

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICEES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Seed RULE CHAPTER NO.: 5E-4

RULE TITLES: Noxious Weed Seed RULE NOS.: 5E-4.003

Disposition of Seed Contaminated with Noxious Weed Seed 5E-4.0041

PURPOSE AND EFFECT: The purpose of the proposed actions is to amend Rule 5E-4.003, F.A.C., and to add Rule 5E-4.0041, F.A.C. The effect is to prohibit the sale and distribution of agricultural, vegetable, flower, and forest tree seed lots contaminated with seed of Tropical Soda Apple (Solanum viarum) and Benghal dayflower (Commelina benghalensis); and to address disposition of seed deemed worthless due to contamination with more noxious weed seed than shown in Rule 5E-4.003, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Rule 5E-4.003, F.A.C., will be updated to include Tropical Soda Apple (Solanum viarum) and Benghal dayflower (Commelina benghalensis) as prohibited noxious weed seeds under the Florida Seed Law. Rule 5E-4.0041, F.A.C., will be added to provide specific guidance regarding reprocessing or disposal of noxious seed.

SPECIFIC AUTHORITY: 578.11(2) FS.

LAW IMPLEMENTED: 578.11(2) FS.

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

TIME AND DATE: 9:00 a.m., August 9, 2004

PLACE: AES Conference Room, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Dale W. Dubberly, Chief, Bureau of Compliance Monitoring, Division of Agricultural Environmental Services, FDACS, L-29, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-8731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-4.003 Noxious Weed Seed.

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

(d) Tropical soda apple (Solanum viarum) None per pound

(e) Benghal dayflower (Commelina benghalensis) None per pound

(2) through (3) No change.

Specific Authority 570.07(23), 578.11(2) FS. Law Implemented 578.11(2) FS. History—Amended 5-30-63, 8-22-68, 9-29-83, Formerly 5E-4.03, Amended 8-6-89.

5E-4.0041 Disposition of Seed Contaminated with Noxious Weed Seed.

(1) Seed lots containing one or more of the noxious weed seeds listed in Rule 5E-4.003, F.A.C., and found by the department to be in violation of Section 578.13, Florida Statutes, and which have been placed under stop-sale, stop-use, removal, or hold order, shall not be further subdivided or renumbered such that the integrity of the lot for identification and further inspection and testing is maintained. Within 30 days of receipt of the stop-sale, stop-use, removal, or hold order issued by the department, the owner of the seed lot shall arrange for the reprocessing, destruction through incineration, disposal in an approved solid waste landfill, or burial of the seed to a depth of at least 3 feet for a period of at least one year in accordance with state and federal disposal regulations.

(2) Seed lots which have been reprocessed shall be re-inspected and re-tested by the department to determine if the violation of Section 578.13, Florida Statutes, has been corrected. If the violation of Section 578.13, Florida Statutes, has not been corrected after two consecutive attempts to reprocess the seed lot, and the seed lot continues to contain one or more of the noxious weed seeds listed in Rule 5E-4.003, F.A.C., the seed lot under stop-sale, stop-use, removal, or hold order shall be disposed of in an approved solid waste landfill, incinerated, or buried to a depth of at least three feet for a period of at least 1 year in accordance with state and federal disposal regulations. If none of the noxious weed seeds listed in Rule 5E-4.003, F.A.C., are detected during subsequent inspection and testing, the department shall issue a release for the lot under stop-sale, stop-use, removal, or hold order and the seed lot may be sold and distributed. Upon release of the stop-sale, stop-use, removal, or hold order, the seed lot may be further subdivided or assigned one or more new lot numbers.

Specific Authority 578.11(2) FS. Law Implemented 578.11(2) FS. History—New

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: Intrastate Travel RULE NO.: 33-302.106

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

SUBJECT AREA TO BE ADDRESSED: Intrastate travel by supervised offenders.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 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:

33-302.106 Intrastate Travel and Transfer of Supervision.

(1) ~~No offender shall~~ Officers are required to instruct each offender under the officer's supervision not to change his or her residence, or leave the county of residence, without first procuring the consent of the officer. In order for an offender's request for to obtain permission to travel to be considered by the officer, the following conditions must exist:

(a) through (c) No change.

(d) The offender has provided the officer with reasonable advance notice of his or her request to travel to allow and has provided the officer ample time to verify the travel plan and review any documentation prior to travel authorization.

(e) through (g) No change.

(2) An officer shall discuss the offender's routine travel needs during the initial interview to determine whether the offender must travel daily, weekly, or monthly between counties due to the location of her or his residence and her or his employment site, school, medical needs, program, or other approved need. If the offender must travel across county lines to get to her or his employment site, school, program, doctor, or routine shopping, the officer will document this specific information ~~in the electronic case notes~~ and give the offender a blanket approval for this travel, provided the travel is verified and is not prohibited by the supervision orders. If the offender's residence or purpose of travel out of county changes, the blanket approval will be suspended until the offender's travel needs are revisited, reviewed, and approved. Any other travel out of county must be approved in advance.

~~(3) Non-emergency travel requests submitted for travel across county lines that do not involve an overnight stay require two business days notice from the offender to allow the officer sufficient time to verify the travel plans. If the visit to the other county will exceed two days, the officer shall instruct~~

~~the offender to go to the other county's local law enforcement for the purpose of criminal registration within 48 hours of entering the other county, as provided in Section 775.13, F.S. This instruction shall be documented on Form DC3-220, Travel Permit and in the electronic case notes. Form DC3-220 is incorporated by reference in subsection (4) of this rule.~~

~~(4) Inter county travel in Florida approved for a visit of thirty days or less does not require a "Travel Permit," DC3 220, unless the offender is a sex offender or requires specific or additional instructions that must be written on a travel permit. Sex offenders require a travel permit for all out of county travel. If the offender is granted permission to travel and visit another county and subsequently requests an extension of the visit out of county, which will exceed thirty days, the officer will transfer the offender's supervision to the other county, unless exceptional circumstances exist that are approved by a supervisor which would allow the offender to remain out of the county on an extended travel permit without transferring the offender. The officer will complete Form DC3 237, Intrastate Transfer Request, for this purpose. Form DC3 220, Travel Permit, and Form DC3 237 are hereby incorporated by reference. Copies of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399 2500. The effective date of Form DC3 220 is 10-2-01. The effective date of Form DC3 237 is 4-15-03.~~

~~(3)(5) An offender approved for One a travel shall be responsible for permit is issued to an offender, the officer shall instruct the offender regarding travel issues, including the following:~~

~~(a) through (c) No change.~~

~~(4) The following conditions apply to offenders when travel is authorized:~~

~~(a)(d) That any D deviations to the approved travel are shall not be authorized;~~

~~(b)(e) That T travel is shall be authorized only as indicated on the travel permit; and~~

~~(c)(f) That F failure to comply with instructions shall be a violation of supervision.~~

~~(6) An officer shall transfer the supervision of an offender who is granted permission to travel and remain in another county outside of her or his county of residence in the State of Florida for more than thirty consecutive days unless exceptional circumstances exist that are approved by a supervisor which would allow an offender to remain out of county on an extended travel permit without transferring the offender.~~

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 3-21-00, Amended 10-2-01, 4-15-03, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Special Review
 RULE NO.: 33-601.211
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide for designation of special review status for inmates who pose a potentially serious threat to other inmates or staff or who pose a risk to the security and order of an institution.
 SUBJECT AREA TO BE ADDRESSED: Special review status.
 SPECIFIC AUTHORITY: 944.09 FS.
 LAW IMPLEMENTED: 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:

33-601.211 Special Review.

(1) Special review is the classification status assigned to inmates who pose a potentially serious threat to other inmates or staff or who pose a risk to the security and order of an institution.

(2) The purpose of the special review designation is to ensure that the inmates are tracked and housed to minimize potential conflict.

(3) Special review status shall be assigned only in cases in which the circumstances are serious and expected to be long-term in nature.

(4) The Bureau of Classification and Central Records is responsible for verifying, documenting, approving and assigning special review status.

(5) The facility housing the special review inmate shall ensure that documentation related to the inmate is processed and maintained as current. If inmates at other facilities are involved in a special review, the facility housing the special review inmate shall forward copies of all special review documentation pertinent to the other facility's inmate for inclusion in that inmate's file.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New

DEPARTMENT OF CORRECTIONS

RULE TITLE: Designation of Institutions for Youthful Offenders
 RULE NO.: 33-601.223

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate unnecessary language and to revise the list of institutions designated to house youthful offenders.

SUBJECT AREA TO BE ADDRESSED: Youthful Offenders.

SPECIFIC AUTHORITY: 944.09, 944.1905, 958.11 FS.

LAW IMPLEMENTED: 944.09, 944.1905, 958.11 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.223 Designation of Institutions for Youthful Offenders.

(1) Upon completion of the reception process, each youthful offender shall be transferred to an institution designated for his or her age and custody in accordance with Section 958.11, F.S.

~~(2) Youthful offenders who are 14-18 years of age at the time of reception shall be assigned to separate institutions than those 19-24 years of age, except when the facilities for 14-18 year olds exceeds 100 percent of maximum capacity, then 18 year olds may be assigned to facilities for 19-24 year old youthful offenders.~~

~~(3) Youthful offenders initially assigned to facilities designated for 14 year olds to 18 year olds who turn 19 years old or above may remain with the younger age group if it is in the best interest of the inmate and the department.~~

~~(4) Youthful offenders 19 years old and above will be housed with the younger age group based upon mental or physical vulnerability when necessary to protect the safety of the youthful offender or the institution.~~

~~(2)(5)~~ The following ~~institutions~~ are designated as youthful offender institutions:

- (a) Indian River Correctional Institution;
- ~~(b) Hillsborough Correctional Institution;~~
- ~~(b)(e)~~ Lancaster Correctional Institution and Lancaster Work Camp;
- ~~(c)(d)~~ Brevard Correctional Institution and Brevard Work Camp;
- ~~(d)(e)~~ Sumter Correctional Institution – male Basic Training Program;
- ~~(e)(f)~~ Lowell Correctional Institution – Women's Unit – Basic Training Program.
- ~~(f)(g)~~ Lake City Correctional Institution.

- ~~(h) Hendry Correctional Institution.~~
- ~~(g)(i) Hernando Correctional Institution.~~
- ~~(h) Taylor Correctional Institution Annex.~~
- ~~(i) Marion Correctional Institution (G Dormitory)~~

Specific Authority 944.09, 944.1905, 958.11 FS. Law Implemented 944.09, 944.1905, 958.11 FS. History—New 10-11-95, Amended 9-11-97, 4-14-98, Formerly 33-33.009, Amended 3-13-01, Formerly 33-506.103, Amended

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Basic Training Program – Definitions	33-601.233
Basic Training Program Selection Process	33-601.234
Basic Training Program Operation	33-601.236
Basic Training Program – Inmate Privileges and Restrictions	33-601.237
Basic Training Program – Discipline	33-601.241
Removal From Basic Training Program	33-601.242

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary and obsolete language, correct staff and office titles, and clarify responsibilities and inmate privileges.

SUBJECT AREA TO BE ADDRESSED: Basic training program for youthful offenders.

SPECIFIC AUTHORITY: 20.315, 944.09, 958.04, 958.045, 958.11 FS.

LAW IMPLEMENTED: 20.315, 944.09, 946.40, 958.04, 958.045, 958.11 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.233 Basic Training Program – Definitions.

(1) No change.

(2) Basic Training Program – refers to a program designed to provide an alternative to long periods of incarceration for inmates who have been sentenced by the court or who have been classified as youthful offenders by the department and who meet specific criteria set forth in Rule 33-601.234, F.A.C. The program is a regimented schedule of structured discipline, counseling, general education development and adult basic education, work assignments, physical training and other rehabilitation programs.

(2) through (5) renumbered (3) through (6) No change.

~~(6) Human Services Counselor – a staff member assigned to the basic training program to provide group and individual counseling and instruction in social adjustment skills to the inmates in the basic training program.~~

(7) through (10) No change.

(11) Reception and Youthful Offender Section – refers to the Bureau of Classification and Central Records section in central office, responsible for administering reception and youthful offender activities.

~~(12)(14) Review Team – refers to a team composed of a sergeant or above, and drill instructor, and human services counselor.~~ The purpose of the review team is to review inmate misconduct that may result in sanctions above the level of alternative training.

(12) through (13) renumbered (13) through (14) No change.

(15)(14) Youthful Offender – refers to any person sentenced by the court or classified by the department in accordance with Section 958.04 or 958.11, F.S.

Specific Authority 958.04, 958.045, 958.11 FS. Law Implemented 958.04, 958.045, 958.11 FS. History—New 2-26-89, Amended 1-25-96, 10-23-97, Formerly 33-27.003, Amended 3-13-01, Formerly 33-506.203, Amended 1-17-02, _____.

33-601.234 Basic Training Program Selection Process.

(1) No change.

(2) The classification officer will screen the youthful offender during the reception process to determine if he or she meets the program eligibility criteria. If the inmate meets the criteria, the classification officer will notify the inmate and explain the requirements and benefits of successful participation and completion of the program. If the inmate does not meet the criteria, the inmate will be notified and the results will be recorded on the admission summary. The Reception and Youthful Offender Section in the Bureau of Classification and Central Records will be notified by the classification officer of any inmate who meets the criteria and is amenable to the program. Such staff shall either approve or deny the inmate’s participation in the program. The sentencing court shall be notified in writing by the Bureau of Classification and Central Records requesting approval for the inmate to participate in the program. If the inmate is classified by the department as a youthful offender, the prosecuting state attorney shall, at the same time, be notified that the inmate is being considered for placement in the basic training program. If the sentencing court disapproves the department’s recommendation for the offender’s placement in the basic training program, the offender shall be so notified and shall complete incarceration pursuant to the terms of the commitment order. If the sentencing court approves the department’s recommendation for the offender’s placement in the basic training program, the offender shall be notified of assignment to the basic training program. When the response is received from the sentencing court, the Reception and Youthful

Offender Services Section in the Bureau of Classification and Central Records shall either schedule the inmate for transfer to the basic training program if the sentencing court has approved the placement, or note on the record that the sentencing court has denied the placement of the offender and notify the institutional classification team of the sentencing court's decision. If the sentencing court disapproves the recommendation, the classification officer shall notify the inmate of the sentencing court's decision and the inmate shall complete incarceration pursuant to the terms of the commitment order. If the sentencing court approves the recommendation, the classification officer will notify the inmate of assignment to the basic training program. The department shall contact the sentencing court within 21 days after receipt of the department's request to determine the status of the request for approval to participate in the basic training program. The inmate will be placed in the program after the sentencing court approves his or her placement for participation.

(3) No change.

Specific Authority 958.04, 958.045 FS. Law Implemented 946.40, 958.04, 958.045 FS. History—New 2-26-89, Amended 11-2-90, 1-25-96, 10-23-97, Formerly 33-27.004, Amended 3-13-01, Formerly 33-506.204, Amended 1-17-02, 1-9-03, _____.

33-601.236 Basic Training Program Operation.

(1) The basic training program will be inclusive of the phases listed below:

(a) No change.

(b) Phase II – will consist of educational programming and personal development training provided within a quasi-military environment for a period not to exceed the length of sentence imposed by the sentencing court. Inmates will be required to participate successfully in Phase II of the Basic Training Program for a minimum of 60 days. The length of time that an inmate may participate in Phases I and II combined shall be no less than 120 days. Each inmate will be required to participate in a satisfactory manner for a minimum of 120 days in order to successfully complete the basic training program.

(c) through (4) No change.

(5) Request for Sentence Modification.

(a) Inmates who have satisfactorily completed the basic training program will be recommended for sentence modification. A male inmate who has successfully completed the basic training program and is awaiting release by the sentencing court or other releasing authority shall remain at Sumter Correctional Institution Basic Training Unit or at a youthful offender facility designated by the Reception and Youthful Offender Services Section pending release. If eligible, the inmate may be placed on community work release. A female inmate who has successfully completed the basic training program and is awaiting release by the sentencing court or other releasing authority shall remain at the basic training program at Lowell Correctional Institution or at a

youthful offender facility designated by the Reception and Youthful Offender Services Section pending release. If eligible, the inmate may be placed on community work release.

(b) The inmate management plan team shall notify the Reception and Youthful Offender Services Section in the Bureau of Classification and Central Records when the inmate has successfully completed the basic training program. The inmate management plan team will recommend a modification of sentence to the court that will include release to community supervision or placement in a community residential facility as a condition of community supervision within 3 working days after the inmate's completion of the basic training program.

(c) The inmate management plan team shall determine which inmates are suitable for community release based upon the inmate's employment, residence, family circumstances, and probation or post-release supervision obligations while under community supervision, and submit the packet to the Bureau of Classification and Central Records, Reception and Youthful Offender Services. The inmate management plan team shall document the inmate transition plan on the database.

(d) The Bureau of Classification and Central Records Reception and Youthful Offender Services Office shall either approve the inmate management plan team's recommendation, disapprove the recommendation, or refer the matter back to the inmate management plan team for additional information.

(e) If approved by the Bureau of Classification and Central Records, the sentence modification package will be sent to the community corrections intake office within the circuit of the sentencing court within 3 working days from the receipt of an e-mail or telephone call from the inmate management plan team that the inmate has successfully completed the basic training program ~~sentencing authority for approval or disapproval.~~

(f) The sentence modification packet shall include the following:

1. A cover letter indicating that the inmate has completed the basic training program;

2. A completed Order Modifying Sentence and Placing Defendant on Probation, Form DC3-234, hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

3. A completed Defendant's Waiver of Rights in Modification of Sentence and Placement on Probation, Form DC3-235, incorporated by reference in Rule 33-601.226, F.A.C.;

4. A report describing the inmate's performance, and

5. A recommendation for probation or community residential placement.

(g) The community corrections intake office shall submit the sentence modification packet to the court for approval or disapproval within 5 working days from receipt of the packet.

(h) The community corrections intake office shall ensure that Form DC3-234, Order Modifying Sentence and Placing Defendant on Probation, is received from the sentencing court and shall route the form to the Bureau of Sentence Structure and Transportation.

(i) The Bureau of Sentence Structure and Transportation shall notify the Release Services Unit and the Reception and Youthful Offender Services Section of the receipt of Form DC3-234, Order Modifying Sentencing and Placing Defendant on Probation.

(j) Upon receipt of the court's written action, The Bureau of Classification and Central Records shall review the sentence modification order and clear the inmate for release to community supervision.

(k) If Form DC3-234, Order Modifying Sentence and Placing Defendant on Probation, is denied by the sentencing court, the institutional classification team at the institution housing the inmate shall initiate a transfer recommendation to the state classification office for transfer of the inmate to a youthful offender institution or community release facility if eligible. The institutional classification team shall notify the inmate of the court's denial.

(l) If the sentence modification order for release of the inmate is not received within 21 days after the inmate completes the basic training program, the Reception and Youthful Offender Services Section shall notify by telephone the community corrections intake office which submitted the sentence modification packet to the court. The community corrections intake office staff shall contact the sentencing judge to determine the status of the request for sentence modification. Community Corrections Intake staff shall notify the Reception and Youthful Offender Services Section as to the status of the request for sentence modification. If the community corrections intake office staff member obtains the approved DC3-234, the staff member shall forward the DC3-324 to the Bureau of Sentence Structure and Transportation. The Bureau of Sentence Structure and Transportation shall make the necessary sentence structure adjustments and route the DC3-234 to the Release Services unit in the Bureau of Classification and Central Records. Release services staff shall review the sentence modification order and clear the inmate for release. If the sentencing court disapproves the sentencing modification, the Bureau of Sentence Structure and Transportation shall notify the institutional classification team at the institution housing the inmate and the steps in paragraph (5)(k) shall be followed.

(6) The basic training program consists of the following major components:

(a) Physical Training with obstacle course. This portion of the program consists of strenuous exercise designed to develop optimum physical conditioning of the inmate.

(b) through (g) No change.

(h) General education development and adult basic education courses.

Specific Authority 20.315, 944.09, 958.045 FS. Law Implemented 20.315, 944.09, 958.045 FS. History--New 2-26-89, Amended 1-25-96, Formerly 33-27.006, Amended 3-13-01, Formerly 33-506.206, Amended 1-17-02, 10-3-02,_____.

33-601.237 Basic Training Program – Inmate Privileges and Restrictions.

Inmates in the basic training program shall have privileges normally afforded the general inmate population modified as set forth below:

(1) No change.

(2) Canteen Privileges. Inmates in the basic training program shall be allowed to purchase items from the inmate canteen once per week on a prearranged schedule. Inmate canteen purchases shall be limited to the following items:

(a) Toiletries (soap, shampoo, deodorant, Q-Tips, chap stick, shaving cream, skin care lotion, toothbrush, toothpaste, toothbrush holder, unwaxed dental floss, soap dish, nail clippers, baby powder);

(b) Health aids (headache and cold remedies, antacids, laxatives, eye wash, antifungal preparation, cough drops, nasal sprays);

(c) Writing materials (black pens, writing pads and envelopes); and

(d) Stamps

(3) through (4) No change.

(5) Religious Practices.

(a) No change.

(b) The ~~human services counselor~~, the institutional chaplain and the program director will assess requests on a case by case basis for religious observances or practices not routinely available in the Basic Training Program.

Specific Authority 944.09, 958.045 FS. Law Implemented 944.09, 958.045 FS. History--New 2-26-89, Amended 1-25-96, Formerly 33-27.007, Amended 3-13-01, Formerly 33-506.207, Amended 1-17-02,_____.

33-601.241 Basic Training Program – Discipline.

(1) No change.

(2) Review Team. The review team is authorized to impose any alternative training procedures as well as any of the following disciplinary measures:

(a) through (c) No change.

(d) Assign participation in specially devised physical activities.

(3) No change.

Specific Authority 944.09, 958.045 FS. Law Implemented 944.09, 958.045 FS. History--New 2-26-89, Amended 1-25-96, Formerly 33-27.012, Amended 3-13-01, Formerly 33-506.211, Amended 1-17-02,_____.

33-601.242 Removal from Basic Training Program.

(1) No change.

(2) The classification officer shall recommend removal by docketing the inmate’s case for review by the ICT by using Form DC6-120, Institutional Classification Team Docket. Form DC6-120 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is January 17, 2001. The inmate will not be removed from the basic training program until the SCO has approved the inmate’s removal and transfer from the program. The decision and justification shall be noted on the offender based information system.

(3) through (4) No change.

Specific Authority 958.04(4)(b), 958.045(1)(b) FS. Law Implemented 944.09, 958.04, 958.045 FS. History–New 2-26-89, Amended 1-25-96, 10-23-97, Formerly 33-27.013, Amended 3-13-01, Formerly 33-506.212, Amended 1-17-02, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Preparation of Disciplinary Reports	33-601.304
Inmate Discipline – Investigations	33-601.305
Disciplinary Hearings	33-601.307
Inmate Discipline – Forms	33-601.313

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide clarification for preparation of disciplinary reports, the handling of physical and videotape evidence, and inmate appearance at disciplinary hearings.

SUBJECT AREA TO BE ADDRESSED: Inmate discipline.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 120.55, 944.09, 944.34, 945.04 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.304 Preparation of Disciplinary Reports.

(1) No change.

(2) The statement of facts shall include

(a) through (d) No change.

~~(e) Any staff witnesses;~~

~~(e)(f) No change.~~

~~(f)(g) Any immediate action taken, including use of force, and~~

~~(g)(h) No change.~~

(3) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History–New 3-12-84, Formerly 33-22.05, Amended 12-30-86, 10-1-95, Formerly 33-22.005, Amended 5-21-00, 2-11-01, _____.

33-601.305 Inmate Discipline – Investigation.

The investigating officer shall initiate the investigation of the infraction within 24 hours of the writing of the disciplinary report. The investigating officer is responsible for the following:

(1) No change.

(2) Interviewing the charged inmate. When interviewing the charged inmate the investigator is responsible for the following:

(a) through (d) No change.

(e) Asking the inmate if there are any witnesses or evidence to offer in the inmate’s behalf.

(f) Completing and obtaining the inmate’s signature on the Witness Disposition, Form DC6-112B, and the Documentary or Physical Evidence Disposition, Form DC6-151. Form DC6-112B and Form DC6-151 ~~are~~ incorporated by reference in Rule 33-601.313, F.A.C.

~~(g) Completing Form DC6-2028, Disposition of Videotape Evidence, when necessary. Form DC2-2028 is incorporated by reference in Rule 33-601.313, F.A.C.~~

(3) No change.

(4) Reviewing documentary or physical evidence referenced by the charging staff person or identified by the charged inmate on Form DC6-151, Documentary or Physical Evidence Disposition. When the evidence is a videotape identified by the inmate, the inmate must also include a written statement on Form DC6-151 describing what he expects the tape to show. Failure to complete and sign Section II on Form DC6-151 will result in a waiver of the opportunity to have documentary or physical evidence presented at hearing. The investigator shall determine whether, based upon review of the tape itself or the capabilities of the particular taping equipment, the tape described by the inmate does or does not provide evidence to support the inmate’s statement. If the investigator determines that the tape provides evidence to support the inmate’s statement, he shall prepare a summary for the investigative report. If the investigator determines that the tape does not provide evidence to support the inmate’s statement, the inmate will be provided with the following written statement: “Based upon review of the identified tape or the capabilities of the particular taping equipment, the tape requested does not provide evidence to support the inmate’s statement.” The investigator shall provide on Form DC6-2028, Disposition of Videotape Evidence, a detailed description of why the tape did not provide evidence to support the inmate’s

statement. In the interest of institutional security, this form shall not be provided to the inmate, but shall be retained with the other disciplinary report documentation.

(5)(4) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History–New 10-1-95, Formerly 33-22.0055, Amended 5-21-00, 2-11-01, _____.

33-601.307 Disciplinary Hearings.

(1)(a) No change.

(b) The inmate charged shall be present at the disciplinary hearing unless substantial reasons precluding the inmate’s presence exist or the inmate has waived his right to be present. If the inmate waives the right to be present or refuses to be present, the 24 Hour/Refusal to Appear, Form DC6-112D, shall be signed by the inmate and witnessed by an employee. If the inmate refuses to sign the form, this shall be noted and signed by the employee. When an inmate waives the right to be present at the hearing, the inmate also waives the right to submission of ~~may submit at the time of the refusal~~ a written statement ~~which shall be delivered~~ to the disciplinary team or hearing officer. If the inmate’s disruptive conduct makes it necessary to remove the inmate from the hearing, the hearing shall be conducted in the inmate’s absence. The reason for the inmate’s absence shall be explained in the basis of findings section of the disciplinary report.

(c) through (2) No change.

(3) The inmate may request that witnesses appear at the hearing, but inmate witnesses shall not be routinely called before the disciplinary team or hearing officer to provide live testimony for the following reasons:

(a) through (c) No change.

(d) Failure to sign and complete the witness disposition form, DC6-112B, during the investigation constitutes waiver of the opportunity to call witnesses either live or by written statement. Form DC6-112B must be used for listing witnesses. Listing witness names on any other document, including the Witness Statement, Form DC6-112C, will not result in their being considered.

(e) through (5) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History–New 3-12-84, Formerly 33-22.06, Amended 12-30-86, 10-1-95, 12-10-97, 5-19-98, Formerly 33-22.006, Amended 5-21-00, 2-11-01, _____.

33-601.313 Inmate Discipline – Forms.

(1) The following forms used in implementing the provisions of this chapter are hereby incorporated by reference:

(a) through (f) No change.

(g) DC6-151, Documentary or Physical Evidence Disposition, effective date _____.

(g) through (h) renumbered (h) through (i) No change.

(j) DC6-2028, Disposition of Videotape Evidence, effective date _____.

(2) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 120.55, 944.09, 944.34, 945.04 FS. History–New 10-1-95, Formerly 33-22.0117, Amended 5-21-00, 2-11-01, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Discipline – Rehearings
 RULE NO.: 33-601.310

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide clarification for use of the rehearing process.

SUBJECT AREA TO BE ADDRESSED: Inmate discipline.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.34, 944.719, 945.04 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.310 Inmate Discipline – Rehearings.

(1) through (2) No change.

(3) There will not be a rehearing when there is a major procedural error. Examples of major procedure errors are beginning the investigation more than 24 hours after the disciplinary report was written and beginning the hearing less than 24 hours from delivery of the charge with no waiver signed and the inmate was not scheduled for release.

(4) The disciplinary team or hearing officer shall credit the inmate with any satisfied element of the original action such as time served on probation or time served in disciplinary confinement. The findings and actions of the disciplinary hearing will clearly state the specific satisfied element and the credit applied by making a statement in the basis of findings.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 944.719, 945.04 FS History–New 10-1-95, Formerly 33-22.0105, Amended 5-21-00, 2-11-01, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions
 RULE NO.: 33-601.314

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement SB 1596 by providing a disciplinary charge for having been found by a court to have brought a frivolous or malicious collateral criminal proceeding filed after September 30, 2004.

SUBJECT AREA TO BE ADDRESSED: Inmate discipline.
 SPECIFIC AUTHORITY: 944.09 FS.
 LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 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:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.
 The following table shows established maximum penalties for the indicated offenses. As used in the table, "DC" means the maximum number of days of disciplinary confinement that may be imposed and "GT" means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

Disciplinary	Maximum Disciplinary Actions
SECTION 1 through SECTION 8	No change.
SECTION 9 MISCELLANEOUS INFRACTIONS	
9-1 through 9-31	No change.
9-32	In accordance with Section 944.279(1), F.S., its found by the court to have brought a frivolous or malicious suit, action, claim, proceeding or appeal in any court which is filed after June 30, 1996, or to have brought a frivolous or malicious collateral criminal proceeding or is found by the court to have knowingly or with reckless disregard for the truth brought false information or evidence before the court.
9-33 through 9-34	No change.
SECTION 10 through SECTION 11	No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History—New 3-12-84, Formerly 33-22.12, Amended 1-10-85, 12-30-86, 9-7-89, 11-2-90, 6-2-94, 10-1-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, _____

DEPARTMENT OF CORRECTIONS
 RULE TITLE: Interstate Corrections Compact
 RULE NO.: 33-601.401
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct an error in the rule to provide that inmates confined in a Florida correctional institution under the interstate corrections compact shall have the same program and work opportunities as provided to Florida inmates. Providing program and work opportunities on the same basis as the sending state, as is provided in the current rule, is not practical.
 SUBJECT AREA TO BE ADDRESSED: Interstate corrections compact.
 SPECIFIC AUTHORITY: 941.57, 944.09 FS.
 LAW IMPLEMENTED: 941.55, 941.56, 941.57 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:

33-601.401 Interstate Corrections Compact.
 (1) Definitions. As used in this ~~Rule~~ Chapter:
 (a) through (d) No change.
 (2) through (3) No change.
 (4) When Florida is the Receiving State.
 (a) through (c) No change.
 (d) Inmates confined under the Interstate Corrections Compact shall be afforded the opportunity and shall be required to participate in programs of occupational training, industrial or other work on the same basis as inmates of Florida ~~the sending state~~. Qualified inmates will be eligible for participation in Community Work Release Programs with the approval of the sending state. Approval will be obtained through the Interstate Corrections Compact Administrator.
 (e) through (5) No change.

Specific Authority 941.57, 944.09 FS. Law Implemented 941.55, 941.56, 941.57 FS. History—New 7-7-81, Formerly 33-21.01, Amended 12-30-96, Formerly 33-21.001, Formerly 33-301.101, Amended 3-9-03, 9-23-03, _____

WATER MANAGEMENT DISTRICTS
Southwest Florida Water Management District
 RULE CHAPTER TITLE: Procedural
 RULE CHAPTER NO.: 40D-1
 RULE TITLE: Forms and Instructions
 RULE NO.: 40D-1.659

PURPOSE AND EFFECT: Forms which the District uses in dealings with the public must be formally adopted by rule pursuant to Section 120.55(1)(a)4., Florida Statutes. The District currently uses the State of Florida Permit Application to Construct, Repair, Modify or Abandon A Well, Form No. 41.10-410(1), REV 4/95, which is adopted by Rule 40D-1.659, F.A.C. The form is used statewide by all entities that issue permits for the construction of water wells. Revisions to the form have been recommended by the Department of Environmental Protection (DEP) Water Well Contractor Workgroup, which consists of representatives from DEP, each water management district, the Department of Health, local governments and the regulated community. The changes will allow inclusion in the form of additional information identifying the location of the proposed activity. Rulemaking is necessary to incorporate the revision of this form into the District's rules in compliance with the requirements of the above-referenced statutory provision.

SUBJECT AREA TO BE ADDRESSED: This proposed rulemaking will revise State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well, Form No. 41.10-410(1) REV 4/95, to allow the inclusion of a delineation area number and a Parcel Identification Number (PIN), and amended subsection 40D-1.659(4), F.A.C., to incorporate the revision date.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.413, 373.416(2), 403.805 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (3) No change.

(4) STATE OF FLORIDA PERMIT APPLICATION TO CONSTRUCT, REPAIR, MODIFY OR ABANDON A WELL FORM NO. 41.10-410(1) REV. (____) 4/95.

(5) through (20) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Water Wells **RULE CHAPTER NO.:** 40E-3

PURPOSE AND EFFECT: To update the District's Well Construction Rules to reflect current industry practices, incorporate delegation of the Florida Department of Environmental Protection's authority concerning the well construction permitting program in areas of known groundwater contamination and update the list of delegations to local governments and county health departments.

SUBJECT AREA TO BE ADDRESSED: Well Construction Permitting/Standards.

SPECIFIC AUTHORITY: 120.54(5), 120.60, 373.044, 373.113, 373.119, 373.136, 373.149, 373.171, 373.309, 373.333 FS.

LAW IMPLEMENTED: 373.103(1), 373.113, 373.119, 373.129, 373.303, 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323(2), 373.324, 373.326, 373.329, 373.333, 373.336, 373.339, 373.342 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES LISTED BELOW.

TIME AND DATE: 11:00 a.m., August 19, 2004

PLACE: South Florida Water Management District, Lower West Coast Regional Service Center, 1st Floor, Large Conference Room, 2301 McGregor Boulevard, Ft. Myers, Florida 33901

TIME AND DATE: 1:30 p.m., August 20, 2004

PLACE: South Florida Water Management District, B-1 Headquarters Building, Bill Storch Conference Room, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Lori Ojala, District Clerk, (561)682-6297, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kurt Leckler, Sr. Supervising Hydrogeologist, 1(800)432-2045, Extension 6953 or (561)682-6953, email: kleckler@sfwmd.gov; For procedural issues regarding the rule process contact: Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Ext. 6299 or (561)682-6299, e-mail: jsluth@sfwmd.gov

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

LAND AND WATER ADJUDICATORY COMMISSION

Coastal Lake Community Development District

RULE CHAPTER TITLE: Coastal Lake Community Development District

RULE CHAPTER NO.: 42WW-1

RULE TITLES: Establishment Boundary Supervisors

RULE NOS.: 42WW-1.001 42WW-1.002 42WW-1.003

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district (“CDD”), the Coastal Lake Community Development District (“District”), pursuant to Chapter 190, F.S. The petition filed by The St. Joe Company, requests the Commission establish a community development district located within unincorporated Walton County, Florida. A Notice of Receipt of Petition for the Coastal Lake Community Development District was published in the May 7, 2004, edition of the Florida Administrative Weekly. The land area proposed to be served by the District comprises approximately 1,402 acres. A general location map is contained as Exhibit 1 to the petition to establish the District. There are no parcels located within the external boundaries of the proposed District which are to be excluded from the District. The Petitioner either owns or has written consent to establish the District from the landowners of one hundred percent (100%) of the non-governmental real property located within the proposed District. The development plan for the proposed lands within the District includes the construction of approximately 478 residential units, 25,000 square feet of retail space, 10,000 square feet of office space, and various community recreational and leisure amenities including up to 10,000 square feet of building area. The District, if established, currently intends to participate in the provision of certain infrastructure improvements including entry features, landscape and irrigation, a stormwater management system, and water and sewer systems.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Coastal Lake Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 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 (IF NOT REQUESTED, A WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., Wednesday, August 11, 2004
PLACE: Room 1802M, The Capitol, Tallahassee, Florida 32399-0001

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least three (3) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jonathan T. Johnson, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE TITLES: Investigations and License, Life Safety

RULE NO.:

and Validation Inspections 59A-3.253

PURPOSE AND EFFECT: The Agency proposes to revise Rule 59A-3.253, F.A.C., as specified in Sections 6 and 7 of Chapter 2004-297, Laws of Florida. The statutory revisions in these sections require the Agency for Health Care Administration to revise or adopt rules requiring hospitals to make data available to the public.

SUBJECT AREA TO BE ADDRESSED: The proposed rule revisions specify that each hospital licensed under Chapter 395, F.S., is required to provide data on patient charges and performance outcomes on Internet sites and make those data available in hard-copy format upon request. The rule language specifying sanctions is revised to include failure to comply with this requirement.

SPECIFIC AUTHORITY: 395.1055(1) FS.

LAW IMPLEMENTED: 395.1055(1)(h), 395.1065(7) FS.

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

TIME AND DATE: 2:00 p.m., August 11, 2004

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-3.253 Investigations and License, Life Safety and Validation Inspections.

(1) through (9) No change.

(10) DATA COLLECTION. – All hospitals shall comply with the agency requirements for data submission as authorized under Section 395.1055, F.S., Chapter 408, F.S., and Chapter 732, F.S. This data, which does not have to be resubmitted to the agency’s hospital licensing office as a provision of this part, includes:

(a) Certificate of need reviews required under Sections 408.031 through 408.045, F.S., and at such intervals as required by Chapter 59C-1, F.A.C.;

(b) Quality of care patient outcome data as required by Sections 408.02(3) and paragraph 395.1055(1)(g)(i), F.S., and as mandated by rules adopted by the agency. Each hospital shall make a written copy available upon request, and include on their Internet website, a description of and a link to, the patient charge and performance outcome data that is collected by the Agency as required by Section 408.061(1), F.S., and posted on the Agency Florida HealthStat Internet site.

(c) Completion of the Specialty Care and Referrals Report, as required by rules adopted by the agency; and

(d) Each hospital shall submit a quarterly report to the agency summarizing the number of requests made by the hospital for organ donation in accordance with Chapter 732, F.S.

(11) SANCTIONS. – The agency shall impose sanctions, in accordance with Section 395.1065, F.S., on those hospitals which fail to submit an acceptable plan of correction or implement actions to correct deficiencies identified by the agency or an appropriate accrediting organization which are specified in an approved plan of correction or as identified as a result of a complaint investigation, or on those hospitals which fail to provide written copies of patient charge and outcome data as required by Section 408.061(1), F.S., or fail to provide Internet links on the hospital’s website to the Agency website containing this data.

Specific Authority 395.0161, 395.1055 FS. Law Implemented 395.001, 395.003, 395.0161, 395.1055, 408.035, 408.036 FS. History–New 9-4-95, Formerly 59A-3.204, Amended _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Certificate of Need Application Procedures

RULE NO.: 59C-1.008

PURPOSE AND EFFECT: The agency is proposing to amend the rule that outlines certificate of need (CON) application procedures. The amended rule incorporates an amended CON application, increased CON filing fee, and removes requirements for CON filing with Local Health Councils and Local Health Council preferences from CON review.

SUBJECT AREA TO BE ADDRESSED: Revisions to the rule that outlines certificate of need application procedures.

SPECIFIC AUTHORITY: 408.034(6), 408.15(8) FS.

LAW IMPLEMENTED: 408.033, 408.035, 408.036(1) 408.037, 408.038, 408.039 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. (EST), August 9, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rommel Bain, Certificate of Need, 2727 Mahan Drive, Building 1, MS 28, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.008 Certificate of Need Application Procedures.

(1) Letters of Intent and applications subject to comparative review shall be accepted in two batching cycles annually each for hospital, beds and facilities and for other beds and programs, as specified in paragraph (g) of this subsection. The category “hospital beds and facilities” includes proposals for new hospital facilities, replacement hospital facilities if being replaced more than a mile away, acute care beds, neonatal level II and level III beds, hospital inpatient psychiatric beds, hospital inpatient substance abuse beds, comprehensive medical rehabilitation beds, unless otherwise exempt, and and beds for long term care. The category “other beds and programs” includes proposals for open heart surgery, pediatric cardiac catheterization, specialty burn units, organ transplantation, distinct-part skilled nursing unit (SNU) beds, community nursing home projects, hospice programs, hospice inpatient beds, and intermediate care facilities for the developmentally disabled.

(a) Letter of Intent. A letter of intent shall state with specificity the type of project proposed with sufficient clarity to notify the public of the intention to file a Certificate of Need application. A separate letter of intent is required for each type of project and for each type of bed; or service or equipment

having a separate need methodology, proposed to be located in a different planning area as defined for each program under this Chapter, or licensing category, even if the projects are within the same facility. At least 30 days prior to the applicable batching cycle application due date, an applicant shall file a letter of intent respecting the development of a proposal in the following manner:

1. The letter of intent must be actually received by the agency by 5:00 p.m. local time. The original of the letter of intent must be submitted to the agency.

2. A letter of intent is for a specific project within a specific geographic planning area as defined by rule or statute for an established planning horizon. When no planning area is defined, the district should be specified.

3. through 4. No change.

(b) through (c) No change.

a. No change.

b. If the proposal is for a project which will result in licensure of a new health care facility or hospice, the applicant seeking the certificate of need must be in existence at the time the letter of intent is submitted. If the applicant is a corporation, Limited Partnership, or otherwise organized, it must have filed an application with the Florida Department of State authorizing the applicant to conduct business in Florida.

2. through 4. No change.

5. Location refers to the health planning subdistricts adopted in Chapter 59C-2, F.A.C. in each program rule under this Chapter, or the service districts. The applicant must indicate the subdistrict by name or number; Nursing home applicants as provided in Chapter 59C-2, F.A.C., must also and give the name of the county where the proposed project will be located; as provided in Chapter 59C-2, F.A.C.

(d) through (e) No change.

(f) No change.

1. The application must be actually received by the agency by 5:00 p.m. local time on or before the application due date. ~~The Local Health Council must receive a copy of the application bearing a postmark or shipping date that is no later than the application due date.~~

2. Applications for projects which exceed the proposed number of beds contained in the letter of intent shall not be deemed complete for review by the agency and shall be withdrawn from further review.

3. No change.

(g) No change.

(h) An applicant for a project subject to Certificate of Need review which affects an existing licensed health care facility, an existing licensed hospice, or an existing licensed intermediate care facility for the developmentally disabled ~~mentally retarded~~ must be the license holder. The legal name of the license holder must be stated. In addition, the license number and date of expiration must be stated. It is the

responsibility of the person issued a license to keep licensure information current. If agency records indicate information different from that presented in the letter of intent with respect to the identification of the holder of the license and the licensure status, then the agency records create a rebuttable presumption as to the correctness of those records and therefore the application will be rejected.

(i) through (j) No change.

(2) No change.

(a) No change.

1. No change.

2. Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within 10 days of the date the fixed need pool was published in the Florida Administrative Weekly publication of the number. If the agency concurs in the error, the fixed need pool number will be adjusted and re-published in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this time period will result in no adjustment to the fixed need pool number for that batching cycle. ~~Any other adjustments will be made in the first cycle subsequent to identification of an error, including those errors identified through administrative hearings or final judicial review.~~

3. No change.

(b) No change.

1. No change.

2. Beds or services initially denied by the agency and subsequently granted in administrative hearing or by stipulated agreement will be counted as approved when the final order granting them is rendered. No beds or services previously denied will be included in the inventory based on a recommended order.

~~3. Beds or services initially denied by the agency and subsequently granted in a stipulated agreement will be counted as approved on the date the stipulated agreement is signed by all parties.~~

(c) Deleting Beds or Services. Beds or services will be included in the inventory as long as there is a valid intent to grant or a valid certificate of need outstanding. Beds or services will not be deleted from the inventory until an intent to grant is overturned in a final order or judicial review of the final order. Beds or services will not be deleted from the inventory until a Certificate of Need is rescinded, revoked, modified, voided, or voluntarily surrendered by an applicant. Licensed beds and services will be deleted when the license is no longer in effect. The effective date for the deletion will be the date the license was voluntarily surrendered by the license holder, the date of final agency action in the case of a final order or the date of a court order if a final order is appealed.

(d) through (e) No change.

(3) Filing Fees. Certificate of need applications shall not be accepted by the agency at the time of filing unless accompanied by the minimum base certificate of need application filing fee in accordance with Section 408.038, F.S. The minimum base fee shall be \$10,000 ~~\$5,000~~. In addition to the base fee of \$10,000 ~~\$5,000~~, the fee shall be 0.015 of each dollar of the proposed expenditure, except that no fee shall exceed \$50,000 ~~\$22,000~~.

(a) through (c) No change.

~~(4) Submission to Local Health Council. Each applicant shall submit a copy of its application to the Local Health Council consistent with the requirements established under subsection (1)(f)1. of this rule.~~

~~(4)(5)~~ Certificate of Need Application Contents. An application for a certificate of need shall contain the following items:

(a) through (e) No change.

~~(5)(6)~~ Identifiable Portions. If an applicant would like to be considered for an award of an identifiable portion of the project, the application, at the time of submission, must include responses to the applicable questions on the identifiable portion. The agency may make a partial award only if the applicant included responses to the applicable questions in the application.

Specific Authority 408.034(5), 408.15(8) FS. Law Implemented 408.033, 408.037, 408.038, 408.039 FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 2-1-81, 4-1-82, 7-29-82, 9-6-84, Formerly 10-5.08, Amended 11-24-86, 3-2-87, 6-11-87, 11-17-87, 3-23-88, 5-30-90, 12-20-90, 1-31-91, 9-9-91, 5-12-92, 7-1-92, 8-10-92, Formerly 10-5.008, Amended 4-19-93, 6-23-94, 10-12-94, 10-18-95, 2-12-96, 7-18-96, 9-16-96, 11-4-97, 7-21-98, 12-12-00, 4-2-01, 1-10-02, 6-26-03, _____.

**AGENCY FOR HEALTH CARE ADMINISTRATION
Certificate of Need**

RULE TITLE: Certificate of Need Penalties
RULE NO.: 59C-1.021

PURPOSE AND EFFECT: The agency is proposing to amend the rule that outlines assessment of administrative fines for failure to comply with conditions placed on a Certificate of need (CON).

SUBJECT AREA TO BE ADDRESSED: Penalties for noncompliance for failure to report on CON conditions.

SPECIFIC AUTHORITY: 408.034(6), 408.15(8) FS.

LAW IMPLEMENTED: 408.040 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. (EST), August 9, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rommel Bain, Certificate of Need, 2727 Mahan Drive, Building 1, MS 28, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.021 Certificate of Need Penalties.

(1) through (2) No change.

(3) Penalties for Failure to comply with Certificate of Need or Exemption Conditions. The agency shall review the annual compliance report submitted by the health care providers who are licensed and operate the facilities or services and other pertinent data to assess compliance with certificate of need or exemption conditions. Providers who are not in compliance with certificate of need or exemption conditions shall be fined. Failure to report compliance with any condition upon which the issuance of the certificate of need or exemption was predicated constitutes noncompliance. For community nursing homes or hospital-based skilled nursing units certified as such by Medicare, the first compliance report on the status of conditions must be submitted 30 calendar days following the eighteenth month of operation or the first month where an 85 percent occupancy is achieved, whichever comes first. The schedule of fines is as follows:

(a) Facilities failing to comply with any conditions or failing to provide the Certificate of Need office with a report on its compliance with conditions set forth on the Certificate of Need or exemption, will be assessed a fine, not to exceed \$1,000 per failure per day. In assessing the penalty the agency shall take into account the degree of noncompliance relative lack of severity of a particular failure.

(b) No change.

(4) No change.

Specific Authority 408.15(8), 408.034(5) FS. Law Implemented 408.040(1)(b),(2)(a), 408.044 FS. History—New 7-25-89, Formerly 10-5.021, Amended _____.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Division of Hotels and Restaurants

RULE CHAPTER TITLE: Florida Elevator Safety Code
RULE CHAPTER NO.: 61C-5

RULE TITLE: Elevator Safety Technical Advisory Council
RULE NO.: 61C-5.016

PURPOSE AND EFFECT: The purpose of this rule is to implement requirements in accordance with Chapter 399, Florida Statutes, as imposed by the 2004 Legislature in House Bill 129 relative to the Elevator Safety Technical Advisory Council.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development will address the membership composition of the Elevator Safety Technical Advisory Council and the staggered term of service for each classification of membership.

SPECIFIC AUTHORITY: 399.1061 FS.

LAW IMPLEMENTED: 399.10, 399.1061 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lee M. Cornman, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, (850)488-1133

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-5.016 Elevator Safety Technical Advisory Council.

The Elevator Safety Technical Advisory Council shall consist of eight members appointed by the secretary of the department. Each of the representatives shall serve 4-year terms except, to provide for staggered terms as specified in statute, four of the initial appointees shall serve 2-year terms. The council representatives that shall serve an initial 2-year term of service are as follows: one representative from a major elevator manufacturing company or its authorized representative; one representative from a building design profession; one representative of labor involved in the installation, maintenance, and repair of elevators; and one representative of a local government in this state. The council representatives that shall serve an initial 4-year term of service are as follows: one representative from an elevator servicing company; one representative of the general public; one representative of a building owner or manager; and one representative who is a certified elevator inspector from a private inspection service. All subsequent appointments shall be for 4-year terms.

Specific Authority 399.1061 FS. Law Implemented 399.10, 399.1061 FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Qualification Program for Special Inspectors of Threshold Buildings
 RULE NO.: 61G15-35.003
 PURPOSE AND EFFECT: The Board finds it necessary to clarify that to qualify as a special inspector of threshold buildings one must obtain experience in structural design after having been licensed as a professional engineer.
 SUBJECT AREA TO BE ADDRESSED: Qualification Program for Special Inspectors of Threshold Buildings.
 SPECIFIC AUTHORITY: 471.008, 471.033(2) FS.
 LAW IMPLEMENTED: 471.015(7), 471.033 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: Paul J. Martin, Executive Director, Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-35.003 Qualification Program for Special Inspectors of Threshold Buildings.

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

(c) Two years of experience in the structural design of threshold buildings after having achieved licensure as a professional engineer. For the purpose of these criteria, structural design shall mean the design of all structural components of the building and shall not be limited to specific structural components only, such as foundations, prestressed or post-tensioned concrete, etc.

(d) through (4) No change.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.015(7), 471.033 FS. History—New 4-19-01, Amended 7-7-02, 4-5-04, _____.

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: Teaching Permits
 RULE NO.: 64B5-7.005
 PURPOSE AND EFFECT: The Board proposes to review the rule amendments to determine whether necessary.
 SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment sets forth requirements for faculty seeking a teaching permit from the Board.
 SPECIFIC AUTHORITY: 466.002(6), 466.004(4) FS.
 LAW IMPLEMENTED: 466.002(6), 466.017(4) 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:

64B5-7.005 Teaching Permits.

(1) A teaching permit may be issued by the Board of Dentistry to a faculty member of a fully-operational program dental school accredited by the Commission on Dental Accreditation of the American Dental Association at a dental school approved by the Board or a medical school accredited by the American Medical Association's Liaison Committee for Medical Education upon the request of the dean of the school if the faculty member:

- (a) through (c) No change.
- (2) through (4) No change.

Specific Authority 466.002(6), 466.004(4) FS. Law Implemented 466.002(6), 466.017(4) FS. History—New 4-30-80, Amended 1-13-81, Formerly 21G-7.05, Amended 1-29-89, Formerly 21G-7.005, 61F5-7.005, Amended 10-16-96, 3-16-97, Formerly 59Q-7.005, Amended 11-10-98, 8-3-00, 1-12-04, _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES: Examination Fees
Reexamination Fees

RULE NOS.: 64B5-15.003
64B5-15.004

PURPOSE AND EFFECT: The Board proposes amendments to update examination and reexamination fees.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would change the examination and reexamination fees.

SPECIFIC AUTHORITY: 456.017(2), 466.004(4), 466.006(1), 466.007(1) FS.

LAW IMPLEMENTED: 456.017(2), 466.006(1),(3)(c), 466.007(1), 466.009(1) 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 Respiratory Care

RULE TITLE: Continuing Education Requirements for Reactivation of License

RULE NO.: 64B32-6.007

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule pertaining to the reactivation of license.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for reactivation of license.

SPECIFIC AUTHORITY: 456.036, 468.353 FS.

LAW IMPLEMENTED: 468.363 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-6.007 Continuing Education Requirements for Reactivation of License.

The continuing education requirements for reactivation of a license shall be:

(1) Those requirements specified in subsection 456.036(10), Florida Statutes; and

(2) Documented proof of completion of 24 hours of approved continuing education as provided in this rule chapter and including HIV/AIDS and medical error prevention, for the preceding biennium during which the licensee held an active license.

Specific Authority 456.036, 468.353 FS. Law Implemented 468.363 FS. History—New _____.

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES: Healthy Lifestyle Rebate
Employee Health Care Access Act Annual and Quarterly Statement

RULE NOS.: 690-149.0055
690-149.038

PURPOSE AND EFFECT: To implement the provisions of HB 1629 regarding rebates for healthy lifestyles as well as amending the underwriting margin of 5% to 4% in the small group market.

SUBJECT AREA TO BE ADDRESSED: Healthy Lifestyle Rebate and underwriting margin in small group market.

SPECIFIC AUTHORITY: 624.038(1), 627.410(6), 627.669(5)(i)3.a.,4.a.,(6),(16) FS.

LAW IMPLEMENTED: 624.307(1), 624.424(6), 627.65626, 627.6699(6)(b) FS.

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

TIME AND DATE: 9:00 a.m., August 19, 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: Frank Dino, Office of Insurance Regulation, e-mail: dinof@dfs.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Use of Filed Rates	69O-170.005
Rate Manual Filings and Revisions	69O-170.006
Annual Rate Filings	69O-170.007
Filing Procedures for Property and Casualty Insurance Rates, Rules, Underwriting Guidelines, and Forms	69O-170.013
Actuarial Memorandum	69O-170.0135
Homeowners Insurance Ratemaking and Rate Filing Procedures	69O-170.014
Dwelling Insurance Ratemaking and Rate Filing Procedures	69O-170.0141
Ratemaking and Rate Filing Procedures for Commercial Residential Insurance and All Other Lines	69O-170.0142
Ratemaking and Rate Filing Procedures for Liability Insurance for Medical Malpractice	69O-170.0143
Forms	69O-170.0155

PURPOSE AND EFFECT: This is a second workshop to amend rules to:

- Improve the quality of rate filings by providing specific detail of the components of a filing so as to minimize the Office’s processing of incomplete filings;
- Delete outdated language and mandate electronic filing;
- Add specific filing details for medical malpractice coverage;

- Add provisions for streamlined rate filings;
- Adopt amended Form OIR-B1-583, Florida Expense Supplement Calculation of Company Loss Cost Multiplier, and other forms used in the rate filing process.

SUBJECT AREA TO BE ADDRESSED: Property and casualty insurance rate filing procedures.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.418(2), 624.4211, 624.424, 624.604, 624.605, 627.021, 627.062, 627.062(2), 627.0645, 627.065, 627.0651, 627.221, 627.301, 627.331 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: 1:00 p.m., August 17, 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 above.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Office of Insurance Regulation, e-mail: dinof@dfs.state.fl.us

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

DEPARTMENT OF FINANCIAL MANAGEMENT

Office of Insurance Regulation

RULE TITLE:	RULE NO.:
Motor Vehicle Insurance Ratemaking and Rate Filing Procedures	69O-175.003

PURPOSE AND EFFECT: This is a second workshop to amend the rule to:

- Improve the quality of rate filings by providing specific detail of the components of a filing so as to minimize the Office’s processing of incomplete filings;
- Delete outdated language and mandate electronic filing;
- Update and adopt rate filing forms.

SUBJECT AREA TO BE ADDRESSED: Motor vehicle insurance rate filing procedures.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.424, 627.062, 627.0651 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: 1:00 p.m., August 17, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Office of Insurance Regulation, E-mail Dinof@dfs.state.fl.us.

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 above.

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Healthy Lifestyle Rebate
RULE NO.: 69O-191.0545
PURPOSE AND EFFECT: To implement the provisions of HB 1629 regarding rebates for healthy lifestyles in HMO filings.
SUBJECT AREA TO BE ADDRESSED: Healthy Lifestyle Rebate.

SPECIFIC AUTHORITY: 641.36, 641.31(2) FS.
LAW IMPLEMENTED: 641.31(40) FS. [HB 1629]
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 9:00 a.m., August 19, 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: Frank Dino, Office of Insurance Regulation, e-mail: dinof@dfs.state.fl.us
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II
Proposed Rules**

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.:
Routine Mail	33-210.101
Legal Documents and Legal Mail	33-210.102
Privileged Mail	33-210.103

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: provide for the copying of incoming correspondence that is disapproved for specified reasons in order to allow review of the rejected material during the inmate grievance process; to provide for consistency in rule language; to provide for the handling of mail between inmates and persons under civil commitment as sexually violent predators; and to clarify what must be included in the institution address on incoming and outgoing correspondence.

SUMMARY: The proposed rules provide for the copying of incoming correspondence that is disapproved for specified reasons in order to allow review of the rejected material during the inmate grievance process; provide for the handling of mail between inmates and persons under civil commitment as sexually violent predators; and clarify what must be included in the institution address on incoming and outgoing correspondence.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500