

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS available on Florida Housing's web site [www.floridahousing.org](http://www.floridahousing.org).

## Section II Proposed Rules

### DEPARTMENT OF BANKING AND FINANCE

#### Board of Funeral and Cemetery Services

RULE TITLES: RULE NOS.:  
 Certificates of Authority 3F-5.0015  
 Termination of a Preneed Sales Agent 3F-5.0035  
 Procedures for Licensing a New Cemetery 3F-5.004  
 Procedure for Licensing Transferred Cemeteries 3F-5.006  
 Request for Additional Information – Applications 3F-5.008  
 PURPOSE AND EFFECT: The Board proposes to amend these rules to update the language and remove any obsolete language.

SUMMARY: Rule 3F-5.0015, F.A.C., sets out the criteria for corporations using corporate agents to obtain a certificate of authority and sets out requirements for sales of preneed contracts; Rule 3F-5.0035, F.A.C., sets out requirements for termination of a preneed sales agent; Rule 3F-5.004, F.A.C., sets out procedures for Licensing a New Cemetery; Rule 3F-5.006, F.A.C., sets the procedures for licensing transferred cemeteries; and Rule 3F-5.008, F.A.C., sets out requirements for submission of additional information in conjunction with application for licensing of new cemeteries, transferred cemeteries and for conversion procedures.

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 cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.201, 497.209, 497.237, 497.245, 497.337, 497.405(3), 497.439(9) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, FL 32399-0350

THE FULL TEXT OF THE PROPOSED RULES IS:

3F-5.0015 Certificates of Authority.

~~(1) No person or entity may sell a preneed contract for burial or funeral services, merchandise, or cash advances that does not have a valid certificate of authority.~~

~~(1)(2)~~ No change.

~~(2)(3)~~ through (2)(b) No change.

Specific Authority 497.103 FS. Law Implemented 497.405(3) FS. History–New 10-15-95, Amended.

3F-5.0035 Termination of a Preneed Sales Agent.

Within thirty (30) days of any termination of any registered preneed sales agent, the certificateholder shall give written notice to the Department. The notice may be submitted in writing, electronically, or vial facsimile, and shall contain:

(1) through (3) No change.

Specific Authority 497.103 FS. Law Implemented 497.439(9) FS. History–New 5-29-94, Amended.

3F-5.004 Procedures for Licensing a New Cemetery.

(1) through (j) No change.

(k) Shown compliance with Rule 3F-5.009, F.A.C., Regulatory Standards for Evaluating Applications by the Board.

(2) through (3) No change.

Specific Authority 497.103 FS. Law Implemented 497.201, 497.237, 497.245, 497.337 FS. History–New 9-29-75, Amended 6-21-77, 6-21-78, 11-2-78, 1-27-81, Formerly 3D-30.15, Amended 10-23-91, Formerly 3D-30.015, Amended 12-8-98, 6-26-02, Amended.

3F-5.006 Procedure for Licensing Transferred Cemeteries.

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

(b) Copy of certificate of good standing, if applicable; articles of incorporation;

(c) through (d) No change.

(e) Completion Of An Application To Transact Cemetery Business, Form DBF-CEM 1/96 REV 7/01, DBF F 33, effective September 28, 2003, October 23, 1991, which is ~~hereby~~ incorporated by reference in Rule 3F-5.010, F.A.C. Form DBF-CEM 1/96 REV 7/01 F 33 shall be accompanied by a license fee based on the cemeteries' last fiscal year sales pursuant to Section 497.213, F.S.; Florida Statutes;

(f) through (3) No change.

(4) Investigation. The Department shall investigate the following conditions:

(a) Character, reputation, financial standing, and business qualifications ~~and motives~~ of the new proponents;

(b) through (5) No change.

~~(6) Denial of License. If the department intends to deny an application, the provisions of Chapter 120, F.S., shall prevail. If the application is denied, written notice thereof will be given to the applicant and upon written request for a hearing thereon received within 21 days after receipt of notice of denial, a hearing may be held. Such hearing will be conducted in accordance with Chapter 120, Florida Statutes, and Chapter 28-6 of the Model Rules of Procedure.~~

~~(7) All forms herein are available by mail from The Department of Banking and Finance, Division of Finance, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350.~~

Specific Authority 497.103 FS. Law Implemented 497.201(1), 497.209 FS. History—New 9-29-75, Amended 11-2-78, 1-27-81, Formerly 3D-30.17, Amended 10-23-91, Formerly 3D-30.017, Amended 9-18-01, 6-26-02, \_\_\_\_\_.

3F-5.008 Request for Additional Information – Applications.

Rules 3F-5.004, ~~3F-5.005~~, 3F-5.006, 3F-5.007, and 3F-5.009, F.A.C., provide methods, procedures and supporting documentation for the licensing of new cemeteries, ~~existing cemeteries~~, transferred cemeteries and for conversion procedures. All information the applicant wants to present in order to support the application should be submitted with the original filing. The required exhibits in the application forms are not intended to limit the applicant’s presentation of any of the requirements, but merely represent the minimum information to be filed. Additional information must be submitted within sixty (60) days after a request therefor if specifically requested by the department within thirty (30) days after receipt of the application. Failure to respond to such request within sixty (60) days after the date of the request will be construed by the department and the Board of Funeral and Cemetery Services as grounds for denial of an application in accordance with the provisions of Section 120.60(2), F.S., and the file may be closed, unless good cause is shown that it remain open. Should the file be closed pursuant to these provisions, the applicant shall be duly notified. (See subsections 3-3.012(1)(a) and (3), F.A.C.)

Specific Authority 497.103 FS. Law Implemented 120.60(2), 497.201(2)(a), 497.209 FS. History—New 12-22-81, Formerly 3D-30.29, 3D-30.029, Amended 6-26-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2002

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

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

RULE TITLE: Wholesale Purchase Price  
RULE NO.: 3F-7.006

PURPOSE AND EFFECT: The Board proposes to amend this rule to further clarify the language.

SUMMARY: This rule requires the COA to set wholesale purchase prices for items to be provided by the COA for the year and, using those figures, the COA is required to deposit funds in a merchandise trust funds pursuant to Section 497.417(1), F.S.

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 cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.337, 497.417 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, FL 32399-0350

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-7.006 Wholesale Purchase Price.

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

(c) Invoices and other documentation used to establish the listed wholesale purchase price shall be maintained by the certificateholder at the cemetery.

Specific Authority 497.103 FS. Law Implemented 497.337, 497.417 FS. History—New 3-1-90, Formerly 3D-30.035, Amended 5-27-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2002

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

**DEPARTMENT OF INSURANCE**

**Division of Workers' Compensation**

RULE TITLE: Benefits and Administration Trust Fund  
 RULE NO.: 4L-24.0231

PENALTIES IMPROPER FILING PRACTICES: 4L-24.0231  
 PURPOSE, EFFECT AND SUMMARY: The purpose and effect of the proposed language is to state that late filing penalties apply to late filed electronic and paper submissions, and establishes criteria regarding the determination of whether a first report of injury or illness electronic filing submitted to the Division is timely.

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: 440.13(11)(b), 440.185, 440.591, 440.593(5) FS.

LAW IMPLEMENTED: 440.13(11)(b), 440.185(9), 440.20(8)(a) 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: 10:30 a.m., Tuesday, October 28, 2003  
 PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, 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: Gregory Jenkins, Chief, Bureau of Monitoring and Audit, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4224, (850)488-6241

THE FULL TEXT OF THE PROPOSED RULE IS:

4L-24.0231 Benefits and Administration Trust Fund Penalties Improper Filing Practices.

(1)(a) Failure to timely file, by electronic or paper submission, legible and complete forms, reports, or documents as required by Chapter 440, Florida Statutes, Chapter 4L-3, F.A.C., or other Division rules implementing Chapter 440, Florida Statutes, shall subject the party required to file such form, report or document to assessment by the Division of a civil penalty. For purposes of this rule, a paper form, report or document is timely filed when it is postmarked and mailed prepaid prior to the expiration of the time periods prescribed in this rule, and Chapter 4L-3, F.A.C. For purposes of this rule, if

disability is immediate and continuous for 8 or more calendar days after the injury, an electronic equivalent of a First Report of Injury or Illness will be considered timely filed with the Division when it is received by the Division on or before the 21st day after the carrier's knowledge of the injury and is assigned an acknowledgement code of Transaction Accepted (TA). If the first 7 days of disability are nonconsecutive or delayed, the electronic equivalent of a First Report of Injury or Illness will be considered timely filed with the Division when it is received by the Division on or before the 13th day after the 8th day of disability and is assigned an acknowledgement code of Transaction Accepted (TA). Penalties shall be assessed as follows:

(b) No change.

Specific Authority 440.13(11)(b), 440.185, 440.591, 440.593(5) FS. Law Implemented 440.13(11)(b), 440.185(9), 440.20(8)(a) FS. History--New 8-29-94, Amended 5-14-95, 6-4-97, 11-28-01, Formerly 38F-24.0231, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dan Sumner, Deputy Division Director, Division of Workers' Compensation, Department of Financial Services.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanner Holloman, Division Director, Division of Workers' Compensation, Department of Financial Services.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 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."

**PUBLIC SERVICE COMMISSION**

DOCKET NO. 030714-EI

RULE TITLE: Electric Utilities Dismantlement Studies  
 RULE NO.: 25-6.04364

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

SUMMARY: The rule requires the filing of a dismantlement study at least once every four years and also sets forth the information to be included in the study.

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: 350.127(2), 350.115 FS.

LAW IMPLEMENTED: 366.041, 366.06(1) FS.

Written comments or suggestions on the proposed rule may be submitted to: FPSC, Division of the Commission Clerk and Administrative Services, within 21 days of the date of this notice for inclusion in the record of the proceeding.

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

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christiana T. Moore, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.04364 Electric Utilities Dismantlement Studies.

(1) Each utility that owns a fossil fuel generating unit is required to establish a dismantlement accrual as approved by the Commission to accumulate a reserve that is sufficient to meet all expenses at the time of dismantlement. The purpose of the study required by (3) is to obtain sufficient information to update cost estimates based on new developments, additional information, technological improvements, and forecasts; to evaluate alternative methodologies; and to revise the annual accrual needed to recover the costs.

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

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

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

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

(3) Each utility shall file a dismantlement study for each generating site once every 4 years from the submission date of the previous study unless otherwise required by Commission order. The study shall be site-specific unless a showing is made by the utility that a site-specific study is not possible. A utility may file a study sooner than 4 years. Each utility’s dismantlement study shall include:

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

(b) A list of all entities owning an interest in each generating unit and the percentage of ownership by each entity.

(c) The dismantlement study methodology.

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

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

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

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

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

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

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

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

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

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

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

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

(6) A utility shall not establish a new annual dismantlement accrual, revise its annual dismantlement accrual, or transfer a dismantlement reserve without prior Commission approval.

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

(8) The accumulated dismantlement reserve and accruals shall be maintained in a subaccount of Account 108 "Accumulated Depreciation" and separate from the accumulated depreciation reserve and expenses. Subsidiary records shall include sufficient detail to allow for separate site or unit reporting.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Pat Lee

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 16, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 29, No. 8, February 21, 2003

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Canteen Operations  
RULE NO.: 33-203.101

PURPOSE AND EFFECT: The purpose of the proposed rule is to delete obsolete language from the rule. The effect is to remove reference to the Inmate Welfare Trust Fund which was abolished by Senate Bill 954 (2003).

SUMMARY: The proposed rule removes reference to the Inmate Welfare Trust Fund which was abolished by 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: 20.315, 944.09, 945.215 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.215, 946.002 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:

~~33-203.101 Inmate Welfare Trust Fund and Canteen Operations.~~

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

~~(3) Budgeting and Disbursement of Inmate Welfare Trust Funds:~~

~~(a) Disbursements from the Inmate Welfare Trust Fund must meet the test of providing for the greatest need of the greatest number of inmates:~~

~~(b) Inmate welfare trust funds shall be budgeted and disbursed exclusively:~~

~~1. To purchase items for resale at the inmate canteens or vending machines maintained at the correctional facilities;~~

~~2. To employ personnel and inmates to manage, supervise, and operate the canteens and vending machines at the correctional facilities;~~

~~3. For operating and fixed capital expenses associated with the operation of inmate canteens and vending machines;~~

~~4. To employ personnel to manage and supervise the proceeds from telephone commissions;~~

~~5. To employ personnel for correctional education to provide literacy programs, vocational training, and academic programs that comply with standards of the Department of Education;~~

~~6. For operating and fixed capital expenses associated with the delivery to inmates of literacy programs, vocational training programs, and academic programs that comply with standards of the Department of Education;~~

~~7. For operating and fixed capital expenses associated with the operation of inmate chapels, libraries, and visiting pavilions;~~

~~8. To employ personnel to operate the libraries, chapels, and visiting pavilions;~~

~~9. For expenses associated with various inmate clubs;~~

~~10. For expenses associated with legal services for inmates;~~

~~11. To develop, implement and maintain the medical copayment accounting system;~~

~~12. To employ personnel to provide inmate substance abuse treatment and transition and life skills training programs; and~~

~~13. For operating and fixed capital expenses associated with the delivery of inmate substance abuse treatment and transition and life skills training programs.~~

~~(e) Expenditures for items listed in subparagraphs 5. through 13. above are categorized as inmate benefit program expenditures. Expenditures for correctional education programs in subparagraphs 5. and 6. must exceed the total of all other inmate benefit program expenditures.~~

~~(4) Monies collected from employee activities will not be processed through the Inmate Welfare Trust Fund. Monies from the Inmate Welfare Trust Fund will not be disbursed to employee clubs or for employee benefits.~~

~~(5) All orientation programs for new inmates will contain an explanation of the Inmate Welfare Trust Fund and its use to the inmate.~~

~~(6) Inmate Welfare Trust Fund Procedures.~~

~~(a) Department wide. The Office of Administration shall develop procedures to govern the operation of Inmate Welfare Trust Fund activities.~~

~~(b) Institutional Level: Service center support staff are responsible for overseeing the operation of Inmate Welfare Trust Fund canteen operations.~~

(7) through (8) renumbered (3) through (4) No change.

~~(5)(9)~~ Inmate Salaries. An inmate may receive compensation from the General Revenue Inmate Welfare Trust Fund if the inmate is actually performing canteen or canteen support functions. The monthly rate of pay shall not exceed \$75.00.

(10) through (11) renumbered (6) through (7) No change.

~~(8)(12)~~ All material shortages of inventory or money at the canteens or money from the Inmate Welfare Trust Fund will be formally investigated by local investigators immediately upon determining that a shortage exists. A formal investigation must include the appointment of an investigating officer and the preparation of records reflecting all aspects of the investigation, including the placement of responsibility for the shortage where possible. If the report reflects negligence on the part of an employee or inmate, the Regional Director or warden will recoup the shortage from that person or persons. If the investigation and any subsequent action does not result in recoupment of the shortage, the report will be forwarded to the Inspector General in Central Office for further disposition. Disciplinary action will be taken against inmates found to be negligent. All minor shortages, that is, those which can be recovered from the operator's salary, shall be investigated to the extent necessary to satisfy both the canteen operator and the business office staff as to the apparent cause of the shortage.

Specific Authority 20.315, 944.09, 945.215 FS. Law Implemented 20.315, 944.09, 945.215, 946.002 FS. History--New 1-20-86, Formerly 33-3.035, Amended 11-22-91, 5-25-95, 11-13-95, 5-28-96, 2-12-97, Formerly 33-3.0035, Amended 11-18-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rhonda Vause

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Offender Classification System  
RULE NO.: 33-302.107

PURPOSE AND EFFECT: The purpose and effect of the proposed rule repeal is to delete an obsolete rule.

SUMMARY: The rule being repealed has become obsolete due to adoption of new system which systematically generates assessments, reassessments and supervision levels in the offender database.

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 FS.

LAW IMPLEMENTED: 20.315, 944.09, 948.015, 948.12 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:

33-302.107 Offender Classification System.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 948.015, 948.12 FS. History--New 8-28-01, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Tina Hayes

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2003

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Mental Health Treatment Facilities –  
Administrative Confinement  
RULE NO.: 33-404.206

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete reference to an obsolete form.

SUMMARY: The proposed rule deletes reference to an obsolete form.

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, 945.49 FS.  
 LAW IMPLEMENTED: 20.315, 944.09, 944.35, 945.48, 945.49 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:

33-404.206 Mental Health Treatment Facilities – Administrative Confinement.

(1) No change.

(2) When an inmate is placed in administrative confinement status for reasons outlined in Rule 33-602.220 F.A.C., the Senior Correctional Officer shall communicate the reasons for such placement to the senior mental health professional on duty who may recommend any additional supervision, observation or other treatment requirements for the inmate. The Senior Correctional Officer shall record any additional requirements ~~in on the Offender Based Information System (OBIS) electronic classification log Report of Administrative Confinement Form DC6-233a~~. Staff shall be advised of any additional supervision or observation requirements and record this information in the inmate’s treatment chart and the Daily Record of Segregation Form DC6-229. ~~Form DC6-233a and~~ DC6-229 ~~has have~~ been incorporated by reference into subsection 33-602.220(10), F.A.C.

(3) through (4) No change.

Specific Authority 944.09, 945.49 FS. Law Implemented 20.315, 944.09, 944.35, 945.48, 945.49 FS. History—New 11-3-85, Formerly 33-23.13, Formerly 33-23.013, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Paula J. Hoisington

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Copying Services for Inmates

RULE NO.: 33-501.302

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify circumstances under which inmates will be provided with copying services.

SUMMARY: The proposed rule sets forth the circumstances and procedures for providing inmates with copying services.

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, 944.09 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:

33-501.302 Copying Services for Inmates.

(1) No change.

(2) Documents will be copied only if they are necessary to initiate a legal or administrative action or if they must be filed or served in a pending action. Except as otherwise provided in this rule, the number of copies made shall be the number required to be filed and served according to the rules of the court or administrative body, or required per order of the court or administrative body, plus: one additional copy shall be made for the inmate to keep if the original is filed or served.

(a) Copying services shall not be provided to make copies of Form DC6-236, Inmate Request, or Form DC1-303, Request for Administrative Remedy or Appeal, attachments that are a continuation of the request portion of Form DC6-236, or attachments that are a continuation of part A of Form DC1-303. However, inmates shall be provided copying services for documents to be attached to Forms DC6-236, Inmate Request, and DC1-303, Request for Administrative Remedy or Appeal, as accompanying evidentiary material. The number of copies made shall not exceed three.

(b) Title 42, United States Code, Section 1983, civil rights complaints filed into federal district courts.

1. Inmates shall be provided a copy for the inmate if the original must be filed with the court, and one copy for each named defendant if the complaint names five or fewer defendants.

2. If more than five defendants are named in the complaint, the inmate shall only be made one file copy to keep if the original complaint must be filed with the court. No copies shall be made to serve defendants until the inmate presents a court order indicating that the complaint is not being dismissed pursuant to Title 28, United States Code, Section 1915, and directs that specific defendants must be served with a copy. The law library shall then make the inmate the number of copies needed to serve all the defendants.

~~(c)(b)~~ Cases, statutes, and other reference materials are not evidentiary materials and will not be copied to accompany legal documents unless the inmate is required to provide such copies by law, court rule, or court order.

(3) Inmate requests for copying services shall be submitted on Form DC5-154, Copying Service Request and Withdrawal. Form DC5-154 and the documents to be copied shall be submitted to the Law Library Supervisor for approval. The law library supervisor may inspect an inmate's documents to ensure that the material to be copied is of a legal or administrative nature and is in accordance with the reason the inmate provided for needing the copies; however, the law library supervisor shall not read the documents. Form DC5-154 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)(3)~~ No change.

~~(5)(4)~~ Inmates who are without funds shall not be denied copying services for documents and accompanying evidentiary materials needed to initiate a legal or administrative action or must be filed or served in a pending action that challenges convictions and sentences or prison conditions, or are required per order of the court or administrative body. Copying services shall not be denied inmates unable to pay for copies; ~~However,~~ however, the cost of providing copies is a debt owed by the inmate that shall be collected as follows: At the time the inmate submits his request for copies, the ~~department business office~~ shall place a hold on the inmate's account for the estimated cost of providing the copies. The cost of providing the copies shall be collected from any existing balance in the inmate's bank trust fund account. If the account balance is insufficient to cover the cost, the account shall be reduced to zero. If costs remain unpaid, a hold will be placed on the inmate's account and all subsequent deposits to the inmate's account will be applied against the unpaid costs until the debt has been paid. Copies shall be provided at a rate of \$0.15 per page. ~~When an inmate has insufficient funds in his account to pay for copies, the number of copies provided shall not exceed three copies per page, except when additional copies are legally required. The inmate shall be responsible for proving that copies in addition to the routine maximum are legally necessary.~~

(6) Inmates shall not be provided copying services for legal or administrative proceedings that do not relate to a challenge of convictions or sentences, or to challenges of prison conditions unless they have sufficient funds in their inmate trust account to cover the complete cost of making the copies.

~~(7)(5)~~ The law library supervisor ~~librarian~~ may require an inmate for whom copies are to be made to seal the copies, except for his file copy, in envelopes and mail them immediately. This requirement, if imposed, shall be explained

to the inmate before copies are made. Before the envelopes are sealed and mailed, the librarian or mail collection representative shall stamp the document(s) to be mailed and the inmate's copy, if provided by the inmate, "Provided to (name of institution) on (blank to insert date) for mailing." The mail collection representative shall then have the inmate initial the document(s) next to the stamp.

Specific Authority 20.315, ~~944.09~~ 945.04 FS. Law Implemented 20.315, ~~944.09~~ 945.04 FS. History--New 10-6-83, Formerly 33-3.051, Amended 6-13-88, 8-20-89, 2-12-91, 4-10-94, 4-21-96, 6-29-98, Formerly 33-3.0051, Formerly 33-602.405, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Allen Overstreet

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Meritorious Gain Time  
RULE NO.: 33-601.102

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow award of meritorious gain time for assistance to law enforcement agencies under specified circumstances.

SUMMARY: The proposed rule provides for the award of meritorious gain time for assistance to law enforcement agencies under specified circumstances.

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, 944.275 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.275 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:

33-601.102 Meritorious Gain Time.

(1) Eligibility. An inmate who is otherwise eligible for meritorious gain time may be recommended by the warden for up to 60 days gain time when he has performed an outstanding deed such as:



(a) through (b) No change.

(c) Assisting law enforcement agencies by providing relevant information for investigations or participating in requested activities that may result in arrest or prosecution, when recommended by the state attorney or law enforcement agency and when such would be in accordance with the rehabilitative interests of the inmate.

(2) through (3) No change.

Specific Authority 20.315, 944.09, 944.275 FS. Law Implemented 20.315, 944.09, 944.275, FS. History—New 2-26-80, Formerly 33-11.09, Amended 1-12-83, 1-31-85, 10-7-85, 4-28-87, 4-17-94, Formerly 33-11.009, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Paula J. Hoisington

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: September 15, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: August 29, 2003

**DEPARTMENT OF CORRECTIONS**

RULE TITLE:

Inmate Drivers

RULE NO.:

33-601.605

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete provisions allowing inmates to drive state vehicles to transport inmates in a work release program in accordance with Senate Bill 278, and to delete obsolete program language.

SUMMARY: The proposed rule deletes provisions allowing inmates to drive state vehicles to transport inmates in a work release program in accordance with Senate Bill 278, and deletes references to the commercial vehicle driving vocational program which is no longer offered by the department.

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 FS.

LAW IMPLEMENTED: 20.315, 322.03, 322.04, 322.15, 944.09 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:

33-601.605 Inmate Drivers.

(1) Definitions.

(a) through (b) No change.

~~(e) Commercial Vehicle Driving Vocational Program—a vocational program designed to prepare inmates for employment as tractor trailer or truck drivers. Instruction will include 1000 miles of road driving under the supervision of a qualified commercial vehicle driver prior to completion of the program. Road driving activities will include experience on two-lane, four-lane, interstate and city streets and highways. Twenty percent or more of the experience will occur at night on both wet and dry roads.~~

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

(2) License Requirements for Inmate Drivers.

~~(a)~~ Any inmate who operates a ~~work release center~~ vehicle for paid employment purposes must have the required a valid Florida Driver's License.

~~(b)~~ No inmate will be authorized to operate a vehicle that qualifies as a commercial motor vehicle without a valid Florida Commercial Driver's License.

(3) Selection Criteria for WRC Paid Employment Inmate Drivers.

(a) through (b) No change.

(c) The inmate must be in community minimum custody and have proven his or her trustworthiness by performing in an outside minimum custody assignment ninety days prior to his or her selection.

(d) through (e) No change.

(4) The classification officer considering an inmate as a work release center paid employment driver shall review the inmate's driving history utilizing the Kirkman Data Center database. Questions or concerns regarding the Kirkman Data Center database are to be directed to the work release coordinator in the Bureau of Classification and Central Records for resolution.

(5) Prior to driving a department vehicle, a WRC paid employment inmate driver must be authorized in writing by the approving authority.

(6) Obtaining licenses for non-licensed paid employment inmate drivers.

(a) When an inmate who does not have a valid Florida Driver's License on file is assigned as a WRC paid employment inmate driver, the classification officer shall contact the nearest DHSMV Driver's License Office by telephone and arrange for the license examination.

(b) No change.

(c) Routine fees for driver's examinations, licenses and renewals will be paid by ~~the work release center where the inmate is assigned at the time the fee is incurred.~~ Any

additional costs to obtain a driver's license will be the financial responsibility of the inmate and will be paid directly to the DHSMV Driver's License Office.

(d) No change.

(7)(a) Issuance of WRC Paid Employment Inmate Driver's Licenses. The correctional officer working in the control room shall issue the license ~~and the keys~~ to the inmate upon departure from the work release center, and shall ensure that the license ~~is and the keys are~~ returned to the control room upon the inmate's return to the work release center ~~at the end of his or her driving duty shift~~. The correctional officer in control room shall document on the control room log every time a driver's license ~~is and keys are~~ given to and received from an inmate. For security reasons, the license ~~both items~~ will be stored in the control room when not in use.

(b) The Correctional Officer in the control room will make the appropriate documentation on the Control Room Log, DC6-207, every time a driver's license ~~is and keys are~~ given to and received from an inmate. Form DC6-207 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida, 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is August 29, 2000.

(8) ~~Supervision of WRC Inmate Drivers. A correctional officer sergeant at the work release center will be assigned to ensure the inmate driver fulfills the driving duties in the prescribed manner:~~

~~(a) The responsibilities of the assignment will be thoroughly explained to the inmate and the inmate will be required to sign the Inmate Driver Agreement Form, DC6-116. Form DC6-116 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is August 29, 2000.~~

~~(b) The sergeant shall thoroughly familiarize the inmate with the route(s) he or she is to follow and shall accompany the inmate on his or her first run of the route. If, after one run, the correctional officer sergeant believes the inmate is not familiar enough with the route, the correctional officer sergeant shall continue to accompany the inmate on the route until the inmate is familiar enough with the route to drive it by himself.~~

~~(c) The inmate driver is restricted to authorized transportation duties only, shall not be permitted to drive for any non department business duties, and shall not be required to drive a department vehicle for more than 12 hours per every 24 hour period. Under no circumstances will the inmate be permitted to operate a vehicle outside of the state.~~

~~(d) If any inmate is involved in an accident with a department vehicle, the shift supervisor at the work release center will notify the Florida Highway Patrol so that they can investigate the accident. If an inmate driver receives a traffic citation or is involved in an accident, the inmate's driving privileges will be immediately suspended pending a review by the approving authority. Reinstatement as an inmate driver will require written authorization by the approving authority.~~

~~(8)(e) The sergeant at the work release center shall review each paid employment inmate's driver's license at least quarterly to ensure that the license is still valid and no traffic infractions (citations) have occurred since the inmate was authorized to drive. Should the license be invalid or any new traffic infractions (citations) discovered, notice shall be given to the approving authority who shall reassess the inmate's authorization to drive. The approving authority shall, in writing, advise the correctional officer major or classification officer at the work release center whether the inmate is to remain a paid employment an inmate driver.~~

~~(f) A department vehicle will be assigned to only one inmate at a time. The vehicle will be searched and inspected at the beginning and conclusion of the assigned inmate's driving duty shift and at each intermittent stop at the work release center for contraband and any excess mileage driven by the inmate. The correctional officer searching the vehicle shall document the search on the control room log, Form DC6-207. Any contraband or mileage infractions will be handled through the disciplinary process.~~

~~(g) Each time an inmate driver returns to the work release center a correctional officer shall conduct a physical search of the inmate for the detection of contraband and shall document the search on the control room log. An inmate found with contraband will have his or her driving privileges immediately suspended pending review by the approving authority and shall be subject to the disciplinary process.~~

(9) No change.

(10) Commercial Vehicle Driving Vocational Program.

~~(a) In order to qualify for the Commercial Vehicle Driving Vocational Program designed to prepare an inmate for employment as a tractor trailer or truck driver, an inmate must exhibit a safe driving record, be at least 21 years of age, comply with State and Federal licensing requirements, and be otherwise eligible pursuant to subsection (3) of this rule.~~

~~(b) An inmate who does not have a valid Florida Driver's License on file shall be permitted to obtain his driver's license in order to participate in the Commercial Vehicle Driving Vocational Program. The license will be obtained as described in subsection (6) of this rule. The inmate will be required to purchase the license and Commercial Driver's License (CDL) at his own expense and pay such fees to the DHSMV Driver's License Office.~~

~~(c) Under no circumstances will an inmate be permitted to operate the tractor trailer or truck outside of the state.~~

~~(d) An inmate will be authorized to retain his CDL on his person only when necessary for that specific part of the program which requires driving. When not in use, the driver's license and the keys to the vehicle shall be returned to the instructor for safe storage. Under no circumstances will an inmate be permitted to complete the field training part of the program that occurs outside the parameters of an institution without proper supervision and the accompaniment of a skilled professional.~~

Specific Authority 944.09, 945.091 FS. Law Implemented 20.315, 322.03, 322.04, 322.15, 944.09, 945.091 FS. History—New 8-29-00, Amended 1-1-01,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Paula J. Hoisington  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 29, 2003

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Inmate Telephone Use  
 RULE NO.: 33-602.205  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify requirements for attorney/client calls, restrictions on third party or shared calls, and to provide for the use of telephone devices for the deaf.  
 SUMMARY: The proposed rule clarifies requirements for attorney/client calls, restrictions on third party or shared calls, and provides for the use of telephone devices for the deaf.  
 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 FS.  
 LAW IMPLEMENTED: 20.315, 944.09 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:  
 33-602.205 Inmate Telephone Use.

(1) This ~~rule subsection~~ sets forth the minimum telephone privileges that shall be granted to inmates housed in institutions or facilities other than community correctional centers, or

inmates housed on death row. All inmate calls, with the exception of those calls placed to attorneys pursuant to paragraph (3)(a) shall be subject to monitoring and recording. Due to the high level of security needs on death row, the only telephone privileges available to death row inmates are those set forth in paragraph (3)(a), private calls to attorneys, and subsection (4), calls made in the event of family crisis.

(2) Inmate telephone procedures will be conducted as follows:

(a) To initiate telephone privileges, inmates shall complete Form DC6-223, Inmate Telephone Agreement and Number List. Each inmate is limited to no more than 10 names and numbers of persons he or she wishes to access. Inmates shall not be allowed to telephone any person not on this list except as outlined in paragraph (3)(a) and subsection (4) of this rule. Inmates shall not make three-way telephone calls nor make calls to numbers on the list which are then transferred to other telephone numbers ~~not on the list~~.

(b) through (j) No change.

(k) Records and recordings of monitored calls shall be kept in an area where staff access is controlled. Records and recordings of monitored calls shall be retained for a minimum of one year. Access to records and recordings shall be limited to the following persons:

1. through 2. No change.
3. Regional directors or designees;
4. through 5. No change.
6. Correctional officer senior inspectors;
7. Inspector supervisors;
8. The correctional officer inspector of each institution.

(l) No change.

(3) Calls to attorneys.

(a) Inmates shall be allowed to make private telephone calls to attorneys upon presentation to the warden or his designee of evidence that the call is necessary. Such evidence shall be a letter from the attorney (transmission by FAX is acceptable) requesting the return call or a court order containing a deadline the inmate cannot meet if he must communicate by letter with the attorney. An attorney shall also be permitted to make prior arrangements by letter or FAX with the warden or warden's designee to have the inmate client receive a private telephone call from the attorney on an unmonitored telephone. Except as authorized by warrant or order of court, telephone calls to attorneys made pursuant to this section shall not be monitored or electronically recorded. These calls will be placed on telephones designated for this purpose and shall be collect calls; there shall be at least one telephone at each institution that is not connected to the monitoring system for these calls.

(b) No change.

(4) through (11) No change.

(12) Misuse of telephone privileges.

(a) No change.

(b) Inmates shall be subject to having telephone privileges restricted or revoked for abuse of telephone communication services. Examples of abuse include:

1. through 4. No change.

5. Making three-way telephone calls. This includes calls that are placed and then transferred to another telephone number ~~of a person not on the approved calling list. The telephone system automatically detects any such call and blocks the number from the inmate's telephone list.~~

a. The warden or assistant warden shall have the authority to reinstate the blocked number after the warden or assistant warden has determined that there was no illicit intent and after advising the party that further occurrences will not be tolerated.

b. The warden or assistant warden shall notify the contractor's on-site staff of the reinstatement of any blocked telephone number on an inmate's telephone list.

c. Any subsequent violations of the three-way call prohibition will result in a permanent block being placed on the telephone number involved.

6. through 7. No change.

8. Speaking in an unidentifiable code;

9. Sharing calls or placing calls for another inmate and allowing him or her to converse with a party not on that inmate's approved list.

(c) through (13) No change.

(14) Telephone devices for the deaf.

(a) Each institution shall have at least one telephone device for the deaf.

(b) Usage of telephone devices for the deaf shall be limited to thirty minutes per call.

(c) Inmates who can hear, but wish to call persons who are deaf or hearing impaired must provide or cause to be provided documentation that the person being called is deaf or hearing impaired. This documentation shall be used only for the purpose of verifying the need for use of telephone devices for the deaf or hearing impaired. The following documentation will be considered acceptable and will be placed in the inmate's institutional file and marked confidential:

1. Letter from the person's medical doctor stating the impairment;

2. Letter from the Social Security Administration recognizing the impairment.

(d) All inmates using telephone devices for the deaf will be informed, before the call is made, that the call will be monitored.

(e) The tape used by the telephone device will be removed after each call and provided to the institutional inspector for review.

(f) The telephone device for the deaf will be utilized in an office in the classification department. Its use will be requested utilizing Form DC6-236, Inmate Request, and coordinated with the inmate's classification officer. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

~~(15)~~(14) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00, 6-18-02, 2-4-03,

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: September 15, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 29, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Managed Care and Health Quality**

RULE TITLES: Emergency Care

RULE NO.: 59A-3.255

PURPOSE AND EFFECT: The Agency proposes to amend Rule 59A-3.255, Florida Administrative Code, consistent with provisions of s. 395.1041, F.S. The statutes provide for development of rules regarding specific criteria involving access to emergency services and care.

SUMMARY: The proposed amendments to this rule establish criteria for hospitals operating an emergency department located other than on the hospital campus, requirements for reporting emergency services provided by a hospital, and the requirements for filing a request for exemption from the requirement to provide emergency services 24 hours per day, 7 days per week and for notifying the Agency of conditions changing the justification for the exemption.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 395.1055 FS.

LAW IMPLEMENTED: 395.1041 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 22, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, (850)487-0641

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-3.255 Emergency Care.

(1) SIGNAGE REQUIREMENTS.

(a) Each hospital offering emergency services and care shall post, in a conspicuous place in the emergency service area, a sign clearly stating a patient's right to emergency services and care as set forth in Section 395.1041, F.S. The sign shall be posted in both English and in Spanish.

(b) Each hospital offering emergency services and care shall post a sign identifying the service capability of the hospital. The categories of services listed on the sign may be general in nature if the sign refers patients to another location within that facility where a list of the subspecialties is available. The sign identifying the service capability of the hospital and the additional listing of subspecialties, if a separate subspecialty list is maintained, shall be in both English and in Spanish.

(c) The signs required by this rule section shall be posted in a location where individuals not yet admitted to the hospital would reasonably be expected to present themselves for emergency services and care.

(2) TRANSFER PROCEDURES. Each hospital providing emergency services and care shall establish policies and procedures ~~that which~~ incorporate the requirements of Chapter 395, F.S., relating to emergency services. The policies and procedures shall incorporate at a minimum:

(a) Decision protocols identifying the emergency services personnel within the hospital responsible for the arrangement of outgoing and incoming transfers;

(b) Decision protocols stating the conditions that must be met prior to the transfer of a patient to another hospital. These conditions are:

1. If a patient, or a person who is legally responsible for the patient and acting on the patient's behalf, after being informed of the hospital's obligation under Chapter 395, F.S., and of the risk of transfer, requests that the transfer be effected; or

2. If a physician has signed a certification that, based upon the reasonable risks and benefits to the patient, and based upon the information available at the time of transfer, the medical benefits reasonably expected from the provision of appropriate medical treatment at another hospital outweigh the increased risks to the individual's medical condition from effecting the transfer; or

3. If a physician is not physically present in the emergency services area at the time an individual is transferred, a qualified medical person may sign a certification that a physician with

staff privileges at the transferring hospital, in consultation with such personnel, has determined that the medical benefits reasonably expected from the provision of appropriate medical treatment at another medical facility outweigh the increased risks to the individual's medical condition from effecting the transfer. The certification shall summarize the basis for such determination. The consulting physician must sign the certification within 72 hours of the transfer.

(c) A provision providing that all medically necessary transfers shall be made to the geographically closest hospital with the service capability, unless another prior arrangement is in place or the geographically closest hospital is at service capacity as stated in subsection 395.1041(3)(e), F.S.

(d) Protocols for maintaining records of patient transfers made or received for a period of five years. Patient transfer information shall be incorporated separately in transfer logs and into the patient's permanent medical record as stated in subsection 395.1041(4)(a)1., F.S.

(e) Documentation of all current transfer arrangements that have been made with other hospitals and physicians.

(f) A copy of Section 395.1041, F.S., Access to Emergency Services and Care, and a copy of these rules.

(g) Provisions for informing hospital emergency services personnel and medical staff of the hospital's emergency service policies and procedures, having at a minimum, the requirement to provide emergency services and care pursuant to Section 395.1041, F.S.

(3) OFF-SITE EMERGENCY DEPARTMENTS. A hospital operating an emergency department located other than on the hospital campus shall meet all of the criteria in this section and Chapter 395.1041, Florida Statutes, required of that hospital's on-site emergency department. This criteria includes, but is not limited to:

(a) Inspection by the agency's Office of Plans and Construction prior to occupancy;

(b) Meeting all state and federal emergency access requirements including transfer to the nearest hospital with capability to treat the patient;

(c) Accreditation, consistent with the hospital's accreditation;

(d) The provision of emergency services equal to the services provided at the hospital's on-site emergency department, 24 hours per day, 7 days per week. Actual services may be provided at the off-site emergency department or via transport to the on-site emergency department or hospital. Transportation from the off-site emergency department to hospital's main campus must be provided by the hospital and not rely on the local community EMS system. All services provided by on-call physicians must be available to patients that present at the off-site emergency department as well as the hospital's on-site emergency department.

(e) Outdoor signage must clearly identify the off-site emergency department as an emergency department of the hospital.

~~(4)(3)~~ INVENTORY REPORTING.

(a) Pursuant to Section 395.1041, F.S., the agency is responsible for compiling an inventory of hospitals with emergency services. This inventory shall list all services within the service capability of the hospital. ~~A copy of this inventory may be obtained by contacting the Agency for Health Care Administration, Division of Health Quality Assurance, Ft. Knox Office Building, 2727 Mahan Drive, Tallahassee, Florida. The per page duplication cost will be computed in accordance with Chapter 119, F.S.~~

(b) Every hospital offering emergency services and care shall report to the agency using AHCA Form 3130-8008, December 2002, for inclusion in the emergency services inventory those services ~~that~~ which are within the service capability of the hospital. The following services, when performed on an infrequent and short time limited basis, are not considered to be within the service capability of the hospital:

1. Services performed for investigative purposes under the auspices of a federally approved institutional review board; or
2. Services performed for educational purposes; or
3. Emergencies performed by physicians who are not on the active medical staff of the reporting hospital.

(c) Any addition of service shall be reported to the agency prior to the initiation of the service. The agency will act accordingly to include the service in the next publication of the inventory and to add the service on the face of the hospital license.

(d) If the agency has reason to believe that a hospital offers a service and the service was not reported on the inventory, the agency will notify the hospital and provide the hospital with an opportunity to respond.

1. The agency shall arrange for an on-site visit prior to the agency's determination of capability, with advance notice of the on-site visit.

2. If, after investigation, the agency determines that a service is offered by the hospital as evidenced by the patient medical records or itemized bills, the agency shall amend the inventory and the face of the hospital license.

(e) As services are added or changed, and at the time of the license renewal, each hospital is responsible for updating the inventory of emergency services using the AHCA Form 3130-8008, December 2002. A renewal license will not be issued if the hospital fails to submit a current emergency service inventory with the renewal application.

(f) A copy of the emergency services inventory may be obtained by interested parties by contacting the Agency for Health Care Administration, Hospital & Outpatient Services

Unit, Mail Stop #31, 2727 Mahan Drive, Tallahassee, Florida 32308. The per page duplication, mailing and staff costs will be computed in accordance with Chapter 119, F.S.

~~(5)(4)~~ EXEMPTIONS.

(a) Every hospital providing emergency services shall ensure the provision of services within the service capability of the hospital, 24 hours per day, 7 days per week either directly or indirectly through:

1. An agreement with another hospital made prior to receipt of a patient in need of the service; or
2. An agreement with one or more physicians made prior to receipt of a patient in need of the service; or
3. Any other arrangement made prior to receipt of a patient in need of the service.

~~(b) A hospital that has determined that it is unable to provide a service on a 24 hour per day, 7 day per week basis, either directly or indirectly through arrangement with another hospital or physician(s), the hospital must file an request for service exemption application with the agency to request a service exemption. The application must identify the service for which the hospital is requesting an exemption. This information shall be submitted to the agency on AHCA Form 3000-1, August 2003, effective July 1993, that which is incorporated by reference and available from the Agency for Health Care Administration, Hospital and Outpatient Services Unit, Division of Health Quality Assurance Mail Stop #31, Ft. Knox Office Building, 2727 Mahan Drive, Tallahassee, Florida 32308. The agency will make a determination of exemption status pursuant to the procedures in paragraph (5) of this rule and notify the hospital of the determination within 45 days of receipt of the request.~~

(c) Upon receipt of a hospital exemption request, the agency must act to approve or deny the exemption request within 45 days, during which time deemed exemption status does not exist. If the agency fails to notify the hospital of the status of the exemption request within the 45-day time frame, the hospital is deemed to be exempt from offering the service until such time that the agency acts to deny the request.

(d) When a hospital has been providing 24 hour per day, 7 day per week coverage either directly or indirectly through an agreement with another hospital or physician(s) for a specialty service as evidenced by the inventory and hospital license, and the circumstances significantly change such that the hospital can no longer provide the service on a 24 hour per day, 7 day per week basis, the hospital must apply for an exemption from the agency. ~~The agency will make a determination of exemption status pursuant to paragraph (5) of this rule and notify the hospital of the determination within 45 days of receipt of the request.~~

(e) When a hospital has been granted an exemption from providing a specialty service 24 hours per day, 7 days per week, either directly or indirectly through an agreement with another hospital or physician(s), and the agency has

information to indicate that the circumstances forwarded by the hospital, and accepted by the agency, as the basis for the granting of the exemption have changed, the agency will notify the hospital of this information and shall provide the hospital with an opportunity to respond. If the change in circumstances is confirmed and the hospital failed to report the change, the agency will amend the inventory accordingly and add the service capability to the face of the hospital license accordingly. Revocation of exemption status shall be effective upon the expiration of 21 days following the hospital's receipt of the agency decision or the entry of a final order if appealed.

(f) Each hospital shall immediately report any change in the conditions ~~that which~~ led to the granting of an exemption.

(g) If approved by the agency, an exemption request, AHCA Form 3000-1, August 2003, must be completed and resubmitted to the agency biennially with each license renewal or with any change of ownership application. Each resubmission must fully justify the continuation of the exemption to include but not be limited to:

1. Detailed description of all efforts that have been made to obtain the necessary coverage;

2. List of current credentialed providers providing the exempt services on staff of the hospital;

3. Number of times the service has been performed in the emergency room during the time period the exemption has been in effect;

4. The number of patients who received the service on an inpatient basis in the hospital during the time period the exemption has been in effect;

5. The number of emergency transfers for that particular service that have been made to other facilities during the time period the exemption has been in effect for the requested exempt service;

6. Failure to provide an exemption request renewal will result in the emergency service being required of the hospital.

~~(6)(5)~~ AGENCY REVIEW PROCESS. The review process for exemption requests shall be as follows:

(a) Upon receipt of a completed exemption request application, the agency shall schedule an on-site visit at the hospital when deemed necessary to verify the facts as set forth in the application. The hospital will be notified of the date of the visit in advance. The agency shall have access to all records necessary for the confirmation and substantiation of the information submitted in the application and to any other records deemed necessary by the agency to make a determination.

(b) Upon receipt of an application, the agency shall publish, in the next available Florida Administrative Weekly, notice of receipt of the application, identifying the applicant and the service(s) for which exemption is requested. Comments submitted within 15 days of the date of publication will be considered by the agency prior to making a determination of exemption status.

(c) Within 45 days of receipt of application, the agency shall determine if the hospital has demonstrated that it meets the requirements for service exemption set forth in Section 395.1041, F.S. The agency shall notify the applicant in writing of its decision, and shall provide the applicant with specific reasons in the event that the request is denied.

(d) If the agency fails to notify the hospital of the status of the exemption request within the required 45 day time frame, pursuant to Section 395.1041(3)(d)4., F.S., the hospital is deemed to be exempt from offering the service until such time that the agency acts to deny the request.

~~(7)(6)~~ EMERGENCY SERVICE DELIVERY REQUIREMENTS.

(a) Every hospital offering emergency services and care shall provide emergency care ~~available~~ 24 hours a day within the hospital to patients presenting to the hospital. At a minimum:

1. Emergency services personnel shall be available to ensure that emergency services and care are provided in accordance with Section 395.002(9), F.S.

2. At least one physician shall be available within 30 minutes through a medical staff call roster; initial consultation through two-way voice communication is acceptable for physician presence.

3. Specialty consultation shall be available by request of the attending physician or by transfer to a designated hospital where definitive care can be provided.

(b) When a patient is transferred from one hospital to another, all pertinent medical information shall accompany the patient being transferred.

(c) Every hospital offering emergency services and care shall maintain a transfer manual, ~~that which~~ shall include in addition to the requirements in paragraph (2) of this Section:

1. Decision protocols for when to transfer a patient;

2. A list of receiving hospitals with special care capabilities, including the telephone number of a contact person;

3. A list of all "on-call" critical care physicians available to the hospital, including their telephone numbers; and

4. Protocols for receiving a call from a transferring hospital, including:

a. Requirements for specific information regarding the patient's problem;

b. Estimated time of patient arrival;

c. Specific medical requirements;

d. A request to transfer the patient's medical record with the patient; and

e. The name of the transporting service.

(d) Both transferring and receiving hospitals shall assign a specific person on each shift who shall have responsibility for being knowledgeable of the transfer manual and maintaining it.

(e) Each hospital offering emergency services and care shall maintain written policies and procedures specifying the scope and conduct of emergency services to be rendered to patients. Such policies and procedures must be approved by the organized medical staff, reviewed at least annually, revised as necessary, dated to indicate the time of last review, and enforced. Such policies shall include requirements for the following:

1. ~~A Direction of the emergency department by a designated physician who is a member of the organized medical staff directing the emergency department;~~

2. A defined method of providing for a physician on call at all times.

3. ~~Supervision of the care provided by all nursing service personnel with the emergency department by~~ A designated registered nurse who is qualified by relevant training and experience in emergency care to supervise the care provided by all nursing service personnel within the emergency department;

4. A written description of the duties and responsibilities of all other health personnel providing care within the emergency department.

5. ~~A planned formal training program on emergency access laws, and~~ Participation by all health care personnel working in the emergency department through a planned formal training program on emergency access laws;

6. A control register adequately identifying all persons seeking emergency care to be established, and that a medical record be maintained and on every patient seeking emergency care that is incorporated into the patient's permanent medical record along with and that a copy of the patient care record as defined in subsection 64E-2.001(15) Florida EMS Report, HRS 1894, as required by Rule 10D-66.060, F.A.C., be included in the medical record, if the patient was delivered by ambulance. The control register must be continuously maintained and shall include at least the following for every individual seeking care:

- a. Identification to include patient name, age and sex;
- b. Date, time and means of arrival;
- c. Nature of complaint;
- d. Disposition; and
- e. Time of departure.

(f) Every hospital offering emergency services and care shall have a method for assuring that a review of emergency patient care is performed and documented at least monthly, using the medical record and pre-established criteria.

(g) Every hospital offering emergency services and care shall insure the following:

1. That clinical laboratory services with the capability of performing all routine studies and standard analyses of blood, urine, and other body fluids are readily available at all times to the emergency department.

2. That an adequate supply of blood is available at all times, either in-hospital or from an outside source approved by the organized medical staff, and that blood typing and cross-matching capability and blood storage facilities are readily available to the emergency department.

3. That diagnostic radiology services within the service capability of the hospital are readily available at all times to the emergency department.

4. That the following are available for immediate use to the emergency department at all times:

- a. Oxygen and means of administration;
- b. Mechanical ventilatory assistance equipment, including airways, manual breathing bag, and ventilator;
- c. Cardiac defibrillator with synchronization capability;
- d. Respiratory and cardiac monitoring equipment;
- e. Thoracentises and closed thoracostomy sets;
- f. Tracheostomy or cricothyrotomy set;
- g. Tourniquets;
- h. Vascular cutdown sets;
- i. Laryngoscopes and endotracheal tubes;
- j. Urinary catheters with closed volume urinary systems;
- k. Pleural and pericardial drainage set;
- l. Minor surgical instruments;
- m. Splinting devices;
- n. Emergency obstetrical pack;
- o. Standard drugs as determined by the facility, common poison antidotes, syringes and needles, parenteral fluids and infusion sets, and surgical supplies;
- p. Refrigerated storage for biologicals and other supplies requiring refrigeration, within the emergency department; and
- q. Stable examination tables.

~~(8)(7)~~ COMMUNICATIONS Each hospital offering emergency services and care shall have the capability to communicate via two-way radio with licensed EMS providers and their primary communications centers. The two-way radio communications system must meet the following provisions:

(a) Conform to the State EMS Communications Plan applicable to emergency room or department communications; and

(b) Any new communications system or an expansion of an existing communication system shall be approved by the EMS Communications, State Technology Office, Department of Management Services, Division of prior to purchasing.

Specific Authority 395.1031, 395.1041, 395.1055, 401.024 FS. Law Implemented 395.1031, 395.1041, 395.1055 FS. History--New 9-4-95, Formerly 59A-3.207, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bill McCort, Bureau of Health Facility Regulation, Division of Health Quality Assurance



NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, MD, FAAF, Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 11, 2002

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Dental Services  
 RULE NO.: 59G-4.060

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Dental Services Coverage and Limitations Handbook, October 2003, the revised Florida Medicaid Reimbursement Handbook, Dental 111, October 2003, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Dental Services Coverage and Limitations Handbook, October 2003, the Florida Medicaid Reimbursement Handbook, Dental 111, October 2003, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, October 2003. The rule text references the Florida Medicaid 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 purpose of this rule amendment is to incorporate by reference in the rule the revised Florida Medicaid Dental Services Coverage and Limitations Handbook, October 2003, the revised Florida Medicaid Provider Reimbursement Handbook, Dental 111, October 2003, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, October 2003. The coverage and limitation handbook revisions include global HIPAA language, the elimination of adult dentures, modifications in procedure code and claim form combinations due to HIPAA, policy to reflect new dental procedure codes, and updated fee schedules effective October 2003. The revised reimbursement handbooks include updated information for the completion and filing of Medicaid claims and prior authorization requests.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs 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: 409.906, 409.908, 409.912 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., October 20, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Millard Howard, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7328

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.060 Dental Services.

(1) No change.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Services Coverage and Limitations Handbook, October 2003 ~~March 2003~~, and the Florida Medicaid Provider Reimbursement Handbook, Dental 111, October 2003 ~~February 2001~~, which are incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFR-1500 ~~and Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-4.001 ~~59G-5.020~~, F.A.C. All ~~three~~ handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, 4-21-01, 7-5-01, 2-20-03, 8-5-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Millard Howard

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

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

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Florida Commission on Human Relations**

RULE TITLES: General Information  
 RULE NO.: 60Y-2.005

PURPOSE AND EFFECT: The rule section provides for general information about the commission organization and procedures.

SUMMARY: An amendment is proposed to the current proposed rule subsection 60Y-2.005(5), F.A.C., to recognize the Commission's authority to allow filing by electronic means other than facsimile.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 760.06 (12) FS.

LAW IMPLEMENTED: 760.06, 120.54 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:

TIME AND DATE: 9:00 a.m. (EDT), Friday, October 17, 2003

PLACE: The Commission's Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Florida Commission on Human Relations, Attn: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, Ext. 1071

THE FULL TEXT OF THE PROPOSED RULE IS:

60Y-2.005 General Information.

(1) through (4) No change.

(5) All complaints, petitions and appeals from Commission action may be filed electronically with the Commission by facsimile or such other electronic method approved by the Commission, ~~with the Commission. The original physically signed document shall be sent the same day by US Mail or other official delivery agent.~~ The party who elects to file a document by electronic transmission shall be responsible for any delay, disruption, or interruption of the electronic signals and must accept full risk that the document may not be properly filed with the Commission as a result. The filing date for an electronically transmitted document shall be the date the Commission receives the complete document. All complaints may be sent by facsimile to the Manager of Customer Service at (850)488-5291. All petitions and appeals from Commission action may be sent by facsimile to the Clerk at (850)487-4957.

Specific Authority 760.06(12) FS. Law Implemented 120.54, 760.06 FS. History—New 11-2-78; Formerly 22T-6.05, 22T-6.005, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: William James Tait, Jr.

NAME OF SUPERVISOR WHO APPROVED THE PROPOSED RULE: Cecil Howard

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2003

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Florida Commission on Human Relations**

RULE TITLE: Definitions  
 RULE NO.: 60Y-3.001

PURPOSE AND EFFECT: The rule subsections provide for definitions of disability and electronic filing.

SUMMARY: Amendments propose clarifying changes to several definitions contained in proposed Rule 60Y-3.001, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

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

TIME AND DATE: 9:00 a.m. (EDT), Friday, October 17, 2003

PLACE: The Commission's Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Florida Commission on Human Relations, Attn: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082 x 1071

THE FULL TEXT OF THE PROPOSED RULE IS:

60Y-3.001 Definitions.

As used in the rules of the Commission:

(13) "Disability" means a condition that is an impairment that substantially limits one or more of the major life activities as interpreted by 42 U.S.C. § 12102(2) and cases construing the term "disability" under the Americans with Disabilities Act of 1990.

(30) "Electronic filing" pursuant to subsection 60Y-2.005(5), F.A.C., means filing by facsimile or such other electronic method approved by the Commission.

Specific Authority 760.06(12) FS. Law Implemented 92.525, 760.02, 760.03, 760.04, 760.05, 760.06, 760.10, 760.11 FS. History—New 11-2-78, Formerly 22T-7.01, 22T-7.001, Amended 8-12-85, 9-1-93, 4-17-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: William James Tait, Jr.

NAME OF SUPERVISOR WHO APPROVED THE PROPOSED RULE: Cecil Howard.

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





(c) Lift the stay on the suspension of license if the reviewed and discussed surveys do not meet or exceed minimum levels of competency.

(3) After any second survey review, the Probation Committee will either:

(a) Release the probationer from the terms of the final order if the probationer has complied with all of its terms and if the reviewed surveys are found to meet minimum levels of competency; or

(b) Lift the stay on the suspension of license if they do not meet minimum levels of competency and refer the reviewed and discussed surveys to the Department for possible further disciplinary action. If the stay is lifted, the license shall remain in suspended status until the probationer takes and passes both parts of the Florida jurisdictional examinations if they do not meet minimum levels of competency.

Specific Authority 472.008 FS. Law Implemented 472.033(3)(e) FS. History—New 12-25-95, Amended 10-1-97, 5-17-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 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.”

**Section III**

**Notices of Changes, Corrections and Withdrawals**

**DEPARTMENT OF INSURANCE**

RULE NO.: 4-164.020                      RULE TITLE: Valuation of Life Insurance Policies  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 34, August 22, 2003, of the Florida Administrative Weekly. These changes are being made in response to written comments received during the comment period.

Subparagraph 1. of Paragraph (a) of Subsection (1) is changed to read:

1. Tables of select mortality factors, identified as Appendix to Rule 4-164.020, F.A.C., which is hereby adopted and incorporated by reference, and rules for their use; The remainder of the rule reads as previously published.

**DEPARTMENT OF INSURANCE**

RULE NO.: 4-193.065                      RULE TITLE: Continuing Care Contracts; Forms Incorporated by Reference

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 18, May 2, 2003, of the Florida Administrative Weekly.

Form OIR-A3-477, Minimum Liquid Reserve Calculation, has been amended to address concerns expressed by the Joint Administrative Procedures Committee. The revision date of Form OIR-A3-477 in paragraph (1)(m) of Rule 4-193.065 has been changed to July 3.

The remainder of the rule reads as previously published.

**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.”

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NO.: 40C-1.603                      RULE TITLE: Fees

**NOTICE OF CHANGE**

Notice is hereby give that the following change has been made to the proposed rule in accordance with subparagraph 120.54(d)(1), F.A.C., published in Vol. 29, No. 28, of the Florida Administrative Weekly, on July 11, 2003. This change is being made to address testimony and evidence received at the public hearing held on September 9, 2003.

40C-1.603 Fees.

A fee is required and shall be paid to the District when certain applications or petitions are filed pursuant to District rules or permit programs delegated to the District. Effective October 1, 1990, governmental entities shall be required to submit the fees established except as provided in subsection (13). This fee recovers some of the District’s costs of processing applications. The fee schedule is:

(13) Pursuant to Section 218.075, F.S., the District shall, for each fiscal year beginning October 1st and ending September 30th, reduce all permit application fees to \$100, or, if a permit application fee is less than \$100, by 50 percent, for