

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking**DEPARTMENT OF AGRICULTURE AND CONSUMER
SERVICES****Division of Agricultural Environmental Services**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Fertilizers 5E-1

RULE TITLE: RULE NO.:

Methods of Analyses 5E-1.014

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the revision date of the Fertilizer Laboratory Methods Manual that is adopted by reference in the rule. Also to further clarify the address for obtaining the referenced manual.

SUBJECT AREA TO ADDRESSED: The adoption by reference of the modified Fertilizer Laboratory Methods Manual.

SPECIFIC AUTHORITY: 576.181(2), 570.07(23), 576.051(7) FS.

LAW IMPLEMENTED: 576.051(2),(3),(7) 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., July 28, 2003

PLACE: AES, Conference Room, 3125 Conner Blvd., Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ms. Leigh Humphreys, Chief, Bureau of Feed, Seed and Fertilizer Laboratories, Department of Agriculture and Consumer Services, Room 130, 3125 Conner Blvd., Tallahassee, FL 32399-1650

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-1.014 Methods of Analyses.

All methods of analyses ~~for commercial fertilizers~~ shall be those in the State of Florida, Department of Agriculture and Consumer Services, Fertilizer Laboratory Methods Manual, (Eff. 5/20/03 ~~3/18/96~~), which is hereby incorporated by reference. Copies may be obtained from the Division of Agricultural Environmental Services, Bureau of Feed, Seed and Fertilizer Laboratories, 3125 Conner Boulevard, Building 7, Tallahassee, Florida 32399-1650.

Specific Authority 576.181(2), 570.07(23), 576.051(7) FS. Law Implemented 576.051(2),(3),(7) FS. History—New 1-23-67, Amended 1-1-77, 7-22-79, 4-23-80, 10-27-80, 4-20-81, 10-18-81, 4-4-83, 11-16-83, 1-23-85, 6-19-85, Formerly 5E-1.14, Amended 11-16-86, 10-12-87, 9-26-88, 11-19-89, 3-28-91, 8-3-93, 7-9-95, 10-25-98, _____.

**DEPARTMENT OF AGRICULTURE AND CONSUMER
SERVICES****Division of Agricultural Environmental Services**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Entomology – Pest Control Regulations 5E-14

RULE TITLES: RULE NOS.:

Definitions 5E-14.102

Responsibilities and Duties – Records Reports, Advertising, Applications 5E-14.142

PURPOSE AND EFFECT: The rule amendment would define wood destroying fungi to exclude surface molds that do not cause damage to wood and allow a disclaimer to be added to the wood destroying organism inspection report regarding opinions about health effects from mold infestation.

SUBJECT AREA TO BE ADDRESSED: Defining wood destroying fungi and allowing a disclaimer to be added to the wood destroying organism inspection report regarding opinions about health effects from mold infestation.

SPECIFIC AUTHORITY: 482.051 FS.

LAW IMPLEMENTED: 482.051, 482.061, 482.071, 482.091, 482.111, 482.161 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., August 7, 2003

PLACE: Conference Room “D”, Hurston South Tower, 400 West Robinson Street, Orlando, Florida 32810

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Steven Rutz, Director, Department of Agriculture and Consumer Services, Room 130, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-14.102 Definitions.

(1) through (16) No change.

(17) “Wood decaying fungi” – Fungi, such as those that produce white rot, brown rot, and cubical rot, that contain the enzymes necessary to degrade cellulose in wood and that can cause damage to wood, not including surface molds that do not cause damage to sound wood.

Specific Authority 482.051 FS. Law Implemented 482.051(1) FS. History—New 1-1-77, Amended 6-27-79, 6-22-83, Formerly 10D-55.102, Amended 8-11-93, 6-12-02, 4-17-03, _____.

5E-14.142 Responsibilities and Duties – Records Reports, Advertising, Applications.

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

(c) Termite or other wood-destroying organism inspection report:

Pursuant to Sections 482.226(1),(2),(4) and (5), F.S., each licensee having a certified operator in the category of termite or other wood-destroying organism control and who makes and reports the findings of a wood-destroying organism inspection in writing shall provide the party requesting the inspection with the inspection findings on the Wood-Destroying Organisms Inspection Report prescribed by the Department and furnished by the licensee, DACS 13645, rev. 3/02, which is incorporated by reference. The licensee shall not place any disclaimers or additional language on the Wood Destroying Organisms Inspection Report, except that a disclaimer stating that the licensee is providing no opinion on health effects or indoor air quality associated with presence of any form of fungi, can be added. The licensee shall inspect for all wood-destroying organisms as defined in Section 482.021(28), F.S. and subsection 5E-14.102(17), F.A.C., in accordance with the following inspection standards:

1. through 2. No change.

3. Visible damage to wood will be reported whether caused by insects, fungi, or any other organism.

Specific Authority 482.051 FS. Law Implemented 482.061, 482.071, 482.091, 482.111(5),(9), 482.161(1)(g), 482.226(1),(6) FS. History--New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, 4-29-02, 4-17-03,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE:

RULE NO.:

Inspection of DOT Cylinders

5F-11.029

PURPOSE AND EFFECT: The purpose of this new rule is to provide criteria for inspection and record keeping with regard to propane containers manufactured under United States Department of Transportation specifications and which are not in commerce.

SUBJECT AREA TO BE ADDRESSED: This rule will address the criteria for the inspection of propane containers manufactured under the United States Department of Transportation specifications and which are not in commerce.

SPECIFIC AUTHORITY: 527.06 FS.

LAW IMPLEMENTED: 527.06 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Vicki O'Neil, Bureau Chief of LP Gas Inspections, 3125 Conner Blvd., Suite N., Tallahassee, Florida 32314-1650, (850)921-8001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-11.029 Inspection of DOT Cylinders.

(1) This section pertains to cylinders, which are manufactured to U.S. Department of Transportation (DOT) specifications. DOT cylinders in stationary service that are filled on site, which are not under the jurisdiction of DOT and not requalified according to DOT requirements, shall be inspected according to the following visual inspection criteria:

(a) The cylinder is checked for exposure to fire, dents, cuts, digs, gouges and corrosion according to requirements of Section C.3.2, Appendix C, of NFPA 58.

(b) The cylinder protective collar (where utilized) and the foot ring are intact and are firmly attached.

(c) The cylinder is painted or coated to retard corrosion.

(d) The cylinder pressure relief valve indicates no visible damage, corrosion of operating components, or obstructions.

(e) There is no leakage from the cylinder or its appurtenances that is detectable without the use of instruments.

(f) The cylinder is installed on a firm foundation and is not in contact with the soil.

(g) A cylinder that passes the visual examination shall be legibly marked with the date and year of the examination followed by the letter "E" (example:10-1E indicating requalification in October 2001 by the external visual inspection method.)

(h) The results of the visual inspection shall be documented and a record of the inspection shall be retained for a five-year period.

(2) Any cylinder that fails one or more of the criteria in this section shall not be refilled or continued in service until the condition is corrected. Stationary cylinders shall be visually inspected within 12 years of the date of manufacture and within five years after each subsequent visual inspection.

(3) All DOT cylinders in stationary service on the effective date of this rule, and which are not requalified according to U.S. Department of Transportation standards, shall be inspected according to the criteria of this section no later than January 1, 2008.

(4) Personnel trained and qualified to perform inspection procedures, with such training documented in accordance with Rule 5F-11.060, Florida Administrative Code, shall conduct the visual inspection.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE TITLE:

RULE NO.:

Adoption of Federal Regulations and
Other Standards

5K-4.002

PURPOSE AND EFFECT: The rule amendment adopts by reference current, revised and renumbered sections of Titles 7, 9, 19, 21 and 40, Code of Federal Regulations, 2003 (CFR). Earlier editions of the CFR have been previously adopted and used by the Department in regulating food and food establishments. The rule amendment adopts new sections of Title 7, Code of Federal Regulation, federal standards for fresh fruit and vegetables, grading of shell eggs, inspection of eggs and egg products and grading of poultry products. The rule amendment deletes previously adopted sections of Title 7, regarding grading standards for meats. The rule amendment adopts by reference new sections of Title 9, Code of Federal Regulations, federal standards for cooking pork sausage. The rule amendment adopts by reference, Part 134 of Title 19, Code of Federal Regulations, a federal regulation requiring country of origin labeling on imported juices and juice concentrate. The rule amendment adopts by reference Part 1240 of Title 21, Code of Federal Regulations, a federal standard for control of communicable diseases, and deletes other Parts. The rule amendment adopts by reference sections of Part 180 of Title 40, Code of Federal Regulations, federal standards for pesticide tolerances in food and animal feed, and deletes other Parts previously adopted. The rule amendment deletes all previously adopted Parts of Title 50, Code of Federal Regulations; these are related to the activities of the National Marine Fisheries Service. The rule amendment adopts by reference the Model Consumer Commodity Salvage Code. The rule amendment deletes previously adopted provisions of the Federal Register, regarding safe and sanitary procedures for fish processing and importing which have been replaced by Title 21, Code of Federal Regulations, and adopted in this rule. Finally, the rule amendment updates the Department's base sanitation code by adopting by reference the U.S. Food and Drug Administration (USFDA) "Food Code" (2001 Edition), with some exclusions.

SUBJECT AREA TO BE ADDRESSED: Adoption by reference of the Code of Federal Regulation, pertaining to agricultural products, animal products, food products, protection of the environment, and labeling and customs issues. The rule amendment addresses regulatory action levels for food defects in accordance with USFDA standards. The rule amendment addresses sanitation criteria, standards and requirements for food salvage operations. The rule amendment adopts by reference the USFDA Food Code (2001), published by the U.S. Public Health Service, with certain exceptions.

SPECIFIC AUTHORITY: 500.09, 500.12, 570.07(23) FS.

LAW IMPLEMENTED: 500.02, 500.03, 500.04, 500.09, 500.10, 500.11, 500.12(4)(a), 500.13, 500.171, 500.172, 500.177 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., August 8, 2003

PLACE: George Eyster Auditorium, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bobby Bickley, 3125 Conner Blvd., Suite H, Tallahassee, Florida 32399-1650, (850)488-3951

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-4.002 Adoption of Federal Regulations and Other Standards.

(1) The following are hereby adopted as administrative rules under the Florida Food Act, Chapter 500, F.S.: ~~Interested persons may obtain copies of the pertinent sections of the Code of Federal Regulations and the Federal Register referenced in paragraph (a) below by contacting the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Copies of the pertinent sections of Food, Drug and Cosmetic Law Reports referenced in paragraph (b) below may be obtained from Commerce Clearing House, Inc., 4025 West Peterson Avenue, Chicago, Illinois 60645. Copies of all referenced documents are available for examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Suite H, Tallahassee, Florida 32399-1650.~~

~~(a) Those regulations, definitions, standards of sanitation, identity, quality and fill of container, tolerances and exemptions from tolerances, and general regulations in the following:~~

~~(a) 1. Code of Federal Regulations Title 7 – Agriculture, Parts 51, Sections 51.2-51.3, 51.100-51.6005, 51.300-51.3749, Part 52, Sections 52.2-52.3, 52.201-52.6582, 52.771-52.3764, 54.1-54.2, 54.16-54.18, 54.102-54.137, Part 55, Sections 55.1-55.2, 55.5, 55.300-55.390, 55.600-55.650, 55.800-55.820, Part 56, Sections 56.1-56.2, 56.4-56.234, 56.35-56.37, 56.39-56.41, 56.75-56.77, Part 57, Sections 57.1, 57.5, 57.35, 57.45, 57.50, 57.410, 57.504, 57.800-57.860, 57.900-57.970, 59.122-59.134, 59.140-59.240, 59.400-59.970, Part 70, Sections 70.1-70.2, 70.50-70.55, 70.80-70.81, 70.110, 70.4, 70.10-70.14, 70.16-70.92 and 70.110-70.332, revised as of January 2003 ~~January 1, 1995~~;~~

~~(b) 2. Code of Federal Regulations Title 9 – Animal and Animal Products, Parts 301, 303, 316-317, Part 318, Section 318.10, Part 319, Part 352, Sections 352.1 and 352.7, Part 354, Sections 354.1, 354.70-354.72, 352-354, Part 381, Sections 381.1-381.15, 381.125, revised as of January 2003; ~~January 1, 1995~~;~~

~~(c) Code of Federal Regulations Title 19 – Custom Duties, Part 134.~~

~~(d)3-~~ Code of Federal Regulations Title 21 – Food and Drugs, Parts 1, 2, 7, 70, 73-74, 100-190 and 100-199, and 1240, revised as of April, 2003; April 1, 1995;

~~(e)4-~~ Code of Federal Regulations Title 40 – Protection of Environment, Parts 180, Sections 180.1-180.6, 180.40-180.2020, 180, 185 and 186, revised as of July, 2003, July 1, 1995;

~~5-~~ Code of Federal Regulations Title 50 – Wildlife and Fisheries, Parts 216-225, 246-247, 260-285, revised as of October 1, 1995; and

~~6-~~ The provisions of the final rule regarding Procedures for the Safe and Sanitary Processing and Importing of Fish and Fishery Products stated in the Federal Register, Vol. 60, No. 242, dated December 18, 1995.

~~(f)~~ Interested persons may obtain copies of the pertinent sections of the Code of Federal Regulations referenced herein by contacting the Superintendent of Documents, U.S. Government Printing Office, P. O. Box 371954, Pittsburgh, PA 15250-7954. Copies of all referenced documents are also available for examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Suite H, Tallahassee, Florida 32399-1650.

~~(2)(b)~~ The action levels for food defects declared by the United States Food and Drug Administration and referenced in FDA/CFSAN Defect Action Level Handbook, The Food Defect Action Levels, May 1995 (Revised May 1998), are hereby adopted by reference as administrative rules under Chapter 500, F.S.. Copies of the handbook may be obtained from the U.S. Food and Drug Administration, Industry Activities Staff (HFS-565), Center for Food Safety and Applied Nutrition, 200 C Street, S.W., Washington, D.C. 20204. The handbook is also available for examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Suite H, Tallahassee, Florida 32399-1650. Section 50,280 of Food, Drug and Cosmetic Law Reports as of March 19, 1990, the action levels for poisonous or deleterious substances in human food and animal feed declared by the United States Food and Drug Administration and referenced in Section 50,285 of Food, Drug and Cosmetic Law Reports as of March 11, 1996, and the Metric Labeling Standards declared by the United States Food and Drug Administration and referenced in Section 50,290 of Food, Drug and Cosmetic Law Reports as of January 24, 1994.

~~(3)(2)~~ Food Salvage Operations.

(a) The purpose of this rule section is to adopt sanitation criteria, standards and requirements for food salvage operations.

(b) The “Model Consumer Commodity Salvage Code (November 2002).” provisions and requirements of Chapter 1, paragraph 1-102, through Chapter 10, paragraph 10-102, of the “Model Food Salvage Code-1984,” jointly published by the

Association of Food and Drug Officials, ~~and the U.S. Department of Health and Human Services and the U.S. Department of Agriculture~~ Food and Drug Administration are is hereby adopted by reference as ~~regulations and administrative~~ rules under Chapter 500, F.S., with the following exclusions: Sections 1-102(B), 9-102(C), (F) and (G), 13-101-13-106, 14-101-14-107, Model Consumer Commodity Salvage Code (November 2002).

(c) The excluded Section 1-102(B), definition of “Consumer Commodity” is replaced with the following definition: “Consumer commodity” means any food, beverage, dietary supplement, animal food (pet food), single service food containers or utensils, soda straws, paper napkins, or any other product of a similar nature. It also may include animal feed when handled at the same facility as other consumer commodities. This definition includes salvage caused by disasters which could include animal feeds which are handled differently than “animal food” which is destined for consumption by pets (e.g., cans of cat food, broken bags of dry dog food).

(d) Interested persons may obtain copies of the Model Consumer Commodity Salvage Code (November 2002), ~~this code~~ by contacting the Association of Food and Drug Officials, 2550 Kingston Road, Suite 311, Post Office Box 3425, York, PA, 17402, and copies are available for examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Blvd., Suite H, Tallahassee, Florida 32399-1650.

~~(4)(3)~~ Regulatory Action Limits (RAL) – Pesticide Residues.

(a) “Comparable product” is defined as a product that belongs to the same general category of raw agricultural commodity as defined in 40 C.F.R. 180.41 (2002) (1995).

(b) In the case where pesticide residues are detected on a food product for which no federal tolerances, food additives tolerances or action levels exist, the RAL shall be applied for enforcement action.

(c) If pesticide residues are found at or above the RALs in a food product, the food shall be considered adulterated and shall be subject to regulatory action pursuant to Chapter 500, F.S., and the rules of this agency.

(d) The RAL shall be one tenth (1/10) of the tolerance level or, if it exists, the action level, established for the pesticide on a comparable product.

(e) In the case where there is no comparable product, one tenth (1/10) of the lowest tolerance level or action level established for the pesticide on any fresh fruit or vegetable product shall be the RAL.

(f) In cases where there is a FDA Action Level (AL) for unavoidable residue on a comparable product, the same FDA AL applies as the RAL for purposes of regulatory action.

TIME AND DATE: 8:30 a.m. – 10:30 a.m., August 4, 2003

PLACE: Department of Community Affairs, Director's Conference Room, Room 120L, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact the Administrative Secretary, Division of Emergency Management, Bureau of Compliance Planning, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399 or (850)413-9821 Suncom 293-9821, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Debbie Wonsch, Planning Manager, Finance and Logistic Section, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)413-9894 or Suncom 293-9894

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9G-19.008 Procedures for Awarding Competitive Grants.

(1) through (2) No change.

(3) The Department hereby adopts by reference the Emergency Management, Preparedness, and Assistance Trust Fund Competitive Grant Program Application Packet, Form No. 008 007, July 2003 ~~June 2002~~ version, which provides forms, instructions, and other information necessary for submission of an application for Competitive Grant funds submitted pursuant to Rule 9G-19.008, F.A.C.

(4) No change.

(5) All applications shall conform to the following requirements, and shall be reviewed for technical conformity in accordance with the following procedures:

(a) All applications shall adhere to the format specified in the Application Packet, Form No. 008 007, July 2003 ~~June 2002~~ version.

(b) through (e) No change.

(6) through (8) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 11-10-97, 10-14-98, 10-11-00, 10-22-02, _____.

9G-19.009 Selection Criteria for Competitive Grants.

(1) No change.

(2) Applications shall be scored by the review committee independently and the scores shall be totaled and averaged. Thereafter, the committee shall evaluate the scores and arrive at preliminary scores and rankings. Preliminary scores and rankings shall be prepared within each category based upon the total number of points earned with the overall highest number of points determining priority for funding. The review

committee shall, within 75 days of the application deadline date, ~~post transmit~~ preliminary scores and rankings on the Division of Emergency Management website, www.floridadisaster.org ~~to all Applicants~~, along with any administrative proceeding rights. Upon determination, final scores and rankings will be posted on the Division of Emergency Management website, www.floridadisaster.org ~~shall be transmitted to all Applicants in writing~~. Funds shall be offered to the Applicant with the overall highest score, then to the Applicant with the next overall highest score, and so on, until all funds have been offered and accepted, or all eligible applications have been funded, or insufficient funds remain to fund an eligible project. The Department may offer to fund all or part of the project or all or part of the amount requested in an application. Applicants shall be given 21 days to accept or reject a proposed award. Written notice of acceptance shall be delivered to the Division offices designated in the notice of award along with a complete proposal, revised budget, timeline and a list of project items. In the event that an Applicant fails to accept or reject a proposed award offered for the Emergency Management Competitive Grant Program within the specified time, then the funds offered shall revert to the Trust Fund. In the event that an Applicant fails to accept or reject a proposed award offered for the Municipal Competitive Grant Program within the specified time, then the funds shall be reallocated in accordance with the provisions of subsections 9G-19.006(1)-(3), F.A.C.

(3) through (8) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 10-11-98, 10-11-00, 10-22-02, _____.

9G-19.010 Disbursement.

(1) through (5) No change.

(6) Upon written request and accompanying documentation detailing exceptional circumstances justifying the need, and at the discretion of ~~notification to~~ the Division, not later than July 31 of each year, Base Grant Recipients receiving trust funds may carry forward up to twenty-five (25) percent of a single year grant award to the next fiscal year.

(7) through (11) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 216.052, 252.35, 252.373, 252.83 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, _____.

DEPARTMENT OF LAW ENFORCEMENT

Office of Inspector General

RULE CHAPTER TITLE:

RULE CHAPTER NO.:

Violent Crime Investigative

Emergency and Drug

Control Strategy

Implementation Account

11N-1

RULE TITLE:

RULE NO.:

Limitations on Violent Crime Investigative

Reimbursement Funding

11N-1.003

PURPOSE AND EFFECT: To expand the date that violent crime investigations are authorized to receive reimbursement from the Violent Crime and Drug Control Council.

SUBJECT AREA TO BE ADDRESSED: Violent Crime Investigative Funding.

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, August 5, 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-1.003 Limitations on Violent Crime Investigative Reimbursement Funding.

(1) Requests for Violent Crime Investigative Reimbursement Funding.

(a) through (e) No change.

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

(2) No change.

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

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

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, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE TITLE:

Inmate Trust Fund

RULE NO.:

33-203.201

PURPOSE AND EFFECT: The purpose of the proposed rule is to delete obsolete language from the rule. The effect is to remove reference to the Inmate Welfare Trust Fund and replace it with the General Revenue Fund which pursuant to Senate Bill 954 (2003).

SUBJECT AREA TO BE ADDRESSED: Inmate Trust Fund.

SPECIFIC AUTHORITY: 944.09, 944.516, 945.091, 945.215 FS.

LAW IMPLEMENTED: 57.085, 717, 944.09, 944.516, 945.091, 945.215 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:

33-203.201 Inmate Trust Fund.

(1) The following are the policies of the Department with respect to money received for the personal use or benefit of inmates:

(a) through (e) No change.

(f) Interest earned on these investments and on the central Inmate Trust Public Funds Interest Checking Account or any local accounts shall be deposited to the General Revenue ~~Inmate Welfare Trust Fund to be expended for the benefit of the inmate population in general.~~

(2) through (12) No change.

Specific Authority 944.09, 944.516 945.091, 945.215 FS. Law Implemented 57.085, 717, 944.09, 944.516, 945.091, 945.215 FS. History—New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00, 7-13-03, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Inmate Visiting – Definitions	33-601.713
Inmate Visiting – General	33-601.714
Visiting Application Initiation Process	33-601.715
Visiting Record Management	33-601.716
Visiting Denial	33-601.717
Review of Request for Visiting Privileges	33-601.718
Visiting by Former and Current Department and Contract Employees	33-601.719
Sex Offender Visiting Restrictions	33-601.720
Visitor Conduct	33-601.727
Denial or Termination of Visits	33-601.729
Revocation or Suspension of Visiting Privileges	33-601.731
Reinstatement of Revoked or Suspended Visiting Privileges	33-601.732
Special Visits	33-601.736
Visiting – Forms	33-601.737

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to reassign responsibility for review of visiting applications and suspension and termination of visiting privileges from central office to institutional staff, to delete obsolete language, to correct staff titles associated with inmate visiting, and to provide clarification of definitions and criteria related to inmate visiting.

SUBJECT AREA TO BE ADDRESSED: Inmate visiting.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.115, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.115, 944.23, 944.8031 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:

33-601.713 Inmate Visiting – Definitions.

(1) through (2) No change.

~~(3) “Central Visiting Authority (CVA)” refers to the section within the Bureau of Classification and Central Records responsible for the management of inmate visiting procedures, visiting records, and fact based decisions on visiting requests.~~

~~(3)(4)~~ No change.

~~(4)(5)~~ “Institutional Classification Team (ICT)” refers to the team appointed by the warden responsible for making local classification decisions as defined in rule and procedure. The ICT shall be comprised of a senior classification officer or higher and security member of the rank of correctional officer lieutenant or higher ~~the warden or assistant warden who shall serve as chairperson, classification supervisor, chief of security,~~ and other members when appointed by the warden or designated by rule.

~~(5)(6)~~ “Immediate Family” refers to an inmate’s spouse, children, parents, brothers, sisters, grandparents, great grandparents, grandchildren, stepbrothers, stepsisters, stepparents, step-grandparents, aunts, uncles, foster parents, stepchildren, half brothers, half sisters, brothers-in-law, sisters-in-law, mothers-in-law, fathers-in-law, and sons and daughters-in-law.

(7) through (10) renumbered (6) through (9) No change.

~~(10)(11)~~ “Approved Visitor” refers to any person who is approved by the assigned institutional classification officer CVA to visit an inmate and whose approval is documented in the automated visiting record.

~~(11)(12)~~ “Request for Visiting Privileges” refers to Form DC6-111A, which must be fully completed by all prospective visitors twelve years of age and older and forwarded to the assigned institutional classification officer CVA for resolution.

(13) through (17) renumbered (12) through (16) No change.

~~(18) “Temporarily Suspended” refers to a visitor’s status pending a review or investigation of circumstances or events that can result in the revocation or suspension of visiting privileges. A visitor shall not be allowed to visit while in this status.~~

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 11-18-01, Amended 5-27-02, _____.

33-601.714 Inmate Visiting – General.

(1) through (2) No change.

(3) The warden, assistant warden, or duty warden is authorized to deny or terminate a visit if any of its aspects are disruptive or violate rules, procedures, instructions, restrictions, orders, or directions. Any disruption or violation shall be entered on the AVR and shall subject the visitor to revocation or suspension of visiting privileges by the warden or designee CVA and the inmate to disciplinary action.

(4) Posting of Policies.

(a) To ensure that all visitors are aware of § 944.47, F.S., governing contraband, the warden or designee shall post the statute in a conspicuous place at the entrance to the institution or facility.

(b) The warden or designee shall display the visiting rule, procedures, and any technical instructions that do not impede the maintenance of the security of the institution in a manner that allows visitors to read them before they begin the institutional visiting entry process.

~~(5) The CVA shall publish a departmental visitor's information handbook that shall include statutes, rules, procedures, and instructions relating to visiting. The warden shall ensure that a new visitor receives a copy of the handbook. These handbooks are not authorized in the visiting area.~~

~~(5)(6)~~ No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.708, Amended 5-27-02, _____.

33-601.715 Visiting Application Initiation Process.

(1) No change.

(2) The inmate shall be given up to fifteen copies of the Request for Visiting Privileges, Form DC6-111A, and Visitor Information Summary, Form DC6-111B, within 24 hours after arrival at his or her permanent facility. Forms DC6-111A and DC6-111B are incorporated by reference in Rule 33-601.737, F.A.C. The inmate shall be responsible for sending the forms to each family member or friend twelve years of age or older, whom the inmate wishes to be placed in his or her approved visiting record. Minors eleven years of age and younger are not required to submit a Request for Visiting Privileges, Form DC6-111B, until they reach 12 years of age.

(a) through (b) No change.

(3) The institution classification staff ~~CVA~~ shall conduct criminal history background checks on applicants requesting visiting privileges if information on the application indicates that it is prudent to do so.

(4) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.706, 33-601.708, Amended 5-27-02, _____.

33-601.716 Visiting Record Management.

(1) The Bureau of Classification and Central Records ~~CVA~~ shall develop and maintain computerized inmate-visiting records.

(2) through (9) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.703, 33-601.708, Amended _____.

33-601.717 Visiting Denial.

(1) No change.

(2) The assigned institutional classification officer ~~CVA~~ shall have authority to refuse to approve visiting for applicants with prior negative visiting behavior based on the security threat to the institution, nature of the behavior, and the elapsed time since the incident. Denial of visiting shall be permanent if the prospective visitor was involved in, or assisted in, an escape or attempted escape from any correctional facility.

(3) through (4) No change.

(5) Any person shall be subject to denial of permission to visit based upon the following criteria:

(a) No change.

(b) ~~Escape or attempting to escape, or assisting or attempting to assist an escape or escape attempt from any facility;~~

(c) The nature and extent of the individual's criminal record, consideration of which includes:

1. Felony convictions for drug offenses within the last 5 years, convictions for violent felony offenses within the last 3 years' convictions for non-violent offenses within the last 2 years, withholds of adjudication, adjudications of delinquency, active warrant, ~~misdemeanor convictions for stalking, battery, prostitution, possession of marijuana under 20 grams, possession of narcotic paraphernalia, or resisting a law enforcement officer without violence~~, and criminal history dispositions in any jurisdiction. If the disposition of an arrest is not reflected, the disposition shall ~~not~~ be ascertained prior to approval of the application ~~completion of the review of the visiting request unless circumstances suggest additional clarification is prudent~~. If additional documentation ~~clarification~~ of the charge is necessary, the prospective visitor shall be responsible for providing official documentation of the disposition or circumstances of the offense in question;

2. No change.

(d) through (l) No change.

(6) A department volunteer or intern shall not be approved for visiting at an institution or facility to which he or she is assigned. Following termination or assignment to another facility, visitation at the former institution or facility shall not occur until five years ~~twelve months~~ have elapsed.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.706, 33-601.707, Amended 5-27-02, _____.

33-601.718 Review of Request for Visiting Privileges.

(1) In approving or disapproving visiting privileges, assigned institutional classification ~~CVA~~ staff shall review the Request for Visiting Privileges, Form DC6-111A, and shall consider all factors related to the security, order or effective management of the institution.

(a) No change.

(b) The institutional classification ~~CVA~~ staff shall evaluate a person's criminal history and visiting background using the ~~CVA~~ Visitor Screening Matrix, Form DC6-111D.

(c) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.706, Amended _____.

33-601.719 Visiting by Former and Current Department and Contract Employees.

(1) Former Department and Contract Employees. The assigned institutional classification officer ~~CVA~~ shall consider approving former department employees and former

employees of a contractor who was under contract with the department for visiting privileges under the following circumstances:

(a) No change.

(b) During employment the applicant did not have a documented incident of any of the following:

1. through 2. No change.

3. A personal or business relationship with an inmate offender. A personal or business relationship is any that goes beyond what is necessary for the performance of one's job.

4. through 5. No change.

(c) No change.

(2) Current Department and Contract Employees. The CVA shall consider approving current department employees and employees of a contractor currently under contract with the department for visiting privileges under the following conditions:

(a) through (b) No change.

(c) The employing warden, warden of the institution housing the inmate to be visited, circuit administrator (community corrections staff), regional director (regional office staff), and Assistant Secretary ~~Director~~ of Institutions (central office staff), have approved the visit in writing.

(d) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.706, Amended 5-27-02, _____

33-601.720 Sex Offender Visiting Restrictions.

(1) No change.

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

(a) through (4) No change.

~~(5) The warden shall provide documentation to the CVA supervisor who shall recommend approval or denial to the warden.~~

~~(5)~~(6) No change.

~~(6)~~(7) The warden, ~~with a recommendation from the CVA supervisor~~, is authorized to modify the visiting status if factors materially affecting the visiting privilege decision change. Modification of privileges and court modifications of previously imposed visiting restrictions shall be documented in the AVR by institutional staff.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.707, Amended 5-29-03, _____

33-601.727 Visitor Conduct.

(1) Visitors must conduct themselves in accordance with the following requirements while on department property.

(a) through (b) No change.

(c) Visitors shall not possess, introduce, or attempt to introduce contraband or illegal items into or onto the grounds of any department institution or facility. Violations shall result in the suspension of visiting privileges by the warden or designee CVA. Contraband items not of an illegal nature shall be seized by staff when found and shall be returned only on the approval of the duty warden.

(d) through (2) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.708, Amended 5-27-02, _____

33-601.729 Denial or Termination of Visits.

(1) through (2) No change.

(3) Reconsideration for Visitation.

~~(a) A visitor denied visiting by the warden or duty warden shall be permitted to ask the CVA to mediate the matter, using local or institutional telephone access for this purpose. The CVA employee will either inform the visitor of his or her agreement with the decision of the duty warden or shall contact the facility on behalf of the visitor. The final decision shall rest with the warden, assistant warden, or duty warden.~~

~~(b)~~ A visitor initially denied permission to visit for reasons other than for possession or attempted introduction of contraband and who corrects the problem causing the denial shall be granted visiting if not otherwise precluded by rule and if the inmate is not in the process of visiting with others.

(4) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.705, 33-601.707, Amended 5-27-02, _____

33-601.731 Revocation or Suspension of Visiting Privileges.

(1) through (8) No change.

(9) Suspension of Visitor's Visiting Privileges.

~~(a) A visitor whose visiting privileges are under consideration for revocation or suspension shall have his or her visiting privileges temporarily suspended.~~

~~(a)~~(b) A visitor's visiting privileges shall be revoked by the warden or designee CVA when the visitor:

1. through 6. No change.

~~(b)~~(c) Visiting privileges shall be suspended by the warden or designee CVA for up to two years when the visitor:

1. through 5. No change.

~~(c)~~(d) Visitors found in violation of Paragraph 33-601.717(5)(f), F.A.C. — falsifying information to obtain visiting privileges, subsections 33-601.723(3) and (5), F.A.C., falsifying information at visitor registration and falsifying documents of guardianship, subsection 33-601.724(9), F.A.C.

– visitor attire, Rule 33-601.726, F.A.C. – visitor searches, or visitor conduct standards as outlined in paragraphs 33-601.727(1)(a)-(h), F.A.C. shall have visiting privileges suspended by the warden or designee ~~CVA supervisor~~ for up to one year.

(10) The warden or designee shall have the discretion to impose ~~recommend to the CVA supervisor~~ a length of suspension less than the maximum allowed by rule by considering the type of violation, the impact of the violation on the overall security or safety of the institution, and prior visits without incident. ~~The warden shall set forth the justification for the length of suspension, if less than the maximum, in the recommendation to the CVA supervisor.~~

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 11-18-01 Formerly 33-601.707, 33-601.708, Amended 5-27-02, _____.

33-601.732 Reinstatement of Revoked or Suspended Visiting Privileges.

(1) The warden or designee shall approve or deny requests for reinstatement of an inmate's suspended visiting privileges. The inmate shall submit a written request for reinstatement to the warden on Form DC6-236, Inmate Request. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(a) Reinstatement of privileges suspended for more than two years shall only be considered after two years from imposition.

1. The warden or designee shall review the request, render a final decision and notify the inmate concerned.

2. No change.

(b) through (c) No change.

(2) The warden or designee ~~CVA supervisor~~ shall approve or deny requests for reinstatement of a visitor's revoked or suspended visiting privilege. The visitor, or inmate on behalf of the affected visitor, shall submit a written request for reinstatement of privileges to the assigned institutional classification officer ~~CVA supervisor~~. The visitor for whom the reinstatement is being considered shall submit a Request for Visiting Privileges, Form DC6-111A, if the suspension has been for longer than six months.

(a) Reinstatement of revoked privileges shall only be considered after two years from imposition.

1. The warden or designee ~~CVA supervisor~~ shall review the request, render a final decision and notify the visitor concerned.

2. No change.

(b) through (c) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 11-18-01, Amended 5-27-02, _____.

33-601.736 Special Visits.

(1) through (2) No change.

(3) The ~~CVA~~ Visitor Screening Matrix, Form DC6-111D shall be used to evaluate the proposed visitor's criminal record and visiting background in determining approval or disapproval of the special visiting request. Form DC6-111D is incorporated by reference in Rule 33-601.737, F.A.C.

(4) No change.

~~(5) A visitor who has been denied a special visit by the warden or duty warden may request that the CVA mediate on his or her behalf. A local or institution telephone shall be used for this purpose if the visitor is on institutional property. The CVA shall either advise the visitor that the warden's, assistant warden's or duty warden's decision is appropriate or speak to the denying authority on behalf of the visitor. However, the final decision will rest with the approving authority.~~

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 11-18-01, Amended 5-27-02, _____.

33-601.737 Visiting – Forms.

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

(1) through (5) No change.

(6) DC6-111D, ~~CVA~~ Visitor Screening Matrix, effective April 29, 2002.

Specific Authority 944.09, 944.115, 944.23 FS. Law Implemented 944.09, 944.115, 944.23, 944.8031 FS. History–New 11-18-01, Amended 4-29-02, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE:

RULE NO.:

Minimum Surface Water Levels and Flows
and Groundwater Levels

40C-8.031

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to establish minimum water levels and flows for the St. Johns River at SR 44 near DeLand, in Volusia County.

SUBJECT AREA TO BE ADDRESSED: The proposed rule would establish minimum water levels and flows for the St. Johns River at SR 44 near DeLand, in Volusia County, pursuant to the mandate of Section 373.042, Florida Statutes. Each of these levels and flows would have an associated hydroperiod category. The terms herein are already defined in Chapter 40C-8, F.A.C. As with all minimum levels and flows established by the District, if adopted, the minimum levels and flows in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the consumptive use permit regulatory process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

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

TIME AND DATE: 7:00 p.m., August 14, 2003

PLACE: Volusia County Administration Building, Training Room, 123 West Indiana Avenue, DeLand, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

(1) The following minimum surface water levels and flows and minimum groundwater levels are established:

(a) through (e) No change.

(f) St. Johns River at SR 44 near DeLand, Volusia County.

	Level (ft NGVD)	Flow (cfs)	Hydroperiod Category
Minimum Frequent High	1.9	4600	Seasonally Flooded
Minimum Average	0.8	2050	Typically Saturated
Minimum Frequent Low	0.3	1100	Semipermanently Flooded

(2) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 272.0421 373.103, 373.415 FS. History—New 9-16-92, Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01, 3-19-02, 5-11-03,

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

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

RULE TITLES: RULE NOS.:
Hospice Employee Training Requirements 58A-2.027

Hospice Training Provider and Curriculum Approval 58A-2.028

PURPOSE AND EFFECT: Proposed Rules 58A-2.027 and 58A-2.028, F.A.C., are being considered, in consultation with the Agency for Health Care Administration, to implement Section 4 of Chapter 2003-271, Laws of Florida, which directs the Department of Elder Affairs in Section 400.6045, Florida Statutes, to adopt rules establishing standards for the Alzheimer's disease or other related disorders trainers and training for specified hospice employees.

SUBJECT AREA TO BE ADDRESSED: Hospice Training Standards.

SPECIFIC AUTHORITY: 400.6045(1) FS.

LAW IMPLEMENTED: 400.6045(1) FS.

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

TIME AND DATE: 9:00 a.m. – 11:00 a.m., August 19, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58A-2.027 Hospice Employee Training Requirements.

(1) Each facility licensed under Part VI of Chapter 400, Florida Statutes, shall ensure that facility employees receive the following training.

(a) Completion of the required initial one hour of training after June 30, 2003, shall satisfy the requirement referenced in subsection 400.6045(1)(b), F.S. Facility employees who meet the requirements for Alzheimer's Disease or Related Disorders training providers under paragraph (d) of this subsection shall be considered as having met this requirement. Initial one-hour training shall address the following subject areas:

1. Understanding Alzheimer's Disease or Related Disorders;

2. Characteristics of Alzheimer's Disease or Related Disorders; and

3. Communicating with patients with Alzheimer's Disease or Related Disorders.

(b) Completion of the required three hours of training after June 30, 2003, shall satisfy the requirement referenced in subsection 400.6045(1)(c), F.S. Facility employees who meet the requirements for Alzheimer's Disease or Related Disorder training providers under paragraph (d) of this subsection shall be considered as having met the requirements of subsection 400.6045(1), F.S. The three hours of training must address the following subject areas as they apply to Alzheimer's Disease or Related Disorders:

1. Behavior management;

2. Assistance with activities of daily life;

3. Activities for patients;

4. Stress management for the care giver;

5. Family issues;

6. Patient environment; and

7. Ethical issues.

(c) A detailed description of the subject areas that shall be included in a curriculum which meets the requirements of paragraphs (a) and (b) of this subsection can be found in the document Training Guidelines for the Special Care of Hospice

Patients with Alzheimer's Disease or Related Disorders, September 2003, incorporated by reference, available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

(d) Persons who seek to provide Alzheimer's Disease or Related Disorders training in accordance with this subsection shall provide the Department of Elder Affairs or its designee documentation that they hold a Bachelor's degree in a health-care, human service, or gerontology related field from an accredited college or university or hold a license as a registered nurse, and:

1. Possess teaching or training experience as an educator of care givers for persons with Alzheimer's Disease or Related Disorders or;

2. Have one year of practical experience in a program providing care to persons with Alzheimer's Disease or Related Disorders; or

3. Have completed a specialized training program in Alzheimer's Disease or Related Disorders from a university or an accredited health care or human service or gerontology continuing education provider.

(e) With reference to requirements in paragraph (d), a Master's degree from an accredited college or university in a subject related to health-care, human service, or gerontology can substitute for the teaching or training experience referenced in subsection (2). Years of teaching experience or training as an educator of care givers for persons with Alzheimer's Disease or Related Disorders may substitute on a year-by-year basis for the required Bachelor's degree.

(2) A facility employee who has successfully completed training and continuing education consistent with the requirements of Section 400.4178, Florida Statutes, or completed training consistent with the requirements of sections 400.1755 or 400.5571, Florida Statutes, shall be considered as having met the training requirements of this rule.

Specific Authority 400.6045(1) FS. Law Implemented 400.6045(1) FS. History—New _____.

58A-2.028 Hospice Training Provider and Curriculum Approval.

(1) Persons seeking approval as an Alzheimer's Disease or Related Disorders training provider shall complete DOEA form Hospice/ADRD-001, Application for Alzheimer's Disease or Related Disorders Training Provider Certification, dated September 2003, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. Persons seeking to obtain approval of the Alzheimer's Disease or Related Disorder curriculum shall complete DOEA form Hospice/ADRD-002, Application for Alzheimer's Disease or Related Disorders Training Three-Year Curriculum Certification, dated September 2003, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

Approval must be obtained from the Department or its designee for the training provider and the training curriculum prior to commencing training activities. Approval of the training curriculum shall be granted for 3 years, whereupon the training curriculum must be re-submitted to the Department or its designee for re-approval.

(2) Upon receipt of the training provider's or the training curriculum application, the Department or its designee shall respond in writing within 30 calendar days in one of the following three ways:

(a) Notify the applicant that the application is approved or not approved;

(b) Request additional information from the applicant in order to make a determination. Once the additional information has been received by the Department or its designee, the Department or its designee will have 30 calendar days to make a determination; or

(c) Notify the applicant that an additional 30 calendar days is needed to review the application and make a determination. Upon notice of approval from the Department or its designee, the applicant may be identified as an approved training provider or approved training curriculum as indicated by the Department or its designee. The Department or its designee shall maintain a list of approved training providers and training curriculum and provide a list of approved training providers to all interested parties upon request.

(3) If an applicant's application is not approved, the Department or its designee shall respond in writing within 30 calendar days indicating the reasons for not approving the application and information or documentation needed for approval.

(4) Approved training providers shall maintain records of each course taught for a period of three years following each program presentation. Course records shall include the title of the training program, the number of hours of training, the training provider's name and the Department of Elder Affairs approval number, the date and location of the course, and a roster of trainees.

(5) Upon successful completion of training, the trainee shall be issued a certificate by the approved training provider. The certificate shall include the title of the approved training course, the number of hours of training, the participant's name, dates of attendance, location, the training provider's name and the Department of Elder Affairs approval number, dated signature, and, if held, the trainee's license or certification number.

(6) The Department reserves the right to attend and monitor training courses, review records and course materials approved pursuant to this rule, and revoke approved training provider status on the basis of non-adherence to approved curricula, the provider's failure to maintain required training credentials, or circumstances in which the provider is found to knowingly disseminate any false or misleading information.

(7) Certificates of any training required by this rule shall be documented in the facility's personnel files.

(8) Training providers and training curricula which are approved consistent with the provisions of Sections 400.4178, 400.1755, and 400.5571, Florida Statutes, shall be considered as having met the requirements of this subsection.

Specific Authority 400.6045(1) F.S. Law Implemented 400.6045(1) F.S. History—New _____.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Assisted Living Facilities	58A-5
RULE TITLES:	RULE NOS.:
Definitions	58A-5.0131
License Application, Change of Ownership, and Provisional Licenses	58A-5.014
License Renewal and Conditional License	58A-5.015
License	58A-5.016
Residency Criteria and Admission Procedures	58A-5.0181
Resident Care Standards	58A-5.0182
Medication Practices	58A-5.0185
Staffing Standards	58A-5.019
Staff Training Requirements and Training Fees	58A-5.0191
Fiscal Standards	58A-5.021
Physical Plant Standards	58A-5.023
Adverse Incident Report	58A-5.0241
Resident Contracts	58A-5.025
Emergency Management	58A-5.026
Limited Mental Health	58A-5.029
Limited Nursing Services	58A-5.031
Administrative Enforcement	58A-5.033

PURPOSE AND EFFECT: The proposed rule amendments to Chapter 58A-5, F.A.C., are being considered in consultation with the Agency for Health Care Administration (AHCA).

The purpose of proposed amendments to Rule 58A-5.0131, F.A.C., (Definitions) is to (1) clarify the definition for "owner"; (2) provide a definition for "rate" and "third party"; and (3) correct the address for AHCA.

The purpose of proposed amendments to Rule 58A-5.014, F.A.C., (License Application, Change of Ownership, and Provisional Licenses) is to: (1) update the Assisted Living Facilities (ALF) License Application; (2) delete references to the Florida Abuse Hotline Information System Background Check, (3) delete reference to ACHA Form 3110-0003; (4) provide ALF application omission information and timeframes; (5) conform the rule language to Section 400.419, F.S., for failure to apply for Change of Ownership (CHOW) of a licensed ALF by providing for a \$5,000 fine; and (6) delete reference to individual owners who incorporate and do not report the incorporation to AHCA.

The purpose of proposed amendments to Rule 58A-5.015, F.A.C., (License Renewal and Conditional License) is to: (1) provide that the notification for renewal license shall be provided electronically or by mail delivery pursuant to changes in Section 400.417, F.S.; and (2) provide ALF application omission information and timeframes.

The purpose of proposed amendments to Rule 58A-5.016, F.A.C., (License) is to correct the name of AHCA's field offices.

The purpose of proposed amendments to Rule 58A-5.0181, F.A.C., (Residency Criteria and Admission Procedures) is to: (1) clarify that an individual may transfer with assistance of not more than two persons and does not permit the use of a mechanical lifting device for an individual to transfer; (2) provide that a resident requiring care of a stage 2 pressure sore, may be admitted to the facility; (3) add "tracheotomy" to the list of nursing services that an individual can not require for admission to an ALF; (4) delete "skilled rehabilitative services" from the list of nursing services that an individual can not require for admission and add that an individual not require "skilled rehabilitative services" to the list of admission criteria; (5) revise DOEA from 1823, Health Assessment to smooth the interface of ALF rule requirements and requirements of the Medicaid Assistive Care Services Program under Rule 59G-4.025, F.A.C., relating to activities of daily living; (6) add that the facility shall make available to potential residents a written statement of the facility policy concerning Do Not Resuscitate Orders and Advance directives, pursuant to section 400.4255(3), F.S.; (7) require that continued residency criteria include that a licensed nurse or physician document, if the resident's condition fails to improve within 30 days and that the resident be discharged pursuant to section 400.428 F.S.; and (8) provide that the facility administrator shall determine if the resident no longer meets criteria for continued residency, or the facility is unable to meet the resident's needs and strikes references to Section 400.426(8), F.S.

The purpose of proposed amendments to Rule 58A-5.0182, F.A.C., (Resident Care Standards) is to: (1) clarify that when a residents records is required to be updated by deleting the words "in the resident's normal appearance or state of health" and inserting the definition of "significant change"; (2) increase the number of available days (from 5 to 6) a week for scheduled activities and increases the total number of hours per week (from 10 to 15) per week; (3) allow for up to 3 hours of resident assistance in planning a special activity be counted towards the required activity time; (4) correct the names and phone numbers of advocacy groups; and (5) clarify residents right to unrestricted and private communication and provides for residents right to receive unidentified telephone calls.

The purpose of proposed amendments to Rule 58A-5.0185, F.A.C., (Medication Practices) is to (1) clarify staff responsibilities if a resident is found to be improperly self-administering medications and directs staff to contact the

resident's health care provider and pharmacist when needed; (2) strike the term "Weekly" and allows for the use of daily weekly or monthly pill organizers; (3) allow a resident who self-administers medications to use a pill organizer; (4) clarify staff responsibilities related to residents who self-administer medications and requires staff to contact the resident's health care provider and pharmacist regarding questions, concerns, or when observable health care changes occur related to the resident's medications; (5) provide that staff document contacts with the resident's health care provider and pharmacist; (6) require that assistance with self administration of medication include verbal prompts, retrieving and opening a properly labeled medication container, and providing assistance as specified in Rule 400.4256(3), F.S.; (7) provide that staff may prepare and make available spoons and other items specified in rule; (8) clarify staff responsibilities when providing assistance with self-administration of medication and to contact the resident's health care provider and pharmacist when needed; (8) create a new subsection to define and clarify the term "competent resident" for purposes of subsection (3) of Rule 58A-5.0185, F.A.C.; (10) create a new subsection to define the terms "judgment and discretion" as they pertain to the treatment term "as needed" used by physician's when prescribing medications for purposes of subsection (3) of Section 58A-5.0185, FAC.; (11) clarify staff responsibility for medication administration to report to the resident's health care provider and pharmacist, unusual reactions or a significant change in the resident's health or behavior; (12) correct the name of Clinical Laboratory Improvement Amendments of 1988 (CLIA) Waiver guidelines; (13) clarify the term "over the counter" medication by deleting the word "prescribed"; (14) require staff to document in the residents record the date and time a family member fills the pill organizer; (15) clarify the difference between the term "assistance with self-administration of medication" and the term "administration of medications" by adding the term "courtesy storage" used as in safekeeping of personal belongings; (16) require staff to maintain an inventory of all medication being sorted if a resident requests central storage of prescribed or over-the-counter medications; (17) add the words "filled or" clarifying that the facility make every reasonable effort to ensure that prescriptions of residents who receive assistance with self-administration or medication administration shall have the pill organizer filled in a timely manner; and (18) provide procedures on how to labeled sample medications.

The purpose of proposed amendments to Rule 58A-5.019, F.A.C., (Staffing Standards) is to: (1) correct the name of AHCA field office; (2) revise the date of AHCA Form 3180-1006; (3) correct the name of background screening and Criminal History Screenings AHCA Form 3110-0002, and revise the date of the form; (4) delete reference to Florida

Abuse Hotline Information System Background Check, AHCA Form 3110-003, July 1998; and (5) delete reference to abuse registry and inserting the word "screening".

The purpose of proposed amendments to Rule 58A-5.0191, F.A.C., (Staff Training Requirements and Training Fees) is to: (1) delete the word "Training" and insert the words "Competency Test" pursuant to changes in Section 400.452, F.S., which strikes the department's authority to collect training fees, and provides authority to collect fees for the competency test; (2) delete the word "program" and inserts the word "requirements" pursuant to changes in Section 400.452, F.S., which strikes the department's authority to provide the required training to ALF administrators; (3) clarify that the required ALF core training must be successfully completed including the passing of the competency test; (4) clarify that administrators licensed as nursing home administrator are exempt from the training requirements; (5) clarify that newly hired administrators or managers must successfully completed the required training; (6) clarify that administrators or managers that have not maintained the continuing education requirements or attended update training will be considered as new administrators or managers and are required to retake the ALF core training and pass the competency test; (7) clarify that the facility administrator or manager is responsible for providing or arranging in-service training to facility staff as described in the rule; (8) add adverse incident training to required in-service training; (9) require persons who have not attended the ALF core training to receive a minimum of 1-hour in-service training within 30 day of employment in safe food handling practices; (10) clarify new staff continuing education requirements to include initial HIV/AIDS training within 30 days of employment; (11) delete reference to First Aid and CPR training program requirements and approved trainers because the department has no rule authority for such training or trainer approval, and keeps the reference to appropriate training providers to meet the requirement that one staff member who holds a currently valid card of the First Aid and CPR training be in the facility at all times; (12) delete references to department staff providing training through out the rule pursuant to changes in Section 400.452, F.S.; (13) clarify that the unlicensed persons who will be providing assistance with self-administered medications attend the required training and must demonstrate the ability to read and understand a prescription label; (14) require additional annual continuing education on assistance with self-administered medications and safe medication practices and specifies continuing education providers; (15) reduce both the initial extended congregate care training and continuing education requirements from 6 hours to 4 hours; (16) clarify continuing education requirements and who can provide training; (17) provide for a technical change by deleting the words "and designee" after the word "manager" for consistency; (18) revise the ALF Alzheimer's disease training approval process to reduce confusion due relating to the creation of a similar

legislation for nursing homes, adult day care centers, hospices, and home health agencies, these revisions include: the provision for an application process with timeframes for the approval of the training providers and curricula; reduce the requirement that the training providers be approved every three years to the initial approval; amend the subject areas covered in the initial 4 hours and the additional 4 hours of training to bridge the ALF requirements with the nursing home, adult day care center, hospice, home health agency; reduce the ALF Alzheimer's disease training provider requirements to equal the nursing home training provider requirements; provide that Alzheimer's disease training providers approved pursuant to Sections 400.1755, 400.5571, and 400.6045, F.S., shall be considered as having met the requirements of subsection (9),(10) of Rule 58A-5.0191, F.A.C.; (19) move and amend subsection (10) to new subsection (11); (20) delete references to training fees pursuant to changes in Section 400.452, F.S.; (21) provide for a competency test fee pursuant to changes in Section 400.452, F.S.; and (22) delete the requirement that the department notify ALFs of the department's training schedule and require ALF training providers to provide the schedule of training to the public upon request.

The purpose of proposed amendment to Rule 58A-5.021, F.A.C., (Fiscal Standards) is to delete the requirement that AHCA staff be required to use general accepted accounting principles (GAAP) as specified GAAP rule.

The purpose of proposed amendments to Rule 58A-5.023, F.A.C., (Physical Plant Standards) is to: (1) require the facility to maintain master or duplicate keys to resident bedrooms and bathrooms in the event of an emergency; (2) require that each bathroom have a door working to ensure privacy the facility; and (3) require that each bathroom door have a lock which can be operated by the resident from the inside without a key unless the resident's safety is jeopardized.

The purpose of proposed amendment to Rule 58A-5.025, F.A.C., (Resident Contracts) is to delete the word "basic" to clarify and reduce the confusion about rate charges.

The purpose of proposed amendments to Rule 58A-5.0241, F.A.C., (Adverse Incident Report) is to revise the ALF Initial Adverse Incident Report – 1 Day, DOEA Form 3180-1024, and the ALF Complete Adverse Incident Report – 15 Day, DOEA Form 3180-1025.

The purpose of proposed amendment to Rule 58A-5.026, F.A.C., (Emergency Management) is to correct the name of AHCA's field office.

The purpose of proposed amendments to Rule 58A-5.029, F.A.C., (Limited Mental Health) is to: (1) delete the requirement to complete "a Limited Mental Health License Application, AHCA Form 3180-1023, September 1998", which is no longer used and insert reference to application

requirements provided in Rule 58A-5.014, F.A.C.; (2) require the Community Support Plan to have a description of other services to be provided or arranged by the facility; and (3) delete the word "designee" and inserts the word "manager".

The purpose of proposed amendments to Rule 58A-5.031, F.A.C., (Limited Nursing Services) is to add anti-embolism stockings or hosiery; administration and regulation of portable oxygen; applying, caring for and monitoring a transcutaneous electric nerve stimulator (TENS); and catheter, colostomy, illiostomy care and maintenance to the list of services provided under Limited Nursing Services.

The purpose of proposed amendments to Rule 58A-5.033, F.A.C., (Administrative Enforcement) is to delete references to unclassified violations to comply with revisions to Section 400.419, F.S.; and correct the name of AHCA's field office.

SUBJECT AREA TO BE ADDRESSED: Assisted Living Facilities Definitions, License Application, Change of Ownership, and Provisional Licenses, License Renewal and Conditional License, License, Residency Criteria and Admission Procedures, Resident Care Standards, Medication Practices, Staffing Standards, Staff Training Requirements and Training Fees, Fiscal Standards, Physical Plant Standards, Resident Contracts, Adverse Incident Report, Emergency Management, Limited Mental Health, Limited Nursing Services, and Administrative Enforcement.

SPECIFIC AUTHORITY: 400.402, 400.407, 400.415, 400.4178, 400.423, 400.424, 400.452, 400.256, 400.426, 400.427, 400.4275, 400.441, 400.442 FS.

LAW IMPLEMENTED: 394.4574, 400.402, 400.404, 400.407, 400.4075, 400.408, 400.411, 400.412, 400.414, 400.415, 400.417, 400.4174, 400.4176, 400.4178, 400.419, 400.42, 400.423, 400.424, 400.4255, 400.4256, 400.426, 400.427, 400.4275, 400.428, 400.431, 400.434, 400.441, 400.442, 400.444, 400.4445, 400.447, 400.452, 404.056, 409.912 FS.

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

TIMES AND DATE: 9:00 a.m. – 12:00 p.m.; 1:00 p.m. – 4:00 p.m., August 5, 2003

PLACE: Department of Elder Affairs, 4040 Esplanade Way, 225F Conf. Rm., Tallahassee, FL 32399-7000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

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

DEPARTMENT OF ELDER AFFAIRS**Federal Aging Programs**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Adult Day Care Center 58A-6

RULE TITLES: RULE NOS.:

Adult Day Care Center Employee
Training Requirements 58A-6.015Adult Day Care Center Training Provider
and Curriculum Approval 58A-6.016

PURPOSE AND EFFECT: Proposed Rules 58A-6.015 and 58A-6.016, F.A.C., are being considered, in consultation with the Agency for Health Care Administration, to implement Section 3 of Chapter 2003-271, Laws of Florida, which directs the Department of Elder Affairs in Section 400.5571, Florida Statutes, to adopt rules establishing standards for the Alzheimer's disease or other related disorders trainers and training for specified adult day care center employees.

SUBJECT AREA TO BE ADDRESSED: Adult Day Care Center Training Standards.

SPECIFIC AUTHORITY: 400.5571(1) FS.

LAW IMPLEMENTED: 400.5571(1) FS.

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

TIMES AND DATE: 2:15 p.m. – 4:15 p.m., August 19, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58A-6.015 Adult Day Care Center Employee Training Requirements.

(1) Each facility licensed under Part V of Chapter 400, Florida Statutes, shall ensure that facility employees receive the following training.

(a) Completion of the required initial one hour of training after June 30, 2003, shall satisfy the requirement referenced in subsection 400.5571 (1)(b), F.S. Facility employees who meet the requirements for Alzheimer's Disease or Related Disorders training providers under paragraph (d) of this subsection shall be considered as having met this requirement. Initial one-hour training shall address the following subject areas:

1. Understanding Alzheimer's Disease or Related Disorders;

2. Characteristics of Alzheimer's Disease or Related Disorders; and

3. Communicating with participants with Alzheimer's Disease or Related Disorders.

(b) Completion of the required three hours of training after June 30, 2003, shall satisfy the requirement referenced in subsection 400.5571 (1)(c), F.S. Facility employees who meet the requirements for Alzheimer's Disease or Related Disorder training providers under paragraph (d) of this subsection shall be considered as having met the requirements of subsection 400.5571(1), F.S. The three hours of training must address the following subject areas as they apply to Alzheimer's Disease or Related Disorders:

1. Behavior management;

2. Assistance with activities of daily life;

3. Activities for participants;

4. Stress management for the care giver;

5. Family issues;

6. Participant environment; and

7. Ethical issues.

(c) A detailed description of the subject areas that shall be included in a curriculum which meets the requirements of paragraphs (a) and (b) of this subsection can be found in the document Training Guidelines for the Special Care of Adult Day Care Center Participants with Alzheimer's Disease or Related Disorders, September 2003, incorporated by reference, available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

(d) Persons who seek to provide Alzheimer's Disease or Related Disorders training in accordance with this subsection shall provide the Department of Elder Affairs or its designee documentation that they hold a Bachelor's degree in a health-care, human service, or gerontology related field from an accredited college or university or hold a license as a registered nurse, and:

1. Possess teaching or training experience as an educator of care givers for persons with Alzheimer's Disease or Related Disorders or;

2. Have one year of practical experience in a program providing care to persons with Alzheimer's Disease or Related Disorders; or

3. Have completed a specialized training program in Alzheimer's Disease or Related Disorders from a university or an accredited health care or human service or gerontology continuing education provider.

(e) With reference to requirements in paragraph (d), a Master's degree from an accredited college or university in a subject related to health-care, human service, or gerontology can substitute for the teaching or training experience referenced in subsection (2). Years of teaching experience or training as an educator of care givers for persons with Alzheimer's Disease or Related Disorders may substitute on a year-by-year basis for the required Bachelor's degree.

(2) A facility employee who has successfully completed training and continuing education consistent with the requirements of Section 400.4178, Florida Statutes, or completed training consistent with the requirements of Sections 400.1755 or 400.6045, Florida Statutes, shall be considered as having met the training requirements of this rule.

Specific Authority 400.5571(1) FS. Law Implemented 400.5571(1) FS. History—New _____.

58A-6.016 Adult Day Care Center Training Provider and Curriculum Approval.

(1) Persons seeking approval as an Alzheimer's Disease or Related Disorders training provider shall complete DOE form ADC/ADRD-001, Application for Alzheimer's Disease or Related Disorders Training Provider Certification, dated September 2003, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. Persons seeking to obtain approval of the Alzheimer's Disease or Related Disorder curriculum shall complete DOE form ADC/ADRD-002, Application for Alzheimer's Disease or Related Disorders Training Three-Year Curriculum Certification, dated September 2003, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. Approval must be obtained from the Department or its designee for the training provider and the training curriculum prior to commencing training activities. Approval of the training curriculum shall be granted for 3 years, whereupon the training curriculum must be re-submitted to the Department or its designee for re-approval.

(2) Upon receipt of the training provider's or the training curriculum application, the Department or its designee shall respond in writing within 30 calendar days in one of the following three ways:

(a) Notify the applicant that the application is approved or not approved;

(b) Request additional information from the applicant in order to make a determination. Once the additional information has been received by the Department or its designee, the Department or its designee will have 30 calendar days to make a determination; or

(c) Notify the applicant that an additional 30 calendar days is needed to review the application and make a determination. Upon notice of approval from the Department or its designee, the applicant may be identified as an approved training provider or approved training curriculum as indicated by the Department or its designee. The Department or its designee shall maintain a list of approved training providers and training curriculum and provide a list of approved training providers to all interested parties upon request.

(3) If an applicant's application is not approved, the Department or its designee shall respond in writing within 30 calendar days indicating the reasons for not approving the application and information or documentation needed for approval.

(4) Approved training providers shall maintain records of each course taught for a period of three years following each program presentation. Course records shall include the title of the training program, the number of hours of training, the training provider's name and the Department of Elder Affairs approval number, the date and location of the course, and a roster of trainees.

(5) Upon successful completion of training, the trainee shall be issued a certificate by the approved training provider. The certificate shall include the title of the approved training course, the number of hours of training, the participant's name, dates of attendance, location, the training provider's name and the Department of Elder Affairs approval number, dated signature, and, if held, the trainee's license or certification number.

(6) The Department reserves the right to attend and monitor training courses, review records and course materials approved pursuant to this rule, and revoke approved training provider status on the basis of non-adherence to approved curricula, the provider's failure to maintain required training credentials, or circumstances in which the provider is found to knowingly disseminate any false or misleading information.

(7) Certificates of any training required by this rule shall be documented in the facility's personnel files.

(8) Training providers and training curricula which are approved consistent with the provisions of Sections 400.4178, 400.1755, and 400.6045, Florida Statutes, shall be considered as having met the requirements of this subsection.

Specific Authority 400.5571(1) FS. Law Implemented 400.5571(1) FS. History—New _____.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Home Health Care Agency 58A-8

RULE TITLES: RULE NOS.:

Home Health Agency Employee Training Requirements 58A-8.001

Home Health Agency Training Provider and Curriculum Approval 58A-8.002

PURPOSE AND EFFECT: Proposed Rules 58A-8.001 and 58A-8.002, F.A.C., are being considered, in consultation with the Agency for Health Care Administration, to implement Section 2 of Chapter 2003-271, Laws of Florida, which directs the Department of Elder Affairs in Section 400.4785, Florida Statutes, to adopt rules establishing standards for the Alzheimer's disease or other related disorders trainers and training for specified home health agency employees.

SUBJECT AREA TO BE ADDRESSED: Home Health Agency Training Standards.

SPECIFIC AUTHORITY: 400.4785(1) FS.

LAW IMPLEMENTED: 400.4785(1) FS.

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

TIME AND DATE: 12:00 p.m. – 2:00 p.m., August 19, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58A-8.001 Home Health Agency Employee Training Requirements.

(1) Each agency licensed under Part IV of Chapter 400, Florida Statutes, shall ensure that agency employees receive the following training.

(a) Completion of the required two hour of training after June 30, 2005, shall satisfy the requirement referenced in subsection 400.4785(1)(b), F.S. Agency employees who meet the requirements for Alzheimer's Disease or Related Disorders training providers under paragraph (c) of this subsection shall be considered as having met this requirement. Two-hour training shall address the following subject areas:

1. Understanding Alzheimer's Disease or Related Disorders;
2. Characteristics of Alzheimer's Disease or Related Disorders; and
3. Communicating with patients with Alzheimer's Disease or Related Disorders.
4. Behavior management;
5. Assistance with activities of daily life;
6. Activities for patients;
7. Stress management for the care giver;
8. Family issues;
9. Patient environment; and
10. Ethical issues.

(b) A detailed description of the subject areas that shall be included in a curriculum which meets the requirements of paragraph (a) of this subsection can be found in the document Training Guidelines for the Special Care of Home Health Agency Patients with Alzheimer's Disease or Related Disorders, September 2003, incorporated by reference, available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

(c) Persons who seek to provide Alzheimer's Disease or Related Disorders training in accordance with this subsection shall provide the Department of Elder Affairs or its designee documentation that they hold a Bachelor's degree in a health-care, human service, or gerontology related field from an accredited college or university or hold a license as a registered nurse, and:

1. Possess teaching or training experience as an educator of care givers for persons with Alzheimer's Disease or Related Disorders or;

2. Have one year of practical experience in a program providing care to persons with Alzheimer's Disease or Related Disorders; or

3. Have completed a specialized training program in Alzheimer's Disease or Related Disorders from a university or an accredited health care or human service or gerontology continuing education provider.

(d) With reference to requirements in paragraph (c), a Master's degree from an accredited college or university in a subject related to health-care, human service, or gerontology can substitute for the teaching or training experience referenced in subsection (2). Years of teaching experience or training as an educator of care givers for persons with Alzheimer's Disease or Related Disorders may substitute on a year-by-year basis for the required Bachelor's degree.

(2) A facility employee who has successfully completed training and continuing education consistent with the requirements of Section 400.4178, Florida Statutes, or completed training consistent with the requirements of Sections 400.1755, 400.5571, and 400.6045, Florida Statutes, shall be considered as having met the training requirements of this rule.

Specific Authority 400.4785(1) FS. Law Implemented 400.4785(1) FS. History—New _____.

58A-8.002 Home Health Agency Training Provider and Curriculum Approval.

(1) Persons seeking approval as an Alzheimer's Disease or Related Disorders training provider shall complete DOEA form HH/ADRD-001, Application for Alzheimer's Disease or Related Disorders Training Provider Certification, dated September 2003, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. Persons seeking to obtain approval of the Alzheimer's Disease or Related Disorder curriculum shall complete DOEA form HH/ADRD-002, Application for Alzheimer's Disease or Related Disorders Training Three-Year Curriculum Certification, dated September 2003, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. Approval must be obtained from the Department or its designee for the training provider and the training curriculum prior to commencing training activities. Approval of the

training curriculum shall be granted for 3 years, whereupon the training curriculum must be re-submitted to the Department or its designee for re-approval.

(2) Upon receipt of the training provider's or the training curriculum application, the Department or its designee shall respond in writing within 30 calendar days in one of the following three ways:

(a) Notify the applicant that the application is approved or not approved;

(b) Request additional information from the applicant in order to make a determination. Once the additional information has been received by the Department or its designee, the Department or its designee will have 30 calendar days to make a determination; or

(c) Notify the applicant that an additional 30 calendar days is needed to review the application and make a determination. Upon notice of approval from the Department or its designee, the applicant may be identified as an approved training provider or approved training curriculum as indicated by the Department or its designee. The Department or its designee shall maintain a list of approved training providers and training curriculum and provide a list of approved training providers to all interested parties upon request.

(3) If an applicant's application is not approved, the Department or its designee shall respond in writing within 30 calendar days indicating the reasons for not approving the application and information or documentation needed for approval.

(4) Approved training providers shall maintain records of each course taught for a period of three years following each program presentation. Course records shall include the title of the training program, the number of hours of training, the training provider's name and the Department of Elder Affairs approval number, the date and location of the course, and a roster of trainees.

(5) Upon successful completion of training, the trainee shall be issued a certificate by the approved training provider. The certificate shall include the title of the approved training course, the number of hours of training, the participant's name, dates of attendance, location, the training provider's name and the Department of Elder Affairs approval number, dated signature, and, if held, the trainee's license or certification number.

(6) The Department reserves the right to attend and monitor training courses, review records and course materials approved pursuant to this rule, and revoke approved training provider status on the basis of non-adherence to approved curricula, the provider's failure to maintain required training credentials, or circumstances in which the provider is found to knowingly disseminate any false or misleading information.

(7) Certificates of any training required by this rule shall be documented in the agency's personnel files.

(8) Training providers and training curricula which are approved consistent with the provisions of Sections 400.4178, 400.1755, 400.5571, and 400.6045, Florida Statutes, shall be considered as having met the requirements of this subsection.

Specific Authority 400.4785(1) FS. Law Implemented 400.4785(1) FS. History-New

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Adult Family Care Home	58A-14
RULE TITLES:	RULE NOS.:
License Application, Renewal and	
Conditional Licenses	58A-14.003
Admission and Appropriateness	
of Placement	58A-14.0061
Staff Qualifications, Responsibilities	
and Training	58A-14.008

PURPOSE AND EFFECT: The proposed amendments to Rules 58A-14.003, 58A-14.0061, and 58A-14.008, Florida Administrative Code (F.A.C.), were developed in consultation with the Agency for Health Care Administration (A.H.C.A.).

The purpose of the proposed amendments to Rule 58A-14.003, F.A.C., are pursuant to changes in Section 400.619, Florida Statutes (F.S.), which requires the A.H.C.A. to provide Adult Family Care Home (A.F.C.H.) providers the application forms for license renewal either electronically or by mail delivery annually.

The purpose of the proposed amendments to Rule 58A-14.0061, F.A.C., is to smooth the interface of A.F.C.H. rule requirements and requirements of the Medicaid Assistive Care Services Program under Rule 59G-4.025, F.A.C., by revising the Resident Health Assessment, DOEA form 1110, dated February 1999, to include additional questions regarding the residents activities of daily living (ADL) needs.

The purpose of the proposed amendments to Rule 58A-14.008, F.A.C., are pursuant to changes in Section 400.6211, F.S., which eliminates the Department of Elder Affairs authority to provide the required A.F.C.H. training.

SUBJECT AREA TO BE ADDRESSED: Renewal Licenses, Adult Family Care Home Resident Health Assessment, Staff Training.

SPECIFIC AUTHORITY: 400.619, 400.621, 400.6211 FS.

LAW IMPLEMENTED: 400.618, 400.619, 400.621, 400.6211, 400.625, 400.628 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 SHOW BELOW.

TIME AND DATE: 10:00 a.m. – 11:00 a.m., August 4, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58A-14.003 License Application, Renewal and Conditional Licenses.

(1) No change.

(2) LICENSE RENEWAL.

(a) Application forms for license renewal, AHCA Form 3180-1022, shall be provided electronically or by mailed delivery annually by the agency to the AFCH provider at least 120 days prior to the expiration of the current license. The provider shall mail or hand-deliver the license renewal application to the agency a minimum of 90 days prior to the expiration date appearing on the currently held license.

(b) through (c) No change.

(3) through (4) No change.

Specific Authority 400.619, 400.621 FS. Law Implemented 400.619, 400.621 FS. History—New 5-14-86, Amended 2-2-95, Formerly 10A-14.003, Amended 9-19-96, 3-25-98, 6-6-99, _____.

58A-14.0061 Admission and Appropriateness of Placement.

(1) No change.

(2) HEALTH ASSESSMENT. Prior to admission to an AFCH, the individual must be examined by a health care provider using the Resident Health Assessment, DOEA Form 1110, August 2003 February 1999, which is incorporated by reference, and available from the Assisted Living Program, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000. Previous versions of this form completed up to 6 months after the effective date of this rule (effective date of the rule) are acceptable.

(3) through (6) No change.

Specific Authority 400.621 FS. Law Implemented 400.618, 400.621, 400.625, 400.628 FS. History—New 2-2-95, Formerly 10A-14.0061, Amended 9-19-96, 6-6-99, _____.

58A-14.008 Staff Qualifications, Responsibilities and Training.

(1) through (3) No change.

(4) TRAINING.

(a) All AFCH providers must attend a 12-hour basic adult family-care home training program ~~provided by the department~~ which covers the minimum requirements of Section 400.6211, F.S., prior to accepting any residents, or for providers who already have persons residing in the home that will be considered residents, prior to licensing.

(b) No change.

~~(e) AFCH providers must attend update training for any portion of the basic course which has been updated as the result of new legislation or rule amendment.~~

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

~~(e)(f) Upon request, The department's AFCH trainer providers shall make available to any member of the public a copy of the schedule for the required in the planning and service area where an AFCH is located shall notify AFCH providers of record, and others who request notification, of AFCH training offered by the department. A schedule of department training offered and a list of trainers is available from the Assisted Living Program, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, telephone number (850)414-2309.~~

(f)(g) Except as otherwise noted, certificates of any training required by this rule shall be documented in the facility's personnel files which documentation shall include the title of the training program, the specific topics of the training, the participant's name, the date of attendance, the AFCH training provider's name, signature and credentials, and the number of hours of training.

~~Fees.~~

~~1. Except for licensed AFCH providers, each relief person, and AFCH license applicants, the department shall charge the following fees for training provided under this rule:~~

~~a. AFCH basic training \$50~~

~~b. Update training \$25~~

~~2. The department shall charge the following fees for printed materials available from the department printed or on diskette:~~

~~a. Adult Family Care Home Provider's Guide \$25~~

~~b. Adult Family Care Home Law and Rule \$5~~

(g) Upon successful completion of training pursuant to this rule, the AFCH training provider shall issue a certificate of completion to the AFCH provider which shall include the title of the training program, the specific topics of the training, the participant's name, the date of attendance, the AFCH training provider's name, signature and credentials, and the number of hours of training.

Specific Authority 400.619, 400.621, 400.6211 FS. Law Implemented 400.619, 400.621, 400.6211 FS. History—New 2-2-95, Formerly 10A-14.008, Amended 9-19-96, 6-6-99, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE:

RULE NO.:

Public Liability Insurance

61G4-15.003

PURPOSE AND EFFECT: The Board proposes a review of this rule to determine whether amendments may be necessary.

SUBJECT AREA TO BE ADDRESSED: The proposed rule review addresses the requirements for proof of coverage as a prerequisite to obtaining certification or registration.

SPECIFIC AUTHORITY: 489.108, 489.115(5), 489.129(3) FS.

LAW IMPLEMENTED: 489.115(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Public Liability Insurance

RULE NO.: 61G4-15.003

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address public liability insurance.

SUBJECT AREA TO BE ADDRESSED: Public Liability Insurance.

SPECIFIC AUTHORITY: 489.108, 489.115(5), 489.129(3) FS.

LAW IMPLEMENTED: 489.115(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tim Vacarro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Certification of Specialty Structure Contractors

RULE NO.: 61G4-15.015

PURPOSE AND EFFECT: The Board proposes a review of this rule to determine whether amendments may be necessary.

SUBJECT AREA TO BE ADDRESSED: The proposed rule review addresses the certification of and the scope of practice for specialty structure contractors.

SPECIFIC AUTHORITY: 120.53, 489.113(6), 489.115(4) FS.

LAW IMPLEMENTED: 120.53, 489.113(6), 489.115(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Normal Penalty Ranges

RULE NO.: 61G4-17.001

PURPOSE AND EFFECT: The Board proposes a review of this rule to determine whether amendments may be necessary.

SUBJECT AREA TO BE ADDRESSED: The proposed rule review will evaluate the guidelines required for use in disciplinary cases.

SPECIFIC AUTHORITY: 455.227, 489.108, 489.129 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 489.129 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE CHAPTER TITLE: Grounds for Discipline

RULE CHAPTER NO.: 61G17-2

PURPOSE AND EFFECT: The Board proposes to review this rule chapter to determine if amendments or new rules are required.

SUBJECT AREA TO BE ADDRESSED: Grounds for Discipline.

SPECIFIC AUTHORITY: 472.008, 472.033 FS.

LAW IMPLEMENTED: 472.033 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Penalties 61G17-9

PURPOSE AND EFFECT: The Board proposes to review this rule chapter to determine if amendments or new rules are required.

SUBJECT AREA TO BE ADDRESSED: Penalties.

SPECIFIC AUTHORITY: 472.008, 472.031 FS.

LAW IMPLEMENTED: 472.031 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Supervision Standards 61G17-10

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule chapter, pursuant to statute, setting forth the standards for supervision.

SUBJECT AREA TO BE ADDRESSED: Supervision Standards.

SPECIFIC AUTHORITY: 472.008, 472.019, 472.027 FS.

LAW IMPLEMENTED: 472.019, 472.027 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: RULE NO.:
Fees 61J1-2.001

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes and an increase in the processing fee of fingerprint cards as charged by outside vendor.

SUBJECT AREA TO BE ADDRESSED: The proposed rule change affects rule provisions relating to fees.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 215.34, 215.405, 455.217, 455.2281, 475.6147, 475.615, 475.618, 475.619, 475.630 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-2.001 Fees.

(1) The application fee shall be as follows:

Registered Trainee Assistant Appraiser	\$50.00
Licensed Appraiser	\$100.00
Certified Residential Appraiser	\$100.00
Certified General Appraiser	\$100.00

(2) The biennial fee shall be:

Registered Trainee Assistant Appraiser	\$175.00
Licensed Appraiser	\$175.00
Certified Residential Appraiser	\$175.00
Certified General Appraiser	\$175.00

(3) The fee for appraisal course instructors shall be:

Application	\$50.00
Biennial Permit	\$50.00

(4) Fees for appraisal course related categories shall be:

For each sponsor application for evaluation for approval of education offering	\$200.00
For each sponsor biennial education offering renewal	\$100.00

For each evaluation of a previously nonaccredited education course	\$50.00
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(5) Temporary Practice fee	\$50.00
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(6) Late Renewal of an inactive registration, license or certification	\$25.00
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(7) Biennial Registry fee for licensed and certified appraisers as required by the Appraisal Subcommittee	\$50.00
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(8) Duplicate registration, license or certification	\$20.00
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(9) Checks returned insufficient funds or account closed or an amount up to 5% of the face amount of the check, whichever is greater	\$15.00
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(10) Examination Review	\$35.00
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(11) Unlicensed activity fee for initial licensure and license renewal	\$5.00
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(12) The fee for request for a change of examination date, which must be in writing, shall be:

(a) Requests received by the examination vendor 3 or more days prior to the scheduled date	No fee
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(b) Requests received by the examination vendor less than 3 days prior to the scheduled date	\$15.00
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(13) Fingerprint Card Processing Fee	\$47 \$39.00
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(14) Application fee for a registered trainee assistant , licensed or certified appraiser to obtain a different status when such application is received by the department within 180 days prior to through 180 days after the renewal period established in Rule 61J1-2.002, Florida Administrative Code	\$50.00
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Specific Authority 475.614 FS. Law Implemented 215.34, 215.405, 455.217, 455.2281, 475.6147, 475.615, 475.618, 475.619, 475.630 FS. History--New 10-15-91, Amended 6-7-92, 5-6-93, Formerly 21VV-2.001, Amended 9-22-93, 7-5-94, 5-22-95, 8-20-96, 11-11-97, 10-1-98, 1-7-99, 11-15-99, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: _____ RULE NO.: _____

Deceptive and Misleading Advertising

Prohibited; Policy; Definition 64B2-15.001

PURPOSE AND EFFECT: The Board proposes to correct clerical errors and update the rule text.

SUBJECT AREA TO BE ADDRESSED: Deceptive and Misleading Advertising Prohibited; Policy; Definition.

SPECIFIC AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 456.062, 460.413(1)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-15.001 Deceptive and Misleading Advertising Prohibited; Policy; Definition.

(1) It is the policy of the Board of ~~Chiropractic~~ that advertising by licensed practitioners of the profession of chiropractic in this State should be regulated so as to effectuate the duty of the State of Florida to protect the health, safety and welfare of its residents, while not abridging any rights guaranteed to such practitioners or to the public by the Constitution of the United States and the State of Florida, as construed by the United States Supreme Court and the Florida Supreme Court. To that end, the Board permits the dissemination to the public of legitimate information, in accordance with the Board's rules, regarding the art and science of Chiropractic and where and from whom chiropractic services may be obtained, so long as such information is in no way fraudulent, false, deceptive, or misleading.

(2) No chiropractor shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive or misleading. Any advertisement or advertising shall be deemed by the Board to be fraudulent, false, deceptive, or misleading if it:

(a) Contains a misrepresentation ~~misrepresentation~~ of facts; or

(b) Is misleading or deceptive because in its content or in the context in which it is presented it makes only partial disclosure of relevant facts. More specifically, the Board finds that it is misleading and deceptive for a chiropractor to advertise free services (i.e. x-rays, examination, etc.) or services for a specific charge when in fact the chiropractor is transmitting a higher charge for the advertised service to a third party payor for payment. The Board finds it misleading and deceptive to fail to include the fact that x-rays and/or video fluoroscopy will only be given if medically necessary in an advertisement for free x-rays and/or video fluoroscopy. For the purpose of this rule, a verbal announcement or a minimum of 15 second exposure of the disclaimer clause required by Section 456.062, F.S., is required for free services advertised on radio or television. The Board also finds that it is misleading and deceptive for a chiropractor or a group of chiropractors to advertise a chiropractic referral service or bureau unless the advertisement specifically names each of the individual chiropractors who are participating in the referral service or bureau. Referral services that operate on a national or statewide basis, and that have at least 50 participating members, do not have to specifically name each individual chiropractor participating in the service on their advertisements. Any advertisement generated by or on behalf of a chiropractor must disclose that it is generated by or on behalf of a chiropractor by including a reference to the chiropractor by name and degree.

(c) through (h) No change.

(i) Contains any representation regarding a preferred area of practice or an area of practice in which the practitioner in fact specializes, which represents or implies that such specialized or preferred area of practice requires, or that the practitioner has received any license or recognition by the State of Florida or its authorized agents, which is superior to the license and recognition granted to any chiropractor who successfully meets the licensing requirements of Chapter 460, F.S. However, a chiropractor is not prohibited from advertising that he has attained Diplomate status in a specialty area recognized by the Board of Chiropractic; or

(j) ~~Reserved.~~ ~~(k)~~ Appears in any classified directory, listing, or compendium under a heading, which when considered together with the advertisement, has the capacity or tendency to be deceptive or misleading with respect to the profession or professional status of the chiropractor; or

~~(k)~~ ~~(l)~~ Contains any other representation, statement or claim which is misleading or deceptive; or

~~(l)~~ ~~(m)~~ Contains a reference to any other an allopathic or osteopathic medical degree or uses the initials "M.D." or "D.O." or any other initials unless the chiropractic physician has actually received such a degree and is a licensed holder of such degree in the State of Florida. If the chiropractic physician is not licensed to practice allopathic or Osteopathic medicine in Florida, the chiropractic physician must disclose this fact, and the letterhead, business card, or other advertisement shall also include next to the reference or initials a statement such as "Not licensed as a medical doctor in the State of Florida" or "Licensed to practice chiropractic medicine only" in the same print size or volume.

(3) No change.

Specific Authority 460.405 FS. Law Implemented 456.062, 460.413(1)(d) FS. History—New 1-10-80, Amended 11-25-81, 5-12-83, Formerly 21D-15.01, Amended 4-19-89, Formerly 21D-15.001, 61F2-15.001, Amended 7-18-95, Formerly 59N-15.001, Amended 9-21-98, 5-20-99, 4-23-00, 11-19-00,

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE:

RULE NO.:

Citations

64B2-16.0075

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077, 460.405 FS.

LAW IMPLEMENTED: 456.035, 456.072(3), 456.073 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-16.0075 Citations.

(1) through (5) No change.

(6) Prior to issuance of the citation, the licensee investigator must confirm that the violation has been corrected or is in the process of being corrected.

(7) Once the citation, which constitutes discipline, becomes a final order, the citation and complaint become a public record pursuant to Chapter 119, F.S., unless otherwise exempt from the provisions of Chapter 119, F.S. The citation and complaint may be considered as aggravating circumstances in future disciplinary actions pursuant to Rule 64B2-16.003, F.A.C.

(8) through (9) No change.

Specific Authority 456.077, 460.405 FS. Law Implemented 456.035, 456.072(3), 456.073 FS. History—New 1-19-92, Amended 4-26-93, Formerly 21D-16.0075, 61F2-16.0075, Amended 7-18-95, Formerly 59N-16.0075, Amended 2-11-99, 5-31-00, 10-7-02,_____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE:

RULE NO.:

Requirements for Reactivation

of an Inactive License

64B7-28.0042

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

SUBJECT AREA TO BE ADDRESSED: Requirements for reactivation of an inactive license.

SPECIFIC AUTHORITY: 456.034, 456.036(9), 480.035(7), 480.0425 FS.

LAW IMPLEMENTED: 456.034, 456.036(9),(10), 480.0425 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE:

RULE NO.:

Disciplinary Proceedings

64B9-8.005

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

SUBJECT AREA TO BE ADDRESSED: The rule amendments are proposed to clarify the definition of “unprofessional conduct.”

SPECIFIC AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 464.018 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD’S NEXT MEETING TO BE HELD ON AUGUST 13, 2003, IN TALLAHASSEE, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE:

RULE NO.:

Approved Providers

64B10-15.0021

PURPOSE AND EFFECT: The Board proposes to conduct a rules workshop to review and discuss the existing language in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Approved providers.

SPECIFIC AUTHORITY: 468.1685, 468.1725 FS.

LAW IMPLEMENTED: 468.1715, 468.1725 FS.

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

TIME AND DATE: 9:00 a.m., Friday, August 8, 2003

PLACE: Marriott Tampa Westshore, 1001 North Westshore Boulevard, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lucy Gee, Interim Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the board with respect to any matter considered at this hearing, they will need a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:

RULE NO.:

State Uniform Transfer of High School Credits 6A-1.09941

PURPOSE AND EFFECT: The purpose of the rule amendment is to identify the procedures relating to the acceptance of transfer work and credit for students. The effect will be a rule that clearly delineates the procedures.