerly 33-25.002, Amended _____.

(Substantial rewording of Rule 33-209.103 follows. See Florida Administrative Code for present text.)

33-209.103 Firearms Training and Other Certification Requirements.

(1) All firearms training will be conducted in compliance with department rules and guidelines. All pre-qualification, re-qualification, remedial, basic recruit and other Criminal Justice Standards and Training Commission (CJSTC) approved firearms training will be conducted under the supervision of certified range masters; only CJSTC certified firearms instructors will be permitted to deliver firearms training. Instructors and students shall adhere strictly to all safety requirements when involved in firearms training whether in the classroom or on the firing range. Documentation of firearms training courses attended by department employees will be maintained in the Florida Department of Corrections Training Database (DTD). The following firearms training requirements are for the effective operation of the Department:

(2) Initial Firearms Qualification.

(a) All employees authorized to use a firearm shall successfully complete basic recruit firearms training and qualification on their primary (approved) firearm, and if required by their potential duties, with approved alternate firearms before being assigned duties requiring them to carry or use a firearm. Students in firearms training courses will successfully complete all Criminal Justice Standards and Training Commission or department-standards required for passing the firearm qualification course.

(b) Correctional officers must attend and successfully complete the auto-transition course prior to being issued or qualifying with the 9 MM pistol. Correctional officers will also attend the Department's standardized AR-15 training prior to being issued or qualifying with the AR-15.

(c) In order to be authorized to carry a firearm, a correctional probation officer will satisfy all requirements outlined in Rule 33-302.104, F.A.C. and annually complete one hour of department-approved firearm safety training as part of the annual re-qualification process.

(d) All correctional probation officers authorized to use a firearm will successfully complete the CJSTC approved 44 hour correctional probation basic firearms training course and the department-approved 16 hour correctional probation basic firearms training phase II course prior to being authorized to carry a firearm. Any correctional probation officer who has already completed the 44 hour correctional probation basic firearms training course must complete the 16 hour phase II course within 24 months from the effective date of this rule revision.

(e) Prior to being allowed to possess a firearm, except during firearms training, a correctional probation officer's certification must be verified through ATMSII by the regional training coordinator or designee.

(3) Firearms Re-qualification.

(a) All staff authorized to carry a firearm must be provided the opportunity to prepare for annual firearm re-qualification by participating in firearms pre-qualification training if requested.

1. Firearm pre-qualification training will be for a period of four hours scheduled within thirty calendar days prior to annual firearm re-qualification excluding holidays.

2. Firearm pre-qualification training will consist of those hands-on skills required to safely handle, maintain, and accurately shoot a firearm as provided herein and in accordance with Rule 33-602.210, F.A.C.

3. Any employee who is qualified or authorized to carry a firearm who declines the opportunity to participate in firearms pre-qualification training will sign the Refusal of Firearms Pre-qualification Training, Form DC2-902, indicating that the opportunity was provided and was declined. Form DC2-902 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 _____.

4. If an officer fails to re-qualify, (or does not attempt to re-qualify), the warden or circuit administrator will immediately suspend authorization for the officer to carry a firearm except for firearm training purposes. The range master will secure the Weapons Qualification Card (Institutions), Form DC6-277, and the DC3-223 Firearms Qualification and Authorization Card, Form DC3-223, (community corrections) for that officer who has failed to re-qualify prior to the date of expiration of the card (the following year, on the last day of the month the firearms card was issued). Form DC3-223 is incorporated by reference in Rule 33-302.104, F.A.C. Form DC6-277 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(b) The department will pay for the pre-qualification training, the firearms re-qualification, any remedial training, and any subsequent qualification attempt if required.

(c) The department will provide training ammunition for firearms pre-qualification training, firearms re-qualification, and remedial firearms training for all departmental employees who are authorized to carry a firearm.

(d) In order to remain qualified to carry a firearm after the initial qualification, a correctional officer will complete the required annual re-qualification course using the Department approved standardized lesson plan and course of fire. The warden is authorized to require transport officers and K-9 officers to complete re-qualification on a quarterly rather than annual basis.

1. The warden or designee will inform a correctional officer of the need to attend firearms re-qualification.

2. Upon successful completion of firearms re-qualification, the range master or designee will complete and submit a copy of the State Firearms Re-qualification, Form DC2-907, and the Weapons Qualification Card (Institutions), Form DC6-277 to be filed at the facility where the training was conducted. Form DC2-907 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 _____.

3. The range master or designee will retain the DC6-277 weapons qualification card from any officer failing to meet minimum qualification standards and notify the warden via interoffice memorandum or e-mail advising that the officer should not be placed in any position that requires the use of that weapon and will be scheduled for remedial training.

4. Whenever the officer successfully re-qualifies, a new DC6-277 will be issued and will expire the next year on the last day of the month from the month and year of issuance.

(e) In order to remain qualified to carry a firearm after the initial qualification, a correctional probation officer will complete the required annual re-qualification courses.

1. The circuit administrator or designee will inform the correctional probation officer of the need to attend firearms re-qualification.

2. The correctional probation officer will certify that the referenced firearm on Form DC3-241, Firearms Re-qualification Certification, is the firearm used in the course of their duties and that they use only authorized ammunition. Form DC3-241 is incorporated by reference in Rule 33-302.104, F.A.C.

3. Upon successful completion of firearms re-qualification, the range master or designee will complete and submit a copy of the Firearms Re-qualification Certification, Form DC3-241, and Firearms Qualification and Authorization Card, Form DC3-223, to be filed at the community corrections circuit office.

4. The range master or designee will retain Form DC3-223 from any correctional probation officer failing to meet minimum qualification standards and notify the circuit administrator via interoffice memorandum or e-mail advising that the officer should not be placed in any position that requires the use of that weapon and will be scheduled for remedial training.

5. If the correctional probation officer does not attempt to re-qualify prior to the expiration of the Firearms Qualification and Authorization Card, the officer may attempt to re-qualify within a 12 month period from the date of expiration of the card with no additional training required. If, after the 12 months, the officer does not attempt to re-qualify, the officer will be required to re-attend and successfully complete the department-approved basic correctional probation officer firearms course.

6. If the correctional probation officer successfully re-qualifies after remedial training or after the card expires, a new DC3-223 will be issued with an expiration date the following year, on the last day of the month the firearms card was issued.

(4) Remedial Firearms Training.

(a) After an unsuccessful initial firearm re-qualification attempt, the correctional officer must attend remedial training at a time approved by the warden. A correctional probation officer that elects to continue attempts at re-qualification after an unsuccessful initial firearm re-qualification attempt shall attend remedial training at a time approved by the circuit administrator.

(b) Remedial firearms training will be for a period of 16 work hours and will begin as soon as possible, but no later than 10 calendar days from the date of initial attempt. Remedial firearms training will be completed no later than 30 days after remedial training begins.

(c) A correctional probation officer that fails to successfully re-qualify after remedial training has been provided, and who wishes to renew authorization to carry a firearm, must re-attend and successfully complete the department-approved correctional probation officer basic firearms training courses.

(d) In the event a correctional officer fails to qualify after remedial firearms training, the range master will notify the warden.

1. The warden will notify the regional director and the regional training coordinator.

2. The regional director will assign the officer to a C-TEC within ten days from the date of failure to qualify.

3. The correctional officer will be enrolled in specialized individual training prior to reassignment out of the correctional officer series or termination.

(5) Approved Firearms and Ammunition.

(a) A correctional officer will:

1. Use a .38 caliber Smith and Wesson Revolver when qualifying with factory reload 158 grain semi-wadcutter ammunition;

2. Use a Remington 870 Shotgun when qualifying with twelve-gauge factory grade #00 Buck ammunition (CERT will re-qualify annually with twelve-gauge factory grade tactical slug rounds ammunition);

3. Use a Smith and Wesson Semi-Automatic 9mm with 9mm Luger reload 125 grain round nose ammunition when designated by the warden or designee or;

4. Use a Colt AR-15 when qualifying with .223 caliber factory grade 55 grain full metal jacket ammunition as designated by the warden or designee.

(b) A correctional probation officer will use one of the following types of firearms when qualifying:

1. A five shot revolver with a maximum barrel length of four inches, .38 or .357 caliber;

2. A six shot revolver with a maximum barrel length of four inches, .38 or .357 caliber;

3. Factory new .38 caliber special ammunition at standard velocity, or Plus-P velocities with either 125 to 158 grain hollow point;

4. Plus-P rated ammunition only in firearms rated for that type of ammunition or;

5. Reload .38 caliber 158-grain semi-wadcutter ammunition.

(c) Ammunition will be provided by the department.

(6) Electronic Firearms Systems. Electronic firearms systems may be used during firearms pre-qualification training and remedial training to enhance marksmanship and reduce ammunition and instructor costs. If used for remedial training, instructors must verify through live-fire (9 rounds) that deficiencies have been corrected prior to another re-qualification attempt. Department employees will not be allowed to qualify or re-qualify with these systems.

(7) Other Certifications.

(a) All employees issued chemical agents shall successfully complete Staff Development-approved annual training covering the deployment of chemical agents and the treatment of persons exposed to chemical agents.

(b) Employees administering urine screen drug tests shall be trained in the particular technology, procedure or methodology. Certification of that training issued by the manufacturer or distributor of the technology in use or by another person specifically authorized to provide such training and certification shall be placed in each employee's personnel file prior to his being authorized to perform any urine screen drug test.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 440.109, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History--New 8-26-87, Amended 11-1-90, Formerly 33-25.003, Amended _____.

33-209.104 Training Requests and Assignments.

All employees may request training to satisfy minimum training requirements, and appropriate Department authorities may assign employees to any training at any location to meet the needs of the employee or the Department, subject to the following:

(1) All training shall be obtained through the following procedures:

(a) No change.

(b) All approved requests and assignments shall be processed through the appropriate regional training coordinator Correctional Training Officers or Managers prior to employees attending training sessions.

(c) The availability of funds and relief staff as well as the relevance and suitability of the training shall be considered at all stages of approval and processing of requests and assignments. An employee whose training request has been disapproved based on lack of relevance or suitability may request review and input from the appropriate senior manager Assistant Secretary.

(d) No change.

(2) All employees who take approved training by request or assignment for purposes other than for salary incentive pay shall observe the following conditions:

(a) through (b) No change.

(c) Training shall be attended on state time as hours worked ~~except that administrative leave with pay shall be utilized for meetings and conferences that are approved for~~

~~training credit.~~ However, an employee whose training request has been approved contingent upon personally paying for registration fees and tuition or travel, meals and lodging, as specified in (a) and (b) above, shall be credited only for the actual hours spent in training.

(3) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, ~~40.109, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS.~~ History--New 8-26-87, Formerly 33-25.004, Amended _____.

33-209.105 Training Attendance, Performance and Conduct.

All employees shall observe the following conditions regarding attendance, performance and conduct while taking training:

(1) No change.

(2) Absences may be excused at the discretion of the instructor, training coordinator, or Academy Director, subject to the following conditions:

(a) A trainee who is absent, due to non-work related reasons, from a training session being taken on state time must use personal leave from the appropriate leave category to cover the absence.

(b) through (c) No change.

(3) An accuracy rate of ~~80~~ 75 percent out of a possible 100 percent shall be achieved on all examinations or performance tests in order to successfully complete each course.

(4) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, ~~40.109, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS.~~ History--New 8-26-87, Formerly 33-25.005, Amended _____.

33-209.106 Contracting for Training Services.

All contracts for Department training needs shall be coordinated by ~~the Bureau of~~ Staff Development under the following conditions:

(1) through (3) No change.

(4) The training coordinator of staff development Chief of the Bureau, or a designee, shall serve as Contract Manager for contractual training agreements.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, ~~40.109, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS.~~ History--New 8-26-87, Formerly 33-25.006, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Preparation of Disciplinary Reports	33-601.304
Inmate Discipline – Investigation	33-601.305
Disciplinary Hearings	33-601.307
Inmate Discipline – Forms	33-601.313
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language from the rules, to incorporate a new form and provide guidelines for handling	

documentary or physical evidence, and to clarify the manner and time in which inmates must offer witness names and evidence.

SUBJECT AREA TO BE ADDRESSED: Inmate discipline.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 120.55, 944.09, 944.34, 945.04, 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:

33-601.304 Preparation of Disciplinary Reports.

(1) No change.

(2) The statement of facts shall include.

(a) through (d) No change.

~~(e) Any staff witnesses;~~

~~(e)(f) No change.~~

~~(f)(g) Any immediate action taken, including use of force;~~ and

~~(g)(h) No change.~~

(3) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History--New 3-12-84, Formerly 33-22.05, Amended 12-30-86, 10-01-95, Formerly 33-22.005, Amended 5-21-00, 2-11-01, _____.

33-601.305 Inmate Discipline – Investigation.

The investigating officer shall initiate the investigation of the infraction within 24 hours of the writing of the disciplinary report. The investigating officer is responsible for the following:

(1) No change.

(2) Interviewing the charged inmate. When interviewing the charged inmate the investigator is responsible for the following:

(a) through (d) No change.

(e) Asking the inmate if there are any witnesses or evidence to offer in the inmate's behalf.

(f) Completing and obtaining the inmate's signature on the Witness Disposition, Form DC6-112B, and the Documentary or Physical Evidence Disposition, Form DC6-151. Form DC6-112B and Form DC6-151 are ~~is~~ incorporated by reference in Rule 33-601.313, F.A.C.

(3) No change.

(4) Reviewing documentary or physical evidence referenced by the charging staff person or identified by the charged inmate on Form DC6-6-151, Documentary or Physical Evidence Disposition. When the evidence is a videotape identified by the inmate, the investigator shall first determine whether the tape described by the inmate would show any evidence of the activity at issue. The investigator shall either review the tape and prepare a summary for the investigative report or indicate why the tape was not appropriate for review.

~~(5)~~(4) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History—New 10-01-95, Formerly 33-22.0055, Amended 5-21-00, 2-11-01, _____.

33-601.307 Disciplinary Hearings.

(1)(a) No change.

(b) The inmate charged shall be present at the disciplinary hearing unless substantial reasons precluding the inmate's presence exist or the inmate has waived his right to be present. If the inmate waives the right to be present or refuses to be present, the 24 Hour/Refusal to Appear, Form DC6-112D, shall be signed by the inmate and witnessed by an employee. If the inmate refuses to sign the form, this shall be noted and signed by the employee. When an inmate waives the right to be present at the hearing, the inmate also waives the right to submission of may submit at the time of the refusal a written statement ~~which shall be delivered~~ to the disciplinary team or hearing officer. If the inmate's disruptive conduct makes it necessary to remove the inmate from the hearing, the hearing shall be conducted in the inmate's absence. The reason for the inmate's absence shall be explained in the basis of findings section of the disciplinary report.

(c) through (i) No change.

(2) No change.

(3) The inmate may request that witnesses appear at the hearing, but inmate witnesses shall not be routinely called before the disciplinary team or hearing officer to provide live testimony for the following reasons:

(a) through (c) No change.

(d) Failure to sign and complete the witness disposition form, DC6-112B, during the investigation constitutes waiver of the opportunity to call witnesses either live or by written statement. Form DC6-112B must be used for listing witnesses. Listing witness names on any other document, including the Witness Statement, Form DC6-112C, will not result in their being considered.

(e) through (5) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History—New 3-12-84, Formerly 33-22.06, Amended 12-30-86, 10-01-95, 12-10-97, 5-19-98, Formerly 33-22.006, Amended 5-21-00, 2-11-01, _____.

33-601.313 Inmate Discipline – Forms.

(1) The following forms used in implementing the provisions of this chapter are hereby incorporated by reference:

(a) through (f) No change.

(g) DC6-151, Documentary or Physical Evidence Disposition, effective date

(g) through (h) renumbered (h) through (i) No change.

(2) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 120.55, 944.09, 944.34, 945.04 FS. History—New 10-01-95, Formerly 33-22.0117, Amended 5-21-00, 2-11-01, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: RULE NO.:

Payment Methodology for Inpatient

Hospital Services

59G-6.020

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan payment methodology. Effective June 21, 2003, the proposed rates for Medicaid inpatient hospitals will be rates resulting from the current methodology used to calculate per diem rates including the following appropriations from the Senate Bill 22-A, 2003-04 Florida Legislature:

Effective upon this act becoming a law, for the 2002-2003 state fiscal year, the Agency for Health Care Administration may make additional payment of up to \$18,410,286 to hospitals as special Medicaid payments in order to use the full amount of the upper payment limit available in the public hospital category. These funds shall be distributed as follows:

(a) Statutory teaching hospitals – \$1,355,991.

(b) Family practice teaching hospitals – \$181,291.

(c) Primary care hospitals – \$1,355,991.

(d) Trauma hospitals – \$1,290,000.

(e) Rural hospitals – \$931,500.

(f) Hospitals receiving specific special Medicaid payments not included in a payment under paragraphs (a)-(e), \$4,359,417.

(g) Hospitals providing enhanced services to low-income individuals – \$8,884,298.

The payments shall be distributed proportionately to each hospital in the specific payment category based on the hospital's actual payments for the 2002-2003 state fiscal year. These payment amounts shall be adjusted downward in a proportionate manner as to not exceed the available upper payment limit in the public hospital category. Payment of these amounts are contingent on the state share being provided through grants and donations from state, county, or other local funds and approval by the Centers of Medicare and Medicaid Services.

The effect of the proposed amendment will be: effective June 21, 2003, the proposed rates for Medicaid inpatient hospitals will be rates resulting from the current methodology used to calculate per diem rates including the following appropriations from the Senate Bill 22-A, 2003-04 Florida Legislature.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed are: Effective upon this act becoming a law, for the 2002-2003 state fiscal year, the Agency for Health Care Administration may make additional payment of up to \$18,410,286 to hospitals as special Medicaid payments in order to use the full amount of the upper payment limit available in the public hospital category.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908, 409.9117 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:

DATE AND TIME: 2:00 p.m., July 9, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert Butler, Chief, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Tallahassee, Florida 32308, (850)414-2759

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE CHAPTER TITLE: PUBLIC FOOD SERVICE RULE CHAPTER TITLE:

Establishments 61C-1

RULE TITLES: RULE NOS.:

Licensing and Inspection Requirements 61C-1.002

License Fees 61C-1.008

PURPOSE AND EFFECT: The purpose of this rule development is to implement the statutory requirements of Section 509.032, Florida Statutes, as amended by CS/CS for SB 990 during the 2002 Legislature. This rule provides revisions to licensing requirements for temporary event food vendors, inspection frequency of transient and non-transient apartments, and license fees for establishments licensed by the Division of Hotels and Restaurants.

SUBJECT AREA TO BE ADDRESSED: The requirements for licensing of temporary event food vendors, the inspection frequency for transient and non-transient apartments and license fees for establishments licensed by the Division of Hotels and Restaurants.

Copies of the rule may be obtained from: Lee Cornman, Division of Hotels and Restaurants, Tallahassee Office, (850)488-9263.

SPECIFIC AUTHORITY: 509.032(6), 509.251, 509.302 FS.

LAW IMPLEMENTED: 509.032(2)(a), 509.032(3)(c), 509.251(1), 509.251(2), 509.302(3) 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: Lee M. Cornman, Management Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, (850)488-9263

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-1.002 Licensing and Inspection Requirements.

(1) through (3) No change.

(4) No change

(a) through (b) No change.

(c) Resort Condominium and Resort Dwelling – each public lodging establishment classified as a resort condominium or resort dwelling as defined in Section 509.242, F.S., shall obtain a single, group or collective license pursuant to Section 509.251, F.S., prior to commencing operation.

1. A single license may include multiple units within a building or group of buildings owned and operated by an individual person or entity, but not an agent licensed under Chapter 475, F.S.

2. A group license is a license issued by the division to a licensed agent to cover all rooms or units within a building or group of buildings in a single complex. A group license shall only cover those rooms or units which are held out to the public as a place regularly rented to guests as defined in Chapter 509, F.S.

3. A collective license is a license issued by the division to a licensed agent who represents a collective group of rooms or units found on separate locations of resort condominiums or resort dwellings. A collective license may not be issued for more than 475 units per license and is restricted to counties within one district.

4. through 5. No change.

(d) No change.

(5) No change.

(a) Nonseating:

1. through 3. No change.

4. Temporary public food service establishments and vendors

a. Temporary public food service establishments are classified as those establishments operated at temporary food service events as defined in section 509.013(8), F.S. Each temporary public food service establishment shall be inspected by the division each time the establishment sets up for operation. If the temporary public food service establishment does not meet minimum sanitation standards as provided in Chapters 61C-1 and 61C-4, F.A.C., food service operations shall be discontinued until corrections are complete and verified by the division.

b. Public food service establishments that have a current license may operate one facility at a temporary event of three days or less in duration as part of the existing license. Each additional facility operated at a temporary food service event by the same licensee must acquire a separate temporary food service event license.

5. through 6. No change.

~~(c)(b)~~ Seating – seating establishments are classified as those public food service establishments that provide and maintain accommodations for consumption of food on the premises of the establishment or under the control of the establishment. The operator of the establishment is responsible for providing the number of seats available to the public to the division prior to licensing. Any changes in the number of seats provided which may affect the license fee, the Florida Clean Indoor Air Act, fire safety, bathroom requirements or any other sanitation and safety requirements provided in law or rule, shall be reported immediately to the division by the operator.

~~(d)(e)~~ Plan Reviews and Variances.

1. through 4. No change.

(d) No change.

(6) through (7) No change.

(8) General Inspection Requirements.

(a) through (c) No change

(d) Inspection Frequency.

1. Except as otherwise provided in this section, public lodging and food service establishments shall be inspected a minimum of three times annually.

2. Nontransient rooming houses establishments and vending machines shall be inspected a minimum of twice annually.

3. Vendors at Resort condominiums, resort dwellings, and temporary food service events shall be inspected at the time of licensure and shall be inspected at such other times as the division determines is necessary to ensure the public's health, safety, and welfare a minimum of once annually.

4. Nontransient and transient apartments shall be inspected once annually.

5.4. Establishments licensed for a partial year will receive a prorated number of inspections, including the opening inspection, during the first partial year of operation.

Specific Authority 509.032(2)(d), 509.032(6), 509.241(1) FS. Law Implemented 213.0535, 509.032(2)(a),(d),(e), 509.032(6), 509.241(1), 509.241(3), 509.251, 559.79(1), FS. History—Amended 1-20-63, 9-19-63, 5-20-64, 2-23-66, 8-9-68, Revised 2-4-71, Amended 10-18-71, Repromulgated 12-18-74, Amended 9-1-83, 10-1-83, Formerly 7C-1.02, Amended 1-30-90, 12-31-90, 2-27-92, 6-15-92, Formerly 7C-1.002, Amended 3-31-94, 3-15-95, 10-9-95, 9-25-96, 5-11-98, _____.

61C-1.008 License Fees.

(1) through (3) No change.

(4) Amount of License Fee – Public Lodging Establishment. The license fee to conduct a public lodging establishment shall be in accordance with the following schedule exclusive of the categories of fee adjustments set forth in subsections 61C-1.008(1) and (3), F.A.C.:

(a) TRANSIENT LODGING/EXCLUDING TRANSIENT APARTMENTS AND RESORT CONDOMINIUMS AND DWELLINGS

NUMBER OF UNITS	BASIC FEE	INCREMENTAL UNIT FEE	HEP FEE	TOTAL FEE
SINGLE UNIT	\$170+25	\$10	\$106	\$190+44
2-25	\$170+25	\$20	\$106	\$200+54
26-50	\$170+25	\$35	\$106	\$215+66
51-100	\$170+25	\$50	\$106	\$230+84
101-200	\$170+25	\$75	\$106	\$255+206
201-300	\$170+25	\$105	\$106	\$285+236
301-400	\$170+25	\$135	\$106	\$315+266
401-500	\$170+25	\$160	\$106	\$340+294
OVER 500	\$170+25	\$190	\$106	\$370+324

(b) TRANSIENT APARTMENTS

NUMBER OF UNITS	BASIC FEE	INCREMENTAL UNIT FEE	HEP FEE	TOTAL FEE
SINGLE UNIT	\$125	\$10	\$10	\$145
2-25	\$125	\$20	\$10	\$155
26-50	\$125	\$35	\$10	\$170
51-100	\$125	\$50	\$10	\$185
101-200	\$125	\$75	\$10	\$210
201-300	\$125	\$105	\$10	\$240
301-400	\$125	\$135	\$10	\$270
401-500	\$125	\$160	\$10	\$295
OVER 500	\$125	\$190	\$10	\$325

~~(c)(b)~~ RESORT CONDOMINIUMS AND RESORT DWELLINGS

1. through 2. No change.

3.a. RESORT CONDOMINIUMS AND DWELLINGS/COLLECTIVE LICENSE

BASIC FEE	PER UNIT FEE	HEP FEE	TOTAL FEE
\$150405	\$105	\$106	VARIES

b. RESORT CONDOMINIUMS AND DWELLINGS/GROUP AND SINGLE LICENSE

NUMBER OF UNITS	BASIC FEE	INCREMENTAL UNIT FEE	HEP FEE	TOTAL FEE
SINGLE UNIT	\$150405	\$10	\$106	\$170421
2-25	\$150405	\$20	\$106	\$180441
26-50	\$150405	\$35	\$106	\$195446
51-100	\$150405	\$50	\$106	\$210461
101-200	\$150405	\$75	\$106	\$235486
201-300	\$150405	\$105	\$106	\$265216
301-400	\$150405	\$135	\$106	\$295246
401-500	\$150405	\$160	\$106	\$320271
OVER 500	\$150405	\$190	\$106	\$350301

~~(d)(e)~~ NONTRANSIENT APARTMENTS LODGING

NUMBER OF UNITS	BASIC FEE	INCREMENTAL UNIT FEE	HEP FEE	TOTAL FEE
4 OR LESS	0	0	0	0
5-25	\$95	\$20	\$106	\$125421
26-50	\$95	\$35	\$106	\$140436
51-100	\$95	\$50	\$106	\$155451
101-200	\$95	\$75	\$106	\$180476
201-300	\$95	\$105	\$106	\$210206
301-400	\$95	\$135	\$106	\$240236
401-500	\$95	\$160	\$106	\$265261
OVER 500	\$95	\$190	\$106	\$295291

(e) NONTRANSIENT ROOMING HOUSES

NUMBER OF UNITS	BASIC FEE	INCREMENTAL UNIT FEE	HEP FEE	TOTAL FEE
4 OR LESS	0	0	0	0
5-25	\$140	\$20	\$10	\$170
26-50	\$140	\$35	\$10	\$185
51-100	\$140	\$50	\$10	\$200
101-200	\$140	\$75	\$10	\$225
201-300	\$140	\$105	\$10	\$255
301-400	\$140	\$135	\$10	\$285
401-500	\$140	\$160	\$10	\$310
OVER 500	\$140	\$190	\$10	\$340

(5) Amount of License Fee – Public Food Service Establishment. The license fee for a public food service establishment shall be in accordance with the following schedule exclusive of the categories of fee adjustments set forth in subsections 61C-1.008(1) and (3), F.A.C.:

(a) Nonseating:

1.

	BASIC FEE	SERVICE TYPE FEE	EPIDEMIOLOGICAL FEE	HEP FEE	TOTAL FEE
Permanent	\$220475	\$0	\$1240	\$106	\$242491
Mobile Food Dispensing Vehicle	\$185440	\$135	\$1744	\$106	\$347295
Catering	\$185440	\$55	\$1340	\$106	\$263241

2.

	BASIC FEE	EPIDEMIOLOGICAL FEE	HEP FEE	TOTAL FEE
Temporary Public Food Service Establishments and Vendors				
1-3 Day events				
4 through 30-day events	\$77	\$42	\$106	\$9185
Annual vendor	\$9095	\$54	\$106	\$105
	\$942	\$48	\$10	\$1000
Vending Machines	\$10	\$1	\$106	\$2147

3. Theme Park Food Carts

No. of Carts	Basic Fee	Capacity Fee	Epidemiological Fee	HEP Fee	Total Fee
1-5	\$185440	\$55	\$1240	\$106	\$262211
6-10	\$185440	\$65	\$1340	\$106	\$273221
11-15	\$185440	\$85	\$1441	\$106	\$294242
16-20	\$185440	\$105	\$1542	\$106	\$315263
21-25	\$185440	\$125	\$1643	\$106	\$336284
26 or more	\$185440	\$145	\$1744	\$106	\$357305

(b) Seating:

No. of Seats	Basic Fee	Capacity Fee	Epidemiological Fee	HEP Fee	Total Fee
1-49	\$185440	\$55	\$1240	\$106	\$262211
50-149	\$185440	\$65	\$1340	\$106	\$273221
150-249	\$185440	\$85	\$1441	\$106	\$294242
250-349	\$185440	\$105	\$1542	\$106	\$315263
350-499	\$185440	\$125	\$1643	\$106	\$336284
500 or more	\$185440	\$145	\$1744	\$106	\$357305

(c) No change.

1. through 2. No change.

(6) No change.

Specific Authority 509.032(6), 509.251 FS. Law Implemented 509.013, 509.032(2)(e), 509.032(3) (c), 509.251, 509.302(3) FS. History-New 7-31-79, Revised 9-1-80, Formerly 7C-1.08, Amended 5-10-89, 9-10-89, 10-31-89, 4-3-90, 12-31-90, 9-11-91, 2-27-92, 7-6-9, 8-23-92, 11-4-92, 4-4-93, Formerly 7C-1.008, Amended 9-20-93, 12-22-93, 6-29-95, 10-9-95, 9-25-96, 5-11-98, 9-21-00, _____.