

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE CHAPTER TITLE: Elections
 RULE CHAPTER NO.: 1S-2

RULE TITLES: Provisional Ballots
 RULE NO.: 1S-2.037

PURPOSE AND EFFECT: Development of a rule and a provisional ballot envelope form as required by changes in Florida Law.

SUBJECT AREA TO BE DISCUSSED: Development of the content and form of the provisional ballot envelope to be used in the state.

SPECIFIC AUTHORITY: 101.048 FS.

LAW IMPLEMENTED: 101.048, 101.049 FS.

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

TIME AND DATE: 1:00 p.m., Monday, December 1, 2003

PLACE: Room 102, Collins Building, 107 West Gaines Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Sarah Jane Bradshaw, Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, Florida 32399-0250, (850)245-6200

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department at least 5 calendar days before the hearing, by contacting Sarah Jane Bradshaw or Marielba Torres at (850)245-6200.

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

DEPARTMENT OF STATE

Division of Elections

RULE CHAPTER TITLE: Elections
 RULE CHAPTER NO.: 1S-2

RULE TITLES: HAVA Violations – Complaints
 RULE NO.: 1S-2.038

PURPOSE AND EFFECT: The Florida Help America Vote Act Implementation Bill required that the Division of Elections prescribe a form for complaints filed under section 97.028, F.S. A rule needs to be promulgated to prescribe the aforementioned form and create a process by which the Division will process these types of complaints.

SUBJECT AREA TO BE DISCUSSED: Development of a rule and a complaint form for HAVA Title III Violations.

SPECIFIC AUTHORITY: 97.028 FS.

LAW IMPLEMENTED: 97.028 FS.

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

TIME AND DATE: 1:00 p.m., Monday, December 1, 2003

PLACE: Room 102, Collins Building, 107 West Gaines Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sarah Jane Bradshaw, Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, Florida 32399-0250, (850)245-6200

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department at least 5 calendar days before the hearing, by contacting Sarah Jane Bradshaw or Marielba Torres, (850)245-6200.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. THE PRELIMINARY DRAFT FORM IS AVAILABLE FROM THE DIVISION OF ELECTIONS' WEBSITE, OR BY CONTACTING MARIELBA TORRES.

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Group Conversion Premium	4-149.203
Outline of Coverage	4-149.204
Indemnity Standard Risk Rates	4-149.205
Preferred Provider/Exclusive Provider Standard Risk Rates	4-149.206
Health Maintenance Organization Standard Risk Rates	4-149.207

PURPOSE AND EFFECT: Rule Chapter 4-149 Part X governs group conversion rates. Section 627.6675, F.S., requires that the Office annually survey the market and publish the standard risk rates representing the average of 80 percent of the market. The rates are published for a particular benefit design. This design is the state mandated "standard" plan. With the adoption of the new standard plans this year effective April 1, 2003, the rule is also being amended to provide maximum group conversion rates for that plan design.

SUBJECT AREA TO BE ADDRESSED: Group conversion rates; state mandated standard plans.

SPECIFIC AUTHORITY: 624.308, 627.410(6)(b), 627.6675(3)(c) FS.

LAW IMPLEMENTED: 624.307(1), 627.410(6)(a), 627.6498(4), 627.6675(3), 641.3922(3) FS.

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

TIME AND DATE: 2:00 p.m., November 24, 2003

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014, e-mail: dinof@dfs.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED BY E-MAIL FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

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

or Appointment
 RULE TITLE: Moral Character
 RULE NO.: 11B-27.0011

PURPOSE AND EFFECT: To expand and clarify the definition of moral character violations, to allow "recantation" to be a defense in certain circumstances, and to clarify the method used by staff to decide to initiate a presentation of a case for determination of probable cause.

SUBJECT AREA TO BE ADDRESSED: Probable cause determination for alleged moral character violations by officers.

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

LAW IMPLEMENTED: 943.12(7), 943.1395(7) FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, November 25, 2003

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO OBTAIN A COPY OF THE PRELIMINARY DRAFT IS: Grace A. Jaye, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-27.0011 Moral Character.

(1) through (3) No change.

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

(c) The perpetration by an officer of acts or conduct that constitute the following offenses:

1. through 6. No change.

7. Conduct that subverts or attempts to subvert the State Officer Certification Examination process pursuant to Rule subsections 11B-30.009(1)-(3), F.A.C.

8. through 12. No change.

13. Neglect or refusal to aid correctional officers.

14. Intentional abuse of a Temporary Employment Authorization.

(d) No change.

(5) Recantation, pursuant to Section 837.07, F.S., shall be a defense to any violation, involving perjury or a false statement, pursuant to subsection (4) of this rule section.

~~(6)(5) The employing agency shall forward to the Commission the agency's investigative report pursuant to procedures established in Rule 11B-27.003, F.A.C., when an allegation has been made that an officer has failed to maintain good moral character, as defined in subsection (4) of this rule section, and has been sustained by the employing agency, or an act of conduct by the officer has resulted in the officer's arrest. The report shall be forwarded immediately upon separation of the officer from employment, or, if the officer is not separated from employment, within 45 days from the date an allegation has been sustained, as set forth in this rule section.~~

~~The employing agency shall forward to the Commission the agency's investigative report pursuant to procedures established in Rule 11B-27.003, F.A.C., when an allegation has been made that an officer has failed to maintain good moral character, as defined in subsection (4) of this rule section, and has been sustained by the employing agency, or an act of conduct by the officer has resulted in the officer's arrest. The report shall be forwarded immediately upon separation of the officer from employment, or, if the officer is not separated from employment, within 45 days from the date an allegation has been sustained, as set forth in this rule section.~~

(7)(6) Commission staff's decision to initiate presentation of a case for a Probable Cause Determination shall be based upon the following conditions.

~~Commission staff's decision to initiate a Commission Probable Cause Determination shall be based upon the following conditions:~~

(a) Whether the allegations against the officer constitute a violation of subsection (4) of this rule section or Section 943.13(4), F.S.: The severity of the violation

~~(b) Whether there is evidence of probable cause to support the filing of a complaint; and The existence of any pecuniary benefit realized by the officer as a result of the misconduct.~~

~~(c) Whether a Letter of Acknowledgement is warranted pursuant to subsections 11B-27.004(7)-(10), F.A.C. Evidence of any intent by the officer to harm, deceive, or defraud.~~

~~(d) In cases involving false statements the materiality of the false statements.~~

~~(e) The disciplinary action taken by the employing agency.~~

~~(f) Previous disciplinary action or acknowledgement taken by the Criminal Justice Standards.~~

~~(8)(7) Forms referenced in this rule chapter may be obtained on the following web site: http://www.fdle.state.fl.us/CJST/rules_and_policies/forms/index.html by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.~~

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.1395(7) FS. History—New 1-7-85, Formerly 11B-27.011, Amended 7-13-87, 10-25-88, 12-13-92, 9-5-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification and Employment

RULE CHAPTER NO.: 11B-27

or Appointment

11B-27

RULE TITLE: Probable Cause Determination

RULE NO.: 11B-27.004

PURPOSE AND EFFECT: To clarify the use of the Letter of Acknowledgement in the Commission discipline process.

SUBJECT AREA TO BE ADDRESSED: Officer discipline.

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

LAW IMPLEMENTED: 943.1395 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, November 25, 2003

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPEMNT AND TO OBTAIN A COPY OF THE PRELIMINARY DRAFT IS: Grace A. Jaye, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-27.004 Probable Cause Determination.

At the conclusion of the preliminary investigation and when the reports and documents are received as directed by Sections 943.139 and 943.1395, F.S., a determination of probable cause shall be made before the Commission initiates proceedings to take disciplinary action against the certification of an officer.

(1) through (3) No change.

(4) After considering all evidence, a majority vote of the Probable Cause Panel shall determine whether or not probable cause exists to file an administrative complaint pursuant to Section 120.60(5), F.S., charging a violation of Chapter 943, F.S., or Rule Chapter 11B-27, F.A.C. If the case is presented for imposition of a penalty, the Panel is authorized to make a penalty recommendation to the Commission, or to direct Commission staff to offer a settlement agreement in the case.

(5) through (8) No change.

(9) Commission staff.

(a) Shall not issue a Letter of Acknowledgement to a respondent who has been issued a Letter of Acknowledgement within three years prior to the date of receipt of the information described in paragraph 11B-27.003(2)(b), F.A.C.

(b) Shall not issue a Letter of Acknowledgement to a respondent who has been issued a Letter of Guidance within five years prior to the date of receipt of the information described in paragraph 11B-27.003(2)(b), F.A.C.

(c) Shall not issue a Letter of Acknowledgement to a respondent who has been disciplined by the Commission within eight years prior to the receipt of the information described in paragraph 11B-27.003(2)(b), F.A.C.

(9) through (13) renumbered (10) through (14) No change.

Specific Authority 943.03(4), 943.12(1), 943.1395 FS. Law Implemented 943.1395 FS. History—New 12-13-92, Amended 1-19-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification and Employment

RULE CHAPTER NO.: 11B-27

or Appointment

11B-27

RULE TITLE: Revocation or Disciplinary Actions;

RULE NO.: 11B-27.005

Disciplinary Guidelines; Range of

Penalties; Aggravating and Mitigating

Circumstances

11B-27.005

PURPOSE AND EFFECT: To update and streamline the officer discipline process.

SUBJECT AREA TO BE ADDRESSED: Officer discipline.

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

LAW IMPLEMENTED: 943.12(3), 943.1395(8) FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, November 25, 2003
 PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, FL

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO OBTAIN A COPY OF THE PRELIMINARY DRAFT IS: Grace A. Jaye, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-27.005 Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (2) No change.

~~(3) Pursuant to the provisions of Section 943.1395(8), F.S., disciplinary proceedings shall be conducted as prescribed in Chapter 120, F.S., Administrative Procedures Act, and Rule Chapter 28, F.A.C., Uniform Rules of Procedure, when there is a determination of probable cause that a certificate holder, hereinafter referred to as a "certified officer," has failed to maintain compliance with: Pursuant to Section 943.1395(8), F.S., should there be a determination of probable cause that a certificate holder, hereinafter referred to as a "certified officer," has failed to maintain compliance with Section 943.13(4) or (7), F.S., or has failed to comply with a lawful order of the Commission previously entered in a disciplinary hearing, the Commission's revocation or disciplinary proceedings shall be conducted pursuant to Chapter 120, F.S., Administrative Procedure Act, and Chapter 28, F.A.C., the Uniform Rules of Procedure.~~

~~(a) Section 943.13(4) or (7), F.S.: or,~~

~~(b) An order of the Commission previously issued during a disciplinary hearing; or,~~

~~(c) The Temporary Employment Authorization requirements (TEA) pursuant to Section 943.131, F.S.~~

(4)(a) The Commission sets forth in paragraphs (5)(a)-(d), of this rule section, a range of disciplinary guidelines from which disciplinary penalties shall be imposed upon certified officers who have been found by the Commission to have violated Section 943.13(7), F.S. The purpose of the disciplinary guidelines is to give notice to certified officers of the range of penalties or prescribed penalties that shall be

imposed for particular violations of Section 943.13(7), F.S., absent aggravating or mitigating circumstances, as provided in subsection (6) of this rule section. The disciplinary guidelines are based upon a "single count violation" of each provision listed. All penalties at the upper range of the sanctions set forth in the guidelines (i.e., suspension or revocation), include lesser penalties (i.e., reprimand, remedial training, or probation), that may be included in the final penalty at the Commission's discretion.

(b) In determining a penalty that may be imposed by the Commission, when a penalty guideline recommendation includes "suspension," the Commission is authorized to consider the number of days of employment suspension imposed upon the officer by the employing agency for retroactive or parallel inclusion in the length of a certification suspension imposed by the Commission. When a penalty guideline recommendation includes "prospective suspension," no such inclusion is authorized.

(5) No change.

(a) For the perpetration by the officer of an act that would constitute any felony offense, pursuant to paragraph 11B-27.0011(4)(a), F.A.C., but where there was not a violation of Section 943.13(4), F.S., the action of the Commission shall be to impose a penalty ranging from suspension of certification to revocation. Specific violations and penalties that shall be imposed, absent mitigating circumstances, include the following:

Violation:	Recommended Penalty Range:
1. Aggravated assault (784.021, F.S.)	<u>Prospective suspension to</u> r Revocation
2. Aggravated battery (784.045, F.S.)	<u>Prospective suspension to</u> r Revocation
3. through 5. No change.	
6. Introduction of contraband into a jail or prison (944.47 and 951.22, F.S.) <u>involving a firearm, concealed weapon, controlled substance, currency, or a tool or implement useful in an attempt to escape from custody</u>	Revocation
7. No change.	
8. False Statements (837.02, 837.021, 837.05(2), F.S.)	<u>Prospective suspension to</u> r Revocation

(b) For the perpetration by the officer of an act that would constitute any of the misdemeanor offenses, pursuant to paragraph 11B-27.0011(4)(b), F.A.C., but where there was not a violation of Section 943.13(4), F.S., the action of the Commission shall be to impose a penalty ranging from probation of certification to suspension of certification.

Specific violations and penalties that shall be imposed, absent aggravating or mitigating circumstances, include the following:

Violation:	Recommended Penalty Range:
1. through 3. No change.	
4. False reports and statements (817.49, 837.012, 837.05(1), 837.06, 944.35, F.S.)	<u>Prospective suspension to r</u> evocation
5. through 7. No change.	
8. Prostitution or lewdness (796.07, F.S.)	<u>Prospective suspension to r</u> evocation
9. through 12. No change.	

(c) For the perpetration by the officer of an act or conduct, as described in paragraph 11B-27.0011(4)(c), F.A.C., if such act or conduct does not constitute a crime described in paragraphs (5)(a)-(b) of this rule section, the action of the Commission shall be to impose the following penalties, absent aggravating or mitigating circumstances:

Violation:	Recommended Penalty Range:
1. through 4. No change.	
5. Unprofessional relationship with an inmate, detainee, probationer or parolee, or community controlee <u>that subsequently impairs the officer's ability to perform necessary duties and responsibilities fairly and objectively or that jeopardizes the security of the correctional institution.</u>	Revocation
6. <u>Other unprofessional relationship with an inmate, detainee, probationer or parolee, or community controlee</u>	<u>Probation of certification with training to suspension</u>
7.6. False statements during the employment application process	Suspension of certification to revocation
8.7. Subverting the State Officer Certification Examination Process	Revocation
9.8. Subverting Commission-approved training or employing agency promotional examination process	Suspension of certification to revocation

~~10.9.~~ Any overt, conspicuous, or public act of a sexual or simulated sexual nature which is likely to be observed by others

Suspension of certification to revocation

~~11.10.~~ Willful failure of the agency administrator to comply with Chapter 943, F.S., as it pertains to the Commission or Commission rules

Suspension of certification to revocation

~~12.11.~~ Making a false statement(s) of fact, under oath, as to misconduct related to an agency duty, as defined in subparagraph 11B-27.0011(4)(c),(12), F.A.C., with the intent to mislead or deceive

Suspension of certification to revocation

~~13.12.~~ Conduct that subverts or attempts to subvert the Basic Abilities Test process pursuant to paragraphs 11B-35.0011(1)(a)-(e), F.A.C.

Revocation

(d) Notwithstanding subsection (4) of this rule section, for the unlawful use by a certified officer of any controlled substances specified in Section 893.13, F.S., or Rule 11B-27.00225, F.A.C., pursuant to paragraph 11B-27.0011(4)(d), F.A.C., the action of the Commission, absent clear and convincing evidence of complete rehabilitation and substantial mitigating circumstances, shall be to impose a penalty ranging from prospective suspension to ~~of~~ revocation.

(6) The Commission shall be entitled to deviate from the disciplinary guidelines in this rule section, upon a showing of aggravating or mitigating circumstances by evidence presented to the Commission, if pursuant to Section 120.57(2), F.S., or to an Administrative Law Judge, if pursuant to Section 120.57(1), F.S., prior to the imposition of a final penalty. The Commission shall base a deviation from the disciplinary guidelines upon a finding of one or more of the following:

- (a) Aggravating circumstances:
 1. through 3. No change.

4. The number and severity of prior disciplinary actions taken against the certified officer by the Commission, provided the officer was previously disciplined by the Commission within the preceding eight years or received a Letter of Guidance within the preceding five years to include a prior Letter of Guidance or Letter of Acknowledgment.

5. through 11. No change.

12. Whether the certified officer has previously received a Letter of Acknowledgment within the preceding three years.

(b) Mitigating circumstances:

1. through 6. No change.

7. The recommendation of a Probable Cause Panel to impose a penalty below the penalty guideline.

8. Effort of the officer to recant a false statement in a timely manner, but outside of the limits of Section 837.07, F.S.

(7) through (9) No change.

(10) Temporary Employment Authorization (TEA). Individuals employed on a TEA, pursuant to Section 943.131, F.S., are subject to the following discipline by the Commission:

(a) If the Commission issues a probationary period to an individual employed on a TEA, such individual shall be eligible for certification pending successful completion of the terms and conditions of the probationary period.

(b) If the Commission issues a suspension period to an individual employed on a TEA, such individual shall not be eligible for certification until the completion of the suspension period.

(c) If an individual commits a revocable offense the Commission shall deny the individual's request for certification.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.1395(8) FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.05, Amended 3-29-89, 12-13-92, 2-17-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: State Highway System
 RULE CHAPTER NO.: 14-96

Connection Permits
 RULE TITLE: Connection Categories and Fees
 RULE NO.: 14-96.004

PURPOSE AND EFFECT: Rule Section 14-96.004(2)(b), F.A.C., is being amended as a further clarification in response to Joint Administrative Procedures Committee review of a recent amendment to Rule Chapter 14-96, F.A.C.

SUBJECT AREA TO BE ADDRESSED: This amendment to paragraph 14-96.004(2)(b), F.A.C., is a follow up amendment for clarification of changes made in response to the Joint Administrative Procedures Committee review of another amendment to Rule Chapter 14-96, F.A.C.

SPECIFIC AUTHORITY: 334.044(2), 335.182(2), 335,183, 335.184 FS.

LAW IMPLEMENTED: 334.044(14), 335.18-187 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Management Analyst 4, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-96.004 Connection Categories and Fees.

All connections, public or private, shall be determined by the Department to be in one of the following categories:

(1) No change.

(2) Special Connection Categories.

(a) "Temporary Connection Category" provides a temporary, time limited connection to the State Highway System for a specific property, use, and estimated traffic volume. Such uses may include forest land clearing and temporary agricultural or construction uses. This category may not be used for permanent construction at a site where it is reasonably expected that the use is the ultimate use of the property. Further, a temporary connection permit does not bind the Department in any way to the future issuance of a permanent connection permit at the temporary connection location. The permittee shall remove, at the permittee's own cost, the temporary connection at the end of the permit period or shall apply for an extension or a new permit. The fee for this category is \$250 for a six month period. The period will be extended for increments of six months upon written request, payment of a new fee, and a showing of good cause, such as weather delays, natural disasters, governmental entity coordination delays, or other technical problems not within the control of the applicant. However, in no event shall the period extend beyond 24 consecutive months. The Department reserves the right to remove any temporary connection upon expiration of the permit.

(b) A "Government Entity Category" provides for a connection or connection modification for any new or substantially improved public road or connection to a governmental facility. The fee will be waived if the applicant is a governmental entity. ~~If the fee is not waived, then the fee shall be based on the fee schedule in Rule 14-96.004(1), F.A.C., using expected Average Daily Traffic for the Category determination.~~

(c) "Safety Upgrade Category" shall not be used for connections involving significant change. These applications shall be initiated by the applicant and will not require a fee.

(3) through (4) No change.

Specific Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History—New 4-18-90, Amended 7-16-95, 1-23-03, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Chaplaincy Services
 RULE NO.: 33-503.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the line of authority for institutional chaplains.

SUBJECT AREA TO BE ADDRESSED: Chaplaincy.

SPECIFIC AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.11 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-503.001 Chaplaincy Services.

(1) Organization and Functions.

(a) through (b) No change.

(c) The Chaplain of each institution is directly responsible to the assistant warden of programs area ~~Chaplaincy services specialist~~ and coordinates activities with the institution’s security staff. He plans, coordinates and supervises all religious activities and services at the institution. He is responsible for the moral and spiritual well-being of all inmates, including the non-religious.

(2) through (12) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 20.315, 944.09, 944.11 FS. History—New 1-6-82, Formerly 33-3.14, 33-3.014, Amended 10-18-01, 1-9-03, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Probation and Restitution Centers
 RULE NO.: 33-504.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify operations of probation and restitution centers and to provide for center management and supervision by contracted community-based providers.

SUBJECT AREA TO BE ADDRESSED: Probation and restitution centers.

SPECIFIC AUTHORITY: 944.026, 921.187, 948.03, 958.04 FS.

LAW IMPLEMENTED: 944.026, 921.187, 948.03, 958.04 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-504.101 Probation and Restitution Centers.

(1) General Policy.

(a) Probation and restitution centers are medium intensity short-term residential facilities that which provide the courts with an alternative to committing offenders to correctional institutions or county jails more secure correctional institutions and provide assistance in the supervision of probationers and community controllees. The centers provide a structured community-based program that assists offenders on probation and community control to develop the skills needed to facilitate their compliance with the conditions of supervision by emphasizing self-discipline, structure, and employment. The probation and restitution center program also provides transitional housing and services to recently released (within the previous 90 days) inmates in need of such to effect a successful re-entry to the community following release from incarceration. The centers provide a controlled setting within which designed to prepare offenders are assisted in obtaining meaningful, gainful employment, meeting their obligations to make restitution to their victims, and increasing their chances of successfully completing their period of for advancement or return to community supervision and for eventual release from supervision.

(b) Probation and restitution centers house and provide services to felony probationers, and community controllees and offenders who have been ordered to participate in and complete the probation and restitution center program as a special condition of supervision or who have violated their terms or conditions of supervision and felony offenders assigned to pretrial intervention programs. The program also houses and provides services to recently released inmates in need of transition services. These offenders reside in the centers while working, receiving treatment or attending school. Probation and restitution centers also provide out-patient substance abuse services, as needed, for offenders

court-ordered to participate in the program and released inmates counseling for persons on felony probation or community control.

(c) The Bureau of Community Programs, within the Office of Community Corrections Program Services shall be responsible for the operation and contract management and operation of the probation and restitution centers.

(d) Contracted community-based providers ~~Each probation and restitution center major~~ shall be responsible for the management and supervision of the center, ~~for supervising the probation and restitution center officers,~~ and for ensuring the proper supervision, care and control of the center's offenders. Offenders who are court-ordered to participate in the probation and restitution center program will also be supervised by correctional probation officers who shall monitor offender compliance with the orders of supervision and report violations of such to the court of jurisdiction. The primary duty and responsibility of probation and restitution center officers is the care, supervision and control of the offenders at the center.

(2) Referrals. Offenders are referred to probation and restitution centers in the following manner:

(a) Referred directly from the courts as a result of the regular sentencing process with a special condition that the offender complete the probation and restitution center program prior to being placed in regular community probation or community control supervision.

(b) Referred by the courts after failing to satisfactorily comply with the conditions of make satisfactory progress on probation or community control supervision.

(c) Referred by the department's probation and parole services office when it is determined that more structured supervision and control is needed. Prior to Before making such this referral, a modification of the order of supervision adding a special condition that the offender participate in and complete the probation and restitution center program shall be obtained from the court.

(d) No change.

(e) Referred as a recently released (within the previous 90 days) inmate in need of transition services to facilitate re-entry to the community following release.

(3) Guidelines for Referrals. When determining contacted by the court regarding the appropriateness of committing an offender to a probation and restitution center, the department center staff shall consider the following guidelines in evaluating the case and making a recommendation. Individuals with the following characteristics shall be considered to be inappropriate for probation and restitution center referral, with consideration given to exceptional circumstances where noted:

(a) History of sex offenses, violence, arson or fire starting, Conviction for sexual battery pursuant to §794.011 F.S. or any other crime involving serious personal injury.

(b) Severe alcohol or drug addiction requiring detoxification services or crisis stabilization services (will be considered on an individual basis).

(c) Currently suicidal;

(d)(e) Physically unable to work or chronic medical condition resulting in severe debilitation.

(e)(d) Currently being treated with psychotropic medication (will be considered on an individual basis).

(f)(e) Convicted of Charged with a capitol or life felony pursuant to §775.081 F.S.

(g) Other limitation that the department determines would preclude service effectiveness.

(4) Referral Responsibilities.

(a) The correctional probation officers are responsible for assuring the probation and restitution center is included in the pre-sentence investigation or violation report as a possible alternative recommendation to imprisonment for eligible offenders when more structured control is needed than that which what regular probation or community control can provide.

(b) The correctional probation administrators in the judicial circuit where the center is located are responsible for assuring that cases are referred by the Department of Corrections when individuals who meet the eligibility criteria are identified as needing structured supervision as that provided in the centers.

(5) Intake.

(a) Offenders with special conditions requiring that they enter and successfully complete the probation and restitution center program or released inmates in need of transition services shall be placed on the waiting list if bed space is not immediately available. When bed space is available at the program, the offender shall be instructed to report to the facility. Transportation shall be the responsibility of the offender unless the offender is in jail. In such cases, the contractor shall coordinate transportation shall be coordinated by center staff with the county sheriff's department.

(b) The contractor's staff at the probation and restitution center and the supervising correctional probation officer shall be responsible for supervision, monitoring of case records and the general administration of the case.

(6) Revocation.

(a) The contractor's staff shall communicate with the supervising correctional probation officer regarding all aspects of the offender's participation in the program and status of compliance with all center rules and program participation requirements. The supervising correctional probation officer staff at the probation and restitution center shall be responsible for reporting violations of the conditions of supervision and program non-compliance, revocation recommendations and processes.

(b) Affidavit of Violation of Probation/Community Control forms shall be ~~approved and~~ initiated by the supervising correctional probation officer or designee, and approved by the officer's center supervisor or designee prior to submission to the court.

(7) Termination or Transfer from Program. Recommendations for termination, transfers or other types of removal from the program shall be a decision of the contractor made in consultation with the supervising correctional probation officer and the contract manager, with such recommendation presented to the court for final determination center staff. Offenders shall be considered for removal from the program for violation of the conditions of probation or community control, violation of a center regulation, inability to complete program requirements, or where such removal is deemed to be in the best interest of the offender, the department, or the community.

(8) Room and Board Fees.

(a) ~~If required by the contractor, employable~~ All offenders shall pay subsistence be charged room and board fees at the rate of \$8.00 per day beginning on the eighth day in they enter the program. Subsistence fees shall be collected and retained by the contractor. The department will not be responsible for collections of any unpaid subsistence fees.

(b) ~~The contractor shall assist offenders in opening and maintaining fiduciary accounts and shall monitor the account in accordance with generally accepted accounting principles. Payment shall be made on each offender's payday with these fees having first priority in meeting financial obligations.~~

(c) ~~Payments for room and board fees shall be made in the form of money orders, certified checks, or personal checks. No cash will be accepted and center staff are responsible for maintaining accurate and up-to-date records concerning these fees on an individual basis.~~

(d) ~~The offenders shall be responsible for their own funds with only financial counseling provided by the staff. In no cases are the staff authorized to hold offender funds in trust.~~

(9) Cost of supervision. Offenders in the probation and restitution center who are under the department's supervision shall be responsible for paying monthly supervision costs in accordance with guidelines for any other offender on probation probationer or community control controlee. ~~Payments shall be remitted directly to the probation and restitution center and then forwarded to the nearest state depository.~~

(10) Dress Code for Staff and Offenders.

(a) ~~The dress and appearance of all staff members at the centers shall be in accordance with rule 33-208.101 F.A.C.~~

(b) The offenders participating in the probation and restitution center program shall be well groomed and fully clothed including shirts and shoes at all times when not in sleeping quarters. Offenders shall adhere to Department subsection 33-602.101(11), F.A.C., regarding haircuts and shaving.

(11) Center Rules. Center rules governing conduct, program rules and regulations, and possible disciplinary actions shall be clearly posted in each center and all offenders are expected to maintain compliance. Explanation and clarification of center rules shall be part of the orientation program.

(12) Program Completion Requirements.

(a) through (b) No change.

(c) Suitable residential plan that has been approved by the contractor and the supervising correctional probation officer center personnel shall be required.

(d) No change.

(e) The offender sshall be making regular payments toward all other court-ordered financial obligations.

(f) Must have participated in each phase of the program for the served a minimum period of time required as outlined in the program service requirements by center operating procedures.

(g) Recommendations for graduation based on the above outlined criteria shall be made by the contractor in consultation with the supervising correctional probation officer offenders treatment team and approved by the major.

(13) Community Control. Offenders who participate in the are accepted into a probation and restitution center program as a condition of community control are subject to the rules of the center and the sanctions of community control including confinement to the center as their place of residence (house arrest).

(a) Caseloads of the contractor's staff shall be maintained at a level to ensure adequate supervision and delivery of services to offenders in the program. Offenders on community control shall also be supervised by correctional probation officers whose caseloads shall be are restricted to a maximum of 25 cases per officer to ensure an adequate level of staffing.

(b) Community control offenders controlees are restricted to the center except for those hours during which they are working at their approved place of regular employment, performing approved court-ordered public service work, or participating participation in self-improvement programs approved by the contractor and the supervising correctional probation officer, in accordance with the order of supervision center personnel.

(c) For offenders on community control, the probation and restitution center is the residence of confinement for house arrest. There is no such thing as "free time" or furloughs for offenders on community control controlees. Time away from the center shall be handled as for like any other offender on community control controlee and shall only be granted for a specific and legitimate purpose as specified in the order of supervision, or with court permission for specific and legitimate purposes not specified in the order of supervision. Some of these may be for limited shopping trips, essential personal or business matters, or necessary family visits.

~~Permission to be away from the center shall be given for activities occurring. These shall be given during daylight hours and for only the amount of time necessary to accomplish the purpose, as specified in the order of supervision or subsequent court order. For community controlees the probation and restitution center is the residence of confinement for house arrest.~~

Specific Authority 944.026, 921.187, 948.03, 958.04 FS. Law Implemented 944.026, 921.187, 948.03, 958.04 FS. History—New 10-26-92, Amended 9-4-95, Formerly 33-24.020, Amended 12-31-00, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Visiting – Definitions
RULE NO.: 33-601.713

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise the definition of ‘institutional classification team’ to correctly reflect the membership of the team.

SUBJECT AREA TO BE ADDRESSED: Institutional classification team.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.
LAW IMPLEMENTED: 944.09, 944.23 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.713 Inmate Visiting – Definitions.

(1) through (3) No change.

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

(5) through (16) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Amended 5-27-02, 9-29-03, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Water Levels and Rates of Flow
RULE CHAPTER NO.: 40D-8

RULE TITLES: Definitions
RULE NOS.: 40D-8.021

Guidance and Minimum Levels for Lakes 40D-8.624

PURPOSE AND EFFECT: To amend Chapter 40D-8, F.A.C. to incorporate a methodology for the establishment of minimum lake levels and levels for the next set of priority lakes pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Pursuant to Section 373.042, F.S., the proposed rules amendments create a methodology to be used to establish minimum lake levels for Category 3 lakes. Category 3 lakes are those with no fringing cypress wetlands equal to or less than .5 acre in size. The proposed amendments also establish guidance and minimum lake levels for Lake Barbara, Lake Crenshaw, Lake Ellen, Lake Helen, Lake Hobbs, Round Lake, and Saddleback Lake in Hillsborough County, Florida, and Big Fish Lake in Pasco County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

IF REQUESTED IN WRITING, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen A. Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

INTERLOCAL AGENCIES

Lake Apopka Natural Gas District

RULE TITLE: Tariff
RULE NO.: 54C-1.001

PURPOSE AND EFFECT: The purpose is to develop amendments to existing Rule 54C-1.001, F.A.C., the tariff of Lake Apopka Natural Gas District (District), modifying the rate schedules for labor, equipment and material, residential sales service, residential air conditioning sales service, commercial sales service, interruptible sales service, and transportation service, including the purchased gas adjustment provision, by increasing the fees and charges made by the District. All classes of customers will experience an increase in the cost of gas.

SUBJECT AREA TO BE ADDRESSED: The rate schedules for all gas sales and transportation service, the rate schedule for District labor, equipment and material and the purchased gas adjustment provision in Rule 54C-1.001, F.A.C.

SPECIFIC AUTHORITY: Section (12), Chapter 99-454, Laws of Florida, 1999.

LAW IMPLEMENTED: Chapter 99-454, Laws of Florida, 1999.

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

TIME AND DATE: 10:00 a.m., November 24, 2003

PLACE: The office of Lake Apopka Natural Gas District, 1320 S. Vineland Road (CR 535), Winter Garden, Florida 34787

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: George F. Crabtree, General Manager, Lake Apopka Natural Gas District, 1320 South Vineland Road (CR 535), Winter Garden, Florida 34787, (407)656-2734, Facsimile (407)656-9371

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Assisted Living Facilities	58A-5
RULE TITLES:	RULE NOS.:
Definitions	58A-5.0131
License Application, Change of Ownership, and Provisional Licenses	58A-5.014
License Renewal and Conditional License	58A-5.015
License	58A-5.016
Residency Criteria and Admission Procedures	58A-5.0181
Resident Care Standards	58A-5.0182
Medication Practices	58A-5.0185
Staffing Standards	58A-5.019
Staff Training Requirements and Training Fees	58A-5.0191
Physical Plant Standards	58A-5.023
Records	58A-5.024
Adverse Incident Report	58A-5.0241
Resident Contracts	58A-5.025
Emergency Management	58A-5.026
Limited Mental Health	58A-5.029
Limited Nursing Services	58A-5.031
Administrative Enforcement	58A-5.033

PURPOSE AND EFFECT: The proposed amendments to Rules 58A-5.0131, 58A-5.014, 58A-5.015, 58A-5.016, 58A-5.0181, 58A-5.0182, 58A-5.0185, 58A-5.019, 58A-5.0191, 58A-5.023, 58A-5.024, 58A-5.0241, 58A-5.025, 58A-5.026, 58A-5.029, 58A-5.031, and 58A-5.033, F.A.C., are being considered in consultation with the Agency for Health Care Administration (AHCA). The proposed rule amendments will update and delete obsolete forms and applications; update and delete obsolete references to organizations and programs;

provide definitions; conform the proposed rules to changes in Sections 400.419, 400.417, 400.452, F.S.; clarify and revise rule requirements relating to definitions, license application, change of ownership, and provisional licenses, license renewal and conditional license, license, residency criteria and admission procedures, resident care standards, medication practices, staffing standards, staff training requirements and competency test fee, physical plant standards, records, resident contracts, adverse incident report, emergency management, limited mental health, limited nursing services, and administrative enforcement.

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

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

LAW IMPLEMENTED: 394.4574, 400.402, 400.404, 400.407, 400.4075, 400.408, 400.411, 400.412, 400.414, 400.415, 400.417, 400.4174, 400.4176, 400.4178, 400.419, 400.42, 400.423, 400.424, 400.4255, 400.4256, 400.426, 400.427, 400.4275, 400.428, 400.431, 400.434, 400.435, 400.441, 400.442, 400.444, 400.4445, 400.447, 400.452, 404.056, 409.912 FS.

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

TIME AND DATE: 9:00 a.m. – 1:00 p.m., November 24, 2003
PLACE: Department of Elder Affairs, 4040 Esplanade Way, 225F Conf. Rm., Tallahassee, FL 32399-7000

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE:	RULE NO.:
Mental Health Targeted Case Management Services	59G-4.199

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the Florida Medicaid Mental Health Targeted Case Management Coverage and Limitations Handbook, October 2003. The handbook contains the policies and procedures for the Medicaid Mental Health Targeted Case Management Program. The effect will be to incorporate by reference in the rule the current Florida Medicaid Mental Health Targeted Case Management Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Medicaid Mental Health Targeted Case Management Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

TIME AND DATE: 10:00 a.m. – 11:00 a.m., Monday, November 24, 2003

PLACE: 2727 Mahan Drive, Building 3, Conference Room E, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Marilyn Wilson, Bureau of Medicaid Services, 2727 Mahan Dr., Building 3, MS#20, Tallahassee, Florida 32308-5403, (850)488-5546

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.199 Mental Health Targeted Case Management Services.

(1) This rule applies to all mental health targeted case management providers enrolled in the Mental Health Targeted Case Management Program.

(2) All Medicaid-enrolled mental health targeted case management providers must be in compliance with the Florida Medicaid Mental Health Targeted Case Management Coverage and Limitations Handbook, October 2003, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, which is incorporated by reference in Rule 59G-8.200, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE:	RULE NO.:
Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known As ICF/DD Facilities)	59G-6.045

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not publicly owned and not publicly operated Reimbursement Plan (the Plan).

The purpose and the effect of the proposed amendment is: Modify the rate methodology for the operating cost component and the resident care cost component to reflect the following:

1. Beginning April 1, 2004, the current rate semester’s “Total Operating and Residential Care Rate” per diem shall be calculated as the lower of the current rate semester’s cost per diem or current rate semester’s target per diem, multiplied by the current rate semester’s cost inflation factor plus the current rate semester’s incentive add-on amount. There shall be no inflation applied to the incentive add-on amounts.

2. Beginning October 1, 2004 forward, the current rate semester’s “Prior Period Base” for the Operating cost component and the Resident Care cost component shall be calculated as the lower of the prior rate semester’s cost per diem or prior rate semester’s target per diem, multiplied by the prior rate semester’s cost inflation factor. Beginning October 1, 2004 forward, the current rate semester’s “Prior Period Base” excludes the addition of the prior rate semester’s incentive add-on amounts.

SUBJECT AREA TO BE ADDRESSED: Florida Medicaid Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not publicly owned and not publicly operated reimbursement methodology.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., December 3, 2003

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND A COPY OF THE PRELIMINARY DRAFT IS: Robert C. Butler, Bureau Chief, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106-B, Tallahassee, Florida 32308, (850)414-2759

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE:	RULE NO.:
Medical Gas Certification	61G4-15.031

PURPOSE AND EFFECT: The purpose of this rule development is to determine whether the Board needs to make changes to the qualifications and standards for receiving medical gas certification.

SUBJECT AREA TO BE ADDRESSED: Medical Gas Certification.

SPECIFIC AUTHORITY: 489.108, 489.1136 FS.

LAW IMPLEMENTED: 489.1136 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLES:	RULE NOS.:
Specialty Certification	61G5-22.015
Minimum Curriculum for Nail Specialty Training	61G5-22.016

PURPOSE AND EFFECT: The Board proposes development of these rules to address changes in the hours of instruction.

SUBJECT AREA TO BE ADDRESSED: Specialty Certification and Minimum Curriculum for Nail Specialty Training.

SPECIFIC AUTHORITY: 447.016, 477.023(2) FS.

LAW IMPLEMENTED: 477.0201, 477.023 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Malone, Executive Director, Board of Cosmetology, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLES:	RULE NOS.:
Original Cosmetologist Licensure Fee, Cosmetologist Examination and Endorsement Fees, Initial Specialist Registration; Application and Endorsement Fees	61G5-24.002
Biennial Renewal Fee for Cosmetologists and Specialists	61G5-24.008
Delinquent License and Specialty Registration Fee	61G5-24.010
Inactive Status License and Specialty Registration Fees	61G5-24.017

PURPOSE AND EFFECT: The Board proposes development of these rules to address changes in fees.

SUBJECT AREA TO BE ADDRESSED: Original Cosmetologist Licensure Fee, Cosmetologist Examination and Endorsement Fees, Initial Specialist Registration, Application and Endorsement Fees, Biennial Renewal Fees for Cosmetologist and Specialists, Delinquent License and Specialty Fee, Inactive Status License and Specialty Registration Fees.

SPECIFIC AUTHORITY: 455.2171, 477.016, 477.026, 477.0212(2) FS.

LAW IMPLEMENTED: 455.2171, 455.271, 477.0212(2), 477.026 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Malone, Executive Director, Board of Cosmetology, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Hair Braiding	61G5-31

PURPOSE AND EFFECT: The Board proposes development of this entire rule chapter to address the requirements for registration.

SUBJECT AREA TO BE ADDRESSED: Hair Braiding.

SPECIFIC AUTHORITY: 455.203(1), 455.2228, 477.016, 477.0132, 477.026(1)(f) FS., Chapter 99-251, Laws of Florida.
 LAW IMPLEMENTED: 455.203(1), 455.2228, 477.013(9), 477.0132, 477.026(1)(f), 477.029 FS., Chapter 99-251, Laws of Florida.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Malone, Executive Director, Board of Cosmetology, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: Fees
 RULE NO.: 61H1-31.001

PURPOSE AND EFFECT: The rule is being revised to set forth fees to be charged for computer-based testing of Applicant's sitting for the Uniform CPA Examination as first-time candidates or candidates transferring partial credit from another state.

SUBJECT AREA TO BE ADDRESSED: Fees.
 SPECIFIC AUTHORITY: 455.213(2), 455.219(4), 455.271, 473.305, 473.312 FS.

LAW IMPLEMENTED: 455.213(2), 455.219(4), 455.271, 473.305, 473.312 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-31.001 Fees.

(1) ~~For the Applicants~~ to sit for the Uniform CPA Examination, as a first time candidate or for candidates transferring partial credits from another state, a fifty dollar (\$50.00) application fee will be owed prior to processing the application. Once the applicant has been approved to sit for the exam as a Florida candidate, the following initial examination fee will be charged to take each section of the exam: Auditing

\$134.50, Accounting \$126.00, Regulation \$109.00, and Business E & C \$100.50 ~~thirty-five dollars (\$35.00) and sixty dollars (\$60.00) per part; sixty dollars (\$60.00) per part for extended/conditioned candidates. The Department will defer the fee until the next examination if the applicant is unable to sit for the examination due to illness, death in the immediate family, military service, or jury duty provided the applicant's illness is supported by a notarized statement of a physician, or absence, by reason of military service is supported by a copy of military order or a letter from the Commanding Officer or death in immediate family is supported by a notarized statement by the applicant and a copy of the death certificate or obituary, or jury duty is supported by evidence from the appropriate court. Such request must be made in writing within sixty (60) days from the last day of the examination.~~

(2) In addition to the examination fee charged to take each section of the exam set forth in Section (1), re-examination candidates will be charged a re-examination administration fee covering the costs of administration of the re-examination, which will vary depending on the number of examination sections the candidate applies to take per application: For initial licensure the fee shall be Twenty five Dollars (\$25.00). However, in no event will an initial license be issued if the initial licensure fee and all required documents are not received within 12 months of the date of certification by the Board. In such a case, the certification expires and the individual affected must reapply and requalify for licensure based on the laws and rules in effect at the time of the new application.

- (a) Four sections of the examination – \$105.00.
- (b) Three sections of the examination – \$90.00.
- (c) Two sections of the examination – \$75.00, or
- (d) One section of the examination – \$60.00.

(3) For individual active and inactive status licenses, biennial renewal fee provided in Section 473.305, F.S., ninety-five dollars (\$95.00).

(4) For change of status other than during the renewal period, fifty dollars (\$50.00); for reactivation of an inactive status license to active status, fifty dollars (\$50.00); for reactivation of a delinquent status license to active or changing a delinquent status license to inactive status fifty dollars (\$50.00).

In all cases completion of the requirements of Rule 61H1-33.006, F.A.C., and passage of the examination on Chapters 455 and 473, F.S., and related rules shall be required for reactivation.

(5) The biennial renewal fee provided in Section 473.305, F.S., for partnerships, corporations, and limited liability companies licensed in Section 473.3101, F.S., one hundred fifty dollars (\$150.00). The penalty for late renewal for partnerships, corporations, and limited liability companies shall be fifty dollars (\$50.00). The biennial renewal fee provided in Section 473.305, F.S., for sole proprietor firms and other legal entities owned by a sole proprietor licensed in

Section 473.3101, F.S., twenty-five (\$25.00). The penalty for late renewal for sole proprietor firms and other legal entities owned by a sole proprietor shall be twenty-five dollars (\$25.00).

(6) Persons, partnerships and corporations licensed in the first year of the biennial period, as established by the Department, shall pay the fees established above. Those persons, partnerships and corporations licensed in the second year of the biennial period, as established by the Department, shall pay one half of the fees established above.

(7) For application for license by endorsement provided in Section 473.308, F.S., One Hundred Fifty Dollars (\$150.00) per person. If such application is withdrawn or denied, no portion of the fee will be refunded by the Department.

(8) The fee for the examination is refundable in the amount of fifty dollars per part if the applicant is found to be ineligible to sit for the examination.

(9) For fees relating to the Foreign Language Examination refer to Section 455.11, F.S.

(10) The scan sheet for the Laws and Rules Examination must be postmarked by or on July 15. No Laws and Rules Examination scan sheet will be accepted if it is postmarked after December 1.

(11) The CPE reporting form must be postmarked by or on July 15. If it is postmarked after July 15 but by or on December 1, a \$50 delinquency fee will be imposed by the Board. No CPE reporting form will be accepted if it is postmarked after December 1.

(12) Duplicate licensee fee – If a licensee requests a duplicate license, the Board will issue the duplicate if the request is made in writing and is accompanied by a payment of \$25.

Specific Authority 455.213(2), 455.219(4), 455.271, 473.305, 473.312 FS. Law Implemented 119.07, 455.219(4), 455.271, 473.305, 473.312, 473.313 FS. History—New 12-4-79, Amended 2-3-81, 3-4-82, 11-6-83, 3-29-84, Formerly 21A-31.01, Amended 6-4-86, 9-16-87, 2-1-88, 8-30-88, 2-6-89, 12-18-89, 12-28-89, 8-16-90, 4-8-92, 12-2-92, Formerly 21A-31.001, Amended 11-4-93, 2-14-95, 11-3-97, 6-22-98, 10-28-98, 7-15-99, 4-3-02,

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF JUVENILE JUSTICE

Division of Administration

RULE TITLES:	RULE NOS.:
Scope	63F-1.001
Definitions	63F-1.002
Development of New and Revised Policies	63F-1.003

PURPOSE AND EFFECT: The proposed rule is intended to implement new provisions in Section 985.407, Florida Statutes, governing the adoption of policy changes that impact contracted delinquency services and programs.

SUBJECT AREA TO BE ADDRESSED: Procedure to adopt policy changes that impact contracted providers of delinquency services and programs.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.407 FS.

LAW IMPLEMENTED: 985.407 FS.

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

TIME AND DATE: 10:00 a.m., December 1, 2003

PLACE: DJJ Headquarters, Alexander Building, 1st Floor Conference Room, 2737 Centerview Dr., Tallahassee, Florida

TIME AND DATE: 10:00 a.m., December 3, 2003

PLACE: DJJ Central RASC, 4524 Oak Fair Boulevard, Ste. 100, Tampa, Florida

TIME AND DATE: 10:00 a.m., December 4, 2003

PLACE: DJJ South RASC, 8301 Pembroke Rd., South RASC Conference Room, Pembroke Pines, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clyde Benedix, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, e-mail: clyde.benedix@djj.state.fl.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

RULE TITLE:	RULE NO.:
Temporary Cash Assistance Eligibility of Pregnant Women	65A-4.215

PURPOSE AND EFFECT: This rule amendment clarifies Temporary Cash Assistance (TCA) eligibility verification for pregnant women in accordance with s. 414.095(6), F.S. The change in policy will streamline the application process for TCA.

SUBJECT AREA TO BE ADDRESSED: This rule amendment provides for “verbal” or written verification of pregnancy and the inability to participate in work activities during the last trimester of pregnancy. It also clarifies the definition of the last trimester of pregnancy and the ninth month of pregnancy.

SPECIFIC AUTHORITY: 120.54(1), 414.45, 414.095(19) FS.

LAW IMPLEMENTED: 414.095(1),(2)(b)5.,(6) FS.

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

TIME AND DATE: 9:00 a.m., November 25, 2003
PLACE: 1317 Winewood Boulevard, Building 3, Room 100, Tallahassee, FL
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Angela Wiggins, Acting Administrator, Economic Self-Sufficiency Program Office, Welfare Reform Policy Integration Unit, 1317 Winewood Boulevard, Building 3, Room 105 H, Tallahassee, Florida 32399-0700, (850)487-1707
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Recount Procedures

RULE NO.: 1S-2.031

PURPOSE AND EFFECT: Amend the recount procedures to reflect changes in Federal and Florida Law, and to clarify recount procedures under specific circumstances.

SUMMARY: The Florida Help America Vote Act Implementation bill granted the Division of Elections additional rulemaking authority pertaining to machine recounts. Generally, the rule is being amended to reflect the changes in the law.

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: 102.166 FS.

LAW IMPLEMENTED: 102.166 FS.

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

TIME AND DATE: 1:00 p.m., December 1, 2003
PLACE: The Collins Building, Room 102, 107 West Gaines Street, Tallahassee, Florida 32399-0250

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing should advise the Department at least 5 calendar days before the hearing by contacting: Sarah Jane Bradshaw or Marielba Torres, (850)245-6200.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Jane Bradshaw, 107 West Gaines Street, Suite 100, Tallahassee, Florida 32399-0250, (850)245-6200

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.031 Recount Procedures.

(1) All procedures relating to machine and manual recounts shall be open to the public.

(2) At least two members of the canvassing board shall be present during all times a machine or manual recount is being conducted.

(3) All recounts are to be ordered by the board responsible for certifying the results of the race or races being recounted.

(4) As used in this rule, "undervote" means that the tabulator recorded no vote for the office or question or that the elector did not designate the number of choices allowed for the race.

(5) Machine Recounts shall be conducted as follows:

(a) Touchscreen Ballot Recounts.

1. The county canvassing board shall be required to produce printed vote totals for the affected race for each voting device.

2. The county canvassing board shall verify that the total votes for the recounted race taken from the printed vote totals for each voting device are the same as the total votes shown on the county totals from election night. If there is a discrepancy, the county canvassing board shall investigate and resolve the discrepancy.

(b) Optical Scan Ballot Recounts.

1. The supervisor of elections shall change the election parameters so that only the recounted race or races will be tabulated and so that ballots containing overvotes and undervotes in the recounted race or races can be sorted from the other ballots during the machine recount.

2. Prior to the machine recount being conducted, the tabulating equipment being used in the recount must be tested pursuant to the provisions of s. 101.5612, F.S. The canvassing board is not required to use the same tabulating equipment that ballots were originally tabulated on.

3. The canvassing board or its representatives shall put each ballot through the tabulating equipment and determine the votes in the recounted race or races. During this process, the overvoted and undervoted ballots in the recounted race or races must be sorted.

4. Sorted ballots shall be placed in a sealed container or containers until it is determined whether a manual recount will be conducted. Seal numbers shall be recorded at the time the ballots are placed in the containers.

5. Following the machine recount, the tabulating equipment that was used in the machine recount must be tested pursuant to the provisions of s. 101.5612, F.S.

6. If the test shows no error, the results of the machine recount shall be deemed correct.

7. If the test indicates an error, the canvassing board shall correct the error and repeat steps 1.-5.