

terms, as well as, terms defined by the Florida Housing Finance Corporation when used in conjunction with the Single Family Mortgage Revenue Bond Program.

SPECIFIC AUTHORITY: 420.507(12), (23) FS.

LAW IMPLEMENTED: 420.507(23), 420.5088 FS.

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

TIME AND DATE: 9:00 a.m., August 29, 2003

PLACE: Florida Housing Finance Corporation, Fifth Floor, Formal Conference Room, 227 North Bronough Street, Tallahassee, FL 32301

Please note that if no interest is indicated, the workshop will not be held.

Any person requiring special accommodations at the Workshop because of a disability or physical impairment should contact Linda Hawthorne, Florida Housing Finance Corporation, (850)488-4197, at least five days prior to the Workshop. If you are hearing or speech impaired, please contact the Florida Housing Finance Corporation using the Florida Dual Party Relay System, 1(800)955-9770 (Voice) or 1(800)988-8711 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Keantha Belton, Single Family Bonds Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-51.001
Notice of Funding Availability	67-51.002
General Program Restrictions	67-51.003
Application Procedures	67-51.004
Terms and Conditions of Loans	67-51.005
Loan Processing	67-51.006
Fees	67-51.007

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-51, Florida Administrative Code (F.A.C.), is to establish the procedures by which the Florida Housing Finance Corporation shall: administer and implement GAP Assistance Program provisions authorized by Florida Statutes, Section 420.507(41), F.S., and identify the definitions for terms when used in conjunction with the Single Family Revenue Bond Program.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to the (1) development of General Program Requirements that prescribe the procedures used for allocating Home Ownership Assistance Program funds and (2) ratification of universal

terms, as well as, terms defined by the Florida Housing Finance Corporation when used in conjunction with the Single Family Mortgage Revenue Bond Program.

SPECIFIC AUTHORITY: 420.507(12),(23) FS.

LAW IMPLEMENTED: 420.507(51) FS.

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

TIME AND DATE: 2:00 p.m., August 29, 2003

PLACE: Florida Housing Finance Corporation, Formal Conference Room, 5th Floor, 227 North Bronough Street, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wallisa Cobb, Single Family Bonds Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

Please note that if no interest is indicated, the workshop will not be held. Any person requiring special accommodations at the Workshop because of a disability or physical impairment should contact Edny Sanchez-Gammons, Florida Housing Finance Corporation, (850)488-4197, at least five days prior to the Workshop. If you are hearing or speech impaired, please contact the Florida Housing Finance Corporation using the Florida Dual Party Relay System, 1(800)955-9770 (Voice) or 1(800)988-8711 (TDD).

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

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE:	RULE NO.:
Definitions	3E-200.001

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to update, to July 1, 2003, dates within each rule referencing federal statutes and rules or independent self-regulatory entity rules.

SUMMARY: The proposed rule amendment will update the reference in Rule 3E-200.001, F.A.C., to 17 CFR 275.206(4)-(3) from March 1, 1999 to July 1, 2003.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 517.03 FS.

LAW IMPLEMENTED: 517.07, 517.12, 517.021, 517.051, 517.061, 517.081, 517.121, 517.161, 517.301 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 3:00 p.m., Monday, September 8, 2003

PLACE: Room 547, Fletcher Building, 101 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 below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Reilly, Financial Administrator, Division of Securities, 200 East Gaines Street, Fletcher #604, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

3E-200.001 Definitions.

As used in the Rules and Regulations of the Division of Securities and Investor Protection, pursuant to Chapter 517, F.S., unless the context otherwise specifically requires:

(1) through (6) No change.

(7)(a) "Associated person" as defined in Section 517.021(2), F.S., shall include any person who for compensation refers, solicits, offers, or negotiates for the purchase or sale of securities and/or of investment advisory services. A person whose activities fall within this definition is required to register with the Department as an associated person pursuant to Sections 517.12(1) or (4), F.S.

(b) Notwithstanding the provisions of paragraph (a), an associated person registered with the Department and operating in compliance with subsection 3E-600.003(2), F.A.C., shall not be deemed an associated person of any investment adviser other than the investment adviser or dually registered dealer/investment adviser with which such associated person is registered.

(c) Any person acting in compliance with SEC Rule 206(4)-3 (17 CFR 275.206(4) - 3), as it existed on July 1, 2003 ~~March 1, 1999~~, shall not be deemed an associated person of an investment adviser.

(8) through (33) No change.

Specific Authority 517.03(1) FS. Law Implemented 517.07, 517.12, 517.021(11), 517.051, 517.061, 517.081 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-200.01, Amended 12-8-87, 10-14-90, 7-31-91, 6-16-92, 1-11-93, 5-5-94, 10-20-97, 8-9-98, 8-19-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Reilly, Financial Administrator, Division of Securities, Office of Financial Regulation, 200 East Gaines Street, Fletcher #604, Tallahassee, Florida 32399-0350, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don Saxon, Director, Office of Financial Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 11, 2003

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Financial Statements and Reports

RULE NO.: 3E-300.002

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to update, to July 1, 2003, dates within each rule referencing federal statutes and rules or independent self-regulatory entity rules.

SUMMARY: The proposed rule amendment will update the reference in Rule 3E-300.002, F.A.C., to 17 CFR 240.17a-5 and 17 CFR 240.17a-10 from March 1, 1999 to July 1, 2003.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 517.03 FS.

LAW IMPLEMENTED: 517.07, 517.12, 517.021, 517.051, 517.061, 517.081, 517.121, 517.161, 517.301 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 3:00 p.m., Monday, September 8, 2003

PLACE: Room 547, Fletcher Building, 101 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 below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Reilly, Financial Administrator, Division of Securities, 200 East Gaines Street, Fletcher #604, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

3E-300.002 Financial Statements and Reports.

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

(d) The Department shall deem those financial statements and reports, prepared and filed in accordance with the provisions of SEC Rule 17a-5 (17 CFR 240.17a-5) and SEC

Rule 17a-10 (17 CFR 240.17a-10) (as such provisions existed on July 1, 2003 ~~March 1, 1999~~), to be in compliance with, and fulfill the requirements of, this Rule as applicable to a dealer.

(e) No change.

(4) through (7) No change.

Specific Authority 517.03 FS. Law Implemented 517.081, 517.12 FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-300.02, Amended 6-28-93, 11-22-93, 12-24-93, 9-19-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill Reilly, Financial Administrator, Division of Securities,
Office of Financial Regulation, 200 East Gaines Street,
Fletcher #604, Tallahassee, Florida 32399-0350,
(850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Don Saxon, Director, Office of
Financial Regulation

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 19, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 11, 2003

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Examinations/Qualifications

RULE NO.: 3E-600.005

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to change the reference to Certified Financial Planner and the initials CFP to denote their special status as trademarks.

SUMMARY: The proposed rule amendment will modify the reference in Rule 3E-600.005, Florida Administrative Code, to Certified Financial Planner and the initials CFP to denote their special status as trademarks.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: No statement of estimated regulatory
cost has been prepared.

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

SPECIFIC AUTHORITY: 517.03 FS.

LAW IMPLEMENTED: 517.12(8) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE
DATE OF THIS NOTICE, A HEARING WILL BE HELD AT
THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT
REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 3:00 p.m., Monday, September 8, 2003

PLACE: Room 547, Fletcher Building, 101 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 below.

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Bill Reilly, Financial Administrator,
Division of Securities, 200 East Gaines Street, Fletcher #604,
Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

3E-600.005 Examinations/Qualifications.

(1) through (4) No change.

(5) The examination requirement for investment adviser principals, investment adviser representatives, and associated persons of issuer dealers shall not apply to an individual who currently holds one of the following professional designations: 1. CERTIFIED FINANCIAL PLANNER(TM) or CFP® ~~Certified Financial Planner (CFP)~~ awarded by the Certified Financial Planner Board of Standards, Inc.; 2. Chartered Financial Consultant (ChFC) awarded by the American College, Bryn Mawr, PA; 3. Personal Financial Specialist (PFS) awarded by the American Institute of Certified Public Accountants; 4. Chartered Financial Analyst (CFA) awarded by the Institute of Chartered Financial Analysts; 5. Chartered Investment Counselor (CIC) awarded by the Investment Counsel Association of America, Inc.

Specific Authority 517.03(1) FS. Law Implemented 517.12(8) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.05, Amended 8-1-91, 1-11-93, 4-18-96, 4-2-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill Reilly, Financial Administrator, Division of Securities,
Office of Financial Regulation, 200 East Gaines Street,
Fletcher #604, Tallahassee, Florida 32399-0350,
(850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Don Saxon, Director, Office of
Financial Regulation

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 19, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 11, 2003

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLES:	RULE NOS.:
Rules of Conduct	3E-600.012
Prohibited Business Practices for Dealers and Their Associated Persons	3E-600.013
Prohibited Business Practices for Investment Advisors and Their Associated Persons	3E-600.0131
Books and Records Requirements	3E-600.014
Financial Reporting Requirements – Statement of Financial Condition – Dealers and Investment Advisors	3E-600.015
Continuing Education Requirements	3E-600.020

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to update, to July 1, 2003, dates within each rule referencing federal statutes and rules or independent self-regulatory entity rules.

SUMMARY: The proposed rule amendment will update various references in Rule 3E-600.012, F.A.C., to various provisions of the Code of Federal Regulations and the rules of the Municipal Securities Rulemaking Board related to dealer Rules of Conduct; update various references in Rule 3E-600.013, F.A.C., to various provisions of the Code of Federal Regulations and the rules of the National Association of Securities Dealers, New York Stock Exchange and Municipal Securities Rulemaking Board related to prohibited business practices for dealers and their associated persons; update the reference in Rule 3E-600.0131, F.A.C., to various provisions of the Code of Federal Regulations related to prohibited business practices for investment advisors and their associated persons; update the reference in Rule 3E-600.014, F.A.C., to various provisions of the Code of Federal Regulations and the rules of the National Association of Securities Dealers and Municipal Securities Rulemaking Board related to books and records requirements; update the reference in Rule 3E-600.015, F.A.C., to 17 CFR 240.17a-5 and 17 CFR 240.17a-10 from February 28, 1992 to July 1, 2003, and update various references in Rule 3E-600.020, F.A.C., to various provisions of the Code of Federal Regulations and the rules of the National Association of Securities Dealers, New York Stock Exchange, Municipal Securities Rulemaking Board, American Stock Exchange, Chicago Board of Options Exchange, Chicago Stock Exchange, Pacific Stock Exchange, and the Philadelphia Stock Exchange related to continuing education requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 517.03 FS.

LAW IMPLEMENTED: 517.07, 517.12, 517.021, 517.051, 517.061, 517.081, 517.121, 517.161, 517.301 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 3:00 p.m., Monday, September 8, 2003

PLACE: Room 547, Fletcher Building, 101 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 below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bill Reilly, Financial Administrator, Division of Securities, 200 East Gaines Street, Fletcher Building, Room 604, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

3E-600.012 Rules of Conduct.

(1) Confirmation of Transactions: Every dealer registered in this state, including those defined as issuer/dealers under Rule 3E-200.001, F.A.C., shall give or send to the customer a written confirmation at or before completion of each transaction. Such confirmation shall set forth at least the following:

(a) through (c) No change.

(d) Compliance with Rule 10b-10 (17 CFR 240.10b-10) and the confirmation, preparation and disclosure requirements of SEC Rule 17a-3 (17 CFR 240.17a-3) or MSRB Rules G-8 and G-15, as those rules existed on July 1, 2003 ~~March 1, 1999~~, shall be deemed compliance with this Rule.

(2) through (4) No change.

(5) It shall be unlawful and a violation of Section 517.301(1), F.S., for any dealer or associated person to engage in any “device, scheme, or artifice to defraud” which shall include selling or effecting the purchase of any security into, in, or from offices in this state in violation of Sections 9, 10, 11A, or 15(c) of the Securities Exchange Act of 1934 or of S.E.C. Rules 9b-1, 10b-1 et seq., 11Aa3-1, 15c1-1 et seq., or 15c2-1 et seq. (17 CFR 240.9b-1; 17 CFR 240.10b-1 et seq.; 17 CFR 240.11Aa3-1; 17 CFR 240.15c1-1 et seq.; or 17 CFR 240.15c2-1 et seq., respectively), as such provisions existed on July 1, 2003 ~~March 1, 1999~~; or Section 15(g) of the Securities Exchange Act of 1934 or of SEC Rules 15g-1, et seq. (17 CFR 240.15g-1 et seq.) as such provisions existed on July 1, 2003 ~~August 11, 1993~~; or Regulation M (17 CFR 242.100 - .105) as such provisions existed on July 1, 2003 ~~March 4, 1997~~.

Specific Authority 517.03(1) FS. Law Implemented 517.121, 517.301(1) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.12, Amended 12-25-89, 10-14-90, 8-1-91, 6-16-92, 1-11-93, 4-11-94, 1-3-99, _____.

3E-600.013 Prohibited Business Practices for Dealers and Their Associated Persons.

(1) The following are deemed demonstrations of unworthiness by a dealer under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) through (e) No change.

(f) Extending, arranging for, or participating in arranging for credit to a customer in violation of the provisions of Regulation T (12 CFR 220.1 - 220.131, inclusive) promulgated by the Federal Reserve Board, as such provisions existed on July 1, 2003 ~~March 1, 1999~~;

(g) through (h) No change.

(i) Hypothecating a customer's securities in violation of SEC Rule 8c-1 (17 CFR 240.8c-1), as such rule existed on July 1, 2003 ~~March 1, 1999~~;

(j) through (o) No change.

(p) With respect to any customer, transaction or business in this state, violating:

1. Any by-law, schedule thereto, rule or appendix thereto, of the National Association of Securities Dealers ("NASD"), interpreted in accordance with the guidelines, policies, and interpretations of the NASD or SEC, including: the Conduct Rules; the Marketplace Rules; and the Uniform Practice Code, as published in the NASD Manual as of July 1998 and any amendments as existed on July 1, 2003 ~~March 1, 1999~~;

2. For members of the New York Stock Exchange, Rules 405, 412 or 435 of the New York Stock Exchange, as such rules existed on July 1, 2003 ~~March 1, 1999~~, interpreted in accordance with the guidelines, policies, and interpretations of the NYSE or SEC;

3. Sections 2, 4, 5, or 6 of the Securities Act of 1933 or SEC Rules 134 (17 CFR 230.134); 134a (17 CFR 230.134a); 135a (17 CFR 230.135a); 144 (17 CFR 230.144); 144A (17 CFR 230.144A); 156 (17 CFR 230.156); 419 (17CFR 230.419); 481 (17 CFR 230.481); or 482 (17 CFR 230.482) promulgated pursuant thereto, as such provisions existed on July 1, 2003 ~~March 1, 1999~~, interpreted in accordance with the guidelines, policies, and interpretations of the NASD or SEC;

4. Section 15(b)(4)(E) of the Securities Exchange Act of 1934 as it existed on July 1, 2003 ~~March 1, 1999~~; or

5. Any rule of the Municipal Securities Rulemaking Board ("MSRB") including the Definitional Rules (Rules D-1 through D-11, inclusive), and the General Rules with the exception of Rule G-35 (Rules G-1 through G-34, inclusive), promulgated pursuant to Section 15B of the Securities Exchange Act of 1934, as such rules existed on July 1, 2003 ~~March 1, 1999~~, interpreted in accordance with the guidelines, policies, and interpretations of the MSRB, NASD, or SEC.

6. To the extent that any of the rules described in subparagraphs 1. through 5. of this section or their interpretation by the NASD, NYSE, MSRB, or SEC, as appropriate, conflict or are inconsistent with other provisions

of the Florida Securities and Investor Protection Act or rules promulgated pursuant thereto, this paragraph of this rule shall not be deemed controlling.

(q) through (t) No change.

(u) selling or offering for sale any security in a transaction exempt from registration pursuant to Section 517.061(17)(a)1., F.S., where the issuer of such securities has not filed with the SEC within the specified period of time all reports required by Sections 13 or 15(d) of the Securities Exchange Act of 1934, as such sections existed on July 1, 2003 ~~March 1, 1999~~.

(v) No change.

(2) The following are deemed demonstrations of unworthiness by an associated person of a dealer under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) through (g) No change.

(h) Engaging in any of the practices specified in paragraphs (1)(b), (c), (d), (e), (f), (g), (m), (n), (o), (p), (q), (s), (t), (u), or (v).

Specific Authority 517.03(1) FS. Law Implemented 517.161(1), 517.081 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.13, Amended 8-1-91, 6-16-92, 1-11-93, 11-7-93, 5-5-94, 9-9-96, 10-20-97, 1-25-00, _____.

3E-600.0131 Prohibited Business Practices for Investment Advisers and Their Associated Persons.

(1) The following are deemed demonstrations of unworthiness by an investment adviser or an associated person of an investment adviser under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) With respect to any customer, transaction or business in, to or from this state, engaging in any conduct prohibited by, or failing to comply with the requirements of, the following:

1. Sections 204, 204A, 205, 206, 207, 208 of the Investment Advisers Act of 1940 or SEC Rules 204-3 (17 CFR 275.204-3); 205-1 (17 CFR 275.205-1); 205-2 (17 CFR 275.205-2); 205-3 (17 CFR 275.205-3); 206(3)-1 (17 CFR 275.206(3)-1); 206(3)-2 (17 CFR 275.206(3)-2); 206(4)-1 (17 CFR 275.206(4)-1); 206(4)-2 (17 CFR 275.206(4)-2); 206(4)-3 (17 CFR 275.206(4)-3); and 206(4)-4 (17 CFR 275.206(4)-4) promulgated pursuant thereto, as such provisions existed on July 1, 2003 ~~March 1, 1999~~, interpreted with the guidelines, policies, no-action letters, and interpretations of the SEC;

(b) through (r) No change.

(2) The federal statutory and regulatory provisions referenced herein shall apply to investment advisers and federal covered advisers, to the extent permitted by the National Securities Markets Improvement Act of 1996.

Specific Authority 517.03(1) FS. Law Implemented 517.12, 517.161(1) FS. History—New 1-25-00, Amended _____.

3E-600.014 Books and Records Requirements.

Except as otherwise provided herein, every dealer, investment adviser, branch office, and associated person conducting business in this state shall prepare and maintain on a current basis, and preserve for the periods of time specified, such records, prescribed hereinafter, as are appropriate for said dealer's, investment adviser's, branch office's, or associated person's course of business, and are sufficient to provide an audit trail of all business transactions by said dealer, investment adviser, associated person, or branch office. Associated persons who conduct business from a registered branch office in this state shall be exempt from the provisions of this rule.

(1) All dealers are required to prepare and maintain appropriate books and records relating to their business as described in either SEC Rules 17a-3 (17 CFR 240.17a-3) and 17a-4 (17 CFR 240.17a-4) or MSRB Rules G-7 and G-8, as such rules existed on May 2, 2003 ~~March 1, 1999~~; and records evidencing compliance with NASD Conduct Rule 3000, as published in the NASD Manual as of July 2002 ~~1998~~, and any amendments as existed on May 2, 2003.

(2) All issuer/dealers are required to maintain at least the following records:

(a) Ledgers, journals (or other records) reflecting all assets, liabilities, income and expenses, and capital accounts properly maintained in accordance with generally accepted accounting principles;

(b) Copies of all promotional sales materials and correspondence used in connection with the sales of all securities as distributed;

(c) A record of all sales of securities made by, or on behalf of, said issuer, including but not necessarily limited to name and address of purchaser, date of transaction, money amount involved, and name of agent or principal executing such transaction;

(d) Securities certificate and securities holder records reflecting names and addresses of all holders of record, certificates issued to such holders, number of shares or bonds issued, and full details as to transfers or cancellations;

(e) In lieu of the issuer/dealer preparing and maintaining such records as detailed in paragraph (d) above, a qualified transfer agent/registrar may be appointed, provided such information is accessible to the issuer/dealer.

(3) All investment advisers, notwithstanding the fact that the investment adviser is not registered or required to be registered under the Investment Advisers Act of 1940, shall prepare and maintain true, accurate and current records relating to their business as described in SEC Rule 204-2 (17 CFR 275.204-2) as it existed on July 1, 2003 ~~March 1, 1999~~, and general rules and regulations promulgated by the Securities and Exchange Commission; and have available for the Department at least the following records:

(a) All trial balances, financial statements prepared in accordance with generally accepted accounting principles, and internal audit working papers relating to the investment adviser's business as an investment adviser. For purposes of this paragraph, "financial statements" means balance sheets, income statements, cash flow statements and net worth computations as required by Rule 3E-300.002, F.A.C.

(b) A list or other record of all accounts with respect to the funds, securities, or transactions of any client.

(c) A copy in writing of each agreement entered into by the investment adviser with any client.

(d) A file containing a copy of each record required by SEC Rule 204-2(11) (17 CFR 275.204-2(11)) as it existed on July 1, 2003 ~~March 1, 1999~~ including any communication by electronic media that the investment adviser circulates or distributes, directly or indirectly, to two or more persons, other than persons connected with the investment adviser.

(e) A copy of each written statement and each amendment or revision given or sent to any client or prospective client of the investment adviser in accordance with the provisions of SEC Rule 204-3 (17 CFR 275.204-3) as it existed July 1, 2003 ~~March 1, 1999~~ and a record of the dates that each written statement, and each amendment or revision was given or offered to be given to any client or prospective client who subsequently becomes a client.

(f) For each client that was obtained by the adviser by means of a solicitor to whom a cash fee was paid by the adviser, records required by SEC Rule 206(4)-3 (17 CFR 275.206(4) - 3) as it existed on July 1, 2003 ~~March 1, 1999~~.

(g) All records required by SEC Rule 204-2(16) (17 CFR 275.204-2(16)) as it existed on July 1, 2003 ~~March 1, 1999~~, including but not limited to electronic media that the investment adviser circulates or distributes, directly or indirectly, to two or more persons, other than persons connected with the investment adviser.

(h) A file containing a copy of all communications received or sent regarding any litigation involving the investment adviser or any investment adviser representative or employee, and regarding any customer or client complaint.

(i) Written information about each investment advisory client that is the basis for making any recommendation or providing any investment advice to such client.

(j) Written procedures to supervise the activities of employees and investment adviser representatives that are reasonably designed to achieve compliance with applicable securities laws and regulations.

(k) A file containing a copy of each document, other than any notices of general dissemination, that was filed with or received from any state or federal agency or self regulatory organization and that pertains to the registrant or its investment adviser representatives. Such file should contain, but is not limited to, all applications, amendments, renewal filings, and correspondence.

(4) No provisions of this Rule, unless specifically designated as a required form, shall be deemed to require the preparation, maintenance, or preservation of a dealer's or investment adviser's books and records in a particular form or system, provided that whatever form or system utilized by such dealer's or investment adviser's course of business is sufficient to provide an audit trail of all business transactions.

(5) Every investment adviser that has its principal place of business in a state other than this state shall be exempt from the requirements of this rule, provided the investment adviser is licensed in such state and is in compliance with that state's record keeping requirements.

(6) All books and records described in this Rule shall be preserved in accordance with the following:

(a) Those records required under subsection (1) of this Rule shall be preserved for such periods of time as specified in either SEC Rule 17a-4 (17 CFR 240.17a-4), or MSRB Rule G-9, as such rules existed on July 1, 2003 ~~March 1, 1999~~.

(b) Those records required under subsection (2) of this rule shall be preserved for a period of not less than five (5) years while effectively registered with the Department, nor for less than five (5) years after withdrawal or expiration of registration in this State.

(c) Books and records required to be prepared under the provisions of subsection (3) shall be maintained and preserved in an easily accessible place for a period of not less than five years from the end of the fiscal year during which the last entry was made on such record, the first two years in the principal office of the investment adviser.

(d) Books and records required to be made under the provisions of subsection (3), shall be maintained and preserved for a period of not less than five years from the end of the fiscal year during which the last entry was made on such record or for the time period during which the investment adviser was registered or required to be registered in the state, if registered less than five years.

(e) Each investment adviser registered or required to be registered in this state and which has a business location in this state shall maintain at such business location:

1. The records or copies required under the provisions of paragraphs (a)(3), (a)(7)-(10), (a)(14)-(15), (b) and (c) of SEC Rule 204-2 (17 CFR 275.204-2); and

2. The records or copies required under the provisions of paragraphs (3)(a)-(j) above related to customers or clients for whom the investment adviser representative provides or has provided investment advisory services; and

3. The records or copies required under the provisions of paragraphs (a)(11) and (a)(16) of SEC Rule 204-2 (17 CFR 275.204-2) which records or related records identify the name of the investment adviser representative or which identify the business locations' physical address, mailing address, electronic mailing address, or telephone number. The records will be maintained for the period described in subsections (d)

and (e) of SEC Rule 204-2 (17 CFR 275.204-2). The investment adviser shall be responsible for ensuring compliance with the provisions of this subsection.

(7) To the extent that the U.S. Securities and Exchange Commission promulgates changes to the above-referenced rules of the Investment Advisers Act of 1940, investment advisers in compliance with such rules as amended shall not be subject to enforcement action by the Department for violation of this rule to the extent that the violation results solely from the investment adviser's compliance with the amended rule.

Specific Authority 517.03(1), 517.121(1) FS. Law Implemented 517.121(1) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.14, Amended 10-14-90, 8-1-91, 6-16-92, 1-11-93, 9-9-96, 6-22-98, 1-25-00, _____.

3E-600.015 Financial Reporting Requirements – Statement of Financial Condition – Dealers and Investment Advisers.

(1) Except as otherwise specifically noted in this rule, an applicant filing an application for registration as a dealer or investment adviser shall file a balance sheet in accordance with Rule 3E-300.002, F.A.C.

(2) Every dealer registered pursuant to Section 517.12, F.S., and Rules thereunder shall file annually with the Department, within ninety (90) days after the conclusion of said registrant's fiscal year, audited financial statements as prepared by an independent outside auditor, unless exempted under Rule 3E-300.002, F.A.C.

(a) The Department may allow up to a thirty (30) day extension of the filing requirement as set forth in this subparagraph provided written request is made prior to the date such audited report is due to be filed, and provided further that good cause for such delay is shown.

(b) Every dealer defined as a broker/dealer under Rule 3E-300.002, F.A.C., shall be required to include in such audited financial statements filed verification of said broker/dealer's compliance with the provisions of Rules 3E-600.016 and 3E-600.017, F.A.C.

(c) In lieu of the provisions of paragraph (b) above, the Department will accept those statements prepared and filed by a dealer in accordance with the provisions of S.E.C. Rule 17a-5 (17 CFR 240.17a-5) and S.E.C. Rule 17a-10 (17 CFR 240.17a-10), as such rules existed on July 1, 2003 ~~February 28, 1992~~.

(3) Every investment adviser registered pursuant to Section 517.12, F.S., and Rules thereunder shall file annually with the Department, within ninety (90) days after the conclusion of said registrant's fiscal year, financial statements as of fiscal year end, such statements prepared in accordance with the provisions of Rule 3E-300.002, F.A.C.

(4) The provisions of paragraph (2)(a) of this Rule apply to the filing requirements set forth in subsection (3).

Specific Authority 517.03(1), 517.12(9), 517.121(2) FS. Law Implemented 517.12(9), 517.121(2) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.15, Amended 6-16-92, _____.

3E-600.020 Continuing Education Requirements.

Failure to comply with any of the applicable continuing education requirements set forth in any one of the following shall be deemed a demonstration of unworthiness by a dealer or associated person under Section 517.161(1)(h), F.S.:

(1) Membership and Registration Rule 1120 of the National Association of Securities Dealers, as such provisions existed on July 1, 2003 ~~March 1, 1999~~;

(2) Rule 345 A of the New York Stock Exchange, as such provisions existed on July 1, 2003 ~~March 1, 1999~~;

(3) Rule G-3(h) of the Municipal Securities Rulemaking Board, as such provisions existed on July 1, 2003 ~~March 1, 1999~~;

(4) Rule 341 A of the American Stock Exchange, as such provisions existed on July 1, 2003 ~~March 1, 1999~~;

(5) Rule 9.3A of the Chicago Board of Options Exchange, as such provisions existed on July 1, 2003 ~~March 1, 1999~~;

(6) Article VI, Rule 9 of the Chicago Stock Exchange, as such provisions existed on July 1, 2003 ~~March 1, 1999~~;

(7) Rule 9.27(c) of the Pacific Stock Exchange, as such provisions existed on July 1, 2003 ~~March 1, 1999~~; or

(8) Rule 640 of the Philadelphia Stock Exchange, as such provisions existed on July 1, 2003 ~~March 1, 1999~~.

Specific Authority 517.03(1) FS. Law Implemented 517.12(18), 517.161(1) FS. History—New 12-21-95, Amended 8-19-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Reilly, Financial Administrator, Division of Securities, Office of Financial Regulation, 200 East Gaines Street, Fletcher #604, Tallahassee, Florida 32399-0350, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don Saxon, Director, Office of Financial Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 11, 2003

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
General Eligibility Requirements	4-202.008
Annual Statement	4-202.012
Forms Incorporated by Reference	4-202.015

PURPOSE, EFFECT AND SUMMARY: The amendments update the forms used for donor annuity agreements. The changes are being made to reflect that the forms are now Office of Insurance Regulation forms rather than Department of Insurance forms. The amendment also provides a website address where the forms can be obtained.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 627.481 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., September 9, 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 below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bruce Lulofs, Bureau of Specialty Insurers, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0331, (850)413-2490

THE FULL TEXT OF THE PROPOSED RULES IS:**4-202.008 General Eligibility Requirements.**

(1) Any person engaging in the business of issuing donor annuity agreements ~~must shall~~ notify the ~~Office Department~~ in writing in a form prescribed by the ~~Office Department~~ in Form ~~OIR-C1D14-1208 (rev. 6/96)~~, Notification to the Florida ~~Office of Insurance Regulation Department of Insurance~~ as a Qualifying Issuer of Donor Annuity Agreements Pursuant to Section 627.481, Florida Statutes, adopted in paragraph 4-202.015(1)(a), F.A.C. The notice ~~must shall~~ be made ~~on by~~ ~~August 13, 1996~~, or the date on which the person first enters into a donor annuity agreement.

(2) Any person subject to Section 627.481, Florida Statutes, that fails to submit the required notification form is subject to penalty as provided in Section 626.9521, Florida Statutes.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 627.481 FS. History—New 6-23-92, Amended 1-7-97, _____.

4-202.012 Annual Statement.

(1) Within 60 days of the end of each fiscal year, each qualifying issuer of donor annuity agreements in this state must submit a sworn statement on the form prescribed by the ~~Office Department~~ in Form ~~OIR-A3D14-1209 (rev. 6/96)~~, Sworn Statement in Lieu of Annual Statements for Issuers of Donor Annuity Agreements, adopted in paragraph 4-202.015(1)(c), F.A.C., attesting that the issuer has met all requirements of law.

(2) Issuers that fail to submit the sworn statement in subsection (1) shall submit ~~Failure to submit the statement referenced in (1) shall result in the Department requiring the issuer to submit an annual report in a form prescribed by the Department in Form DI4-485 (rev. 6/96), Annual Report, adopted in Rule 4-202.015(1)(b), F.A.C., including~~ audited financial statements, and any information relating to the operations of the issuer necessary to determine compliance.

Specific Authority 624.308 FS. Law Implemented 624.307, 624.307(1), 627.481 FS. History—New 6-23-92, Amended 1-7-97, _____.

4-202.015 Forms Incorporated by Reference.

(1) The following forms are incorporated ~~into this rule chapter~~ by reference to implement the provisions of Section 627.481, Florida Statutes:

Title	Form Number
(a) Notification to the Florida <u>Office of Insurance Regulation Department of Insurance</u> as a Qualifying Issuer of Donor Annuity Agreements Pursuant to Section 627.481, Florida Statutes	<u>OIR-C1</u> DI4-1208 (rev. <u>07/03</u> 6/96)
(b) Annual Report	DI4-485 (rev. 6/96)
(b)(e) Sworn Statement in Lieu of Annual Statements For Issuers of Donor Annuity Agreements	<u>OIR-A3</u> DI41209 (rev. <u>07/03</u> 6/96)

(2) ~~These forms shall become effective on the date this rule becomes effective.~~ Copies of the forms may be obtained from the Office of Insurance Regulation Department of Insurance, Bureau of Specialty Insurers, Larson Building, Tallahassee, FL 32399-0331 ~~0300~~, or on the Department of Financial Services website at www.fldfs.com.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 627.481 FS. History—New 7-15-90, Formerly 4-117.015, Amended 6-23-92, 1-7-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bruce Lulofs, Bureau of Specialty Insurers, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Al Willis, Bureau Chief, Bureau of Specialty Insurers, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 15, 2003

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
RULE NOS.: 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.

SUMMARY: Prescribing dates certain by variety for maturity of tree run fruit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

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

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.

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

TIME AND DATE: 10:30 a.m., September 17, 2003

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULES IS:

20-36.002 Inspection Required.

Inspection for maturity and certification for such fruit shall be performed by state inspectors at such place or places as may be designated by the Division of Fruit and Vegetable Inspection. Any applicant for such inspection, other than either a producer transporting his own fruit or a hauler who is hauling Tree-Run grade fruit received direct from the producer of such fruit who shall have in their possession a valid Grower Tree-Run Certificate issued by the Citrus Administrative Committee pursuant to Federal Marketing Order No. 905, shall secure a license as a citrus fruit dealer as a prerequisite for such

inspection service. Except that prior to August 1, 2004, such tree run grade citrus fruit shall be considered to be mature without actual inspection and maturity testing if the so designated variety is shipped within these inclusive dates:

November 1, 2003 – December 31, 2003	Navel Oranges
November 15, 2003 – April 30, 2004	Red Grapefruit
November 15, 2003 – December 31, 2003	Sunburst Tangerines
November 15, 2003 – February 15, 2004	Early Oranges
December 1, 2003 – January 31, 2004	Tangelos
December 1, 2003 – April 30, 2004	White Grapefruit
February 1, 2004 – April 15, 2004	Honey Tangerines
February 1, 2004 – March 15, 2004	Temple Oranges Mid Season Oranges
March 15, 2004 – May 31, 2004	Valencia Oranges

Specific Authority 601.10(1),(7) FS. Law Implemented 601.03(8), 601.40, 601.9911 FS. History--Formerly 105-1.17(2),(3), Revised 1-1-75, Formerly 20-36.02, Amended _____.

20-36.006 Determination of Quantity.

Total quantity of fruit in each load offered for inspection shall be made on a recognized container or weight basis. Prior to August 1, 2004, officials at road guard stations shall collect a carbon copy of the certificate issued by the Citrus Administrative Committee and carried by the trucker which specifies varieties, date and volume and submit such document to the Florida Department of Citrus for their information purposes.

Specific Authority 601.10(1),(7) FS. Law Implemented 601.15(3)(b),(c),(d),(f), 601.9911 FS. History--Formerly 105-1.17(7), Revised 1-1-75, Formerly 20-36.06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Containers, Packs, Stamping and 20-39
Labeling of Fresh Fruit

RULE TITLE: RULE NO.:

Approved Boxes 20-39.003

PURPOSE AND EFFECT: Would provide for two new containers to be added to the list of containers approved for use in shipping fresh Florida citrus.

SUMMARY: Approved containers for use in shipping fresh Florida citrus.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

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

SPECIFIC AUTHORITY: 601.11 FS.

LAW IMPLEMENTED: 601.11 FS.

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

TIME AND DATE: 10:30 a.m., September 17, 2003

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF PROPOSED RULE IS:

20-39.003 Approved Boxes.

(1) Unless otherwise noted, all approved boxes are 4/5 bushel capacity.

(2) The name of the manufacturer, and the official container number as designated in subsection (3) below, shall be printed on the bottom outside flap of each approved box body in plainly legible characters.

(3) The following containers are hereby designated as approved boxes and, unless otherwise noted, may be used for shipment of all varieties of citrus fruit:

Approved Container Number	Construction Styles	Inside Body Dimension in inches (LxWxD)	Minimum Board Weights (actual weight may be heavier)***	Minimum Board Weights (actual weight may be heavier)***
			Body	Cover
DOC-01-P	Singlewall	17 x 10 5/8 x 9 5/8**	42-33-69	42-33-42
DOC-02-V	Singlewall	17 x 11 1/2 x 9 3/4 Oversized	42-33-69	42-33-42
DOC-03-V	Singlewall	17 x 12 x 9 3/4 Oversized	42-33-69	42-33-42
DOC-04-PT	Tray Style	17 x 10 5/8 x 9 5/8**	42-33-42	42-33-42
DOC-05-PB	Bliss Style	17 x 10 5/8 x 9 5/8**	42-33-42	33-33-33
DOC-06-VT	Tray Style	17 x 11 1/2 x 9 3/4 Oversized	42-33-42	42-33-42
DOC-07-VT	Tray Style	17 x 12 x 9 3/4 Oversized	42-33-42	42-33-42
DOC-08-VB	Bliss Style	17 x 11 1/2 x 9 3/4 Oversized	42-33-42	33-33-33
DOC-09-VB	Bliss Style	17 x 12 x 9 3/4 Oversized	42-33-42	33-33-33
DOC-10-P	Doublewall	17 x 10 5/8 x 9 5/8 Partial telescope self-locking lid Tangerines & citrus hybrids only. **	42-33-42-33-42	42-26-42
DOC-11-XP	Singlewall	17 x 10 5/8 x 10 1/8**	90-33-90	42-33-42
DOC-12-XPT	Tray Style	17 x 10 5/8 x 10 1/8**	69-33-69	42-33-42
DOC-13-XPS	Super X Style	17 x 10 5/8 x 10 1/8**	42-40-69	42-33-42
DOC-14-P **	Singlewall	15 7/8 x 10 5/8 x 6 Full Telescope **	42-33-42	42-33-42

DOC-15-PT ‡‡	Tray Style	17 5/8 x 10 5/8 x 6 Full Telescope **	42-33-42	42-33-42	DOC-38-P	Singlewall	16 3/4 x 11 1/2 x 10 3/8	99-33-90	42-33-69
DOC-16-WP	Wood Slat	16 1/8 x 10 5/8 x 10 5/8 End panels may be of material other than wood.**	Wood Slat	Wirebound			Telescoping, half-slotted, optional molded fiber spring cushion trays**		
DOC-17-WP	Wood Slat	19 7/8 x 7 1/2 x 11 1/2 End panels may be of material other than wood. Tangerines and citrus hybrids only.**	Wood Slat	Wirebound	DOC-39-P	Doublewall	17 x 10 _ x 9 _	42-33-33-42	42-33-42
DOC-18-P	Singlewall	17 x 10 5/8 x 9 5/8**	42-40-42	42-33-42	DOC-40-P	Doublewall	18 15/16 x 14 3/16 x 11 13/16	42-33-42-33-42	n/a
DOC-19-P	Singlewall	17 x 10 5/8 x 9 5/8**	45-33-45	42-33-42	DOC-41-P	Plastic	22 1/2 x 14 9/16 x 7 _	n/a	n/a
DOC-20-XP‡‡	Singlewall	17 x 10 5/8 x 10 1/8**	69-40-69	42-33-42	DOC-42-P‡‡	Singlewall	17 1/2 x 11 _ x 8 3/4	90-40-90	42-33-42
DOC-21-PT	Tray Style	17 x 10 9/16 x 9 5/8 4" partial telescope tray cover. Tangerines and citrus hybrids only.**	42-40-69	42-33-42	DOC-43-OV‡‡	Triplewall 2 bulk bin	38 1/4 x 23 3/4 x 25 1/4	69-26-38-26-38-26-65	38-26-38
DOC-22-P II	Singlewall	13 1/4 x 10 5/8 x 7 Full telescope**	42-33-42	42-33-42	DOC-44-PT	Doublewall	22 _ x 14 11/16 x 6 _	42-40-41-40-56	42-33-42
DOC-23-VT	Tray Style	17 x 12 x 9 5/8 End slotted with short end flaps. Oversized	69-33-42	42-33-42	DOC-45-P	Singlewall	17 _ x 10 _ x 10 _	42-33-57	42-26-35
DOC-24-P	Singlewall	17 x 10 5/8 x 9 5/8 4" partial telescoping tray cover. Tangerines and citrus hybrids only.**	69-40-90	42-33-42	DOC-46-PT	Doublewall	23 _ x 15 _ x 7	42-40-42-40-42	n/a
DOC-25-PT ‡‡	Tray Style	16 1/8 x 10 5/8 x 6 Full Telescope**	42-33-42	42-33-42	DOC-47-PT	Doublewall	14 1/2 x 11 _ x 6 5/16	33-69-33-69	n/a
DOC-26-P	Singlewall	18 1/4 x 12 1/2 x 11 3/4 Having three plastic trays per carton*	90-40-90	42-33-42	DOC-48-PT	Doublewall	22 1/4 x 14 1/2 x 5 3/4	42-33-42-34-42	n/a
DOC-27-WV ‡‡	Collapsible wooden bin	46 x 38 x 21 Holds appx 20 4/5 bu. equiv. units	Wooden bin	None	DOC-49-RP	Plastic	22 1/4 x 14 1/2 x 10 3/4	n/a	n/a
DOC-28-P‡‡	Singlewall	17 x 10 5/8 x 6** Full Telescope	42-33-42	42-33-42	DOC-50-RP	Plastic	22 1/4 x 14 1/2 x 8	n/a	n/a
DOC-29-P	Singlewall	16 3/4 x 11 1/2 x 11 3/8 Having fiberboard honeycomb cells**	42-40-69	42-33-42			Recyclable plastic container model RPC3		
DOC-30-P ‡‡	Singlewall	17 x 10 x 6 15/16 Corrugated, full telescope**	90-40-90	42-33-42			Recyclable plastic container model RPC2		
DOC-31-P	Singlewall	16 11/16 x 11 8/16 x 11 14/16 Corrugated with honeycomb dividers**	69-40-42	42-33-42	** Container may be volume filled provided the sizes designated for each variety of fruit meet the requirements of subsections 20-39.007(1), 20-39.008(1) and 20-39.009(1).				
DOC-32-OV ‡‡	Triplewall-Bulk bin	46 1/2 x 38 x 36 Octagonal watermelon bin with self-locking lid. Holds appx. 28 4/5 bu. equiv.	69-33-69-33-69-33-90	69-26-69	II Container does not conform to 4/5 bushel requirement of subsection 20-39.003(1), F.A.C.				
DOC-33-P	Singlewall	20 15/16 x 11 13/16 x 7 Telescoping with two trays per carton **	42-33-69	42-33-42	*** Minimum board weight requirements shall be waived when a compression strength test by an independent testing laboratory shows that the container made with a new material is equal to, or better than, compression strength of the container with minimum approved board weight. It shall be the responsibility of the packinghouse to acquire and provide records of such compression strength testing upon request.				
DOC-34-OV ‡‡	Triplewall-Bulk bin	46 x 37 1/2 x 36 Octagonal with interlocking flaps. Holds appx. 28 4/5 bu. equiv.	42-40-90-42-40-90-40-90	42-26-69	(4) Each container must be ventilated.				
DOC-35-OV ‡‡	Triplewall-Bulk bin	46 x 38 x 26 1/2 Tuff octagonal tube, holding appx. 24 4/5 bu. equiv.	90-33-42-33-42-33-90	69-26-69	Specific Authority 601.11 FS. Law Implemented 601.11 FS. History-Formerly 105-1.03(1)(a), Revised 1-1-75, Amended 8-16-75, 8-11-77, 8-1-78, 8-21-79, 1-15-80, 10-20-80, 5-1-81, 9-1-82, 11-6-83, 10-21-84, 1-1-85, Formerly 20-39.03, Amended 9-11-86, 12-20-87, 10-14-90, 8-23-92, 10-18-92, 1-19-93, 5-23-93, 10-10-93, 1-9-94, 10-16-94, 8-29-95, 10-13-96, 10-26-97, 12-6-98, 2-20-01, 12-26-01, 4-27-03,_____.				
DOC-36-P	Doublewall	23 5/8 x 15 5/8 x 7 Die cut platform tray, open top	42-36-33-26-42						
DOC-37-RV ‡‡	Triplewall-Bulk bin	46 1/2 x 38 1/2 x 26 1/2 Corrugated rectagon with diagonal corners and interlocking bottom (holds appx. 20 to 24 4/5 bu. equiv.)	64-33-35-64-33-96	35-26-35					

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Keck, General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Ken Keck, General Counsel
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 18, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 3, 2003

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Promotional and Advertising

Services Contracts 20-104
RULE TITLE: RULE NO.:
Competition Announcement 20-104.003

PURPOSE AND EFFECT: Would exempt Department of
Citrus' promotional and advertising service vendors from the
fee imposed by the Department of Management Services
(DMS) on all state contracted vendors.

SUMMARY: Exemption of advertising and promotional
contracts from required fee imposed by DMS.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: No Statement of Regulatory Cost has
been prepared.

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

SPECIFIC AUTHORITY: 601.10(1),(12), 601.15(2) FS.

LAW IMPLEMENTED: 601.10(12) FS.

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

TIME AND DATE: 10:30 a.m., September 17, 2003

PLACE: Department of Citrus Building, 1115 East Memorial
Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Alice P. Wiggins, License and
Regulation Specialist, Legal Department, Florida Department
of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-104.003 Competition Announcement.

(1) Requests for proposals and invitations to bid for
contractual services shall be provided by mail, facsimile or
electronic mail, using source lists obtained from associations,
professional organizations, yellow pages or other available
sources. Such announcement shall:

(a) Solicit bids where the Department is capable of
specifically defining the scope of the work required, or

(b) Solicit proposals when it is impractical or the
Department is incapable of specifically defining the scope of
the work required, and

(c) Solicit from the provider information relating to the
professional responsibility and capabilities of the provider as
relevant. Such information may include gross billing and
account mix, capability in art production, copy production and
media purchasing, backgrounds of key creative people,
marketing and research capabilities, previous government
accounts, conflict of interest accounts and credit sufficiency.

(2) No fee shall be imposed upon vendors responding to
bids or proposals solicited under this rule.

(3)(2) Contractual services may be awarded without
competition if it is determined in writing and certified by the
Executive Director or his designee that such services are
available from only one source, or if the services or promotion
are offered to all interested on a nondiscriminatory basis.

(4)(3) When the price of contractual services is less than
CATEGORY 3 as defined in Section 287.017, F.S. the
Department is not required to use competitive procedures.

Specific Authority 601.10(1),(12), 601.15(2) FS. Law Implemented
601.10(12) FS. History--New 10-19-82, Formerly 20-104.03, Amended
7-11-93, 10-15-95, 1-27-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Ken Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 19, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 3, 2003

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Ownership and Use of "Florida Xtra

Sweet" Certification Mark 20-114

RULE TITLES: RULE NOS.:

Ownership 20-114.001

Permission Required for Use 20-114.002

General Restrictions and Standards on the

Use of "Florida Xtra Sweet" Mark 20-114.003

Use on Fruit, Containers and Merchandise 20-114.004

Withdrawal of License or Permission 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.

SUMMARY: Requirements for use of "Florida Xtra Sweet" certification mark.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

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

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

LAW IMPLEMENTED: 601.101 FS.

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

TIME AND DATE: 10:30 a.m., September 17, 2003

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULES IS:

20-114.001 Ownership.

The "Florida Xtra Sweet" certification mark, as shown below, is a certification mark



TM

of the State of Florida, Department of Citrus. All right, title and interest in and to said mark, granted to and vested in the State of Florida, Department of Citrus, via State and Federal laws, is hereby noticed to all interested persons.

Specific Authority 601.10(1), 601.11, 601.15 FS. Law Implemented 601.101 FS. History-New _____.

20-114.002 Permission Required for Use.

Use of said mark by any Florida licensed citrus fruit dealer registered as a fresh fruit shipper, in any manner will not be permitted without a license or other express written permission from the Department of Citrus and unless such use is in conformity with the requirements of this rule. However, such permission shall not be denied to any person, firm or corporation who complies with the requirements of this rule, it

being the express purpose of the Department of Citrus to encourage widespread use and, at the same time, to protect the integrity of the mark.

Specific Authority 601.10(1), 601.11, 601.15 FS. Law Implemented 601.101 FS. History-New _____.

20-114.003 General Restrictions and Standards on the Use of "Florida Xtra Sweet" Mark.

(1) Use of this mark shall be restricted to use in conjunction with the advertising, promotion, merchandising, and packaging of fresh grapefruit which is grown in the state of Florida, and which meet the applicable grade and quality standards for grapefruit as set forth in Sections 601.16, 601.17, 601.18, Florida Statutes, Rule 20-35.005, F.A.C., Department of Citrus rules, and 7 CFR Part 51, "United States Standards for Grades of Florida Grapefruit" as amended August 1, 1996.

(2) In addition, to be eligible to carry the mark, fruit must meet the following maturity standards:

(a) Total soluble solids (Brix) of the juice shall be not less than 9.

(b) Ratio shall be no less than 8.5:1.

(3) Each licensee or other authorized user of said mark shall be required, as a condition for such authorization, to allow reasonable and periodic inspections by a Department of Citrus representative or agent, of the pertinent USDA inspection records and packing and shipping premises of said users at all stages in the channel of trade of such citrus products in order to determine whether or not said citrus products meet the requirements set forth herein and otherwise to protect the integrity of said mark.

(4) The mark shall not be used in any advertising, promotion, merchandising or packaging in lieu of a brand name. The mark may be used in such a way as to dominate the packaging, however, it must not be used in conjunction with a brand name in such a manner as to appear to be a part of or dominate said brand name. Further, the mark must be used in a prominent and conspicuous manner when used on packaging.

(5) The mark, as shown in Rule 20-114.001, F.A.C., must be used in its entirety. This does not prohibit use of the words "Florida Xtra Sweet" in the absence of graphics.

(6) Use of said mark shall be limited to product placed in commercial channels from December 1 through July 31.

(7) Each licensee or other authorized user of the mark shall deliver to the Department of Citrus for its records, a finished sample of any material bearing the mark.

(8) The licensee shall indemnify the Department and save it harmless with respect to any claims arising out of the use of its products bearing the mark by any person, or any claims arising out of misbranding or false or misleading advertising by the licensee.

Specific Authority 601.10(1), 601.11, 601.15 FS. Law Implemented 601.101 FS. History-New _____.

20-114.004 Use on Fruit, Containers and Merchandise.

(1) The mark may, at the option of the shipper, be applied directly to the skin of the fruit, or may be used on any approved shipping container or retail package, containing qualifying Florida grapefruit. The mark may be used in such a way as to dominate the packaging, however, it must not be used in conjunction with a brand name in such a manner as to appear to be a part of or dominate said brand name.

(2) No licensee shall use the mark on any premiums, gift, novelty items or other non-citrus merchandise without the express permission of the Department of Citrus. In no case shall such items be used for resale.

Specific Authority 601.10(1), 601.11, 601.15 FS. Law Implemented 601.101 FS. History—New _____.

20-114.005 Withdrawal of License or Permission.

The Department of Citrus reserves the right to withdraw any given license or permission to use the mark upon the failure of the authorized user to comply with the provisions set forth herein. In determining whether the product complies with the quality standards prescribed, the test methods approved by the Department and incorporated by reference in "Methods to Determine Compliance," Chapter 20-14, F.A.C., Department of Citrus rules, shall be employed. The Department shall have the right to terminate the license with immediate effect in the event the licensee has not made any bona fide commercial use of the mark for more than one year.

Specific Authority 601.10(1), 601.11, 601.15 FS. Law Implemented 601.101 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Ken Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 16, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Definitions	33-209.101
Training Development and Delivery	33-209.1015
Minimum Training Requirements	33-209.102
Firearms Training and Other	
Certification Requirements	33-209.103
Training Requests and Assignments	33-209.104
Training Attendance, Performance and Conduct	33-209.105
Contracting for Training Services	33-209.106

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

SUMMARY: The proposed rules provide definitions of terms used in conjunction with the department's staff training requirements, set forth guidelines for training development and

delivery, clarify minimum training requirements for designated employees, clarify requirements for and provision of firearms training, correct titles of staff responsible for staff training, clarify requirements for employees attending staff training, and revise forms to be used in conjunction with staff training.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

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

33-209.101 Staff Development – Definitions.

For the purposes of this chapter:

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

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

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

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

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

(6) "Commission Approved Firing Range", where used herein, refers to a firing range that is approved for use in teaching CJSTC basic, advanced, and specialized firearm courses as outlined in paragraph 11B-21.005(1)(d), F.A.C.

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

(8) “Correctional Officer Basic Recruit Firearms Training Course”, where used herein, refers to the 60 hour training program approved by the CJSTC to teach officers how to handle firearms safely and how to fire them accurately.

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

(10) “Correctional Probation Officer Basic Firearms Training Course”, where used herein, refers to the 44 hour training program approved by the CJSTC to teach correctional probation officers how to handle firearms safely and how to fire them accurately.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33-209.1015 Training Development and Delivery.

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

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

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

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

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

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

33-209.102 Minimum Training Requirements.

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

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

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

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

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

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

(5)(3) All Correctional Officer recruits who have not successfully completed the Correctional Officer basic recruit training course prior to their employment shall do so subject to the following requirements:

(a) No change.

(b) Recruits shall be enrolled in the course during the first 180 days of employment and shall fulfill the requirements of Section 943.13(2), F.S., within 1 year after employment and shall fulfill the requirements of Section 943.13(10), F.S., within 180 consecutive days after completing basic recruit training successfully complete the course during the first 240 days of employment.

(c) Recruits who are not enrolled in the course during the specified enrollment period or do not fulfill the requirements of Section 943.13(2), F.S., within 1 year after employment and fulfill the requirements of subsection 943.13(10), F.S., within 180 consecutive days after completing basic recruit training successfully complete the course during the specified training period shall be removed from the Correctional Officer occupational class series.

(6)(4) All Correctional Probation Officer recruits who have not successfully completed the Correctional Probation Officer basic recruit training course prior to their employment shall do so subject to the following requirements:

(a) No change.

(b) Recruits shall be enrolled in the course during the first 180 days of employment and shall fulfill the requirements of Section 943.13(2), F.S., within 1 year after employment and shall fulfill the requirements of Section 943.13(10), F.S., within 180 consecutive days after completing basic recruit training successfully complete the course during the first 240 days of employment.

(c) Recruits who are not enrolled in the course during the specified enrollment period or do not fulfill the requirements of Section 943.13(2), F.S., within 1 year after employment and fulfill the requirements of Section 943.13(10), F.S., within 180 consecutive days after completing basic recruit training successfully complete the course during the specified training period shall be removed from the Correctional Probation Officer occupational class series.

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

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

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

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

33-209.103 Firearms Training and Other Certification Requirements.

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

(2) Initial Firearms Qualification.

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

(b) Correctional officers must attend and successfully complete the 24 hour auto-transition course prior to being issued or qualifying with the 9 MM pistol. Correctional officers will also attend the Department's standardized 12 hour AR-15 training prior to being issued or qualifying with the AR-15.

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

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

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

(f) The circuit administrator shall ensure that a FCIC/NCIC records check is conducted on the firearm serial number during the initial re-qualification process or with a new firearm for correctional probation officers in accordance with Rule 33-302.104, F.A.C.

(2) Firearms Re-qualification.

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

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

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

3. Any employee who is qualified or authorized to carry a firearm who declines the opportunity to participate in firearms pre-qualification training will sign the Refusal of Firearms Pre-qualification Training, Form DC2-902, indicating that the opportunity was provided and was declined. Form DC2-902 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

4. If an officer fails to re-qualify, (or does not attempt to re-qualify), the range master will secure the Weapons Qualification Card (Institutions), Form DC6-277, and the DC3-223 Firearms Qualification and Authorization Card, Form DC3-223, (community corrections) for that officer and shall notify either the warden or circuit administrator. The range master shall mail the DC6-277 to the warden and the DC3-223 to the circuit administrator. Form DC3-223 is

incorporated by reference in Rule 33-302.104, F.A.C. Form DC6-277 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

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

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

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

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

2. Upon successful completion of firearms re-qualification, the range master or designee will complete and submit a copy of the State Firearms Re-qualification, Form DC2-907, and the Weapons Qualification Card (Institutions), Form DC6-277, for the correctional officer, to be filed at the facility where the training was conducted. Form DC2-907 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

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

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

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

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

2. The correctional probation officer will certify that the referenced firearm on Form DC3-241, Firearms Re-qualification Certification, is the firearm used in the course

of their duties and that they use only authorized ammunition. Form DC3-241 is incorporated by reference in Rule 33-302.104, F.A.C.

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

4. The range master or designee will retain Form DC3-223 from any correctional probation officer failing to meet minimum qualification standards and notify the circuit administrator via interoffice memorandum or e-mail advising that the officer will not be permitted to carry a firearm on his or her person until successful completion of remedial training.

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

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

(3) Remedial Firearms Training.

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

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

(c) A correctional probation officer that fails to successfully re-qualify after remedial training has been provided, and who wishes to renew authorization to carry a firearm, must re-attend and successfully complete the department-approved correctional probation officer basic firearms training courses. In addition, if a correctional probation officer does not complete remedial training and does not re-qualify, the correctional probation officer will be required to complete the 44 hour basic firearms course again.

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

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

2. The warden will assign the officer to a training facility within ten days from the date of failure to qualify.

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

(e) Any officer who discharges a firearm negligently or demonstrates unsafe firearms handling practices will be required to complete a 4 hour remedial safety and negligence course.

(4) Approved Firearms and Ammunition.

(a) A correctional officer will:

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

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

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

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

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

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

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

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

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

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

(c) Ammunition will be provided by the department.

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

(6) Other Certifications.

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

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

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

33-209.104 Training Requests and Assignments.

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

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

(a) No change.

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

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

(d) No change.

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

(a) through (b) No change.

(c) Training shall be attended on state time as hours worked ~~except that administrative leave with pay shall be utilized for meetings and conferences that are approved for training credit~~. However, an employee whose training request has been approved contingent upon personally paying for registration fees and tuition or travel, meals and lodging, as specified in (a) and (b) above, shall be credited only for the actual hours spent in training.

(3) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, ~~440.109~~, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History--New 8-26-87, Formerly 33-25.004, Amended.

33-209.105 Training Attendance, Performance and Conduct.

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

(1) No change.

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

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

(b) through (c) No change.

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

(4) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, ~~440.109~~, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History--New 8-26-87, Formerly 33-25.005, Amended.

33-209.106 Contracting for Training Services.

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

(1) through (3) No change.

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

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, ~~440.109~~, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History--New 8-26-87, Formerly 33-25.006, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Ralph Kiessig

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 20, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLE:

Control of Contraband

RULE NO.:

33-602.203

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

SUMMARY: The proposed rule removes reference to the Inmate Welfare Trust Fund and replaces it with the General Revenue Fund pursuant to Senate Bill 954 (2003).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 945.215 FS.

LAW IMPLEMENTED: 944.47, 945.215 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.203 Control of Contraband.

(1) through (4) No change.

(5)(a) No money shall be given directly to or received by an inmate assigned to a work release center unless authorized by the chief of security or his designated representative. On a case by case basis, each chief of security may authorize a draw of funds from the inmate's account that has not been drawn from the inmate's bank fund or that exceeds the approved amount authorized under subsection 33-203.201(3), F.A.C., if a specific request is made and a review determines it is warranted. Any money found in the possession of an inmate in excess of \$75 in work release centers shall be considered contraband and shall be confiscated and deposited in the general revenue inmate welfare trust fund.

(b) In any facility in which inmate identification cards are used to authorize and initiate canteen transactions, any cash found in the possession of an inmate shall be considered contraband and deposited in the general revenue inmate welfare trust fund. An inmate identification card is contraband in the possession of anyone other than the inmate it identifies.

(6) through (8) No change.

Specific Authority 944.09, 945.215 FS. Law Implemented 944.47, 945.215 FS. History—New 10-8-76, Amended 2-24-81, 4-18-82, 8-13-84, 2-13-85, 6-2-85, Formerly 33-3.06, Amended 2-9-87, 11-3-87, 8-14-90, 11-22-91, 1-6-94, 5-28-96, 10-26-97, Formerly 33-3.006, Amended 3-2-00, 7-8-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Randy Agerton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 11, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION**Medicaid**

RULE TITLE: RULE NO.:

Medicaid Certified School Match Program 59G-4.035

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Certified School Match Program Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Certified School Match Program Coverage and Limitations Handbook. The rule text references the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, as being incorporated by reference in Rule 59G-4.001, F.A.C. Rule 59G-4.001, F.A.C., is in the rulemaking process; we expect it to be final prior to this rule being adopted.

SUMMARY: This proposed rule would incorporate by reference the current Florida Medicaid Certified School Match Coverage and Limitations Handbook.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 8:00 a.m., September 8, 2003

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.035 Medicaid Certified School Match Program.

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

(2) All school district providers enrolled in Medicaid under the certified school match program must be in compliance with the Florida Medicaid Certified School Match Program Coverage and Limitations Handbook, October 2003 ~~July 2002~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 ~~and~~

~~Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-4.001 ~~59G-5.020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919, FS. Law Implemented ~~1011.70~~ 236.0812, 409.905, 409.906, 409.9071, 409.908, 409.9122, 409.9126, FS. History—New 4-9-98, Amended 11-23-99, 5-27-01, 10-31-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kim Corsmeier

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D., FAAFP, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 14, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Medicaid County Health Department Certified Match Program

RULE NO.:

59G-4.058

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid County Health Department Certified Match Program Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid County Health Department Certified Match Program Coverage and Limitations Handbook. The rule text references the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, as being incorporated by reference in Rule 59G-4.001, F.A.C. Rule 59G-4.001, F.A.C., is in the rulemaking process; we expect it to be final prior to this rule being adopted.

SUMMARY: This proposed rule would incorporate by reference the current Florida Medicaid County Health Department Certified Match Program Coverage and Limitations Handbook.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

(2) All county health department providers enrolled in Medicaid under the County Health Department Certified Match Program must ~~be in compliance~~ ~~comply~~ with the Florida Medicaid County Health Department Certified Match Program Coverage and Limitations Handbook, October 2003 ~~July 1998~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500 ~~HCFA-1500~~ ~~and Child Health Check-Up 221~~, which is incorporated by reference, in Rule 59G-4.001 ~~59G-5.020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ward Peck

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D., FAAFP, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 23, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 14, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Child Health Check-Up

RULE NO.:

59G-4.080

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Child Health Check-Up Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Child Health Check-Up Coverage and Limitations Handbook. The rule text references the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, as being incorporated by reference in Rule 59G-4.001, F.A.C. Rule 59G-4.001, F.A.C., is in the rulemaking process; we expect it to be final prior to this rule being adopted.

SUMMARY: The proposed rule would incorporate by reference the current Florida Medicaid Child Health Check-Up Coverage and Limitations Handbook.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 1:00 p.m., September 8, 2003

PLACE: 2727 Mahan Drive, Bldg. 3, Conf. Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anne Boone, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7321

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.080 Child Health Check-Up.

(1) This rule applies to all Child Health Check-Up service providers, with a Category of Service Code 55 listed on their provider file, enrolled in the Medicaid program.

(2) All Child Health Check-Up service providers enrolled in the Medicaid program must be in compliance ~~comply~~ with the provisions of the Florida Medicaid Child Health Check-Up Coverage and Limitations Handbook, October 2003 ~~May 2000~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-4.001 ~~5-020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS., Chapter 92-129, Sec. 58, Laws of Florida. Law Implemented 409.905, 409.908 FS. History—New 1-1-77, Amended 2-6-78, 1-4-79, 2-18-80, 9-15-80, 9-30-81, Formerly 10C-7.47, Amended 7-17-91, 5-11-92, 5-27-93, Formerly 10C-7.047, Amended 12-26-95, 4-22-98, 9-26-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anne Boone

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D., FAFP, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 6, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Therapy Services
RULE NO.: 59G-4.320

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Therapy Services Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Therapy Services Coverage and Limitations Handbook. The rule text references the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, as being incorporated by reference in Rule 59G-3.001, F.A.C. Rule 59G-4.001, F.A.C., is in the rulemaking process, we expect it to be final prior to this rule being adopted.

SUMMARY: This proposed rule would incorporate by reference the current Florida Medicaid Therapy Services Coverage and Limitations Handbook.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., September 8, 2003

PLACE: 2727 Mahan Drive, Bldg. 3, Conf. Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gail Connolly, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7319

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.320 Therapy Services.

(1) This rule applies to all therapy services providers enrolled in the Medicaid program.

(2) All therapy providers enrolled in the Medicaid program must be in compliance ~~comply~~ with the Florida Medicaid Therapy Services Coverage and Limitations Handbook, October 2003 ~~July 1998~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and EPSDT 221, which is incorporated in Rule 59G-4.001 ~~5-020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908 FS. History—New 5-24-92, Amended 4-12-93, Formerly 10C-7.068, Amended 5-4-94, 12-26-95, 3-9-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gail Connolly

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Rhonda M. Medows, M.D., FAAFP,
Secretary

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 28, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 14, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Nursing
Home Services

RULE NO.: 59G-6.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology, effective July 1, 2003, to provide the following changes based on 2003-04 General Appropriations Act, Senate Bill 2A, Specific Appropriation 198.

1. Due to non-recurring funds, the \$26,925,842 provided in fiscal year 2002-03 for the purpose of rebasing the operating cost component of the Medicaid nursing home per diem rate will be eliminated. These funds were used to address the increased cost of general and professional liability insurance.

SUMMARY: The proposed amendment to rule number 59G-6.010 incorporates revisions to the Florida Title XIX Long-Term Care Reimbursement Plan. The amendment seeks to eliminate the \$26,925,842 provided in fiscal year 2002-03 for the purpose of rebasing the operating cost component of the Medicaid nursing home per diem rate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 11:00 a.m., September 17, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Butler, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version XXV ~~XXIV~~ Effective Date June 11, 2003 and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99 1-11-00, 4-24-00, 9-20-00, 11-20-01, 2-20-02, 7-14-02, 1-8-03, 6-11-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Mr. Robert Butler

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 31, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 3, 2003

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 Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors

RULE TITLE: Demonstrating Knowledge of Laws
and Rules for Licensure

RULE NO.: 64B4-3.0035

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth criteria for laws and rules courses.

SUMMARY: The proposed rule amendment sets forth criteria with regard to laws and rules on-line courses.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: No Statement of Estimated
Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.005(1)(e) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-3.0035 Demonstrating Knowledge of Laws and Rules for Licensure.

An applicant for licensure in Clinical Social Work, Marriage and Family Therapy or Mental Health Counseling shall demonstrate knowledge of the laws and rules for licensure in the following manner:

(1) through (5) No change.

(6) Laws and rules courses may be offered and conducted on-line but must comply with this rule in their entirety. Such courses must include real time (contemporaneous) interactive discussions as required by subsection (2) of this rule.

Specific Authority 491.004(5) FS. Law Implemented 491.005(1)(e) FS. History—New 12-28-99, Amended 8-9-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 27, 2002

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors

RULE TITLE:

Terms of Probation

RULE NO.:

64B4-5.008

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify requirements for licensees serving a period of probation for violations of laws and rules.

SUMMARY: The proposed rule amendments clarify requirements for licensees serving a period of probation with regard to supervision and practice settings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.079, 491.004(5) FS.

LAW IMPLEMENTED: 456.079, 491.009 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-5.008 Terms of Probation.

Any licensee determined to have violated the provisions of Chapter 491, Florida Statutes, may be ordered to serve probationary terms including any or all of the following:

(1) Probationers license is suspended ~~for a period of time set by the Board, said suspension to be~~ but stayed so long as the licensee complies with the terms of probation set forth below. In the event the Probationer is suspended, he or she shall be required prior to reinstatement to comply with all terms and conditions set forth in any previous Board Order, and must appear before the Board to demonstrate his or her present ability to engage in safe practice. The Board reserves the right to impose reasonable conditions of reinstatement at the time the licensee appears before the Board to demonstrate the present ability to engage in safe practice.

(2) No change.

(3) The licensees probation shall be subject to the following terms and conditions:

(a) through (c) No change.

(d) Probationer shall practice only under the supervision of a psychotherapist fully licensed under Chapter 491 to be approved by the Board or its designee. Supervision under probation shall consist of a minimum of one hour of face-to-face supervision every two weeks and shall focus on raw data from the Probationer's clinical work which is made available to the supervisor through such means as oral case presentation, written clinical material, direct observation, and video and audio recordings. Probationer shall have the supervising psychotherapist with the probationer at the Probationers first probation appearance before the Board. Prior to approval of the supervising psychotherapist by the Board or its designee, the Probationer shall provide to the supervising psychotherapist a copy of the administrative complaint filed in

this case. A failure of the Probationer or the supervising psychotherapist to appear at the scheduled Board meeting shall constitute a violation of the Boards Final Order. Prior to the approval of the supervising psychotherapist by the Board or its designee, Probationer shall submit to the Board or its designee a current curriculum vitae and description of the current practice from the proposed supervising psychotherapist. Said materials shall be received in the Board office no later than fourteen (14) days before Probationers first scheduled probation appearance. Probationer shall be responsible for ensuring that the supervising psychotherapist submits the required reports. The responsibilities of the supervising psychotherapist shall include:

1. Submit quarterly reports, which shall include:

a. through d. No change.

e. Detail any problems which may have arisen with Probationer and attempts at resolution.

2. through 6. No change.

(e) Probationer shall submit quarterly reports to the Board. The reports shall include:

1. through 5. No change.

6. Description of any problems and attempts at resolution.

7. No change.

(f) through (m) No change.

(n) Probationer shall not see clients of a specified gender unless his or her supervisor, or another licensed therapist approved by the supervisor, is present in the same room.

(4) No change.

(5) The Probationer must report any change in address or telephone number, employment, employer's address or telephone number, or any arrests (or violations of probation or whatever impediment which may be on the license from another jurisdiction), in writing by within 10 working days to the Clinical Social Work, Marriage and Family Therapy or Mental Health Counseling Compliance Officer at the Department of Health, Client Services Unit, HMQAMS, BIN C01, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3251.

(6) All current and future settings in which the Probationer practices Clinical Social Work, Marriage and Family Therapy or Mental Health Counseling shall be promptly informed of the licensee's probationary status. Within five days of the receipt of the final order, the licensee shall furnish a copy to his or her supervisor or supervisors, if there are multiple employers. The supervisors must acknowledge the probation to the Clinical Social Work, Marriage and Family Therapy or Mental Health Counseling Compliance Officer in writing on employer letterhead within ten days. Should the licensee change employers, he or she must supply a copy of the final order to his or her new nursing supervisor within five days. The new employer shall acknowledge the probation in writing on

employer letterhead to the Clinical Social Work, Marriage and Family Therapy or Mental Health Counseling Compliance Officer within ten days.

Specific Authority 456.079, 491.004(5) FS. Law Implemented 456.079, 491.009 FS. History--New 6-1-92, Formerly 21CC-5.008, 61F4-5.008, 59P-5.008, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 27, 2002

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE: RULE NO.:
Content of Residency Program – Reports 64B18-16.005

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the responsibilities of residency program directors.

SUMMARY: The proposed rule amendment requires residency program directors to provide residency reports to the Board.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 461.005, 461.014(4) FS.

LAW IMPLEMENTED: 461.014 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-16.005 Content of Residency Program – Reports.

On January 1 and July 1 of each year, each residency program director shall provide the following information to the Board:

(1) through (5) No change.

Specific Authority 461.005, 461.014(4) FS. Law Implemented 461.014 FS. History--New 11-24-80, Formerly 21T-16.05, 21T-16.005, 61F12-16.005, Amended 1-4-96, Formerly 59Z-16.005, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Podiatric Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Podiatric Medicine
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 25, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 9, 2003

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLE: Definitions
RULE NO.: 67-21.002

PURPOSE AND EFFECT: The purpose of this Rule Chapter is to establish the procedures by which the Corporation shall administer the supplemental application cycle, determine bond allocation amounts and implement the provisions of the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 42 of the Code and Section 420.509, Florida Statutes.

The intent of this Rule Chapter is to encourage public-private partnerships to invest in residential multifamily housing through a supplemental application cycle; to stimulate the construction and rehabilitation of residential multifamily housing which in turn will stimulate the job market in the construction and related industries; and to increase and improve the supply of affordable housing in the State of Florida.

SUMMARY: Prior to the opening of an Application Cycle, the Corporation (1) researches the market need for affordable housing throughout the state of Florida and (2) evaluates prior Application Cycles to determine what changes or additions should be added to the Rule and/or Application. The proposed amendments to the Rule and adopted reference material include changes that will create a formulated process for selecting Developments that will apply in the 2003 Supplemental MMRB Application Cycle.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.507, 420.508, 420.509 FS.

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

TIME AND DATE: 10:00 a.m., September 5, 2003

PLACE: Florida Housing Finance Corporation, 6th Floor, Seltzer Room, 227 North Bronough Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULE IS:

67-21.002 Definitions.

(1) through (69) No change.

(70) “Preservation Development” means an existing Development currently subject to documented rent restrictions or income restrictions through a federal, state or local government affordable housing program, where the rent restrictions or income restrictions for the Development will end within five years.

(70) through (95) renumbered (71) through (96) No change.

~~(97)(96)~~ “Universal Application Package” or “UA1016” Rev. ~~8~~ 3-03 means the forms and instructions, obtained from Florida Housing at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, which shall be completed and submitted to Florida Housing in accordance with this rule chapter in order to apply for the Program. The Universal Application Package is adopted and incorporated herein by reference, effective on the date of the latest amendment to this rule chapter.

~~(98)(97)~~ No change.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.503, 420.507, 402.508 FS. History—New 12-3-86, Amended 2-22-89, 12-4-90, 11-23-94, 2-6-97, 1-7-98, Formerly 91-21.002, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, 4-6-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne Conner, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Orlando Cabrera, Executive Director, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2003

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 29, No. 22, May 30, 2003