

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Law Enforcement

RULE CHAPTER TITLE: Agricultural Vehicle Inspection RULE CHAPTER NO.: 5A-16

RULE TITLES: Procedure for Conducting Vehicle Inspection RULE NOS.: 5A-16.003
Commercial Carrier Pre-clearance Program 5A-16.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish criteria by which non-agricultural laden commercial motor vehicles may be permitted to transport goods without being required to regularly stop at agricultural interdiction stations for physical inspection; establish guidelines associated with permitting process and activities; establish penalties for violation; eliminates the Florida Exempt Cargo Manifest program.

SUBJECT AREA TO BE ADDRESSED: Changes to Chapter 5A-16, F.A.C., to conform to changes in Section 570.15, F.S.

SPECIFIC AUTHORITY: 570.07(23), 570.15(5) FS.

LAW IMPLEMENTED: 570.15(1), 570.15(2), 570.15(5) FS.

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

TIME AND DATE: 2:00 p.m., September 14, 2004

PLACE: Steverson Conference Room, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO: Clark R. Jennings, Chief Counsel, Office of Agricultural Law Enforcement, 2005 Apalachee Parkway, Room 237, Tallahassee, FL 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Clark R. Jennings, Chief Counsel, Office of Agricultural Law Enforcement, 2005 Apalachee Parkway, Room 237, Tallahassee, FL 32399-6500, (850)245-1300

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

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 TITLES:	RULE NOS.:
Inmate Grievances – Terminology and Definitions	33-103.002
Inmate Grievances – Staff and Inmate Participation	33-103.004
Informal Grievance	33-103.005
Formal Grievance – Institution or Facility Level	33-103.006
Appeals to the Office of the Secretary	33-103.007
Grievances of a Medical Nature	33-103.008
Grievances Regarding Lost Personal Property	33-103.010
Inmate Grievances – Time Frames	33-103.011
Grievance Records	33-103.012
Classification of Grievances	33-103.013

Reasons for Return of Grievance or Appeal Without Processing 33-103.014

Inmate Grievances – Miscellaneous Provisions 33-103.015

Inmate Grievances – Reprisal 33-103.017

Evaluation of the Grievance Procedure 33-103.018

Inmate Grievances – Forms 33-103.019

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to: add definitions of terms used in conjunction with the inmate grievance process; clarify provisions related to the review process; and eliminate unnecessary language.

SUBJECT AREA TO BE ADDRESSED: Inmate grievances.
SPECIFIC AUTHORITY: 20.315, 944.09 FS., 45 C.F.R. 164.530

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164

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:

33-103.002 Inmate Grievances – Terminology and Definitions.

Terminology and Definitions. The following terms, as defined, shall be standard usage throughout the department:

(1) through (8) No change.

(9) Grievance Coordinator: refers to the institutional staff member designated by the warden or the bureau chief of the Bureau of Inmate Grievance Appeals to receive, review, investigate, evaluate, and respond to inmate grievances at an institution or facility.

(10)(9) No change.

(11) HIPAA: refers to the Health Insurance Portability and Accountability Act of 1996.

(10) through (12) renumbered (12) through (14) No change.

~~(15)(13)~~ Reviewing Authority: Staff who are authorized to sign grievances as the final authority for review, e.g., warden, assistant warden, deputy warden, or the Secretary's representative.

(a) through (d) No change.

(e) The warden is authorized to designate the assistant warden or deputy warden (deputy warden applicable to private facilities only) to grant and implement relief as approved by the warden, except as to grievances involving discipline, grievances alleging violation of the Americans With Disabilities Act, grievances challenging placement in close management and subsequent reviews, grievances of an emergency nature, grievances of reprisal or grievances of a sensitive nature.

~~(16)(14)~~ No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.002, Amended 10-11-00, 1-2-03, 9-16-03, _____.

33-103.004 Inmate Grievances – Staff and Inmate Participation.

(1) Inmate and employee participation in the grievance process will take the form of solicitation of written comments by inmates and employees on selected formal inmate grievances that staff determine will significantly impact the inmate population and which challenge general procedures and practices prior to the initial adjudication of the grievance. Each institution shall within 5 calendar days of receipt, post copies of this type of formal grievance on inmate and employee bulletin boards, circulate among all inmates in all disciplinary, administrative, and close management areas, including all inmates under sentence of death. These grievances shall be posted and circulated without identification of individual names or of identifying facts. Written comments must be received in the office of the reviewing authority as defined in paragraphs 33-103.002~~(15)(13)~~(a) through (d), F.A.C., within 5 calendar days from the date of posting in order to receive consideration. With the exception of submitting written comments, no inmate or employee who appears to be involved in the matter shall participate in any capacity in the final resolution of a grievance.

(2) Inmates and employees have the opportunity to review the effectiveness and credibility of the department's grievance procedure through the submission of written comments to the reviewing authority as defined in paragraphs 33-103.002~~(15)(13)~~(a) through (d), F.A.C. The reviewing authority ~~as defined in 33-103.002(13)(a) through (d)~~ shall review and respond to written comments received and institute procedural changes as appropriate. Comments received relating to this rule that are outside the decision making

authority of the reviewing authority as defined in paragraphs 33-103.002~~(15)(13)~~(a) through (d), F.A.C., shall be forwarded to the Office of the General Counsel for review and appropriate action. If the comments or complaint focuses on the implementation of the rule at a particular institution, the reviewing authority as defined in paragraphs 33-103.002~~(15)(13)~~(a) through (d), F.A.C., has the authority to make necessary changes in this implementation consistent with the rule. If the comments or complaint deal with the content of the rule itself and the only way a change could be effected would be to change the rule, then it needs to be forwarded to the Office of the General Counsel. The Office of the General Counsel shall review the complaint to see if there appears to be a problem with the rule itself. If changes are necessary, the Office of the General Counsel coordinates the rule promulgation process. The warden shall receive a response and in turn advise the employee or inmate.

(3) through (4) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 4-10-95, 12-7-97, Formerly 33-29.004, Amended 10-11-00, _____.

33-103.005 Informal Grievance.

(1) Inmates shall utilize the informal grievance process prior to initiating a formal grievance except in the case of an emergency grievance, a grievance of reprisal, a grievance of a sensitive nature, a grievance alleging violation of the Americans with Disabilities Act, a medical grievance, a grievance involving admissible reading material, a grievance involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time, a grievance challenging placement in close management and subsequent reviews, grievances regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C., or a grievance involving disciplinary action (does not include corrective consultations) governed by Rules 33-601.301-314, F.A.C. When an inmate decides to initiate a grievance, an informal grievance shall be submitted to the staff member who is responsible in the particular area of the problem, the classification team, the appropriate section head, or other institutional staff. When an informal grievance is received by the reviewing authority as defined in paragraphs 33-103.002~~(15)(13)~~(a) through (d), F.A.C., the reviewing authority shall respond to the grievance, refer the grievance to a staff member for response, or shall advise the inmate to re-file with a specific staff member. The inmate shall not file duplicate informal grievances with different staff members.

(2) When submitting an informal grievance, the inmate shall use Form DC6-236, Inmate Request, and shall:

(a) No change.

(b) On top of the page, or on the same line as the word "Request", or on the first line of the request section the inmate shall print the words "Informal Grievance". Failure to do this will cause the request to be handled routinely and it will not be considered an informal grievance. This will also cause the

form to be unacceptable as documentation of having met the informal step if it is attached to a formal grievance submitted at the next step.

1. through 3. No change.
- (3) through (5) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 3-30-94, 4-17-94, 4-10-95, 8-10-97, 12-7-97, 2-17-99, Formerly 33-29.005, Amended 8-1-00, _____.

33-103.006 Formal Grievance – Institution or Facility Level.

- (1) No change.
- (2) Procedural Requirements.
- (a) through (g) No change.

(h) The inmate shall attach a copy of the informal grievance and the response to the informal grievance to his DC1-303 form, unless the formal grievance is an emergency grievance, a grievance of reprisal, a grievance of a sensitive nature, a medical grievance, a grievance alleging violation of the Americans with Disabilities Act, a grievance involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time, a grievance challenging placement in close management and subsequent reviews, or a grievance of disciplinary action (excluding corrective consultations). Any other pertinent documentation shall be attached also. Informal grievances as described in subparagraph 33-103.005(2)(b)1., F.A.C., shall not be accepted as documentation of having met the requirements of the informal grievance step.

- (i) through (j) No change.

(3) The following types of grievances may be filed directly with the reviewing authority as defined in paragraphs 33-103.002(15)(13)(a) through (d), F.A.C., by-passing the informal grievance step, and may be sent in a sealed envelope through routine institutional mail channels:

(a) Emergency Grievance – Upon receipt, the reviewing authority as defined in paragraphs 33-103.002(15)(13)(a) through (d), F.A.C., shall take the following action as soon as possible, but no later than two calendar days following receipt:

1. through 3. No change.

4. If an emergency is not found to exist, a response will be provided to the inmate indicating that the complaint is an entry reading “not an emergency” shall be entered into Part B with instructions to resubmit at the proper level, signed and dated by the responding employee, and returned to the inmate within 72 hours of receipt.

- (b) through (f) No change.

(g) Grievance challenging placement in close management or subsequent review.

- (h) No change.

- (4) No change.

(5) Upon receipt of the formal grievance, the recipient [reviewing authority as defined in paragraphs 33-103.002(15)(13)(a) through (d), F.A.C.] shall cause the following to occur:

- (a) No change.

(b) A computer generated receipt or Part C, receipt section of the grievance, shall be completed and ~~the original copy of Part C shall be returned to the inmate;~~

- (c) through (d) No change.

(6) Following investigation and evaluation by the reviewing authority as defined in paragraphs 33-103.002(15)(13)(a) through (d), F.A.C., a response shall be provided to the inmate ~~on Part B of the form~~ within 20 calendar days of receipt of the grievance as required by paragraph 33-103.011(3)(b), F.A.C. The degree of investigation is determined by the complexity of the issue and the content of the grievance. The response shall state whether the grievance is approved, denied, or being returned and shall also state the reasons for the approval, denial or return.

- (a) through (b) No change.

(c) The reviewing authority as defined in paragraphs 33-103.002(15)(13)(a) through (d) shall retain a complete copy of the grievance on file.

- (d) No change.

- (7) No change.

(8) Mailing Procedures. The warden or person designated in paragraphs 33-103.002(15)(13)(a) through (d), F.A.C., shall establish a procedure in the institution or facility under his supervision for processing those grievances which require mailing. Inmates who are filing grievances that require mailing shall be required to utilize the procedure set forth in this rule when processing their grievances or appeals to the reviewing authority of community facilities or the Bureau of Inmate Grievance Appeals in the central office. The institution or facility shall provide postage for grievances submitted through this process. Procedures implemented shall include, at a minimum, the following:

- (a) through (b) No change.

(c) A requirement that the staff person designated to accept the grievance to be mailed shall:

1. Complete the part C, receipt portion; of the DC1-303 form for appeals being forwarded to central office by entering a log/tracking number the inmate’s committed name, DC number, institution, date of receipt, and sign as the recipient.

2. Enter a log/tracking number on the front of the lower left corner of the DC1-303 form and Record receipt of the grievance in the institutional log. The staff person shall not read or classify the grievance.

3. ~~Remove the white copy of the part C, receipt section of the DC1-303 form, and return it to the inmate.~~

~~3.4. Place the grievance in the mail to the appropriate Regional Office or the Central Office through the institution or facility mail service within one workday.~~

(d) The inmate shall have his grievance ready for mailing at the time he turns it over to staff for processing as described in paragraph (c) above. Once this process has been completed, the grievance will not be returned to the inmate. If the inmate

desires his grievance to be forwarded in a sealed envelope, the inmate shall provide to the staff a properly addressed envelope so that once the grievance is processed by staff, the grievance can be placed into the envelope and sealed for forwarding.

(e) If the inmate elects to mail the grievance to central office directly and bypass the logging/tracking process, the inmate may submit his or her grievance in a sealed envelope to be placed in the institutional bulk mail that is to be mailed daily to central office.

~~(f)~~(e) Upon receipt of the mailed grievance by the reviewing authority ~~of community facilities in the regional office, or the Bureau of Inmate Grievance Appeals in the central office,~~ the following shall occur:

1. The decision of whether or not the grievance has been timely filed by the inmate shall be made based upon the following comparisons:

a. through b. No change.

c. In the case of a grievance being filed directly at the institutional, ~~regional,~~ or central office level, by comparing the receipt date on the DC1-303 form to the date of the incident or situation giving rise to the complaint.

2. The receiving office shall review the grievance and determine the classification of the grievance and enter the same on in the area provided in part C, receipt that is returned section of the DC1-303 form. ~~The receiving office shall then remove the canary copy of the receipt section of the DC1-303 form and return the same to the inmate.~~

3. No change.

(9) If an inmate is in a special housing unit and wants to file a grievance he shall submit the grievance to designated staff by placing the grievance in a locked box who shall be responsible for distribution of the grievance. ~~The designated staff person shall deliver the box to the institutional grievance coordinator who will unlock the box, remove the grievances, log the grievances, and provide the inmates with receipts complete Part "C" of the DC1-303 form by entering the inmate's committed name, DC number, institution, date of receipt, and sign as the recipient. If the staff person is not the institutional grievance coordinator he shall not read or classify the grievance.~~

(10) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.006, Amended 8-1-00, 10-11-00, _____.

33-103.007 Appeals to the Office of the Secretary.

(1) through (2) No change.

(3) If the grievance appeal is not a direct grievance to the Office of the Secretary, the inmate shall:

(a) No change.

(b) Attach a copy of his informal grievance and response, except when appealing grievances on disciplinary action (excluding corrective consultations), medical issues,

admissible reading material, placement in close management and subsequent reviews, violation of the Americans with Disabilities Act, or grievances involving gain time governed by Rule Chapter 33-601.101, F.A.C., Incentive Gain Time.

(c) through (e) No change.

(4) No change.

(5) Upon receipt of the grievance appeal, the Chief of Inmate Grievance Appeals shall cause the following to occur:

(a) No change.

(b) A Part C, receipt section of the grievance shall be provided completed and the canary copy of Part C will be returned to the inmate;

(c) through (d) No change.

(e) Following appropriate investigation and evaluation by staff of the Bureau of Inmate Grievance Appeals, a response shall be provided to the inmate ~~in Part B of Form DC1-303.~~ The degree of investigation is determined by the complexity of the issue and the content of the grievance.

(f) No change.

(6) Direct Grievances.

(a) through (d) No change.

(e) Upon receipt of the direct grievance and following review of the same, if it is determined that the grievance is not an emergency grievance, a grievance of reprisal, ~~or~~ a grievance of a sensitive nature, or a grievance alleging a violation of HIPAA, the grievance shall be returned to the inmate with the reasons for return specified advising the inmate to resubmit his or her grievance at the appropriate level. The other applicable procedures in Rule 33-103.007, F.A.C., governing the processing of appeals to the Office of the Secretary shall apply to these four ~~three~~ types of grievances.

(7) through (8) No change.

Specific Authority 20.315, 944.09 FS., 45 C.F.R. 164.530. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History--New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 10-7-98, 2-17-99, Formerly 33-29.007, Amended 8-1-00, 6-29-03, _____.

33-103.008 Grievance of Medical Nature.

(1)(a) No change.

(b) If a formal grievance of a medical nature is received by the reviewing authority of community facilities as defined in paragraph 33-103.002(15)(13)(c) ~~of community facilities~~ it shall be forwarded to the Office of the Director for Regional Health Services for investigation and response. However, if the medical grievance originates out of one of the drug treatment centers which have a chief health officer, it shall be forwarded to that chief health officer for investigation and response. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the reviewing authority of community facilities to ensure appropriate filing and routing.

(c) No change.

(2) No change.

Specific Authority 20.315, 944.09 FS., 45 C.F.R. 164.530. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.008, Amended 6-29-03, _____.

33-103.010 Grievances Regarding Lost Personal Property. Grievances concerning lost personal property shall be processed according to the provisions of this chapter and ~~paragraphs Rule 33-602.201(14)(a) through (e), F.A.C., Inmate Property, (13)(a) (g) through 6.~~

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 6-1-97, 12-7-97, Formerly 33-29.010, Amended _____.

33-103.011 Inmate Grievances – Time Frames.

When determining the time frames for grievances in all cases, the specified time frame shall commence on the day following the date of the incident or response to the grievance at the previous level. For example, if an incident occurred on December 1, fifteen days from that date would be December 16.

- (1) No change.
- (2) An extension of the above-stated time periods shall be granted when it is clearly demonstrated by the inmate to the satisfaction of the reviewing authority as defined in paragraphs 33-103.002(15)(9)(a) through (d), F.A.C., or secretary that it was not feasible to file the grievance within the relevant time periods and that the inmate made a good faith effort to file in a timely manner. The granting of such an extension shall apply to the filing of an original grievance or when re-filing a grievance after correcting one or more deficiencies cited in Rule 33-103.014, F.A.C.
- (3) Responding to Grievances.
 - (a) No change.
 - (b) Formal Grievances – The reviewing authority as defined in paragraphs 33-103.002(15)(9)(a) through (d), F.A.C., shall have up to 20 calendar days from the date of receipt of the grievance to take action and respond. See Rule 33-103.006, F.A.C.
 - (c) through (d) No change.
 - (4) through (5) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.011, Amended _____.

33-103.012 Grievance Records.

- (1) No change.
- (2) This log shall be retained on file for a minimum of 4 years following final disposition of the grievance or appeal. ~~A report shall be prepared from this log and filed monthly by each reviewing authority as defined in 33-103.002(13)(a) through (d) and the Bureau of Inmate Grievance Appeals.~~ Copies of all grievances or appeals that are filed shall be maintained on record for a minimum of 4 years.
- (3) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89. Amended 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.012, Amended _____.

33-103.013 Classification of Grievance.

Following receipt of the grievance or appeal, a computer generated receipt or part C of Form DC1-303 shall be completed and sent to the inmate except for grievances returned for one or more of the reasons cited in Rule 33-103.014, F.A.C. The subject area of the receipt shall indicate the major topic area of the grievance or appeal according to the following classifications:

- (1) through (15) No change.

Specific Authority 20.315, 944.09 FS., 45 C.F.R. 164.530. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History—New 10-12-89, Amended 12-22-92, 8-10-97, 2-18-99, Formerly 33-29.013, Amended 6-29-03, _____.

33-103.014 Reasons for Return of Grievance or Appeal Without Processing.

- (1) The informal grievance, formal grievance, grievance filed direct, or grievance appeal, hereafter referred to as “grievance” in this section of the rule may be returned to the inmate without further processing if, following a review of the grievance, one or more of the following conditions are found to exist. The reasons listed below are the only reasons for returning a grievance without a response on the merits.
 - (a) through (k) No change.
 - (l) The inmate has written his or her complaint outside of the boundaries of the space provided on the grievance form or request form.
 - (m) through (t) No change.
 - (2) No change.

Specific Authority 20.315, 944.09 FS., 45 C.F.R. 164.530. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, 5-10-98, Formerly 33-29.014, Amended 6-29-03, _____.

33-103.015 Inmate Grievances – Miscellaneous Provisions.

- (1) No change.
- (2) Form DC6-236, Inmate Request, and Form DC1-303, Request for Administrative Remedy or Appeal, shall be available as a minimum from the institutional library, classification department, classification staff, and the housing officer of any living unit. ~~Form DC1-303, Request For Administrative Remedy or Appeal, shall be available as a minimum from the institutional library, classification department, classification staff, and the housing officer of any housing location.~~
- (3) The warden, assistant warden or deputy warden (deputy warden applicable to private facilities only) is authorized to designate other staff to receive, review, and investigate any grievance of an institutional nature. The warden is authorized to designate the assistant warden or deputy warden (deputy warden applicable to private facilities

only) to grant and implement relief as approved by the warden, except as to grievances involving discipline, grievances alleging violation of the Americans with Disabilities Act, grievances challenging placement in close management and subsequent reviews, grievances of an emergency nature, grievances of reprisal or grievances of a sensitive nature that are filed directly with the warden. For grievances filed directly with the warden, the decision to approve, return, or deny the grievance shall be made by the warden.

(4) through (5) No change.

(6) At no time will an inmate who is alleging that he was physically abused as described in Section 944.35(3), Florida Statutes, or alleging reprisal by staff, as defined in subsection 33-103.002(10)(9), F.A.C., be directed to submit his or her grievance to the staff person who is the subject of the complaint, nor will the grievance be referred to a staff person who is the subject of the complaint.

(7) through (11) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-29-92, 9-3-92, 12-22-92, 07-11-93, 5-3-94, 4-10-95, 9-23-96, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.015, Amended 8-1-00, 10-11-00, 2-7-01, 5-27-02, 1-2-03, _____.

33-103.017 Inmate Grievances – Reprisal.

(1) ~~No action shall be taken against an inmate as the result of the submission of a grievance or appeal.~~ Good faith use of or good faith participation in the grievance process shall not result in reprisal against the inmate.

(2) ~~An exception to this will be made where the inmate shall be subject to disciplinary action if the inmate knowingly includes false, threatening, obscene, or profane statements in the grievance or any of its attachments.~~ In this instance the inmate shall be subject to administrative action in accordance with the provisions of Rules 33-601.301-601.314, F.A.C., or criminal prosecution. Notwithstanding administrative or criminal proceedings, the grievance shall be responded to on its merits.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 12-22-92, 4-10-95, Formerly 33-29.016, Amended 10-11-00, _____.

33-103.018 Evaluation of the Grievance Procedure.

~~An annual evaluation of the grievance procedure shall be conducted by the Office of Internal Audit which shall report its findings to the Office of the Inspector General. This evaluation shall include information obtained from a survey of staff and inmates, review of employees' and inmates' comments on the effectiveness and credibility of the procedure pursuant to subsection 33-103.004(2), F.A.C., on-site visits to institutions and facilities by staff of the Office of Internal Audit and from monthly reports prepared by wardens and the Bureau of Inmate Grievance Appeals. Upon reviewing the completed audit, the Inspector General shall then direct that action be taken to address identified needs in the inmate grievance procedure.~~

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 12-22-92, 4-10-95, Formerly 33-29.017, Repealed.

33-103.019 Inmate Grievances – Forms.

The following forms relevant to this chapter are hereby incorporated by reference. A copy of any of these forms is available from the Bureau of Inmate Grievance Appeals, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(1) Form DC1-303, Request for Administrative Remedy or Appeal, effective _____ ~~8-1-00~~;

(2) through (5) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 4-10-95, 12-7-97, Formerly 33-29.018, Amended 8-1-00, 10-11-00, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Scope, Organization, Procedure, Forms, and Title	61B-80.101
Filing for Recall Dispute Arbitration	61B-80.102
Filing for Election Dispute Arbitration	61B-80.103
Expedited Procedure for Determination of Jurisdiction	61B-80.104
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Parties; Appearances; Substitution and Withdrawal of Counsel	61B-80.106
Who May Appear; Criteria for Qualified Representatives	61B-80.107
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Withdrawal or Dismissal of Petition; Settlement	61B-80.109
Filing; Service of Papers; Signing	61B-80.110
Answer and Defenses	61B-80.111
Defaults and Final Orders on Default	61B-80.112
Motions; Motions for Temporary Injunctive Relief	61B-80.113
Summary Disposition; Simplified Arbitration Procedures; No Disputed Issues of Material Fact	61B-80.114
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Subpeonas and Witnesses; Fees	61B-80.117
Stenographic Record and Transcript	61B-80.118
Conduct of Formal Hearing; Evidence	61B-80.119
Notice of Final Hearing; Scheduling; Venue; Continuances	61B-80.120
Final Orders and Appeals	61B-80.121
Technical Corrections; Rehearing	61B-80.122
Motions for Attorney's Fees and Costs	61B-80.123
PURPOSE AND EFFECT: To provide the rules of procedure governing the arbitration of recall and election disputes under Sections 720.303, 720.306 and 720.311, Florida Statutes.	

SUBJECT AREA TO BE ADDRESSED: Mandatory binding arbitration of recall and election disputes in homeowners' associations.

SPECIFIC AUTHORITY: 720.303(10)(d), 720.306(9), 720.311(1), 718.1255(4)(i), 718.112(2)(j)5. FS.

LAW IMPLEMENTED: 720.303(10), 720.306(9), 720.311(1) FS.

IF REQUESTED 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., September 13, 2004

PLACE: Conference Room B03, Fuller Warren Building, 201 W. Bloxham Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. The preliminary draft rule is also available on line at <http://www.state.fl.us/dbpr/lsc/index.shtml>.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Right to Recall and Replace a Board Director; Developers; Other Members; Class Voting	61B-81.001
Recall of One or More Directors of a Board at a Homeowner Meeting; Board Certification; Filling Vacancies	61B-81.002
Recall by Written Agreement of the Voting Interests; Board Certification; Filling Vacancies	61B-81.003

PURPOSE AND EFFECT: To address certain procedural and substantive issues regarding recall by written agreement and recall at a meeting in a homeowners' association pursuant to Sections 720.303(10), 720.306(9), and 720.311(1), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Mandatory binding arbitration of recall disputes in homeowners' associations.

SPECIFIC AUTHORITY: 718.112(2)(j)5., 720.303(10)(d), 720.311(1) FS.

LAW IMPLEMENTED: 720.301, 720.303(10), 720.307, 720.3075(1) FS.

IF REQUESTED 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., September 13, 2004

PLACE: Conference Room B03, Fuller Warren Building, 201 W. Bloxham Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Elzie, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. The preliminary draft rule is also available on line at <http://www.state.fl.us/dbpr/lsc/index.shtml>.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Scope; Nature of Remedy; Forms	61B-82.001
Filing Petition for Mediation	61B-82.002
Answer	61B-82.003
Assignment of Mediator; Billing	61B-82.004
Parties	61B-82.005
Disputes Eligible for Mediation; Relief Requested	61B-82.006
Subsequent Proceedings; Conclusion of Mediation Proceeding	61B-82.007

PURPOSE AND EFFECT: To provide the procedural rules to be used in the mandatory mediation program of homeowners' association disputes governed by Section 720.311(1),(2), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Mandatory mediation of homeowners' association disputes.

SPECIFIC AUTHORITY: 720.311(1) FS.

LAW IMPLEMENTED: 720.311(2) FS.

IF REQUESTED 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., September 13, 2004

PLACE: Conference Room B03, Fuller Warren Building, 201 W. Bloxham Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030 (The preliminary draft rule is also available on line at <http://www.state.fl.us/dbpr/lsc/index.shtml>)

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Scope, Organization, Procedure, Forms	61B-83.101
Filing Application for Certification;	
Verification Requirements	61B-83.002
Qualifications of Mediator or Arbitrators	
Certification Applicants	61B-83.003
Certification and Training Programs	61B-83.004

PURPOSE AND EFFECT: To provide procedures for Division certification of mediators and arbitrators pursuant to Section 720.311(2), Florida Statutes, in the area of homeowners' association disputes.

SUBJECT AREA TO BE ADDRESSED: Certification of mediators and arbitrators for use in the resolution of homeowners' association disputes.

SPECIFIC AUTHORITY: 720.311(1) FS.

LAW IMPLEMENTED: 720.311(2)(c) FS.

IF REQUESTED 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., September 13, 2004

PLACE: Conference Room B03, Fuller Warren Building, 201 W. Bloxham Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030 (The preliminary draft rule is also available on line at <http://www.state.fl.us/dbpr/lsc/index.shtml>)

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE:	RULE NO.:
License Fees and Examination Fees	61J2-1.011

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to discuss changes to the fingerprint-processing fee.

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

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.217, 475.2281, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451, 68.065(2) FS.

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, September 14, 2004

PLACE: Division of Real Estate, Commission Meeting Room, N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: RULE NO.:

Temporary Certificate Requirements for
Dentists Practicing in State and County
Government Facilities 64B5-7.0035

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

SUBJECT AREA TO BE ADDRESSED: Requirements for unlicensed dentists applying for a temporary certificate.

SPECIFIC AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.032, 466.017(4), 466.025 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-7.0035 Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities.

(1) No change.

(2) Any unlicensed dentist who is a graduate of a dental school accredited by the Commission on Accreditation of the American Dental Association and who applies to the Board for such certification shall be certified by the Board for receipt of a temporary certificate. To qualify for a temporary certificate, the unlicensed dentist must be eligible to take the Florida dental licensure examination or has not failed the Florida dental licensure examination. If the unlicensed dentist fails to pass the clinical examination in three (3) attempts, he or she must complete a one (1) year general practice residency, advanced education general dentistry residency, or pedodontic residency or a minimum of one (1) academic year of undergraduate clinical coursework in dentistry at a dental school approved by the American Dental Association’s Commission on Dental Accreditation.

(3) through (4) No change.

(5) A temporary certificate shall be renewed each biennium. At the time of renewal the certificate holder shall sign a statement that he or she has complied with all continuing education requirements of active licensees. A temporary certificate shall be canceled by the Board upon the unlicensed dentist being terminated from employment by a state or county government facility or upon a finding by the Board that the temporary certificate holder has violated any provision of Section 466.027 or 466.028, F.S., ~~or has failed the Florida dental licensure examination.~~

Specific Authority 466.004(4) FS. Law Implemented 456.032, 466.017(4), 466.025 FS. History—New 8-12-93, Formerly 61F5-7.0035, 59Q-7.0035, Amended 11-10-98, 3-25-99, 12-25-01, 1-12-04, _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Continuing Professional Education 64B5-12

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

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements regarding laws, rules and ethics.

SPECIFIC AUTHORITY: 456.013(8), 456.027, 456.031, 456.033, 466.004(4), 466.0135, 466.014, 466.017(3), (4) FS.

LAW IMPLEMENTED: 456.013(6), (7), (8), 456.027, 456.031, 456.033, 466.0135, 466.014, 466.017(3), (4), (5), 466.028(1)(i), (bb) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Anesthesia 64B5-14

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

SUBJECT AREA TO BE ADDRESSED: Requirements regarding the administration of anesthesia.

SPECIFIC AUTHORITY: 466.004(4), 466.017(3) FS.

LAW IMPLEMENTED: 120.60(8), 466.017(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

School Psychology

RULE TITLE: Renewal of an Active License
 RULE NO.: 64B21-503.002

PURPOSE AND EFFECT: The Department of Health proposes to review the existing text in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing education credit guidelines.

SPECIFIC AUTHORITY: 120.53(1), 490.015 FS.

LAW IMPLEMENTED: 490.007 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: Camps
 RULE CHAPTER NO.: 64E-14

RULE TITLES: Migrant Farmworker Housing – General
 RULE NOS.: 64E-14.001

Definitions 64E-14.002

Construction Procedures 64E-14.003

Permit, Standards, Inspections, Violations, Complaints and Retaliation 64E-14.004

Application and Variance Fees 64E-14.005

Sites 64E-14.006

Buildings and Structures 64E-14.007

Water Supply 64E-14.008

Garbage and Refuse Disposal 64E-14.009

Heating 64E-14.011

Lighting 64E-14.012

Sewage and Liquid Waste Disposal 64E-14.013

Plumbing 64E-14.014

Personal Hygiene Facilities 64E-14.015

Field Sanitation Facilities 64E-14.016

Food Service Facilities 64E-14.017

Beds and Bedding 64E-14.018

Fire Protection 64E-14.019

Citations 64E-14.020

Responsibility of Operator 64E-14.021

Supervision 64E-14.022

Enforcement 64E-14.023

PURPOSE AND EFFECT: The department proposes to amend the rules to conform them to recent changes in Chapter 381, F.S., as adopted in Chapter 2004-64, Laws of Florida, update and clarify certain requirements, adopt amended forms by reference, and address other program concerns identified in recent years.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments will address definitions, plan reviews, citations, construction procedures, inspections, application and variance fees, sites, buildings and structures, garbage and refuse disposal, insect and rodent control, lighting, personal hygiene facilities, food service facilities, beds and bedding, fire protection, and other matters that may arise during the review of the rules.

SPECIFIC AUTHORITY: 381.006(5), 381.0086 FS.

LAW IMPLEMENTED: 381.008, 381.0084, 381.0072, 381.0087 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Leslie Harris, Environmental Administrator, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399, (850)245-4277

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Medicaid SSI-Related Post Eligibility
 RULE NO.:

Treatment of Income 65A-1.7141

PURPOSE AND EFFECT: Rule 65A-1.7141, F.A.C., promulgates the Medicaid SSI-Post Eligibility Treatment of Income criteria, including the criteria for treatment of uncovered medical expense deductions and treatment of income for individuals in VA nursing facilities.

SUBJECT AREA TO BE ADDRESSED: This proposed amendment will promulgate the Medicaid SSI-Post Eligibility Treatment of Income criteria, including the criteria for treatment of uncovered medical expense deductions and treatment of income for individuals in VA nursing facilities.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919 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. – 12:00 Noon, September 13, 2004

PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Nathan Lewis, Program Administrator, Building 3, Room 448, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)414-5927

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-21.002
Application and Selection Process for Loans	67-21.003
Applicant Administrative Appeal Procedures	67-21.0035
Federal Set-Aside	67-21.004
Public Policy Criteria Requirements and Qualified Resident Programs	67-21.0041
Determination of Method of Bond Sale	67-21.0045
Selection of Qualified Lending Institutions as Credit Underwriters, Originators or Servicers	67-21.005
Development Requirements	67-21.006
Fees	67-21.007
Terms and Conditions of Loans	67-21.008
Interest Rate on Mortgage Loans	67-21.009
Issuance of Revenue Bonds	67-21.010
No Discrimination	67-21.011
Advertisements	67-21.012
Non-Credit Enhanced Multifamily Mortgage Revenue Bonds	67-21.013
Credit Underwriting Procedures	67-21.014
Use of Bonds with Other Affordable Housing Finance Programs	67-21.015
Compliance Procedures	67-21.016

Transfer of Ownership	67-21.017
Refundings and Troubled Development Review	67-21.018
Issuance of Bonds for Section 501(c)(3) Entities	67-21.019

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, Florida Statutes. SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2005 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

SPECIFIC AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.509 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: following the Board Meeting at a time to be announced at the conclusion of the Board Meeting, September 10, 2004

PLACE: Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, Florida 32301

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact: Jean Salmonsens, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wayne Conner, 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 website www.floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Purpose and Intent	67-48.001
Definitions	67-48.002
Notice of Funding or Credit Availability	67-48.003
Application and Selection Procedures for Developments	67-48.004
Applicant Administrative Appeal Procedures	67-48.005
Compliance and Reporting Requirements	67-48.006
Fees	67-48.007
No Discrimination	67-48.008

SAIL General Program Procedures and Restrictions 67-48.009

Additional SAIL Application Ranking and Selection Procedures 67-48.0095

Terms and Conditions of SAIL Loans Sale, Refinancing or Transfer of a SAIL Development 67-48.010

SAIL Credit Underwriting and Loan Procedures 67-48.0105

SAIL Construction Disbursements and Permanent Loan Servicing 67-48.013

HOME General Program Procedures and Restrictions 67-48.014

Match Contribution Requirement for HOME Allocation 67-48.015

Eligible HOME Activities 67-48.017

Eligible HOME Applicants 67-48.018

Eligible and Ineligible HOME Development Costs 67-48.019

Terms and Conditions of Loans for HOME Rental Developments 67-48.020

Sale or Transfer of a HOME Development HOME Credit Underwriting and Loan Procedures 67-48.0205

HOME Disbursements Procedures and Loan Servicing 67-48.021

Housing Credits General Program Procedures and Requirements 67-48.022

Qualified Allocation Plan 67-48.023

Housing Credit Underwriting Procedures 67-48.025

Tax-Exempt Bond-Financed Developments 67-48.026

Carryover Allocation Provisions 67-48.027

Extended Use Agreement 67-48.028

Sale or Transfer of a Housing Credit Development 67-48.029

Termination of Extended Use Agreement and Disposition of Housing Credit Developments 67-48.030

Minimum Set-Aside for Non-Profit Organizations Under Housing Credits Program 67-48.031

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2005 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation's 2004 Qualified Allocation Plan (QAP).

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 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: following the Board Meeting at a time to be announced at the conclusion of the Board Meeting, September 10, 2004

PLACE: Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, Florida 32301

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact: Jean Salmonsens, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Stephen P. Auger, 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 website www.floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-48.002
Terms and Conditions of SAIL Loans	67-48.010

PURPOSE AND EFFECT: The purpose of this Rule is to clarify the procedures by which the Corporation shall determine development cash flow for purposes of calculating interest due on loans made under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.),

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to clarifying the procedures by which the Corporation shall determine development cash flow for purposes of calculating interest due on loans made under the State Apartment Incentive Loan (SAIL) Program.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barb Goltz, Chief Financial 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 NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE TITLE: Food Permits; Requirements and Fees

RULE NO.: 5K-4.020

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish a definition for an additional category of food establishment. The rule will also establish the amount charged for an annual food permit for establishments covered by that definition and adjust the amount charged to certain other defined categories for an annual food permit. The effect of the rule is to add a definition which distinguishes minor food outlets which only offer foods for sale which are not perishable or potentially hazardous from other type of minor food outlets. A secondary effect is that the fees for other similar food establishment categories are adjusted to maintain internal consistency.

SUMMARY: The proposed rule establishes a new definition for a minor food outlet which only offers non-perishable, non-potentially hazardous foods to the public. The proposed rule establishes an annual permit fee for establishments meeting the definition, and adjusts the current annual permit fee amounts for firms defined as Limited Sales and as Semi-permanent Vendor.

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

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

SPECIFIC AUTHORITY: 500.09, 500.12(1)(b), 570.07(23) FS.

LAW IMPLEMENTED: 500.04, 500.09, 500.10, 500.12(1)(a),(b),(c),(d), 500.121, 500.171, 500.172, 500.177 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: 10:00 a.m., September 21, 2004

PLACE: Department of Agriculture and Consumer Services, Division of Forestry, Conner Complex, 3125 Conner Blvd., Conference Room, 2nd Floor, Tallahassee, Florida, (850)488-3951

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. J. D. Warren, Department of Agriculture and Consumer Services, Room 185, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE FULL TEXT OF THE PROPOSED RULE IS:

5K-4.020 Food Permits; Requirements and Fees.

(1) As used in this rule, the following definitions shall apply in determining food permit fees:

(a) through (m) No change.

(n) Minor food outlet, only non-perishable foods. A minor food outlet which sells, stores or offers only commercially prepackaged, non-potentially hazardous, non-perishable foods and at which there is no food processing activity, no food service or any activity related to repackaging of foods. Commercially prepackaged ice, not bagged on the premises, may be sold.

(n) through (bb) renumbered (o) through (cc) No change.

(2) through (4) No change.

(5) Food Permit Fees.

(a) No change.

(b) The following schedule of fees is established for each food permit.

Bottled Water Plant	\$500
Bottling Plant	350
Canning Plant	375
Convenience Store	300
Convenience Store with Limited Food Service	350
Convenience Store with Significant Food Service	425
Food Salvage Center	400
Food Storage Warehouse	325
Grocery Store	425
Health Food Store	275
Health Food Store with Food Service	350
Limited Sales	<u>100 75</u>
Meat Market	350
Minor Food Outlet	275
<u>Minor Food Outlet, Only Non-perishable Foods</u>	<u>175</u>
Minor Food Outlet with Limited Food Service	325
Minor Food Outlet with Significant Food Service	400