

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-170.013 Filing Procedures for Property and Casualty Insurance Rates, Rules, Underwriting Guidelines, and Forms.

(1) through (6) No change.

(7) This rule applies to that portion of a rate filing relating to terrorism coverage required under the Terrorism Risk Insurance Act of 2002. The Office recognizes the difficulty facing an individual insurer in demonstrating that its rates related to terrorism are not excessive, inadequate, or unfairly discriminatory. An insurer is free to use any generally accepted and reasonable actuarial technique in its filing which it believes demonstrates that the rates requested or implemented are in compliance with Section 627.062, Florida Statutes. If an insurer is unable to demonstrate through its own methodology that the rate requested or implemented complies with Section 627.062, Florida Statutes, then the insurer may, at its option, adopt the methodology, data, and rates of another insurer or rating or advisory organization, as appropriate, that have been previously approved by the Office.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.604, 624.605, 627.062, 627.0645, 627.0651 FS. History--New 3-30-92, Amended 3-9-93, 8-23-93, 10-3-94, 8-3-95, 10-2-96, 6-19-03, Formerly 4-170.013, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Milnes, Bureau of Property and Casualty Insurance Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Eric Lingswiler, Chief, Bureau of Property and Casualty Insurance Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 13, 2004

Section III Notices of Changes, Corrections and Withdrawals

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 NO.: RULE TITLE:
33-602.201 Inmate Property

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 9, (February 27, 2004), issue of the Florida Administrative Weekly:

33-602.201 Inmate Property.

(1) through (17) No change.

APPENDIX ONE
PROPERTY LIST

This list incorporates all property authorized to be possessed by inmates in all Department institutions and facilities except community correctional centers. Except for items specified below as "exemptions", property received must be in compliance with this list. Inmates in possession of previously approved property which meets the description of property on the list shall be allowed to retain the property.

Definitions.

The "quantity" establishes a maximum possession limit. This does not mean that all state issue items will be issued to each inmate, or that the maximum number of items will be issued. Items found in the possession of an inmate that are in excess of the established "quantity" shall be treated as contraband in accordance with Rule 33-602.203, F.A.C. Where there is a "value" indicated, the authorized item shall not exceed that value. The terms "canteen" and "state issue" refer to the sources from which property can be obtained after January 1, 1996. All items with the "canteen" designation shall be available in all institutional canteens or through canteen order. All canteen items are transferable between institutions. "State issue" means that the institution has the authority to issue this item to inmates based upon the character of the institution, the location of the institution, the housing or work assignment of the inmate, or other factors related to institution or inmate needs. Institutions housing death row inmates shall make adjustments to this property list when possession of listed items by death row inmates would create a threat to the security of the institution.

Exemptions.

Inmates already in possession of the following previously approved items shall be allowed to retain the items until they are no longer serviceable, but shall not be allowed to replace them with like items.

- Clothing items of a different color than specified on the property list.
- Locks other than V68 series
- Plastic bowls, tumblers, cups and lids
- Pantyhose
- Nail clippers larger than 2-1/2"

AUTHORIZED PROPERTY LIST						
CLOTHING						
Quantity	Unit	Value	Articles			
1	each		Athletic Bra(canteen – female only)	1	Set	Canteen purchases –* limited by approved storage space;
1	each		Belt (state issue)			Checkers (light wood or plastic, standard checkers only (canteen order)
4	each		Bras (state issue or canteen – female only)	1	set	Chess (light wood or plastic, 2 inches max. height) (canteen order)
1	each		Coat (state issue)	1	each	Coffee mug – plastic (canteen)
3	each		Dresses (state issue – female only)	1	each	Comb-pocket type, no handles (non-metal) (state issue or canteen)
1	pair		Gloves, work (state issue)	*		Correspondence –* limited by storage space limitations.
4	each		Handkerchief, cotton, white only (canteen)	1	pack	Cotton swabs (plastic or paper stems only) (canteen)
1	each		Hats (state issue)	2	each	Crème rinse and conditioner (canteen)
2	pair		Pajamas-long (state issue or canteen) Light blue or white – female only	2	each	Cup, drinking – plastic (canteen)
7	each		Light blue – male	1	each	Cuticle remover (non-alcohol base) (canteen)
			Panties (state issue or canteen – female only)	1	each	Dental floss, (floss loops only), unwaxed (canteen)
3	each		Pants (state issue)	1	package	Denture adhesive (state issue or canteen)
1	each		Raincoat <u>or Poncho</u> – clear (state issue or canteen)	1	each	Denture cup (canteen order)
1	each		Robe (state issue – female only)	1	each	Deodorant <u>and antiperspirant</u> (no aerosols) (canteen)
3	each		Shirt, outer (state issue)	2	each	Domino (light wood or plastic, standard size) (canteen order)
4	each		Shirt, T-Shirt (state issue or canteen order – gray <u>for female, white for male</u>)*inmates may possess both state-issue and canteen-purchased shirts, but the total combined number cannot exceed 4.	1	set	Earphone pads (replacement) (canteen order)
1	pair		Shoes, Athletic (canteen)	1	pair	Ear rings, post type (female only) (canteen order)
1	pair		Shoes, Work (state issue)	1	pair	Educational supplies (items must be pre-approved for vocational education or correspondence study programs. Items are authorized only for the duration of the course.)
2	each		Shorts, athletic (navy blue) (canteen)	*		Emery board – cardboard (canteen)
1	each		Shower cap, clear only (<u>female only</u>) (canteen)	1	pack	Envelopes – legal and oversized (canteen)
1	pair		Shower slides (canteen)	1	pack	Envelopes, self-addressed stamped – * the total in the inmate’s possession shall not exceed the limit of 1 pack.
3	each		Slips (state issue – female only)	*		Erasers (canteen)
6	pair		Socks (state issue or canteen)			Eyeglasses, case, contact lens and solutions (state issue or personal; “personal” means that inmates already in possession of these items will be allowed to retain them, but any future items will be provided by the institution if needed.) Contact lenses will only be provided if medically indicated.
1	each		Supporter, athletic (<u>male only</u>)(canteen)	1	pack	Eye shadow, eyeliner, mascara, eyebrow pencil, blemish preparation, lipstick, blemish and spot cover-up, lip coloring (female only) (canteen)
2	each		Sweatshirts (gray only) (canteen order)	1	each	
4	each		Undershorts (male only) (state issue or canteen)	2	each	
2	each		Underwear, thermal (state issue or canteen)	2	each	
PERSONAL ARTICLES						
Quantity	Unit	Value	Articles			
			Batteries (canteen)			
25	each		Bobby pins, R oller clips – plastic only (females only), (canteen)			
*			Books (legal, educational, religious, fiction) – * Quantity as specified by Rule 33-501.401, F.A.C.	1	each	
1	package		Breath tablets (canteen)			
1	each		Calendar, as specified by Rule 33-501.401, F.A.C.			

1	box	Facial tissue (canteen) Feminine hygiene products (internal and external) (female only) (state issue or canteen)	*				Prosthesis – * as approved by health services
*		File Folders (*limited by storage space)	1	each	50.00		Radio, DC/AM/FM only, "Walkman" type, maximum 4 x 5" (canteen)
1	each	Hairbrush – nonmetal, handles for females only (canteen)	1	each	50.00		Razor, disposable (state issue)
2	each	Hairdressing (styling gel, pink oil, cholesterol, perm kit, bleaching cream – female only) (no aerosols) (canteen)	*				Razor, battery operated, non-rechargeable (canteen order)
1	each	Hair net (female only) (canteen)	1	Each	50.00		Religious requirements – as approved by chaplaincy services, (examples: head covering, prayer rug)
25	each	Hair rollers (female only) (canteen)	1				Religious medallion with chain (personal or <u>provided by Chaplain</u> canteen order)
2	each	Handballs <u>or racketballs</u> (canteen)	1				Ring, engagement (personal, female only)
1	each	Headphones for use with radio (canteen)	1	Each	100.00		Ring, wedding(personal)
1	each	Health aids – headache and cold remedies, antacids, laxatives, eye wash , antifungal preparations, cough drops, nasal spray, etc. No imidazoline, tetrahydrozoline, or hydrochlorida compounds (canteen – as approved by health services)	1	Each	100.00		Roller cap, clear only (female only) (canteen)
2	each	Hearing aid (state issue or personal)	1	set			Scrabble (canteen order)
*		Hobby craft – at locations where program exists and subject to storage space limitations	2	each			Shampoo (canteen)
1	each	Insect repellent (canteen)	1	each			Shaving cream (canteen)
1	each	Jigsaw puzzle (canteen order)	1	each			Shaving powder (canteen)
1	each	Laundry bag (state issue)	1	each			Shoe laces (canteen)
1	each	Lighter, disposable (approved type) (canteen)	*				Shoe wax (Liquid only, non flammable, no nitrobenzene; canteen)
1	each	Lip balm (canteen)	1				Soap, bath (state issue or canteen)
1	each	Locks, combination (V68 series) (canteen)	1	each			Soap dish (canteen)
1	each	Make-up bag, clear only (female only) (canteen)	40	each			Soap, laundry (<u>female only</u>) (canteen)
1	each	Mirror – plastic, non-breakable, 5 x 7" max. (canteen)	1	each			Special needs – * special devices as approved for compliance with medical needs
1	each	Moisturizer – no mineral oils, <u>no Vaseline</u> (canteen)	1	each			Spoon, plastic (<u>canteen</u>)
1	each	Mouthwash (canteen)	1	each			Stamps (<u>the equivalent of 40</u> 1-ounce 1st class) (canteen)
1	each	Nail clippers, not to exceed 2 1/2" (canteen)	2	each			Sunglasses, no mirror type (canteen)
2	pack	Notebook paper (canteen)	2	each			Sunscreen lotion (canteen)
4	each	Pens, ballpoint, flair-type, pencils <u>with erasers</u> , or security pens, no markers (canteen)	1	each	50.00		Talcum powder (canteen)
*		Periodicals – * as specified by Rule 33-501.401, F.A.C., and storage space limitations	1	each			Toothbrush (state issue or canteen)
1	each	Photo album, non-metal (canteen)	2	each			Toothbrush holder (canteen)
50	each	Photographs (personal)	2	each			Toothpaste <u>and Toothpaste with mouthwash</u> (state issue or canteen)
2	decks	Playing cards (standard) (canteen)	1	each			Towels (state issue)
5	<u>Each</u>	<u>Pony tail holder (fabric) or hair claws (plastic) (female only)</u>	1	each			Wallet (canteen)
1	each	P.R.I.D.E. service pin (issued to inmate from P.R.I.D.E.)	1	each			Watch (personal or canteen)
			1	each			Watch band (<u>nylon and Velcro only</u>) (canteen)
			1	each			Watch batteries, replacement (canteen order)
			2	each			Washcloths (state issue or canteen)

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-14.010
 RULE TITLE: Citations

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 9, February 27, 2004, issue of the Florida Administrative Weekly. The change is being made to correct a typographical error.

Subsection (3)(i) is changed and shall read as follows:

- (i) Failure to comply with Sections 381.026 and compliance 381.0261, F.S., referencing patients bill of rights. (Section 456.077(2), F.S.) \$250 fine and within ten days

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-9.006
 RULE TITLE: Construction Standards

NOTICE OF CORRECTION

Notice is hereby given that the following correction and clarification has been made in the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., which was published in the Florida Administrative Weekly, Vol. 29, No. 52, December 26, 2003, page 5099. This is to clarify and correct the strikethrough and underlined text in subparagraph 64E-9.006(1)(d)3., F.A.C., in the second paragraph, and second sentence; it should have read as follows:

Tile shall be slip resistant, ~~except when three-fourths Bullnose tile may be used when the 3/4ths inch by 2 inch bullnose tile is used and the three-fourths inch segment is placed on the tread or horizontal surface and the 2 two inch segment is placed on the riser or vertical surface.~~

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER NO.: 64E-9
 RULE CHAPTER TITLE: Public Swimming Pools and Bathing Places

RULE NOS.:

- 64E-9.002
- 64E-9.004
- 64E-9.005
- 64E-9.006
- 64E-9.007
- 64E-9.008
- 64E-9.009
- 64E-9.018

RULE TITLES:

- Definitions
- Operational Requirements
- Construction or Modification Approval
- Construction Standards
- Recirculation and Treatment System Requirements
- Supervision and Safety
- Wading Pools
- Public Pool Service Technician Certification

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 29, No. 52, December 26, 2003, pages 5094-5108.

The changes were made in response to the comments received during the public hearing, the following open comment period and comments from the Joint Administrative Procedures Committee.

In subsection 64E-9.002(4), F.A.C., the definition of collector tank is changed to read: A reservoir, with a minimum of 2.25 square feet water surface area open to the atmosphere, from which the recirculation or feature pump takes suction, which receives the gravity flow from the main drain line surface overflow system or feature water source line.

In subsection 64E-9.002(6), F.A.C., the word "chainlink" is deleted.

In subsection 64E-9.002(36), F.A.C., the words "or other approved obstacles" are deleted and replaced with waterfalls, water features, starting blocks, planters, or lifeguard chairs.

In subsection 64E-9.004(14), F.A.C., the words "guidelines for fecal accidents in swimming pools" are deleted and replaced with "fecal accident response recommendations for pool staff.

In subsection 64E-9.005, F.A.C., the title is changed to read "Construction Plan or Modification Plan Approval", by adding the word plan twice.

In subsection 64E-9.005(1), F.A.C., the word "Plan Approval" is added after the word Construction.

In sub-subsection 64E-9.005(1)(i)1., F.A.C., after the words "Form DH916", the following underlined phrase, incorporated by reference at paragraph 64E-9.003(2)(d), F.A.C., is added.

In Rule 64E-9.006, F.A.C., the title is changed to read "Construction Plan Approval Standards" by adding the words "Plan Approval".

In sub-subparagraph 64E-9.006(1)(c)3.e., F.A.C., the following underlined phrase is changed back to the original rule which says: All markings shall be tile, except that pools constructed of fiberglass, thermoplastic or stainless steel may substitute other type markings when it can be shown that said markings

are permanent and will not fade over time. This exemption does not extend to concrete pools that are coated with fiberglass.

Then the following underlined new text is added: Tile alternative examples include stone or manufactured plaques with engraved or sandblasted numbers and characters with permanent paint. Permanent appliques may be used for fiberglass, thermoplastic or stainless steel pools. All markings installed on horizontal surfaces shall have a slip resistant finish. Markings shall be flush with the surrounding area where placed and recessed if necessary to provide a smooth finish that will avoid creation of an injury hazard to bathers. Pools that are not conducive to tile can employ other equivalent markings as stated above.

In subsection 64E-9.007(12), F.A.C., the following underlined words are added, and one number changed: Cleaning system – A portable or plumbed in vacuum cleaning system shall be provided. All vacuum pumps shall be equipped with hair and lint strainers. Recirculation or separate vacuum pumps shall not be used for vacuuming purposes when in excess of 3 ~~2~~ horsepower. When the system is plumbed in, the vacuum fittings shall be located to allow cleaning the pool with a 50 foot maximum length of hose.

In subsection 64E-9.007(14), F.A.C., at the end of the paragraph, the following is added: Heater replacement or addition meeting the provisions of this section does not constitute a modification.

In subsection 64E-9.008(6), F.A.C., changes include the deletion of the phrase “acceptable to the department may not need to satisfy” result in the following sentence: (6) Swimming pool slides shall be installed in accordance with manufacturer’s specifications and sound engineering practice. Pools with slides designed for use in swimming pools are not required to satisfy the requirements for those of slide plunge pools in subsection 64E-9.011(2), F.A.C., however, the need for increased filtration rate shall be taken into consideration by the design engineer in determining what constitutes sound engineering.

In subsection 64E-9.009(7), F.A.C., After the first phrase we are adding the following underlined words “Wading pool decks- when adjacent to swimming pools within 50 feet, wading pools shall be enclosed and separated from the swimming pool by a fence of . . .

In Rule 64E-9.018, F.A.C., The following underlined phrases are added to the fourth sentence: To ensure that the pool technicians are knowledgeable, said technician shall attend a training course of national recognition that is approved by the department of at least 16 hours in length and shall pass a test acceptable to the department. The following is added at the end of the paragraph: A certified pool technician may not affect the structural integrity of the pool or equipment, and shall not

delegate work to others, including employees, that are not themselves certified under this section, or otherwise exempt from this provision per 514, F.S.

The following underlined passages are added to subsection 64E-9.018(2), F.A.C. Course materials must be provided that cover the required topics in detail. The course approval shall be contingent upon their meeting the items listed in subsection (1) above and the subjects listed in Section 514.075, F.S. The test approval shall be contingent upon all of the questions being related to the subject areas listed in paragraph (1) above and the subjects listed in Section 514.075, F.S., with at least 10% of the questions from the subject areas in paragraphs (1)(a) through (f) above, and the remaining 40% covering any of the seven pool subject areas listed in rule or Section 514.075, F.S. The minimum passing score for the test shall be no less than 70% correct for all questions. There shall be a minimum of 50 questions.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF EDUCATION

The Commission for Independent Education hereby gives notice that it has received a petition filed on February 25, 2004, on behalf of Florida Auctioneer Academy, Inc. The petition is seeking a waiver of subsection 6E-2.004(6), Florida Administrative Code, requesting that the institution not be required a financial review as a condition of approval.

Comments on this petition should be filed with the Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301, within 14 days of publication of this notice.