

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Title Insurance Rates	4-186.003
Residential Limited Coverage Junior Loan Title Insurance	4-186.006
Forms Adopted	4-186.016

PURPOSE AND EFFECT: To adopt appropriate rates for Junior Loan Title Insurance; to adopt forms for use with Junior Loan Title Insurance; and to list forms adopted for use with Junior Loan Title Insurance.

SUBJECT AREA TO BE ADDRESSED: Junior Loan Title Insurance.

SPECIFIC AUTHORITY: 624.308, 624.308(1), 626.9611, 627.777, 627.782, 627.7825 FS.

LAW IMPLEMENTED: 624.307(1), 626.9541(1)(h)3.a., 627.777, 627.782, 627.7825, 627.783, 627.7831, 627.7841, 627.7845 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 Noon, August 27, 2003
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

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

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE TITLE:	RULE NO.:
Certification Reports	5K-4.026

PURPOSE AND EFFECT: The rule adoption establishes guidelines for application by food establishments to the Department for issuance and certification of certain reports, and the criteria to be used by the Department in determining

when such reports are to be issued. These reports are required for the export of a food to some countries. The rule also establishes the procedure for recovering its cost in issuing these reports.

SUBJECT AREA TO BE ADDRESSED: Application for a certification report, issuance of a certification report by the Department, charge to be assessed to a food establishment to recover the cost of issuing a report.

SPECIFIC AUTHORITY: 500.09, 500.148(3), 570.07(23) FS.

LAW IMPLEMENTED: 500.09, 500.148(3) FS.

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

TIME AND DATE: 10:00 a.m., August 26, 2003

PLACE: Florida Department of Agriculture and Consumer Services, Conner Complex, George Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, FL, (850)488-3951

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dr. John Fruin, Chief, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-3951

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-4.026 Certification Reports.

(1) Any food establishment that intends to ship a food, as defined in Section 500.03(1)(l), F.S., may request a report from the Department certifying that the establishment is known to manufacture, process, pack, hold and/or prepare food in accordance with requirements of Chapter 500, F.S., the Florida Food Safety Act, and the rules promulgated thereunder. Such certification can be used for the purpose of exporting food to another country.

(2) A certification report is a report generated by the Department concerning a food establishment that is regulated by the Department. When used for the purpose of exporting food, the report shall include a listing of products to be shipped. The report may be state "Certificate of Free Sale, "Good Manufacturing Document," or other title as necessary to satisfy requirements of a country to which the food will be exported. The certification report shall bear the original signature of a designee of the Department, confirmed by a Notary Public, and may certify one or more of the following findings:

(a) The food establishment is regulated and inspected by the Department.

(b) The sanitary condition of the food establishment is satisfactory according to the most recent report of inspection by the Department.

(c) The use of good manufacturing practices by the food establishment.

(d) The food listed is normally sold for human consumption.

(e) The food listed may be freely offered for sale in the State of Florida.

(3) Applications for Certification Report.

Any food establishment may apply for a certification report from the Department. All applications must be made using Department Form #DACs-14219, "Application for Certification Report", a copy of which may be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Food and Meat inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650. The application shall include or be accompanied by a list of food items to be exported. Submission of applications by electronic means will be accepted. Any application that is illegible or that is received without sufficient information to process a certification report shall be returned to the applicant for correction.

(4) Issuance of Certification Report.

(a) The Department may issue a certification report for a food establishment if the establishment:

- 1. Is regulated and inspected by the Department;
- 2. Has a current, valid food permit from the Department;
- 3. Has received a satisfactory report of inspection on the most recent inspection performed by the Department; and
- 4. Is not delinquent on any prior billing for recovery of cost for issuance of certificates.
- 5. Has no unresolved administrative action.

(b) Unless otherwise requested, the certification report shall be sent to the requesting firm's address listed on the application. Denial of any application for a certification report shall be sent to the applicant.

(5) Cost of Certification Report, Payment.

The Department will assess a charge of \$15.00 per certification report, which shall be paid within 21 days of the billing date. This charge includes the cost of research and preparation of the report and the Department's overhead costs. An additional charge may be required if customized language, special handling, delivery or preparation of the certification report is requested. Failure to remit payment by the due date shall be grounds for the Department to deny further requests for certification reports. All payments for certification reports shall be deposited into the General Inspection Trust Fund.

(6) A certification report generated by the Department pursuant to this section shall not be construed or represented as an expressed or implied warranty of any of the products named in the certificate, nor shall the certification report be used for advertising or promotional purposes.

Specific Authority 500.09, 500.148(3), 570.07(23) FS. Law Implemented 500.09, 500.148(3) FS. History--New _____.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: Discrimination Complaint Procedures for Student Access
RULE NO.: 6D-3.008

PURPOSE AND EFFECT: This rule indicates procedures to be followed by any student who wishes to file complaint against the Florida School for the Deaf and the Blind based on discrimination.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Discrimination Complaint Procedures for Employment.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4), 1002.36 FS.

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

TIME AND DATE: 9:00 a.m., August 23, 2003

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: Discrimination Complaint Procedures for Employment
RULE NO.: 6D-6.020

PURPOSE AND EFFECT: This rule indicates procedures to be followed by anyone who wishes to file complaint against the Florida School for the Deaf and the Blind based on discrimination.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Discrimination Complaint Procedures for Employment.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4) 1002.36 FS.

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

TIME AND DATE: 9:00 a.m., August 23, 2003

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: Campus/Security Police Department
 RULE NO.: 6D-12.002
 PURPOSE AND EFFECT: This rule establishes the guidelines for the Campus Security/Police Department of the Florida School for the Deaf and the Blind and shows that the Policies and Procedures Manual of the Department have been revised.
 SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Campus Security/Police Policies and Procedures Manual
 SPECIFIC AUTHORITY: 1002.36(4)(c) FS.
 LAW IMPLEMENTED: 1002.36(4), 1002.36(8)(f) FS.
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 9:00 a.m., August 23, 2003
 PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: Human Resource Management and Development
 RULE NO.: 6D-16.002
 PURPOSE AND EFFECT: This rule establishes the guidelines for the Human Resource Management and Development Department of the Florida School for the Deaf and the Blind.
 SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Human Resource Management and Development Manual.
 SPECIFIC AUTHORITY: 1002.36(4)(c) FS.
 LAW IMPLEMENTED: 1002.36(4), 1002.36(4)(f)2. FS.
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 9:00 a.m., August 23, 2003
 PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: Purchasing Department
 RULE NO.: 6D-17.002
 PURPOSE AND EFFECT: This rule establishes the guidelines for the Purchasing Department of the Florida School for the Deaf and the Blind.
 SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Purchasing Manual.
 SPECIFIC AUTHORITY: 1002.36(4)(c) FS.
 LAW IMPLEMENTED: 1002.36(4)(d) FS.
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 9:00 a.m., August 23, 2003
 PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

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 CITRUS

RULE CHAPTER TITLE: Certification For "Tree Run" Grade
 RULE CHAPTER NO.: 20-36
 RULE TITLES: Inspection Required 20-36.002
 Determination of Quantity 20-36.006
 PURPOSE AND EFFECT: Would provide for allowing tree run grade fruit to be taken out of state by producer without maturity inspection if shipped after prescribed dates, as determined by variety.
 SUBJECT AREA TO BE ADDRESSED: prescribing dates certain by variety for maturity of tree run fruit.
 SPECIFIC AUTHORITY: 601.10(1),(7) FS.
 LAW IMPLEMENTED: 601.03(8), 601.40, 601.9911, 601.15(3)(b),(c),(d), 601.9911 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: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Ownership and Use of "Florida Xtra Sweet" Certification Mark
RULE CHAPTER NO.: 20-114

RULE TITLES: Ownership
Permission Required for Use
General Restrictions and Standards on the Use of "Florida Xtra Sweet" Mark
Use on Fruit, Containers and Merchandise
Withdrawal of License or Permission
RULE NOS.: 20-114.001
20-114.002
20-114.003
20-114.004
20-114.005

PURPOSE AND EFFECT: New rule chapter providing standards and requirements for the "Florida Xtra Sweet" certification mark for use on fresh Florida grapefruit.

SUBJECT AREA TO BE ADDRESSED: Requirements for use of "Florida Xtra Sweet" certification mark.

SPECIFIC AUTHORITY: 601.10(1), 601.11, 601.15 FS.

LAW IMPLEMENTED: 601.101 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: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148.

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

DEPARTMENT OF CORRECTIONS

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

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

SUBJECT AREA TO BE ADDRESSED: correctional officer uniforms.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) through (3) No change.

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

(a) through (g) No change.

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

1. through 8. No change.

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

10. through (10) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00, 4-30-02, 2-20-03, 6-26-03, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Law Libraries
RULE NO.: 33-501.301

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

SUBJECT AREA TO BE ADDRESSED: Law libraries.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.09, 944.11 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-501.301 Law Libraries.

(1) No change.

(2) Definitions.

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

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

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

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

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

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

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

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

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

(j) Legal assistance: where used herein, refers to those services that the law library program or inmate law clerks provide to the inmate population. They include: providing inmates access to law library materials; assisting inmates in conducting legal research; assisting inmates with the preparation of legal documents and legal mail associated with the filing of post-conviction petitions filed in the state or federal courts, civil rights actions filed in the state or federal courts, and administrative actions filed with the Florida Parole Commission or the Florida Bar; assisting inmates with the preparation of grievances filed with the Department of Corrections; providing inmates with access to grievance and court forms; providing indigent inmates with access to legal writing supplies pursuant to Rule 33-210.102, F.A.C.; and providing copying services to inmates pursuant to Rule 33-501.302, F.A.C.

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

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

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

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

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

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

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

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

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

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

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

(3)(2) Law Library Access – General.

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

1. through 4. No change.

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

(c) No change.

(d) Law libraries shall provide interpreters for any language, other than English, native to 5 five percent or more of the statewide inmate population. Such inmates at ~~work~~

~~camps and~~ satellite correctional facilities shall be provided an opportunity to visit the law library within 1 one week of submitting an oral request or Form DC6-236, Inmate Request, for legal assistance to the law library supervisor or other facility staff. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(e) Inmates who are functionally illiterate, ~~mentally disordered,~~ or have ~~other~~ disabilities that hinder their ability to research the law and prepare legal documents and legal mail, and need research assistance, shall be provided access to the law library and to inmate law clerks ~~research aides~~. These inmates may request legal assistance by making an oral request for same to the correctional staff working in their housing or confinement units, classification staff, work supervisors, mental health staff, or to the law library supervisor. Staff shall relay oral requests for legal assistance to the law library supervisor. Upon receipt of an oral request or Form DC6-236, Inmate Request, the law library supervisor shall schedule the inmate for a visit to the law library or a visit with an inmate law clerk ~~research aide~~.

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

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

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

3. Upon confirmation of the deadline, the law library supervisor shall contact the classification department and schedule an appointment by call-out to enable excusing an

inmate from his or her work or program assignment, and, where necessary, transportation from a satellite correctional facility, the work camp, forestry camp, or road prison, when:

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

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

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

(h) Inmates who mutilate, deface or pilfer law library materials shall be subject to formal disciplinary action as provided in Rules 33-601.301-.314, F.A.C., and penalties for infraction may include a temporary suspension of the inmate's privilege of on-site use of the law library of up to 30 days. The disciplinary team which presides over the disciplinary hearing shall determine the length of the suspension after considering the inmate's past record of rule infractions while in the law library, assessing the material damage to the legal research collection, and determining whether the damage to the collection was intentional or inadvertent. Inmates who have been suspended from the law library shall conduct business through correspondence or through inmate law clerks research aides rather than through personal visits to the law library. However, steps shall be taken to ensure that the inmate is not denied access to legal material during this suspension.

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

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

1. Inmates in administrative confinement, disciplinary confinement and close management at Florida State Prison Main Unit who need research assistance from the law library shall submit Form DC6-236, Inmate Request, to the law library

supervisor. Inmates shall be permitted to visit the law library if security requirements permit it. If security requirements prevent a personal visit to the law library, the inmate shall be required to secure legal assistance through visits with inmate law clerks research aides or by means of correspondence.

2. At all other institutions, inmate law clerks shall visit the confinement unit at least once per week to provide assistance to inmates. Illiterate and disabled inmates shall be permitted to request a visit with an inmate law clerk by making an oral request for legal assistance to the correctional staff working in the confinement unit. Upon receipt of an oral request, the correctional staff shall permit the inmate to visit with an inmate law clerk at the next scheduled law clerk visit. All other inmates shall request law clerk visits by submitting Form DC6-236, Inmate Request, to the law library supervisor. The law library supervisor shall develop a list of the inmates in confinement who are approved for a law clerk visit, and shall provide a copy of that list to security staff on or before the inmate law clerk's visit to the confinement unit.

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

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

(d) Inmates on death row shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library deliver legal

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

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

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

~~(5)(4)~~ Major, mMinor and sStarter cCollection LLaw Libraries.

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

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

~~remedies, and prisoner's rights.~~ In determining whether a major collection shall be established at an institution, consideration shall be given to the following factors:

1. through 5. No change.

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

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

(d) through (f) renumbered (b) through (d) No change.

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

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

~~(g)(i)~~ No change.

~~(6)(5)~~ Interlibrary Loan services for Law Libraries.

(a) Major collection law libraries shall provide research assistance to minor and starter collection libraries and to inmates housed at satellite correctional facilities without law libraries. On receipt of Form DC5-~~152609~~, Law Library Interlibrary Loan Request, the law library supervisor shall immediately assign an inmate law clerk ~~research aide~~ to provide legal assistance. Form DC5-152 ~~DC5-609~~ is hereby incorporated by reference in subsection (11) of this rule. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is November 5, 2001. All assistance that can be provided through use of that institution's major collection

shall be completed within 3 working days of receipt, not including the day of receipt, except where the request requires the researching of complex or multiple legal issues or is so broad in scope that work can not be initiated without further information from the requesting inmate.

(b) Inmates at facilities with minor collection law libraries who need access to legal research materials only available in major collection law libraries, shall submit Form DC5-~~152609~~, Law Library Interlibrary Loan Request, for the material or assistance to the law library supervisor. Within two working days of receipt of Form DC5-~~152609~~, not including the day of receipt, the law library supervisor shall forward the request to the law library supervisor at a major collection law library for completion.

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

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

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

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

1. Inmates needing such materials are to submit Form DC5-~~152609~~, Law Library Interlibrary Loan Request, to the institution's law library supervisor. Form DC5-~~152609~~, Law Library Interlibrary Loan Request, is to include the full and complete citation of the material needed, and a written justification on why the material is needed to litigate any of the above types of actions. If any deadlines apply, the date of the deadline is to be noted on Form DC5-~~152609~~, Law Library Interlibrary Loan Request. The law library supervisor is then to forward the request to the library services administrator in the

central office. The correct mailing address is: Department of Corrections, ATTN: Library Services, 2601 Blair Stone Road, Tallahassee, FL 32399-2500.

2. The library services administrator or designee shall review the request and either approve it or disapprove it. If the request is disapproved, the reason for disapproval will be noted on the request and the request shall be returned to the requesting law library. The law library supervisor will provide a copy of Form DC5-~~152609~~, Law Library Interlibrary Loan Request, to the inmate. If the request is approved, the request shall be forwarded to the Florida State University law library for completion. When the completed work is received from the Florida State University law library, it shall be mailed to the requesting law library. The law library supervisor will provide a copy of Form DC5-~~152609~~, Law Library Interlibrary Loan Request, and the requested material to the inmate.

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

(f) No change.

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

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

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

~~4-~~ Duties of library clerks include circulating legal materials, maintaining law library files, keeping the law library clean and orderly, and assisting the law library supervisor in collecting statistics, preparing ~~typing~~ reports and correspondence, and other job tasks related to program operations. Library clerks who are assigned only such work shall not be required to complete the law clerk ~~research aide~~ training program.

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

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

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

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

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

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

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

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

~~1.2. Successful completion of the law clerk research aide training program shall be evidenced by attendance at the law clerk research aide training seminar, completion of all writing assignments and practice exercises included as part of the law clerk research aide training seminar, and receipt of a passing score (80%) on the law clerk research aide training seminar's final examination.~~

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

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

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

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

1. Receipt of an associate or bachelor's degree in paralegal research or pre-law;
2. Receipt of a juris doctorate degree;

3. One or more years of verifiable work experience as a paralegal working under the direct supervision of an attorney; or

4. Successful completion a written examination developed by the office of library services that verifies that an inmate possesses current knowledge of the law, knowledge of legal research materials and how to use them, and can communicate effectively in writing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(n)(l)~~ Inmate law clerks Research aides shall give all work files to inmates who are being transferred or released. If the inmate law clerk research aide is unable to give the inmate the file prior to transfer, he or she shall give it to the law library supervisor. As soon as the inmate's destination is known, the law library supervisor shall forward the file to the law library

supervisor or other designated employee at the inmate's new location for forwarding to the inmate. Work files for inmates who have escaped, died, or been released shall be handled in accordance with subsection 33-602.201(10), F.A.C. If the inmate has been released from the custody of the Department of Corrections, then the law library supervisor shall give the file to the institution's inmate property officer for return to the released inmate.

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

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

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

(g) Inmate law clerks must secure prior, written approval from the law library supervisor, on Form DC5-153, Personal Legal Papers Authorization, to retain their own or another inmate's personal legal papers in the law library. Form DC5-153 is incorporated by reference in subsection (11) of this rule. At a minimum, the following information shall documented on Form DC5-153: the committed name and DC number of the inmate who owns the papers; a list of all

documents and papers to be retained in the law library and the number of pages for each; and, the committed name and dc number of the inmate law clerk who is assisting the inmate. The inmate shall then sign and date the form and submit it to the law library supervisor for approval. If the law library supervisor approves the request, he or she shall sign the form and enter the date when the personal legal papers must be removed from the law library. Inmates who do not remove their personal legal papers from the law library by that date shall be subject to formal disciplinary action as provided in Rules 33-602.301-.314, F.A.C.

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

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

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

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

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

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

(a) No change.

(b) The law library's shelves shall be closed to direct access by inmates not assigned as library clerks, law clerk trainees, or inmate law clerks research aides. Inmates needing access to legal materials shall direct a request to a library clerk, law clerk trainee, or inmate law clerk research aide who shall then retrieve the material and issue it to him or her. Inmates shall sign for all legal research materials issued to them for use

in the law library or library. At a minimum, inmates shall be permitted to sign out at least 1 case reporter and 1 other volume at a ~~any one~~ time.

(c) No change.

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

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

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

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

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

(a) Form DC5-152, Law Library Interlibrary Loan Request, effective November 5, 2001.

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

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

DEPARTMENT OF CORRECTIONS

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify restitution payment requirements for inmates working at paid employment.

SUBJECT AREA TO BE ADDRESSED: Payment of restitution by inmates working at paid employment.

SPECIFIC AUTHORITY: 945.091 FS.

LAW IMPLEMENTED: 945.091 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:

33-601.602 Community Release Programs.

(1) through (10) No change.

(11) Restitution.

(a) Unless there exists reasons not to order restitution, the department shall require inmates working at paid employment, under the provision of Section 945.091, F.S., to provide restitution to an aggrieved party for the damage or loss caused as a result of a prior or by the current offense of for which the inmate is incarcerated. For purposes of this rule, fines, court costs and court ordered payments shall be treated in the same manner as restitution.

(b) through (16) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History—New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, _____.

DEPARTMENT OF ELDER AFFAIRS

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Duties and Procedures Relating to the Florida Statewide and Local Advocacy Council	58-18
RULE TITLES:	RULE NOS.:
Referring Complaints to the Florida Local Advocacy Council	58-18.001
Access to Records and Confidentiality	58-18.002
Incorporating Florida Statewide Advocacy Council and Local Advocacy Council Recommendations into Department Policies and Procedures	58-18.003

PURPOSE AND EFFECT: The purpose of proposed Rules 58-18.001, 58-18.002 and 58-18.003, F.A.C., are to implement Section 402.167(1)(3), Florida Statutes. Section 402.167(1), Florida Statutes, states "Each state agency that provides client services shall adopt rules that are consistent with law, amended

to reflect any statutory changes, and that address at least the following: (a) Procedures by which staff of state agencies refer reports of abuse of clients to the Florida local advocacy councils. (b) Procedures by which client information is made available to members of the Florida Statewide Advocacy Council and the Florida local advocacy councils. (c) Procedures by which recommendations made by the statewide and local councils will be incorporated into policies and procedures of the state agencies. Section 402.167(3), Florida Statutes, states "The secretaries or directors of the state agencies shall ensure the full cooperation and assistance of employees of their respective state agencies with members and staff of the statewide and local councils."

SUBJECT AREA TO BE ADDRESSED: Duties and Procedures Relating to the Florida Statewide and Local Advocacy Council.

SPECIFIC AUTHORITY: 393.13, 402.167 FS.

LAW IMPLEMENTED: 119.07, 384.29, 394.459, 397.063, 402.165, 402.166, 402.167, 415.107, 415.51 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. – 11:00 a.m., August 21, 2003

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

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Freestanding Dialysis Center Services

RULE NO.: 59G-4.105

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Freestanding Dialysis Center Coverage and Limitations Handbook, October 2003. The handbook changes include revisions to text as required by the Health Insurance Portability and Accountability Act (HIPAA) and references to the Medicaid Provider General Handbook, reimbursement policy for home peritoneal dialysis and for the administration of the injectible medication Erythropoietin. The effect will be to incorporate by reference in the rule the current Florida Medicaid Freestanding Dialysis Center Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Freestanding Dialysis Center Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

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

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308-5403

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.105 Freestanding Dialysis Center Services.

(1) This rule applies to all freestanding dialysis center service providers enrolled in the Medicaid program.

(2) All freestanding dialysis center service providers enrolled in the Medicaid program must be in compliance ~~comply~~ with the Florida Medicaid Freestanding Dialysis Center Coverage and Limitations Handbook, October 2003 ~~November 1998~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, which is incorporated by reference in Rule 59G-4.160, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 8-24-99, Amended.

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE CHAPTER TITLE: Meetings and Operations

RULE CHAPTER NO.: 60Y-1

PURPOSE AND EFFECT: The rule chapter provides for the commission meetings and operations.

SUBJECT AREA TO BE ADDRESSED: Commission meetings and operations, particularly conducting proceedings by Communications Media Technology.

SPECIFIC AUTHORITY: 760.06(12) FS.

LAW IMPLEMENTED: 120.525, 120.54(5) FS.

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

TIME AND DATE: 9:00 a.m. (EDT) – completion of comments by interested parties, Friday, August 15, 2003

PLACE: Commission on Human Relations, Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Florida Commission on Human Relations, Attn: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, Ext. 1071 (Text of the proposed revisions, repeals and new rules may be obtained from the Commission's website at <http://fchr.state.fl.us>, click on the publications icon or by contacting: Denise Crawford, Commission Clerk, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082.)

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

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE CHAPTER TITLE: Organization and General Information
 RULE CHAPTER NO.: 60Y-2
 PURPOSE AND EFFECT: The rule chapter provides for the commission organization and general information.

SUBJECT AREA TO BE ADDRESSED: Commission organization and general information.

SPECIFIC AUTHORITY: 120.54, 760.06(12), 760.11(14), 760.32(5) FS.

LAW IMPLEMENTED: 120.53, 120.533, 120.54, 760.03, 760.05 FS.

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

TIME AND DATE: 9:00 a.m. (EDT) – completion of comments by interested parties, Friday, August 15, 2003

PLACE: Commission on Human Relations, Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Florida Commission on Human Relations, Attn: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, Ext. 1071 (Text of the proposed revisions, repeals and new rules may be obtained from the Commission's website at <http://fchr.state.fl.us>, click on the publications icon or by contacting: Denise Crawford, Commission Clerk, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082.)

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

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE CHAPTER TITLE: Definitions; Construction
 RULE CHAPTER NO.: 60Y-3

PURPOSE AND EFFECT: The rule chapter provides for definitions and construction of the rules.

SUBJECT AREA TO BE ADDRESSED: Commission definitions and construction of the rules.

SPECIFIC AUTHORITY: 120.54, 760.06(12), 760.11(14), 760.32(5) FS.

LAW IMPLEMENTED: 120.53, 120.533, 120.54, 760.03, 760.05 FS.

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

TIME AND DATE: 9:00 a.m. (EDT) – completion of comments by interested parties, Friday, August 15, 2003

PLACE: Commission on Human Relations, Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Florida Commission on Human Relations, Attn: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, Ext. 1071 (Text of the proposed revisions, repeals and new rules may be obtained from the Commission's website at <http://fchr.state.fl.us>, click on the publications icon or by contacting: Denise Crawford, Commission Clerk, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082.)

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

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE CHAPTER TITLE: General Procedures
 RULE CHAPTER NO.: 60Y-4

PURPOSE AND EFFECT: The rule chapter provides for general procedures of the Commission. The revisions particularly relate to the adoption of the Uniform Rules of Procedure.

SUBJECT AREA TO BE ADDRESSED: Commission general procedures, including the impact of the adoption of the Uniform Rules of Procedure.

SPECIFIC AUTHORITY: 120.54, 760.06(12), 760.11(14), 760.32(5) FS.

LAW IMPLEMENTED: 120.53, 120.533, 120.54 FS.

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

TIME AND DATE: 9:00 a.m. (EDT) – completion of comments by interested parties, Friday, August 15, 2003

PLACE: Commission on Human Relations, Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Florida Commission on Human Relations, Attn: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, Ext. 1071 (Text of the proposed revisions, repeals and new rules may be obtained from the Commission’s website at <http://fchr.state.fl.us>, click on the publications icon or by contacting: Denise Crawford, Commission Clerk, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082.)

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

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE CHAPTER TITLE: Proceedings Upon Complaints of Unlawful Employment Practice

RULE CHAPTER NO.: 60Y-5

PURPOSE AND EFFECT: The rule chapter provides for proceedings upon complaints of unlawful employment practice.

SUBJECT AREA TO BE ADDRESSED: Commission proceedings to receive, investigate and act upon complaints of unlawful employment practice.

SPECIFIC AUTHORITY: 120.54, 760.06(12), 760.11(14) FS.

LAW IMPLEMENTED: 760.01-.11 FS.

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

TIME AND DATE: 9:00 a.m. (EDT) – completion of comments by interested parties, Friday, August 15, 2003

PLACE: Commission on Human Relations, Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Florida Commission on Human Relations, Attn: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, Ext. 1071 (Text of the proposed revisions, repeals and new rules may be obtained from the Commission’s

website at <http://fchr.state.fl.us>, click on the publications icon or by contacting: Denise Crawford, Commission Clerk, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082.)

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

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE CHAPTER TITLE: Fair Housing Act

RULE CHAPTER NO.: 60Y-6

PURPOSE AND EFFECT: The rule chapter provides for commission activities under the Fair Housing Act.

SUBJECT AREA TO BE ADDRESSED: Commission activities implementing the Fair Housing Act

SPECIFIC AUTHORITY: 120.53, 760.06(12), 760.31(5) FS.

LAW IMPLEMENTED: 120.53, 760.20-.37 FS.

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

TIME AND DATE: 9:00 a.m. (EDT) – completion of comments by interested parties, Friday, August 15, 2003

PLACE: Commission on Human Relations, Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Florida Commission on Human Relations, Attn: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, Ext. 1071 (Text of the proposed revisions, repeals and new rules may be obtained from the Commission’s website at <http://fchr.state.fl.us>, click on the publications icon or by contacting: Denise Crawford, Commission Clerk, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082.)

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

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE CHAPTER TITLE: Investigatory Proceedings Upon Complaints of Discriminatory Housing Practices

RULE CHAPTER NO.: 60Y-7

PURPOSE AND EFFECT: The rule chapter provides for proceedings upon complaints of discriminatory housing practices.

SUBJECT AREA TO BE ADDRESSED: Commission proceedings to receive, investigate and act upon complaints of discriminatory housing practices.

SPECIFIC AUTHORITY: 120.53, 760.06(12), 760.31(5) FS.

LAW IMPLEMENTED: 120.53, 760.20-.37 FS.

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

TIME AND DATE: 9:00 a.m. (EDT) – completion of comments by interested parties, Friday, August 15, 2003

PLACE: Commission on Human Relations, Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Florida Commission on Human Relations, Attn: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, Ext. 1071 (Text of the proposed revisions, repeals and new rules may be obtained from the Commission's website at <http://fchr.state.fl.us>, click on the publications icon or by contacting: Denise Crawford, Commission Clerk, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082.)

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

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Formal Administrative Proceedings 60Y-8
 Upon Complaints of Discriminatory Housing Practices

PURPOSE AND EFFECT: The rule chapter provides for Petitions for Relief from a discriminatory housing practice.

SUBJECT AREA TO BE ADDRESSED: Petitions for Relief from a discriminatory housing practice.

SPECIFIC AUTHORITY: 120.53, 760.06(12), 760.31(5) FS.

LAW IMPLEMENTED: 120.53, 760.34, 760.35 FS.

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

TIME AND DATE: 9:00 a.m. (EDT) – completion of comments by interested parties, Friday, August 15, 2003

PLACE: Commission on Human Relations, Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Florida Commission on Human Relations, Attn: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, Ext. 1071 (Text of the proposed revisions, repeals and new rules may be obtained from the Commission's website at <http://fchr.state.fl.us>, click on the publications icon or by contacting: Denise Crawford, Commission Clerk, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082.)

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

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Requirements Related to Housing 60Y-9
 for Older Persons

PURPOSE AND EFFECT: The rule chapter provides for Commission's implementation of the provisions of Section 760.29(4), F.S., relating to housing for older persons.

SUBJECT AREA TO BE ADDRESSED: Housing for older persons; exemptions from certain provisions of the Fair Housing Act.

SPECIFIC AUTHORITY: 760.06(12), 760.31(5) FS.

LAW IMPLEMENTED: 760.29 FS.

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

TIME AND DATE: 9:00 a.m. (EDT) – completion of comments by interested parties, Friday, August 15, 2003

PLACE: Commission on Human Relations, Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Florida Commission on Human Relations, Attn: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, Ext. 1071 (Text of the proposed revisions, repeals and new rules may be obtained from the Commission's website at <http://fchr.state.fl.us>, click on the publications icon or by contacting: Denise Crawford, Commission Clerk, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082.)

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

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE CHAPTER TITLE: Prohibition Against Discrimination by Public Lodging and Food Service Establishments
 RULE CHAPTER NO.: 60Y-10

PURPOSE AND EFFECT: The rule chapter provides for Commission’s implementation of the provisions of Section 760.11, F.S., relating to unlawful discrimination by operators of a public lodging establishment or a public food establishment.

SUBJECT AREA TO BE ADDRESSED: Discriminatory actions by operators of a public lodging establishment or a public food establishment.

SPECIFIC AUTHORITY: 120.53, 760.06(12), 760.11 FS.

LAW IMPLEMENTED: 120.53, 760.11 FS.

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

TIME AND DATE: 9:00 a.m. (EDT) – completion of comments by interested parties, Friday, August 15, 2003

PLACE: Commission on Human Relations, Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Florida Commission on Human Relations, Attn: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, Ext. 1071 (Text of the proposed revisions, repeals and new rules may be obtained from the Commission’s website at <http://fchr.state.fl.us>, click on the publications icon or by contacting: Denise Crawford, Commission Clerk, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082.)

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

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE CHAPTER TITLE: Proposed Rule Chapter on Prohibition Against Employees Who Disclose Information to an Appropriate Agency Under the “Whistle-Blower’s Act”
 RULE CHAPTER NO.: 60Y-11

PURPOSE AND EFFECT: The proposed rule chapter provides for Commission’s implementation of the provisions of Sections 112.3187-112.31895, F.S., making it unlawful for any agency or independent contractor of an agency to take

retaliatory action against an employee who reports violations of law to an appropriate agency under Sections 112.3187-112.31895, F.S.; the “Whistle-blower’s Act.”

SUBJECT AREA TO BE ADDRESSED: Retaliatory actions by any agency or independent contractor of an agency against an employee who reports violations of law to an appropriate agency under Sections 112.3187-112.31895, F.S.; the “Whistle-blower’s Act.”

SPECIFIC AUTHORITY: 120.53, 760.06(12), 760.11 FS.

LAW IMPLEMENTED: 120.53, 760.11 FS.

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

TIME AND DATE: 9:00 a.m. (EDT) – completion of comments by interested parties, Friday, August 15, 2003

PLACE: Commission on Human Relations, Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Florida Commission on Human Relations, Attn: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, Ext. 1071 (Text of the proposed revisions, repeals and new rules may be obtained from the Commission’s website at <http://fchr.state.fl.us>, click on the publications icon or by contacting: Denise Crawford, Commission Clerk, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082.)

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE CHAPTER TITLE: Unlicensed Activity
 RULE CHAPTER NO.: 61G15-38

PURPOSE AND EFFECT: The Board proposes to promulgate rules with regard to unlicensed activity in response to recent action by the 2003 Legislature which gives the Board jurisdiction over unlicensed activity instead of the Department of Business and Professional Regulation.

SUBJECT AREA TO BE ADDRESSED: Unlicensed activity.

SPECIFIC AUTHORITY: 455.228, 471.008, 471.038(5) FS.

LAW IMPLEMENTED: 455.228, 471.038(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: Natalie Lowe, Executive Director, Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

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

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 Acupuncture

RULE TITLES:	RULE NOS.:
Acupuncture Examination	64B1-3.004
Licensure by Endorsement Through National Certification Action Taken	64B1-3.009

PURPOSE AND EFFECT: The Board proposes to review and discuss the existing language in these rules to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Acupuncture examination; Licensure by endorsement through national certification action taken.

SPECIFIC AUTHORITY: 456.017(1)(c), 457.104 FS.

LAW IMPLEMENTED: 456.017(1)(c), 457.104, 457.105 FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Continuing Education	64B1-6

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule chapter to determine if amendments and/or the promulgation of new rules are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing education.

SPECIFIC AUTHORITY: 456.013(8),(9), 456.033, 456.036, 457.104, 457.107(3) FS.

LAW IMPLEMENTED: 456.013(8)(9), 456.033, 457.107(3),(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: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE:	RULE NO.:
Continuing Education Requirement	64B1-7.0015

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

SUBJECT AREA TO BE ADDRESSED: Continuing education requirement.

SPECIFIC AUTHORITY: 456.013, 456.033, 457.104, 457.107, 457.108, 457.1085 FS.

LAW IMPLEMENTED: 456.013, 456.033, 457.107, 457.108, 457.1085, 457.109 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 Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE:	RULE NO.:
Laboratory Test and Imaging Results Education	64B1-8.006

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

SUBJECT AREA TO BE ADDRESSED: Laboratory test and imaging results education.

SPECIFIC AUTHORITY: 457.102, 457.104, 457.105, 457.107, 457.1085 FS.

LAW IMPLEMENTED: 457.102, 457.105, 457.107, 457.1085 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 Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Manner of Application
 RULE NO.: 64B13-4.004

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the guidelines for applicants to take the licensure examination.

SUBJECT AREA TO BE ADDRESSED: applications for licensure.

SPECIFIC AUTHORITY: 456.033, 463.006(1)(b),(2) FS.

LAW IMPLEMENTED: 456.033, 463.006(1)(b),(2) 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: Joe R. Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C09, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-4.004 Manner of Application.

(1) through (4) No change.

(5) Applicants are required to complete a 2-hour course relating to prevention of medical errors as part of the licensure. The course shall be approved by the Board and shall include a study of root-cause analysis, error reduction and prevention, and patient safety.

Specific Authority 456.033, 463.006(1)(b),(2) FS. Law Implemented 456.033, 463.006(1)(b),(2) FS. History–New 11-13-79, Amended 4-17-80, Formerly 21Q-4.04, Amended 11-20-86, 4-19-89, 6-25-92, 6-6-93, Formerly 21Q-4.004, Amended 6-14-94, Formerly 61F8-4.004, Amended 3-21-95, Formerly 59V-4.004, Amended 7-15-02, _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Fees
 RULE NO.: 64B13-6.001

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the guidelines for fees for licenses.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment sets the fees for licenses, certificates, and continuing education courses.

SPECIFIC AUTHORITY: 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.008 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 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: Joe R. Baker, Jr., Executive Director, Board/MQA, 4052 Bald Cypress Way, Bin #C09, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-6.001 Fees.

(1) through (14) No change.

(15) The initial fee for any entity seeking approval to provide continuing education courses or programs shall be \$25 ~~\$250~~.

(16) The Biennial renewal fee for any entity seeking approval to provide continuing education courses or programs shall be \$25 ~~\$250~~.

Specific Authority 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.008 FS. Law Implemented 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS. History–New 12-13-79, Amended 2-14-82, 8-18-82, 12-2-82, 7-29-85, Formerly 21Q-6.01, Amended 11-20-86, 7-21-88, 2-5-90, 7-10-91, 4-14-92, Formerly 21Q-6.001, Amended 1-24-94, Formerly 61F8-6.001, Amended 12-22-94, 2-13-95, 4-5-95, 5-29-95, 12-31-95, Formerly 59V-6.001, Amended 12-24-97, 3-21-00, 11-18-01, 5-9-02, 9-10-02, 7-3-03, _____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Continuing Education for Biennial Renewal
 RULE NO.: 64B15-13.001

PURPOSE AND EFFECT: The Board proposes the rule amendments to eliminate certain hours of continuing education no longer needed.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments delete the requirements for continuing education hours in risk management and managed health care.

SPECIFIC AUTHORITY: 459.005, 459.008(4) FS.

LAW IMPLEMENTED: 456.013(5),(6),(7), 459.008, 459.008(4) 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 SEPTEMBER 6, 2003 IN TAMPA, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-13.001 Continuing Education for Biennial Renewal.

(1)(a) Every person licensed pursuant to Chapter 459, F.S., except those licensed as physician assistants pursuant to Section 459.022, F.S., shall be required to complete forty (40) hours of continuing medical education courses approved by the Board in the twenty-four (24) months preceding each biennial renewal period as established by the Department. ~~Five~~ ~~Seven~~ of the continuing medical education hours required for renewal shall be one hour HIV/AIDS course, one hour Domestic Violence, ~~one hour Risk Management Course~~, one hour Florida Laws and Rules, ~~one hour Managed Care Course~~, and two hours Prevention of Medical Errors Course.

(b) No change.

(2) No change.

(3)(a) ~~For purposes of this rule, risk management means the identification, investigation, analysis, and evaluation of risks and the selection of the most advantageous method of correcting, reducing, or eliminating identifiable risks and domestic violence as defined in Section 741.30, F.S.~~

(3)(a)(b) The ~~five~~ (5) ~~seven~~ (7) hours of continuing medical education found in paragraph 64B15-13.001(1)(a), F.A.C., shall be obtained by the completion of live, participatory attendance courses, as provided in (4) of this rule.

~~(e) For purposes for this rule, managed care means a discussion on quality assurance; utilization review; chart documentation; contracting with medical organizations; conflicts with the medical practice act; and ethical, moral and legal issues as it relates to the physician's ability to impact on the patient's health, safety and welfare.~~

(b)(4) No change.

~~(c)(e) One~~ ~~The one~~ hour of continuing medical education ~~Risk Management~~ may be fulfilled by attending at least three (3) hours of disciplinary hearings at a regular meeting of the Board of Osteopathic Medicine in compliance with the following:

1. through 4. No change.

~~(d)(f)~~ No change.

(4) through (5) No change.

(6) In addition to the continuing medical education credits authorized above, a volunteer expert witness who is providing expert witness opinions for cases being reviewed pursuant to Chapter 459, F.S., shall receive 5.0 hours of credit ~~in the area of risk management~~ for each case reviewed. Former Board members serving on the Probable Cause Panel shall be allowed a maximum of 15 hours of credit per biennium pursuant to Section 456.013, F.S. A volunteer expert may not accrue in excess of 15 hours of credit per biennium pursuant to this paragraph.

(7) through (8) No change.

Specific Authority 459.005, 459.008(4) FS. Law Implemented 456.013(5),(6),(7), 459.008, 459.008(4) FS. History—New 10-23-79, Amended 1-29-86, Formerly 21R-13.01, Amended 12-5-89, 4-8-91, 2-16-92, Formerly 21R-13.001, Amended 1-10-94, Formerly 61F9-13.001, Amended 10-25-95, Formerly 59W-13.001, Amended 1-19-98, 6-3-98, 4-14-99, 5-26-02,

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: RULE NO.:

Licensure by Endorsement 64B17-3.003

PURPOSE AND EFFECT: The Board proposes to clarify current language in the rule text.

SUBJECT AREA TO BE ADDRESSED: Licensure by Endorsement.

SPECIFIC AUTHORITY: 486.025, 486.081 FS.

LAW IMPLEMENTED: 486.081 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE TITLE: Supervision of Speech-Language Pathology Assistants and Audiology Assistants
 RULE NO.: 64B20-4.004

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

SUBJECT AREA TO BE ADDRESSED: Supervision of speech-language pathology assistants and audiology assistants.

SPECIFIC AUTHORITY: 468.1125(9) FS.

LAW IMPLEMENTED: 468.1125(3),(9) 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 E. King, Executive Director, Board of Speech-Language, Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Division of Family Health

RULE CHAPTER TITLE: School Health Services
 RULE CHAPTER NO.: 64F-6
 RULE TITLE: Screening
 RULE NO.: 64F-6.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to redistribute required school health screenings across grades to meet the health needs of students as they progress through the growth and development continuum, and so the screening workload is distributed more evenly among school health staff in the various school levels. Section 381.0056(5)(f)-(i), Florida Statutes, requires that vision, hearing, growth and development, and scoliosis screenings be provided to Florida school children at specific grade levels. The majority of these screenings are designated to be done during elementary school. Data from the Department of Health Clinic Management System and observations from school health professionals in the field indicate the need for increased screening of preventable health conditions during middle school, and for shifting scoliosis screening from seventh to sixth grade for earlier detection of this condition, concurrent with earlier adolescent maturation and scoliosis onset.

SUBJECT AREA TO BE ADDRESSED: Screenings.

SPECIFIC AUTHORITY: 381.0056(8) FS.

LAW IMPLEMENTED: 381.0056(5)(f)-(i) 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: 2:00 p.m., August 20, 2003

PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sylvia Byrd, Executive Community Health Nursing Director, Department of Health, Division of Family Health, Bureau of Family and Community Health, School Health Services, 4052 Bald Cypress Way, Bin #A13, Tallahassee, FL 32399-1723, (850)245-4445, e-mail: HSF_SH_Feedback@doh.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-6.003 Screening.

(1) Vision and hearing screening shall be provided, at a minimum, to students in grades kindergarten, 1, 3, and 6-7, and students entering Florida schools for the first time in grades kindergarten through 5.

(2) Growth and development screening shall be provided, at a minimum, to students in grades 1, 3, 6 and optionally 9 kindergarten, through. Growth and development screenings shall be documented on Department of Health, School Health Services designated growth charts as made available by the Department of Health, Forms Distribution Warehouse or the Centers for Disease Control and Prevention, or equivalent form.

(3) Scoliosis screening shall be provided, at a minimum, to students in grade 6-7, and in additional grades for students exhibiting indications of scoliosis, or in accordance with the approved school health services plan.

(4) In those schools with Supplemental School Health Services, also referred to as Comprehensive School Health Services, expanded screening services shall be provided in accordance with the approved school health services plan to add additional grades or types of screenings over and above those screenings and grade levels specified in paragraphs (1), (2), and (3) above.

Specific Authority 381.0056(8) FS. Law Implemented 381.0056(3)(a),(5)(f)-(i) FS. History—New 3-10-85, Formerly 10D-84.16, Amended 4-6-94, Formerly 10D-84.016, Amended.