

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking**DEPARTMENT OF STATE****Division of Elections**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Elections 1S-2

RULE TITLE: RULE NO.:

Minimum Security Procedures
for Voting Systems 1S-2.015

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish minimum security standards for voting systems.

SUBJECT AREA TO BE DISCUSSED: The rule incorporates an updated security procedure to accommodate changes in election laws. A Notice of Development of Proposed Rule for this rule was published on the March 26, 2004, F.A.W. Vol. 30, No. 13. This notice replaces the previously published notice.

SPECIFIC AUTHORITY: 101.015, 120.535 FS.

LAW IMPLEMENTED: 101.015(4) FS.

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

TIME AND DATE: 10:00 a.m., Monday, May 3, 2004

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

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to review the documents should contact: Kathleen McGregor, (850)245-6220.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kathleen McGregor, Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, Florida 32399, (850)245-6220 (Copies of the preliminary draft rule may be obtained on the Division of Elections' website)

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

DEPARTMENT OF EDUCATION**State Board of Education**

RULE TITLE: RULE NO.:

Comprehensive Management
Information System 6A-1.0014

PURPOSE AND EFFECT: The purpose of this rule development is to review existing requirements of the statewide management information system which is necessary in order to implement changes recommended by school districts and to review changes in state reporting and local recordkeeping procedures for state and/or federal programs. The effect is to maintain compatibility among state and local

information systems components. The statewide comprehensive management information system provides the data on which the measurement of school improvement and accountability is based.

SUBJECT AREA TO BE ADDRESSED: DOE Information Data Base Requirements, 2003-2004.

SPECIFIC AUTHORITY: 120.53(1)(b), 1001.02(1), 1008.385(3) FS.

LAW IMPLEMENTED: 1002.22(3)(d)3., 1008.385(2), 1010.305(3), 1001.23 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.

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lavan Dukes, Department of Education, 325 West Gaines Street, Room 852, Tallahassee, Florida 32399-0400, (850)245-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.0014 Comprehensive Management Information System.

(1) No change.

(2) The data elements, procedures and timelines for state reporting, local recordkeeping and statewide records transfer to be implemented by each school district and the Department within its automated information system component as prescribed in the publications entitled "DOE Information Data Base Requirements: Volume I – Automated Student Information System, 2003 ~~2002~~" "DOE Information Data Base Requirements: Volume II – Automated Staff Information System, 2003 ~~2002~~," and "DOE Information Data Base Requirements: Volume III – Automated Finance Information System, 1995." These publications which include the Department procedures for the security, privacy, and retention of school district student and staff records collected and maintained at the state level are hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained from the Education Information and Accountability Services Section, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a cost to be established by the Commissioner not to exceed actual cost.

Specific Authority 1001.02(1), 1008.385(3) FS. Law Implemented 1001.23, 1002.22(3)(d)3., 1008.385(2) FS. History—New 2-19-87, Amended 12-21-87, 12-13-88, 3-25-90, 3-24-91, 3-17-92, 12-23-92, 2-16-94, 3-21-95, 7-4-96, 5-19-97, 10-13-98, 10-17-00, 5-19-03, _____.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: RULE NO.:

Definition of Terms 6E-1.003

PURPOSE AND EFFECT: The Commission proposes this amendment to add new terms that define the foreign medical school affiliation agreement, adequate laboratory and clinical library facilities, and parent medical schools.

SUBJECT AREA TO BE ADDRESSED: Definition of Terms.

SPECIFIC AUTHORITY: 1005.22(1)(e) FS.

LAW IMPLEMENTED: 1005.22, 1005.31 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 LAW WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-1.003 Definition of Terms.

Terms used in these rules are defined in Section 1005.02, Florida Statutes. In addition, as used in the rules of this Commission, unless the context clearly indicates otherwise:

(1) No change.

(2) Adequate clinical clerkship library facilities – Comprehensive resource and information facility sufficient in size, current breadth of holdings and information technology to support its medical education.

(3) Adequate laboratory facilities – Industry standard facilities that allow students to engage in scientific research, testing and diagnostic evaluation.

(2) through (25) renumbered (4) through (27) No change.

(28) Foreign Medical School Affiliation Agreement – A signed statement between a teaching hospital and a foreign medical school in which the teaching hospital agrees to make its resources available to a foreign medical school in order for the foreign medical school to offer its educational program at the hospital.

(26) through (37) renumbered (29) through (40) No change.

(41) Parent Medical schools – The licensed foreign medical institution that is offering a clinical clerkship program at the Florida teaching hospital.

(38) through (45) renumbered (42) through (49) No change.

Specific Authority 1005.22(1)(e) FS. Law Implemented 1005.22, 1005.31 FS. History–Repromulgated 12-5-74, Amended 7-28-75, Formerly 6E-4.01(8), Readopted 11-11-75, Amended 3-7-77, 10-13-83, Formerly 6E-1.03, Amended 2-22-89, 11-29-89, 10-19-93, 4-11-00, 1-7-03, 12-23-03, _____.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: RULE NO.:

Standards and Procedures for Licensure 6E-2.004

PURPOSE AND EFFECT: The Commission proposes these rule amendments to make the rule parallel to the statute that doesn't require the submission of continuing education, to clarify the parameters of program name, and to clarify the requirements for continuing education for faculty.

SUBJECT AREA TO BE ADDRESSED: Standards and Procedures for Licensure.

SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS.

LAW IMPLEMENTED: 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 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 LAW WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-2.004 Standards and Procedures for Licensure.

Each institution applying for a license or moving to a new level of licensure shall provide to the Commission the following specific information, in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.

(1) through (2) No change.

(3) Standard 3: Administrative Organization.

(a) through (d) No change.

(e) Pursuant to Section 1005.39, Florida Statutes, individuals holding the following or similar positions in licensed institutions shall complete at least eight continuing education contact hours of training related to their positions each year; ~~from the Commission or another provider which the Commission has determined to include relevant information in its training programs;~~ school director, Florida director, or chief

executive officer; chief education/academic officer or director of education or training; placement director; admissions director; and financial aid director. Each institution shall provide, at the time of initial application or review of licensure, documentation that the required training was received. If an individual holds more than one of these positions, the documentation shall indicate for which position the training was appropriate. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition of licensure or renewal of licensure.

(f) through (h) No change.

(4) Educational programs and curricula. The following standards shall apply to all institutions licensed by the Commission for Independent Education, except as expressly stated otherwise.

(a) Programs shall be related to the institution's purpose and organized to provide a sequence which leads to the attaining of competence in the respective area or field of study. Each program name shall not be misleading and shall accurately depict the primary purpose of the program.

(b) through (r) No change.

(5) through (6) No change.

(7) Standard 7: Faculty.

(a) NonDegree Diploma Programs:

1. through 2. No change.

3. Pursuant to Section 1005.39, Florida Statutes, faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition or renewal of licensure.

4. No change.

(b) Occupational Associates Degrees:

1. through 2. No change.

3. Pursuant to Section 1005.39, Florida Statutes, faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition or renewal of licensure.

4. No change.

(c) Academic Associate Degrees:

1. through 2. No change.

3. Pursuant to Section 1005.39, Florida Statutes, faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition or renewal of licensure.

4. No change.

(d) Bachelor's Degrees:

1. through 2. No change.

3. Pursuant to Section 1005.39, Florida Statutes, faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition or renewal of licensure.

4. No change.

(e) Master's Degrees:

1. through 2. No change.

3. Pursuant to Section 1005.39, Florida Statutes, faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition or renewal of licensure.

4. No change.

(f) Doctoral Degrees:

1. through 2. No change.

3. Pursuant to Section 1005.39, Florida Statutes, faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition or renewal of licensure.

4. No change.

(8) through (12) No change.

Specific Authority 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History—Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03, _____.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE:

RULE NO.:

Actions Against a Licensee; Penalties

6E-2.0061

PURPOSE AND EFFECT: The Commission proposes this rule amendment to set forth aggravating or mitigating circumstances.

SUBJECT AREA TO BE ADDRESSED: Actions Against a Licensee; Penalties.

SPECIFIC AUTHORITY: 1005.32(7), 1005.38 FS.

LAW IMPLEMENTED: 1005.32(7), 1005.34(3), 1005.38 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 LAW WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-2.0061 Actions Against a Licensee; Penalties.

(1) through (4) No change.

(5) Based upon consideration of aggravating or mitigating factors, present in an individual case, the Commission may deviate from the recommended penalties. The Commission shall consider as aggravating or mitigating factors the following:

(a) The danger to the public;

(b) The length of time since the violation;

(c) The number of times the licensee has been previously disciplined by the commission;

(d) The length of time institution has been a licensed school;

(e) The actual damage, monetary or otherwise, caused by the violation;

(f) The deterrent effect of the penalty imposed;

(g) The effect of the penalty upon the institutions ability to stay open;

(h) Any effort of rehabilitation by the institution;

(i) The actual knowledge of the licensee pertaining to the violation;

(j) Attempts by institution to correct or stop violation or refusal by institution to correct or stop violation;

(k) Related violations against the licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;

(l) Actual negligence of the licensee pertaining to any violation;

(m) Penalties imposed for related offenses;

(n) Pecuniary gain to the institution;

(o) The number of complaints filed against the institution

(p) Any other relevant mitigating or aggravating factors under the circumstances.

(5) through (9) renumbered (6) through (10) No change.

Specific Authority 1005.32(7), 1005.38 FS. Law Implemented 1005.32(7), 1005.34(3), 1005.38 FS. History--New 10-13-83, Formerly 6E-2.061, Amended 5-20-87, 11-27-88, 11-29-89, 12-10-90, 10-19-93, 1-7-03,

DEPARTMENT OF REVENUE

RULE TITLE:

RULE NO.:

Delegation of Authority to Determine

Settlements or Compromises

12-13.004

PURPOSE AND EFFECT: Rule 12-13.004, F.A.C. (Delegation of Authority to Determine Settlements or Compromises) – The purpose of the proposed amendments to this rule is to clarify which positions are authorized to negotiate a compromise or settlement with a taxpayer on behalf of the Department, and modify the dollar amount of compromise authority granted to specific positions in the

General Tax Administration Program. These proposed revisions also grant authorization to negotiate a compromise or settlement with a taxpayer to several positions based on recent organizational changes. In addition, this rule is amended to correct references to several offices within the agency. The effect of these proposed rule amendments is to update information concerning who is authorized to settle or compromise unpaid liabilities on behalf of the Department.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed by these rule revisions is the procedures the Department uses to establish with a taxpayer a settlement or compromise of an unpaid liability.

SPECIFIC AUTHORITY: 213.06(1), 213.21(5) FS.

LAW IMPLEMENTED: 213.05, 213.21 FS.

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

TIME AND DATE: 2:00 p.m., April 27, 2004

PLACE: Room 435, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Larry Green, Rules and Policy Administrative Process, Department of Revenue, 501 S. Calhoun Street, Room 104, Carlton Building, Tallahassee, Florida 32399-0100, (850)922-4830, e-mail: greenl@dor.state.fl.us

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department at least 48 hours before the workshop by contacting: Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12-13.004 Delegation of Authority to Determine Settlements or Compromises ~~Settle or Compromise~~.

(1) No change.

(2) Cases in Litigation.

(a) Authority is delegated to the Deputy Executive Directors, ~~Director~~, the General Counsel, and the Deputy General Counsel of the Department to settle and compromise tax, interest, or penalty in cases where a tax matter is in litigation pursuant to Section ~~s.~~ 72.011, F.S.

(b) No change.

(3) Cases in Protest. In cases involving a tax matter in protest in Technical Assistance and Dispute Resolution, ~~within the Office of the General Counsel~~, authority to settle and compromise is delegated as follows:

(a) For compromise of amounts of tax of \$250,000 or less, and compromise of interest and penalty in any amount, to the Deputy Executive Directors, ~~Director~~, the General Counsel, and the Deputy General Counsel.

(b) No change.

(c) For compromise of amounts of tax or interest of \$125,000 each or less and of penalty in any amount, to the Director of Technical Assistance and Dispute Resolution ~~within the Office of the General Counsel~~, and the Program Director and Deputy Program Director within the General Tax Administration Program.

(d) For compromise of amounts of tax or interest of \$62,500 each or less and penalty of \$250,000 or less, to the Revenue Program Administrators I and II within Technical Assistance and Dispute Resolution, ~~within the Office of the General Counsel~~, and the Process Managers of the Taxpayer Services, Compliance Enforcement, and Compliance Support Processes.

(e) No change.

(f) For compromise of amounts of tax or interest of \$12,500 each or less and of penalty of \$75,000 or less, to the Senior Attorneys, Attorneys, Tax Law Specialists, and Senior Tax Specialists of Technical Assistance and Dispute Resolution, and the Revenue Program Administrators, Tax Law Specialists, Senior Tax Specialists and Government Analysts IIs I and II of the Compliance Support Process.

(g) through (k) No change.

(l) For compromise of penalty of \$37,500 or less, to the Process Group Managers or Tax Audit Supervisor positions in ~~of~~ the Compliance Enforcement Process.

(m) For compromise of penalty of \$12,500 or less, to the Tax Specialist Administrators, Tax Audit Support Services Supervisors, and the Senior Tax Specialists (Case Processing and Contract Audits) of the Compliance Support Process.

(n) through (o) No change.

(4) Collection Cases. In cases involving a tax matter related to billings or assessments which have been issued by or referred to the Taxpayer Services Process, authority to settle and compromise is delegated as follows:

(a) For compromise of amounts of tax of \$250,000 or less, and compromise of interest and penalty in any amount, to the Deputy Executive Directors, ~~Director~~, the General Counsel, and the Deputy General Counsel.

(b) through (f) No change.

(g) For compromise of amounts of tax or interest of \$2,500 each or less and penalty of \$75,000 or less, to the Revenue Program Administrators II, ~~and~~ Revenue Administrators III, and Tax Specialist Administrators of the Taxpayer Services Process.

(h) through (p) No change.

(5) Audit Cases. In cases involving an audit of the taxpayer, or an audit conducted pursuant to a refund request, prior to initiation of litigation pursuant to Section ~~s.~~ 72.011,

F.S., or expiration of the period for initiating same, or upon initial receipt of a protest involving penalty issues only, authority to settle and compromise is delegated as follows:

(a) For compromise of amounts of tax of \$250,000 or less, and compromise of interest or penalty in any amount, to the Deputy Executive Directors, ~~Director~~, the General Counsel, and the Deputy General Counsel.

(b) through (g) No change.

~~(h) For compromise of amounts of tax or interest of \$1,250 each or less and penalty of \$37,500 or less, to the Tax Law Specialists, Senior Tax Specialists, and Revenue Program Administrator I in the Contract Audit and Certified Audit Subprocess within the Compliance Enforcement Process.~~

~~(h)(i)~~ For compromise of amounts of penalty of \$75,000 or less, to all Revenue Program Administrators I and II of the Compliance Enforcement Process.

~~(i)(i)~~ For compromise of penalty in amounts of \$37,500 or less, to all Process Group Managers or Tax Audit Supervisor positions in ~~of~~ the Compliance Enforcement Process.

~~(j)(k)~~ For compromise of amounts of tax or interest of \$1,250 each or less, and penalty in amounts of \$37,500 or less, \$12,500 or less, to all Tax Specialist Administrators, Tax Audit Support Services Supervisors, Tax Law Specialists, Senior Tax Specialists, and Government Analysts II (Case Processing and Contract Audits) of the Compliance Support Process and Tax Specialists II within the General Tax Administration Program.

~~(k)(l)~~ For compromise of amounts of penalty of \$3,750 or less, to all Revenue Specialists I, II, and III of the Compliance Enforcement Process.

(6) Refund Cases. In cases involving refund requests that have not been referred for audit, prior to initiation of litigation pursuant to Section ~~s.~~ 72.011, F.S., or prior to expiration of the period for initiating same, authority to settle and compromise is delegated as follows:

(a) through (c) No change.

(7) In all other circumstances not previously described in this rule, authority to settle and compromise tax in amounts of \$250,000 or less and interest and penalty in any amount is delegated to the Deputy Executive Directors, ~~Director~~, the General Counsel, and the Deputy General Counsel.

(8) No change.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21 FS. History—New 5-23-89, Amended 8-10-92, 10-24-96, 10-2-01, _____.

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:

RULE NO.:

Inmate Discipline – Terminology
and Definitions

33-601.302

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the use of the Contact Card to document inmate behavior.

SUBJECT AREA TO BE ADDRESSED: Inmate Discipline.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 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:

33-601.302 Inmate Discipline – Terminology and Definitions.

The following terms, as defined, shall be standard usage throughout the Department:

(1) No change.

(2) Contact Card – refers to Form DC6-256, a written log used to document ~~aberrant~~ behavior of an inmate. Correctional officers maintain this card in the inmate's assigned dormitory. Form DC6-256 is incorporated by reference in paragraph 33-601.313(1)(c), F.A.C.

(3) through (16) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 3-12-84, Formerly 33-22.02, Amended 12-30-86, 10-01-95, Formerly 33-22.002, Amended 5-21-00, 2-11-01, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE:

RULE NO.:

Community Release Programs

33-601.602

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to define the circumstances under which an inmate will not be authorized to work at paid employment, and to remove reference to the inmate welfare trust fund which was been abolished by Senate Bill 954 (2003).

SUBJECT AREA TO BE ADDRESSED: Community release programs – paid employment.

SPECIFIC AUTHORITY: 945.091 FS.

LAW IMPLEMENTED: 945.091 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:

33-601.602 Community Release Programs.

(1) Definitions.

(a) through (g) No change.

(h) Work Release Center – refers to a facility where a community based transition program is conducted for approved community custody inmates prior to release from custody.

(2) through (6) No change.

(7) Employment.

(a) The department will not authorize ~~paid employment for~~ an inmate to work at paid employment with a given employer if:

1. through 2. No change.

3. The employer treats the inmate with less regard than other employees; ~~or~~

4. The employer expects more services from the inmate than of employees in comparable positions; or

5. The inmate wants to be employed at an establishment where:

a. The primary clientele focus is children;

b. There is a perception that children without parental supervision visit the establishment frequently; or

c. Children are normally dropped off by parents to be supervised by the employment site staff.

(b) through (l) No change.

(8) through (11) No change.

(12) Advance of Funds. The Department of Corrections is authorized to advance monies up to \$75.00 from the General Revenue Inmate Welfare Fund for an inmate who needs money for clothing, equipment, tools, transportation or incidental expenses in order to begin working at paid employment. The financial plan for the disbursement of the inmate's earnings prepared, as provided in subsection 33-601.602(10), F.A.C., shall provide for the repayment of any such advancement of monies from the inmate's earnings. If the inmate's employment is terminated or if for any other reason the advancement of monies is not repaid from the inmate's earnings, the advancement of monies remains a personal obligation of the inmate and, after suitable proceedings to ensure due process, other sources of funds available to the inmate shall be taken to

the extent possible to satisfy the advancement of monies. Any property the inmate has with the department shall be taken to satisfy the debt, provided that before any property is taken, the inmate shall be given a hearing before the classification team to determine the fact and the amount of the debt. The inmate shall be given 24 hours written notice of such hearing. The inmate shall be allowed to present relevant evidence and argument. All or part of the discharge gratuity as provided in Rule 33-601.502, F.A.C., shall be taken, but only if the Department of Corrections finds that such action will not jeopardize the inmate's ability to transition himself into the community.

(13) through (16) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History--New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE TITLES: RULE NOS.:

Required Parent Co-Payment 60BB-4.400

Co-payment Collection 60BB-4.401

PURPOSE AND EFFECT: To adopt rules that administer the provisions of Chapter 411.01, Florida Statutes, which relate to implementing and governing the school readiness program.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed are parent co-payments, reimbursement, reporting requirements, and grievance/due process.

SPECIFIC AUTHORITY: 120, 411.01(4)(k) FS.

LAW IMPLEMENTED: 411.01(4)(k), 411.01(2)(b), 411.01(4)(a), 411.01(5)(c), 411.01(2)(f), 411.01(4)(j)3., 411.01(4)(n), 411.01(5)(d) FS.

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

TIME AND DATE: 9:00 a.m. – 3:00 p.m., April 23, 2004

PLACE: Workforce Career Center, Excellence Room, 9215 N. Florida Avenue, Tampa, Florida 33612

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robin Westcott, Senior Attorney, Florida Partnership for School Readiness, 600 South Calhoun Street, Post Office Box 7416, Tallahassee, Florida 32314-7416, (850)922-4200

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60BB-4.400 Required Parent Co-payment.

(1) Each family that receives school readiness services shall be assessed a co-payment based on family size and the family's income, according to the sliding fee scale included in the coalition's approved school readiness plan.

(a) For protective services in-home placements and out-of-home placements (relative/non-relative/foster placements) in which the child does not receive a TANF "child-only" benefit, relative caregiver payment, or other income:

1. The co-payment shall be assessed against the income of the parent or legal guardian of the child, and shall be court ordered if necessary; or

2. The co-payment may be reduced to the minimum fee, based on the documented recommendation of the Department of Children and Families, or its designee.

(b) For protective services out-of-home placements (relative/non-relative/foster placement) in which the child receives a TANF "child-only" benefit in which the needs of the relative or legal guardian are not included in the grant and TANF at-risk (Relative Caregiver Program) participants, based upon appropriate documentation from the court system or the Department of Children and Families, or its designee:

1. The co-payment shall be assessed against the child's income and paid by the relative or legal guardian; or

2. The amount of the co-payment may be reduced to the minimum fee based on the documented recommendation of the Department of Children and Families, or its designee.

(c) A co-payment may be waived on a case-by-case basis for foster parents and families participating in an at-risk program based on documented recommendation of the Department of Children and Families, or its designee.

(2) A coalition may adopt a policy that establishes criteria and authorization procedures for fee reduction on case-by-case basis during the duration of special circumstances. The duration of the fee reduction shall coincide with the duration of the special circumstances.

(3) A coalition's sliding fee scale must be set at a level that provides low-income families equal access to the care available to families whose income is high enough not to qualify for financial assistance for school readiness services. To that end, the co-payment for the family of an "economically disadvantaged child", as defined by Section 411.01(6), Florida Statutes, should not exceed 10 percent of the family's income, regardless of the number of children in care. If the coalition's proposed sliding fee scale does exceed 10 percent of family income, the coalition must provide justification of how the sliding fee scale meets the federal requirement that the co-payment be affordable, prior to approval of the proposed sliding fee scale by the Partnership board.

(4) Prior to a child's enrollment, the person determining eligibility shall inform the parent and the school readiness service provider of the co-payment to be paid by the parent and that additional fees which are charged by the provider may apply. Amount of co-payment shall be in effect for the family's 12-month eligibility period, unless:

(a) Redetermination is conducted during the year pursuant to Rule 60BB-4.209, F.A.C.;

(b) The caretaker parent or legal guardian requests, and is granted, a reduction in co-payment due to special circumstances; or

(c) An incorrect co-payment was assessed by the eligibility determiner as a result of an error of the eligibility determiner, program participant error, or program participant fraud, resulting in corrective action to reduce or increase the family's co-payment.

1. The coalition or its designee shall not take action to recover a reimbursement rate overpayment caused by an incorrect co-payment due to an error of the coalition or its designee.

2. A reimbursement rate overpayment caused by an incorrect co-payment which resulted from program participant error or program participant fraud shall be recovered pursuant to (name of rule or "a settlement agreement entered into by the provider and the program participant.") the laws of the State of Florida.

Specific Authority 120, 411.01(4)(k) FS. Law Implemented 411.01(4)(k), 411.01(2)(b), 411.01(4)(a), 411.01(5)(c), 411.01(2)(f), 411.01(4)(j)3., 411.01(4)(n), 411.01(5)(d) FS. History--New _____.

60BB-4.401 Co-payment Collection.

The co-payment amount for which the family is responsible shall be subtracted from the provider's reimbursement, prior to payment by the coalition or its designee. Collection of the family's required co-payment for school readiness services shall be the responsibility of the provider of school readiness services.

Specific Authority 120, 411.01(4)(k) FS. Law Implemented 411.01(4)(k), 411.01(2)(b), 411.01(4)(a), 411.01(5)(c), 411.01(2)(f), 411.01(4)(j)3., 411.01(4)(n), 411.01(5)(d) FS. History--New _____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE TITLES:	RULE NOS.:
Reimbursement	60BB-4.500
Reporting Requirements	60BB-4.600
Grievance/Due Process	60BB-4.700

PURPOSE AND EFFECT: To adopt rules that administer the provisions of Chapter 411.01, Florida Statutes, which relate to implementing and governing the school readiness program.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed are parent co-payments, reimbursement, reporting requirements, and grievance/due process.

SPECIFIC AUTHORITY: 120, 411.01(4)(k) FS.

LAW IMPLEMENTED: 411.01(4)(k), 411.01(2)(b), 411.01(4)(a), 411.01(5)(c), 411.01(2)(f), 411.01(4)(j)3., 411.01(4)(n), 411.01(5)(d) FS.

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

TIME AND DATE: 9:00 a.m. – 3:00 p.m., April 23, 2004

PLACE: Workforce Career Center, Excellence Room, 9215 N. Florida Avenue, Tampa, Florida 33612

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robin Westcott, Senior Attorney, Florida Partnership for School Readiness, 600 South Calhoun Street, Post Office Box 7416, Tallahassee, Florida 32314-7416, (850)922-4200

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE:	RULE NO.:
Registration of Course Providers	61G6-9.005

PURPOSE AND EFFECT: The Board proposes to review the existing rules to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Registration of Course Providers.

SPECIFIC AUTHORITY: 455.2179, 455.225, 455.227, 489.507(3) FS.

LAW IMPLEMENTED: 455.2179, 489.517, 489.533 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Knap, Executive Director, Board of Electrical Contractors Licensing, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE:	RULE NO.:
Approving of Continuing Education Courses	61G6-9.006

PURPOSE AND EFFECT: The Board proposes to review the existing rules to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Approving of Continuing Education Courses.

SPECIFIC AUTHORITY: 489.507(3), 489.517(3) FS.

LAW IMPLEMENTED: 489.517(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: John Knap, Executive Director, Board of Electrical Contractors Licensing, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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 Medicine

RULE TITLE: Physician Assistant Licensure Renewal and Reactivation

RULE NO.:

64B8-30.005

PURPOSE AND EFFECT: The Council proposes the development of a rule amendment to address renewal exemption criteria for spouses of members of the Armed Forces.

SUBJECT AREA TO BE ADDRESSED: Renewal exemption criteria for spouses of members of the Armed Forces.

SPECIFIC AUTHORITY: 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.031(1), 456.033, 458.347 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.005 Physician Assistant Licensure Renewal and Reactivation.

(1) through (7) No change.

(8) Licensees who are spouses of members of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence

and the spouse's military status to the Board in order to obtain the exemption. Upon the licensee's return to Florida, the licensee must inform the Department of his or her return within 30 days.

Specific Authority 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS. Law Implemented 456.013, 456.031(1), 456.033, 458.347 FS. History—New 5-13-87, Amended 1-9-92, Formerly 21M-17.0035, Amended 9-21-93, Formerly 61F6-17.0035, Amended 11-30-94, Formerly 59R-30.005, Amended 6-7-98, 3-3-02, 10-12-03, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Fees Regarding Physician Assistants

RULE NO.:

64B8-30.019

PURPOSE AND EFFECT: The Council proposes the development of a rule amendment to delete the proration of fees for issuance of a license in the second half of the biennium.

SUBJECT AREA TO BE ADDRESSED: Physician Assistant licensure fees.

SPECIFIC AUTHORITY: 456.036(5),(7), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.036(5),(7), 458.347 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.019 Fees Regarding Physician Assistants.

The following fees are prescribed by the Council and adopted by the Boards:

(1) No change.

(2) The initial licensure fee for any person who is issued a physician assistant license as provided in Section 458.347 or 459.022, F.S., shall be \$200.00 ~~if the initial licensure occurs during the first year or any fraction thereof of the biennial period, and \$100.00 if initial licensure occurs during the second year or any fraction thereof, of the biennial period.~~

(3) through (9) No change.

Specific Authority 456.036(5),(7), 458.309, 458.347 FS. Law Implemented 456.036(5),(7), 458.347 FS. History—New 8-11-98, Amended 7-30-03, _____.

DEPARTMENT OF HEALTH**Board of Osteopathic Medicine**

RULE TITLE:

RULE NO.:

Physician Assistant Licensure Renewal
and Reactivation

64B15-6.0035

PURPOSE AND EFFECT: The Council proposes the development of a rule amendment to address renewal exemption criteria for spouses of members of the Armed Forces.

SUBJECT AREA TO BE ADDRESSED: Renewal exemption criteria for spouses of members of the Armed Forces.

SPECIFIC AUTHORITY: 456.013, 456.033(1), 459.005, 459.022 FS.

LAW IMPLEMENTED: 456.013, 456.031, 459.022(7)(b),(c) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.0035 Physician Assistant Licensure Renewal and Reactivation.

(1) through (7) No change.

(8) Licensees who are spouses of members of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence and the spouse's military status to the Board in order to obtain the exemption. Upon the licensee's return to Florida, the licensee must inform the Department of his or her return within 30 days.

Specific Authority 456.013, 456.033(1), 459.005, 459.022 FS. Law Implemented 456.013, 456.031, 459.022(7)(b),(c) FS. History—New 10-28-87, Amended 4-21-88, 1-3-93, Formerly 21R-6.0035, Amended 11-4-93, 3-29-94, Formerly 61F9-6.0035, 59W-6.0035, Amended 6-7-98, 10-16-01, 3-10-02, _____.

DEPARTMENT OF HEALTH**Board of Osteopathic Medicine**

RULE TITLE:

RULE NO.:

Physician Assistant Fees

64B15-6.013

PURPOSE AND EFFECT: The Council proposes the development of a rule amendment to delete the proration of fees for issuance of a license in the second half of the biennium.

SUBJECT AREA TO BE ADDRESSED: Physician Assistant licensure fees.

SPECIFIC AUTHORITY: 456.036(5),(7), 459.005, 459.009, 459.022(7) FS.

LAW IMPLEMENTED: 456.036(5),(7), 459.009, 459.022(7) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.013 Physician Assistant Fees.

The following fees are prescribed by the Council and adopted by the Boards:

(1) No change.

(2) The initial certification fee for any person who is issued a physician assistant certificate as provided in Sections 458.347 or 459.022, Florida Statutes, shall be \$200.00 ~~if the initial licensure occurs during the first year or any fraction thereof of the biennial period, and \$100 if initial licensure occurs during the second year or any fraction thereof, of the biennial period.~~

(3) through (9) No change.

Specific Authority 456.036(5),(7), 459.005, 459.009, 459.022(7) FS. Law Implemented 456.036(5),(7), 459.009, 459.022(7) FS. History—New 11-4-93, Amended 2-20-94, Formerly 61F9-6.013, 59W-6.013, Amended 8-11-98, 2-23-04, _____.

DEPARTMENT OF HEALTH**Division of Environmental Health**

RULE CHAPTER TITLE:

RULE CHAPTER NO.:

Certification of Environmental

Testing Laboratories

64E-1

PURPOSE AND EFFECT: The department proposes to sequentially adopt applicable laboratory standards approved in July 2002 and in June 2003 at the National Environmental Laboratory Accreditation Conference (NELAC). Accordingly, laboratory quality standards will be updated for continued consistency with the International Organization for Standardization and for other refinements and clarifications.

SUBJECT AREA TO BE ADDRESSED: Certification of drinking water and environmental testing laboratories, proficiency testing, and other criteria for laboratories to be certified.

SPECIFIC AUTHORITY: 381.00591, 403.0625(1), 403.863(1), 403.8635(3) FS.
LAW IMPLEMENTED: 381.00591, 403.0625(1), 403.0625(2), 403.863(1), 403.863(4), 403.8635(1), 403.8635(3) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 1:00 p.m., Monday, May 10, 2004

PLACE: Florida Department of Environmental Protection, Twin Towers, 2600 Blair Stone Road, Room 609, Tallahassee, FL

TIME AND DATE: 1:00 p.m., Tuesday, May 11, 2004

PLACE: Florida Department of Health, Tampa Branch Laboratory, 3602 Spectrum Blvd., Tampa, FL

TIME AND DATE: 9:00 a.m., Wednesday, May 12, 2004

PLACE: A. G. Holley Hospital, Auditorium, 1199 West Lantana Road, Lantana, FL

TIME AND DATE: 9:00 a.m., Thursday, May 13, 2004

PLACE: Florida Department of Health, Bureau of Laboratories, Porter Auditorium, 1217 North Pearl Street, Jacksonville, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Stephen A. Arms, Florida Department of Health, Bureau of Laboratories, P. O. Box 210, Jacksonville, FL 32231, (904)791-1502, Suncom 866-1502

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Income and Resource Criteria RULE NO.: 65A-1.716

PURPOSE AND EFFECT: Rule 65A-1.716, F.A.C., is amended to revise the monthly poverty income guidelines used in the Medicaid program for applicants and recipients to the level of federal guidelines for 2004. The amendment will also revises life expectancy tables as published by the Social Security Administration, Office of the Chief Actuary.

SUBJECT AREA TO BE ADDRESSED: This proposed amendment updates the federal poverty guidelines used in the Medicaid program to a current status and revises life expectancy data.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 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: 11:00 a.m. – 12:00 Noon, April 26, 2004
PLACE: Building 3, Room 439, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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.

DEPARTMENT OF FINANCIAL SERVICES

Division of Risk Management

RULE TITLE: Other Forms Adopted RULE NO.: 69H-2.008

PURPOSE AND EFFECT: To incorporate new federal HIPAA rules with respect to medical authorization to release records to the State Risk Management division so that they may adjust claims.

SUBJECT AREA TO BE ADDRESSED: Medical authorization to release records to the State Risk Management division to adjust claims.

SPECIFIC AUTHORITY: 284.39 FS.

LAW IMPLEMENTED: 284.39 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., April 27, 2004

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 IS: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0336, (850)413-4754

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69H-2.008 Other Forms Adopted.

(1) The following forms are hereby adopted and incorporated by reference. These forms shall be used to aid the Division in the performance of its administrative duties by securing pertinent facts and information on claims filed against the Fund, as the circumstances of particular cases may require.

(a) DI4-261	Automobile Accident Report	rev. 6/00
(b) DI4-866	Mileage Reimbursement	rev. 3/01
(c) DI4-1403	General Liability Loss Report	rev. 6/00
(d) DI4-1404	Lien Disclosure Statement	rev. 3/01
(e) DI4-1406	Insurer's Disclosure Statement Pursuant to Section 627.4137, F.S.	rev. 6/00
(f) DFS-D014-1407	Medical Authorization	rev. <u>3/04</u> 6/00
(g) DI4-1410	Substitute Form W9	new 6/00

(2) Copies of each form adopted and incorporated by reference in this rule are available from the Division of Risk Management, Department of Financial Services, Larson Building, Tallahassee, Florida 32399-0300.

Specific Authority 284.39 FS. Law Implemented 284.39 FS. History--New 1-7-92, Amended 6-28-01, Formerly 4H-2.008, Amended _____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

RULE TITLE: RULE NO.:

Licensed Firearms Instructors; Schools or Training Facilities; License Application 5N-1.134

PURPOSE, EFFECT AND SUMMARY: The purpose is to amend the rule and the form relating to schools or training facilities that offer classes required for security and recovery agents (repossessors) to be licensed. The effect is that schools operating programs for tuition or a fee at other than public educational facilities will no longer have to submit Department of Education approval to the Division of Licensing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The cost is limited to the cost of publishing this notice.

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: Laws of Florida, s. 249, 2002-387, codified at s. 1005.06(1)(g) FS.

LAW IMPLEMENTED: 493.6304(3), 493.6406(3) FS.

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

TIME AND DATE: 10:00 a.m., May 7, 2004

PLACE: Conference Room, 2520 North Monroe Street, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kristi Reid Bronson, Assistant General Counsel, Department of Agriculture and Consumer Services, Division of Licensing, 2520 North Monroe Street, Tallahassee, FL 32303, (850)488-3492, Fax (850)488-2789

THE FULL TEXT OF THE PROPOSED RULE IS:

5N-1.134 Licensed Firearms Instructors; Schools or Training Facilities; License Application.

(1) Licensed Firearms Instructors. All licensed Firearms Instructors must utilize the instruction requirements and materials contained in the Division's Firearms Instructors Training Manual.

(2) Schools or Training Facilities. All persons or business entities desiring to operate a security officer school or training facility, or recovery agent school or training facility, shall make application for licensure as required by Sections 493.6304 and 493.6406, Florida Statutes, using Form DACS – 16003 (4/04), available at <http://licgweb.doacs.state.fl.us/forms/index.html>. The Division shall examine such application to determine if it complies with all requirements of the law and these rules. ~~Applicants who operate programs for tuition or a fee at other than public educational facilities must submit a letter from the Department of Education confirming that the Department of Education's requirements have been met.~~ Upon a determination by the Division that the application is complete and all requirements have been met, the Division shall issue a written temporary approval authorizing commencement of operations. A school or training facility shall not operate until temporary written approval is granted. A representative of the Division shall inspect the school or training facility within 4 months of the commencement of operations. Within 60 days of such inspection, a license shall be granted or denied. Licensure shall be valid for a period of 2 years unless suspended or revoked by final order of the Division. A license for a school or training facility is valid only for the training site, facility or branch office named on the license and is not transferable to any other location. If a licensed location is changed, a new complete application and appropriate fee must be submitted. In addition to the application, the following shall be submitted before written temporary approval is granted:

(a) through (3) No change.

Specific Authority 493.6105(6), 493.6115(8), 493.6304(3), 493.6406(3) FS. Law Implemented 493.6105(6),(7), 493.6115(8), 494.6304(3), 493.6406(3) FS. History--New 10-1-91, Amended 2-18-93, 7-6-93, 7-31-96, Formerly 1C-3.134, Amended _____.