

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Assessment of Penalties for Violations Found During Compliance Reviews and Payment of Penalties
 RULE CHAPTER NO.: 14-87

RULE TITLES: Scope
 Scope and Definitions
 Assessment of Penalties for Violations Found During Compliance Reviews
 Payment of Penalties; Detaining and Impounding Motor Vehicles
 RULE NOS.: 14-87.001
 14-87.0011
 14-87.0012
 14-87.002

PURPOSE AND EFFECT: This rule chapter amendment is to expand the scope of the current rule chapter by including a new rule containing parts of Chapter 14-108, F.A.C. When this rule chapter is amended, Chapter 14-108, F.A.C., will be repealed.

SUBJECT AREA TO BE ADDRESSED: Chapter 14-87, F.A.C., is being amended to include provisions of rules currently in Chapter 14-108, F.A.C. When this rule chapter is amended, Chapter 14-108, F.A.C., will be amended by separate notice of rulemaking.

SPECIFIC AUTHORITY: 316.302, 316.535, 334.044(2) FS.

LAW IMPLEMENTED: 316.302, 316.3025, 316.3026, 316.516, 316.535, 316.545, 316.550, 316.70 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

ASSESSMENT OF PENALTIES FOR VIOLATIONS FOUND DURING COMPLIANCE REVIEWS AND PAYMENT OF COMMERCIAL VEHICLE PENALTIES AND FEES

14-87.001 Scope.

Specific Authority 316.3025, 316.515, 316.535, 316.545, 316.550, 316.70, 334.044(2) FS. Law Implemented 316.302, 316.3025, 316.515, 316.535, 316.545, 316.550, 316.70 FS. History—New 1-8-86, Amended 2-25-87, 7-15-91, Repealed _____.

14-87.0011 Scope and Definitions.

(1) This rule chapter applies to motor carriers of commercial motor vehicles and nonpublic sector buses, and shippers of hazardous materials; establishes procedures for the payment of penalties in accordance with Chapter 316, Florida Statutes; and establishes the amount of penalties for violations found during a compliance review under Sections 316.302, 316.70, 627.7415, and 627.742, Florida Statutes, and 49 C.F.R Part 107, Subpart G, and Parts 171, 172, 173, 177, 178, 180, 382, 390, 391, 392, 395, 396, and 397, incorporated herein by reference.

(2) The following words and phrases, when used in these rules, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(a)(1) "Citation" means a written statement issued by the Department to a motor carrier, or shipper of hazardous materials, for:

1.(a) A violation of weight or vehicle registration laws; or
 2.(b) A violation of safety laws or regulations, or permit violations; or

3.(c) A violation of the fuel use tax requirements contained in Chapter 207, Florida Statutes.

(b)(2) "Commercial Motor Vehicle" means as defined in Section 316.003(66), Florida Statutes.

(c) "Compliance Review" means an onsite review of documents at a motor carrier's or shipper of hazardous materials' terminal or office, including: property carrier, passenger carrier, or shipper of hazardous materials records such as driver's hours of service, maintenance and inspection, driver qualification, commercial driver's license requirements, financial responsibility, accident and other safety and business records which will enable the investigators to establish compliance with safety laws and regulations.

(d)(3) "Department" means the Florida Department of Transportation.

(4) "Director" means the Director of the Motor Carrier Compliance Office, Florida Department of Transportation.

(5) "Fee" means a charge for a permit.

(e)(6) "Motor Carrier" means any person, corporation, or entity of any kind owning, controlling, operating, managing, contracting with the owner or operator of, or dispatching any commercial motor vehicle or nonpublic sector buses.

(f) "Nonpublic Sector Bus" means as defined in Section 316.003, Florida Statutes.

(7) "Motor Carrier Compliance Office" means that office within the Department which is responsible for enforcing Commercial Motor Vehicle regulations.

(g)(8) "Penalty" means a monetary amount prescribed by statute or Department rule as an administrative assessment for a violation of a safety commercial motor vehicle law or regulation rule pursuant to the issuance of a citation or a notice of violation.

(h) “Shipper of Hazardous Materials” means any person or entity of any kind that offers hazardous materials, as defined in Section 316.003, Florida Statutes, for transportation in commerce.

(9) “Penalty Collections Unit” means those employees of the Motor Carrier Compliance Office assigned by the Director to ensure that penalties are collected in a manner consistent with applicable rules and laws.

(10) “Permit” means:

(a) ~~An International Registration Plan Trip Permit issued to a motor carrier authorizing temporary operation on the public roads of this State in lieu of permanent registration; or~~

(b) ~~A Temporary Fuel Use Permit issued to a motor carrier authorizing temporary operation on the public roads of this State in lieu of permanent registration.~~

(c) ~~A Special Permit issued by the Department which authorizes the operation of an oversize or overweight commercial motor vehicle and load over the State Highway System.~~

Specific Authority 316.302, ~~316.535~~, 334.044(2) FS. Law Implemented 316.302, 316.3025, 316.3026, ~~316.516545~~, 316.535, 316.545, 316.550, 316.70 FS. History–New 7-15-91, Amended 9-12-96, 8-7-03, _____.

14-87.0012 Assessment of Penalties for Violations Found During Compliance Reviews.

(1) The following penalties shall apply to violations found during compliance reviews of motor carriers and shippers of hazardous materials. The aggregate of penalties assessed during a compliance review shall not exceed the amounts prescribed in Section 316.3025 or 316.70, Florida Statutes.

<u>Violation</u>	<u>Penalty</u>
<u>For each violation of 49 C.F.R. Parts 391, 396, or 397:</u>	<u>\$100</u>
<u>For each violation of 49 C.F.R. Part 171, 172, 173, 177, or 180:</u>	<u>\$100</u>
<u>For each violation of 49 C.F.R. Part 107, Subpart G:</u>	<u>\$250</u>
<u>For failing to file a motor carrier identification report, as required by 49 C.F.R. 390.19:</u>	<u>\$500</u>
<u>For violation of operating authority under 49 C.F.R. 392.9a:</u>	<u>\$500</u>
<u>For any other violation of 49 C.F.R. Part 392:</u>	<u>\$100</u>
<u>For failing to maintain time records required by 49 C.F.R. 395.8 or Section 316.302(2)(d), Florida Statutes:</u>	<u>\$500</u>
<u>For any other violation of 49 C.F.R. Part 395:</u>	<u>\$100</u>
<u>For no Controlled Substances and Alcohol Use and Testing Program, as required by 49 C.F.R., Part 382:</u>	<u>\$1,000</u>
<u>For any other violation of 49 C.F.R. Part 382:</u>	<u>\$250</u>
<u>For failing to maintain any insurance required by Section 627.7415 or Section 627.742, Florida Statutes:</u>	<u>\$2,500</u>
<u>For failing to maintain minimum levels of insurance required by Section 627.7415 or Section 627.742, Florida Statutes:</u>	<u>\$1,000</u>
<u>For refusal to submit to a compliance review:</u>	<u>\$5,000</u>

(2) Except for violations specified below, the penalties prescribed above will be waived if, as a result of the first compliance review conducted on a motor carrier or shipper of hazardous materials, the described violations are corrected within 20 days after the receipt of a citation:

(a) Violations of 49 C.F.R. Part 382.

(b) Violations of 49 C.F.R. Part 395 or Section 316.302(2)(b), (c), or (d), Florida Statutes.

(c) Violations of hazardous materials requirements.

(d) Utilizing any driver without a valid driver’s license, such as having a revoked, suspended, canceled, or expired license, or a license with improper classification, not properly endorsed, or in violation of restrictions.

Specific Authority 316.302, 334.044(2) FS. Law Implemented 316.302, 316.3025, 316.70, 627.7415, 627.742 FS. History–New _____.

14-87.002 Payment of Penalties and Fees Due; Detaining and Impounding Commercial Motor Vehicles.

(1) ~~Penalties and fees imposed upon the operations of commercial a motor carrier or shipper of hazardous materials vehicles are due and payable upon the issuance of a citation or a permit. Law enforcement officers, and weight inspectors employed by the Motor Carrier Compliance Office, and other authorized agents of the Department, upon issuance of a citation, shall allow motor carriers or shippers of hazardous materials in good standing to make payment of penalties within 20 calendar days from the issuance of the citation. Payment must be received by the Office of Motor Carrier Compliance Office Penalty Collections Unit in Tallahassee, Florida, within 20 calendar days from the date of the citation.~~

(2) In the event that payment of penalties for a citation is not received within the 20 calendar day period, the commercial motor vehicle(s) shall be impounded in accordance with Sections 316.545, 316.3025, 316.516, and 316.550, Florida Statutes. Motor carriers who fail to pay any and all penalties owed to the Department will be referred to the Department of Highway Safety and Motor Vehicles, where the vehicle’s registrations and fuel permits shall be revoked or suspended in accordance with Section 320.18, Florida Statutes.

(3) ~~Payment methods for citations include cash, money orders, certified funds from a financial institution (electronic or manual), approved credit cards, and company checks. A receipt shall be provided to the motor carrier upon payment of penalties collected. All penalties collected in accordance with these rules will be made payable to the State Treasurer, who will credit the funds to the State Transportation Trust Fund and any other accounts specified by state law.~~

(4) A motor carrier or a shipper of hazardous material that who owes penalties to the Department, state or has have not paid penalties in a timely fashion on one or more previous occasion, shall be deemed to be not in good standing. A Commercial motor vehicle(s) owned by a motor carrier or shipper of hazardous materials deemed not in good standing

~~operated by such motor carriers~~ will be detained or impounded immediately and held until all penalties are paid to the Department. A list of such motor carriers and shippers of hazardous materials will be provided statewide by the Penalty Collections Unit to the Office of Motor Carrier Compliance ~~Office~~ law enforcement officers and weight inspectors ~~by the Penalty Collections Unit.~~

(5) Except ~~for as set forth in Rule Chapter 14-108, F.A.C., involving~~ penalties assessed during compliance reviews, the fact that a motor carrier or shipper of hazardous material has requested an appeal a hearing before the Commercial Motor Vehicle Review Board does not relieve responsibility to make payment of the assessed penalty for a citation within the 20 day period.

(6) Commercial motor vehicles impounded in accordance with this rule will be released upon payment of all penalties owed to the Department, upon Motor Carrier Compliance Office Penalty Collections Unit in Tallahassee, Florida, the posting of a bond pursuant to Section 316.545, Florida Statutes, upon a determination by the Commercial Motor Carrier Review Board to cancel or revoke the penalty, or upon issuance of a Department order pursuant to Section 120.57, Florida Statutes. Commercial motor vehicles released as a result of the posting of a bond under Section 316.545, Florida Statutes, remain subject to the lien imposed by that statute.

(7) Any costs associated with the detention, impoundment, and storage of commercial motor vehicles in accordance with Sections 316.545, Florida Statutes, shall be the responsibility of the motor carrier or shipper of hazardous material, and proof of payment of such costs shall be provided to the Department prior to the vehicle being released.

Specific Authority 316.302, 316.535, 334.044(2) FS. Law Implemented 316.302, 316.3025, 316.3026, 316.516515, 316.535, 316.545, 316.550, 316.70 FS. History--New 1-8-86, Amended 2-25-87, 7-15-91, Amended 9-12-96, 8-7-03,_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE: Regulatory Assessment Fees; RULE NO.:

Telecommunications Companies 25-4.0161

PURPOSE AND EFFECT: The purpose of the rule amendment is to streamline the process of Regulatory Assessment Fee (RAF) collections by codifying the penalty amount and defining when a penalty will be imposed upon a certificated or registered telecommunications company that fails to pay RAF.

The changes should reduce the Commission's cost of collecting RAFs and ensure all certificated and registered companies are treated consistently.

SUBJECT AREA TO BE ADDRESSED: Delinquent Regulatory Assessment Fees.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 350.113, 364.285, 364.336 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 WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO: Christiana T. Moore, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Kennedy, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6584, e-mail: RKennedy@psc.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.0161 Regulatory Assessment Fees; Telecommunications Companies.

(1) through (8) No change.

(9) The Division of the Commission Clerk and Administrative Services shall send by certified mail a regulatory assessment fee delinquency notice to any company that fails to file a regulatory assessment fee return and that fails to pay the regulatory assessment fee by the date specified in subsection (2), unless the company has met the requirements of subsections (6) and (7).

(10) If a company fails to pay the regulatory assessment fee within 15 days after receiving a delinquency notice, the Division, in cooperation with the Division of Competitive Markets and Enforcement and the Office of General Counsel, will establish a docket and administratively issue a Notice of Proposed Agency Action Order Imposing Penalties and Collection Costs, and Requiring Payment of Delinquent Regulatory Assessment Fees, or Cancelling Certificates or Removing From the Register for Violation of Rule 25-4.0161, Florida Administrative Code, and Section 364.336, Florida Statutes. The company must pay the past due regulatory assessment fees, the penalty and interest for late payment as

provided in Section 350.113, Florida Statutes, and as stated in subsection (8) above, and must also pay the applicable penalty stated in subsection (11) for failure to file the regulatory assessment fee return.

(11) Pursuant to Section 364.285, Florida Statutes, the Commission has the authority to impose a penalty or cancel a certificate or registration if a company refuses to comply with Commission rules, orders, or Florida Statutes. The penalty, which will include collection costs, for failure to file the regulatory assessment fee return by the date stated in the delinquency notice shall be as follows:

- (a) First violation – \$500.
- (b) Second violation – \$1,000.
- (c) Third violation – \$2,000.

Failure of the company to pay the full amount due and stated in the Notice of Proposed Agency Action will result in the cancellation of the company’s Certificate of Public Convenience and Necessity, or will result in the cancellation of the company’s tariff and removal of its name from the Commission’s register, whichever is applicable.

(12) For a company’s fourth failure to pay the regulatory assessment fee after being sent a delinquency notice, Commission staff shall file a recommendation to the Commission for further action.

(13) A company that reappplies for a Certificate of Public Convenience and Necessity, or refiles for registration, must pay all prior unpaid regulatory assessment fees, plus the penalty and interest defined in subsection (8), and any prior unpaid penalty assessed in accordance with subsection (10).

Specific Authority 350.127(2) FS. Law Implemented 350.113, 364.285, 364.336 FS. History–New 5-18-83, Formerly 25-4.161, Amended 10-19-86, 1-1-91, 12-29-91, 1-8-95, 12-26-95, 7-7-96, 11-11-99, 12-7-04,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Canteen Operations

RULE NO.: 33-203.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete obsolete language. Reference to the Department’s cashless canteen system is being deleted as the contracted vendor provides their own cashless system.

SUBJECT AREA TO BE ADDRESSED: Inmate Canteens.

SPECIFIC AUTHORITY: 20.315, 944.09, 945.215 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.215, 946.002 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:

- 33-203.101 Canteen Operations.
 - (1) through (2) No change.
 - (3) ~~A standard mark-up policy implemented through the department’s cashless canteen system will be used to price canteen resale items.~~ Current price lists will be posted in the proximity of the canteen for inmate viewing purposes.
 - (4) through (8) No change.

Specific Authority 20.315, 944.09, 945.215 FS. Law Implemented 20.315, 944.09, 945.215, 946.002 FS. History–New 1-20-86, Formerly 33-3.035, Amended 11-22-91, 5-25-95, 11-13-95, 5-28-96, 2-12-97, Formerly 33-3.0035, Amended 11-18-02, 12-3-03, 12-14-04,_____.

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 renumber disciplinary charges for consistency with the Department’s database, and to provide a specific disciplinary charge for making a threatening gesture.

SUBJECT AREA TO BE ADDRESSED: Inmate Disciplinary Infractions.

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.

Maximum
Disciplinary
Actions

SECTION 1 – ASSAULT, BATTERY, THREATS, AND DISRESPECT

1-1 through 1-2 No change.

1-3 Spoken, ~~or~~ written, or gestured 30 DC + 90 GT threats

1-4 through 1-5 No change.

SECTION 2 – No change.

SECTION 3 – CONTRABAND – ANY ARTICLE NOT SOLD IN THE CANTEEN, OR ISSUED BY THE INSTITUTION, OR FOR WHICH YOU DO NOT HAVE A SPECIFIC PERMIT AUTHORIZED BY THE INSTITUTION WHERE PRESENTLY HOUSED

3-1 through 3-12 No change.

3-13 Introduction of any contraband 60 DC + All GT

3-14 Possession or use of a cellular telephone or any other type of wireless communication device 60 DC + All GT

3-14 Introduction of any contraband 60 DC + All GT

SECTION 4 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, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-01-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE:

Maximum Management

RULE NO.:

33-601.820

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: delete obsolete and unnecessary language; define relevant terms; provide requirements for documentation of actions and decisions related to maximum management; describe the process for maximum management placement, review and release; provide for the imposition of immediate restrictions; and clarify authority and responsibilities associated with maximum management review and decision-making.

SUBJECT AREA TO BE ADDRESSED: maximum management.

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:

33-601.820 Maximum Management.

~~(1) General. Maximum Management is a temporary status for an inmate who, through a recent incident or a series of recent incidents, has been identified as being an extreme security risk to the Department and requires an immediate level of control beyond that available in close management or death row.~~

~~(1)(2) Definitions.~~

(a) No change.

~~(b) Institutional Classification Team (ICT) for Maximum Management Review – refers to the team consisting of the Warden or Assistant Warden, Classification Supervisor, a correctional officer chief, and other members as necessary when appointed by the Warden or designated by rule. The ICT is responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification Office (SCO).~~

(c) Maximum Management (MM) – refers to a temporary status for an inmate who, through a recent incident or series of recent incidents, has been identified as being an extreme security risk to the Department and requires an immediate level of control beyond that available in close management or death row. The Secretary shall designate which institutions are authorized to house maximum management inmates, based upon the needs of the Department.

(d) No change.

(e) Maximum Management Review Team – refers to the committee in Central Office that has approval authority for placement in maximum management and the modification of conditions and restrictions imposed at the time an inmate is initially placed in maximum management. The Maximum Management Review Team shall consist of the following staff or those acting in that capacity:

1. Deputy Assistant Secretary of Operations (Chairperson);

2. Chief, Bureau of Classification and Central Records;

3. Chief, Bureau of Security Operations; and

4. Deputy Director of Health Services (clinical).

~~(f)(e) Shift Supervisor – the highest ranking Correctional Officer in charge of security on any work shift on duty.~~

~~(g)(f) No change.~~

~~(2)(3) Maximum Management Placement Criteria.~~

~~(a) An inmate shall have, at a minimum, met the criteria for placement in Close Management I or death row and participated in a recent incident or series of recent incidents which demonstrate:~~

~~1. through 4. renumbered (a) through (d) No change.~~

(3) Initial Placement in Maximum Management Housing.

~~(a)(b)~~ Whenever an inmate has met at least one of the conditions above, ~~and the Shift Supervisor believes that the inmate cannot be controlled in a status less than maximum management,~~ the Shift Supervisor shall recommend immediate placement in maximum management on the electronic by completing Section 1 of Form DC6-101, Referral for Maximum Management in the Offender Based Information System (OBIS). Form DC6-101 is incorporated by reference in subsection (6) of this rule. Approval from the warden or duty warden shall be received prior to placement of the inmate in maximum management.

~~(b)(e)~~ The Warden or Duty Warden shall document this decision on the electronic referral for maximum management in OBIS. Approval from the Warden or Duty Warden shall be received prior to placement of the inmate in maximum management pending completion of the hearing process in subsection (5) approve or disapprove the immediate placement of an inmate in maximum management by signing Form DC6-101, Referral for Maximum Management.

~~(c)~~ The Shift Supervisor who recommended placing an inmate in maximum management shall ensure delivery of the electronic notice of referral for maximum management to the inmate prior to being relieved of duty. The written notice will provide the inmate the reason for the placement and inform the inmate that a hearing will be held no sooner than 24 hours to review the recommendation for placement in maximum management. The inmate may waive the 24 hour period or appearance at the hearing by signing the Waiver of Right to Appear/Waiver of 24 Hour Period, Form DC6-104. Form DC6-104 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is December 7, 2000.

~~(d)~~ Whenever an inmate has met at least one of the conditions in subsection 33-601.820(3), F.A.C., and the Shift Supervisor believes that the inmate should be reviewed for but not immediately placed in maximum management at the present time, then the Shift Supervisor shall recommend placement by completing Section 1 of Form DC6-101, Referral for Maximum Management. The Shift Supervisor shall notify the Classification Supervisor in writing of the recommendation no later than the following administrative workday:

~~(d)(e)~~ No change.

(4) Initial Conditions at time of Placement in Maximum Management Housing.

(a) During initial placement of an inmate into maximum management the following will be provided:

1. through 2. No change.

3. Cell with a Solid Door ~~Should an inmate's behavior require that the solid door be closed for security reasons,~~ the Shift Supervisor may authorize this immediate restriction. The Shift Supervisor shall notify the ICT the following day and the

ICT shall approve, disapprove or modify this restriction. The ICT shall notify the warden for final approval, disapproval or modification of the ICT decision as described in subsection (5) of this rule.

4. through 10. No change.

(b) Should an inmate's behavior require that the clothing or bedding be removed or that the solid door be closed for security reasons either upon initial placement or at any time during maximum management status, the Shift Supervisor may authorize this immediate restriction. The Shift Supervisor shall notify the Warden. If in agreement with the action, the Warden shall notify the Regional Director. If the Regional Director agrees with the action, the Deputy Assistant Secretary of Operations will be contacted for final approval no later than the first work day following the Shift Supervisor's action.

~~(c)(b)~~ No change.

~~(e)~~ The conditions set forth in paragraphs (a) and (b) above shall be reviewed at least weekly by the ICT, and when the ICT determines the inmate has sufficiently demonstrated positive adjustment, consideration shall be given to adjusting the inmate's conditions to the extent authorized for Close Management I inmates. The Institutional Classification Team shall document their justification for adjustment on Form DC6-101, Referral for Maximum Management.

~~(5) Maximum Management Conditions After Initial Placement Hearing and Decision Process.~~ Should the inmate's behavior require alteration of initial placement conditions or previously relaxed conditions as described in paragraphs (4)(a) and (b), the Institutional Classification Team shall make the recommendation to the warden on Form DC6-101, Referral for Maximum Management. The warden shall approve, disapprove or modify the recommendations.

~~(6) Inmate Notice of Maximum Management Hearing.~~ The Shift Supervisor who recommends placing an inmate in maximum management shall ensure delivery of the Notice of Referral for Maximum Management, Form DC6-101, to the inmate prior to being relieved of duty. Form DC6-101 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 December 7, 2000. The written notice will provide the inmate with an explanation of the reason for the recommendation or placement and inform the inmate that a hearing will be held no sooner than 24 hours of the recommended placement in maximum management. The inmate may waive the 24-hour period or appearance at the hearing by signing the Waiver of Right to Appear/Waiver of 24 Hour Period, Form DC6-104. Form DC6-104 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 December 7, 2000.

~~(7) Conducting the Hearing.~~~~(a) No change.~~~~(b) The inmate shall be present for the hearing, unless:~~~~1. through 2. No change.~~~~3. If applicable, the reasons the inmate did not appear at the hearing shall be included in the ICT recommendation entered documented on the electronic Form DC6-101, Referral for mMaximum mManagement in OBIS.~~~~(c) through (d) No change.~~~~(e) The Institutional Classification Team chairperson shall have authority to postpone the hearing to gather further information or order an investigation regarding any pertinent issues. If the hearing is postponed, that action and the reasons for it shall be included in the ICT recommendation entered on the electronic referral for maximum management in OBIS.~~~~(f) The Institutional Classification Team shall recommend approval approve or disapproval of disapprove the recommendation for placement in maximum management and changes to the initial conditions of placement as listed in paragraph (4)(b), if appropriate. The initial conditions of placement are intended to be short-term and should be relaxed as soon as the inmate's adjustment to maximum management and the inmate's level of threat to the security of the institution indicate that it is safe and appropriate to do so. These conditions can only be relaxed to the level permitted for Close Management I inmates. The recommendations and the basis for the recommendations shall be documented on the electronic referral for maximum management in OBIS.~~~~(g) The inmate shall be informed verbally and in writing of the ICT decision.~~~~(g)(h) If the Institutional Classification Team's recommendations shall be forwarded to the Warden for review disapproves placement, the inmate shall immediately be reclassified to his original status and removed from the maximum management cell. The Warden's recommendation for approval or disapproval of maximum management placement and any changes to the initial conditions and the basis for the recommendations shall be documented on the electronic referral for maximum management in OBIS.~~~~(h) The Warden's recommendations shall be forwarded to the Regional Director for review. The Regional Director's recommendation for approval or disapproval of maximum management placement and any changes to the initial conditions and the basis for recommendations shall be documented on the electronic referral for maximum management in OBIS.~~~~(i) The Regional Director's recommendations shall be forwarded to the Maximum Management Review Team for review and final approval or disapproval of the maximum management placement and any changes to the initial conditions. The Maximum Management Review Team's decisions shall be documented on the electronic referral for~~~~maximum management in OBIS. If the Institutional Classification Team approves placement, the decision will be forwarded to the warden who will review the recommendation.~~~~(j) If the Maximum Management Review Team's decision is to disapprove the maximum management placement, the inmate shall immediately be reclassified to his original status and removed from the maximum management cell.~~~~(k) The Classification Supervisor at the maximum management facility shall ensure that Form DC6-229A, Daily Record of Segregation, is documented with any status or condition changes approved by the Maximum Management Review Team. The Classification Supervisor shall also ensure that the inmate is informed verbally and in writing of the Maximum Management Review Team's decision. Form DC6-229A is incorporated by reference in Rule 33-601.800, F.A.C.~~~~(l) The ICT at the maximum management facility is responsible for ensuring that staff adheres to any time frames approved in reference to inmate conditions.~~~~(m) An inmate shall not be released from maximum management status or be subjected to changes in initial conditions until the actions are approved by the Maximum Management Review Team except as allowed in paragraph (4)(b) above.~~~~(8) Final Review of Placement.~~~~(a) The warden shall approve or disapprove the ICT recommendation based on the criteria in paragraph (3)(a). If the ICT recommendation is incomplete or additional data is needed, the warden shall return the recommendation to the ICT for additional information.~~~~(b) If the warden disapproves placement, the inmate shall immediately be reclassified to his original status.~~~~(6)(9) Review of Maximum Management Status and Conditions.~~~~(a) The Institutional Classification Team shall review the inmate's maximum management status, the conditions set forth in paragraphs (4)(a) and (b) above, and previously modified conditions, weekly for the first sixty days two months from the date of placement, and at least monthly thereafter.~~~~1. Weekly reviews by the ICT during the first sixty days of maximum management status and monthly thereafter shall be documented on Form DC6-229A, Daily Record of Segregation. A recommendation for release from maximum management shall be set forth in memorandum and forwarded to the State Classification Office for review.~~~~2. If the ICT recommends the inmate's release from maximum management or a change in the inmate's conditions during the first sixty days, the ICT shall also document their recommendation on the electronic classification contact log in OBIS. An inmate shall not be released from maximum management status until authorized by a member of the State Classification Office.~~

3. All reviews conducted at least monthly by the ICT after the first sixty days of maximum management status shall be documented on the electronic classification contact log in OBIS. This documentation shall include any recommendations for changes in the inmate's conditions.

(b) All ICT reviews documented on the electronic classification contact log in OBIS shall be reviewed by the Warden. The Warden shall document the reason for approval, disapproval or modification of the ICT recommendations on the classification contact log in OBIS.

(c) The Warden's recommendations for approval, disapproval or modification of the inmate's status or conditions shall be reviewed by the Regional Director. The Regional Director shall document approval, disapproval or modification of the Warden's recommendation on the classification contact log in OBIS.

(d) If the Regional Director approves the inmate for continuation of maximum management status, no further review of the placement or change of conditions is required. An inmate shall not be subjected to changes in conditions until those actions are approved by the Regional Director, except as allowed in paragraph (4)(b) above.

(e) If the Regional Director recommends release from maximum management status, the recommendation must be forwarded for review and final decision to the Deputy Assistant Secretary of Operations. The Deputy Assistant Secretary of Operations shall document approval, disapproval, or modification of the Regional Director's recommendations on the classification contact log in OBIS.

(f) The Classification Supervisor at the maximum management facility shall ensure that Form DC6-229A, Daily Record of Segregation, is documented with any status or condition changes approved by the Regional Director or Deputy Assistant Secretary of Operations.

(g) The ICT at the maximum management facility shall ensure that staff adhere to any time frames approved in reference to inmate conditions.

(h) An inmate shall not be released from maximum management status until that action is approved by the Deputy Assistant Secretary of Operations.

(7) On-Site Review of Maximum Management.

(a)(b) If an inmate remains in maximum management status for 90 days or more, the Regional Director or designee a member of the State Classification Office shall conduct an on-site review of the inmate's maximum management status and conditions in conjunction with the monthly review of the Warden's recommendations. This on-site review shall take place after every 90 days period of continued maximum management status from the date of placement. The Regional Director's designee shall be a Regional Assistant Warden, Regional Classification Administrator, or State Classification Officer.

~~(b) The Institutional Classification Team shall participate in the review of the inmate's adjustment with the Regional director or his designee State Classification Office member.~~

~~2. The State Classification Office member is authorized to reclassify an inmate from maximum management status at any point during the reviews.~~

~~3. The Institutional Classification team shall be authorized to appeal the decision to reclassify the inmate to the State Classification Office chairperson.~~

~~4. The inmate shall not be released from maximum management status until the State Classification Office chairperson rules upon the appeal. The ruling of the State Classification Office chairperson is final.~~

(c) The Regional Director's recommendations following this on-site review will be documented on the classification contact log in OBIS.

~~(8)(10) No change.~~

~~(9)(11) Other Conditions of Confinement.~~

~~(a) Inmates in maximum management shall not be allowed to check out books from the library.~~

~~(b) through (d) renumbered (a) through (c) No change.~~

~~(d)(e) Inmates who are housed in maximum management will have mental health and medical care services to the same extent as all close management inmates. Monitoring of inmates will be as described in Rule 33-601.800, F.A.C.~~

Specific Authority 944.09 FS, Law Implemented 944.09 FS. History--New 12-7-00, Amended 11-23-03, 4-1-04,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: RULE NO.:

Use of Committed Name 33-603.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that an inmate may use his or her true or legal name on mail or documents, so long as the committed name and DC number appear first.

SUBJECT AREA TO BE ADDRESSED: Use of inmates' committed names.

SPECIFIC AUTHORITY: 20.315, 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:

33-603.101 Use of Committed Name.

(1)(a) No change.

(b) The department shall register any known aliases on the inmate's record and shall also designate on the record which name is the inmate's true or legal name if this information is available. If an inmate's true name is not the committed name, the inmate shall be permitted to use the true name on documents and mail so long as the committed name and DC number appear first, followed by the true name.

(c) through (4) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 9-30-93, Formerly 33-6.012, Amended 4-29-02, 5-20-03,_____.

DEPARTMENT OF THE LOTTERY

RULE TITLE: Overtime Compensation RULE NO.: 53-13.008

PURPOSE AND EFFECT: The Department proposes to revise the time period for excluded positions to accrue compensatory leave and redefine overtime for included and excluded positions.

SUBJECT AREA TO BE ADDRESSED: Overtime compensation.

SPECIFIC AUTHORITY: 24.105(9)(j) FS.

LAW IMPLEMENTED: 24.105(19)(d) 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: Faith L. Schneider, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

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

DEPARTMENT OF THE LOTTERY

RULE TITLE: Overtime RULE NO.: 53-16.004

PURPOSE AND EFFECT: The Department proposes to revise the time period for excluded positions to accrue compensatory leave and redefine overtime for included and excluded positions.

SUBJECT AREA TO BE ADDRESSED: Overtime.

SPECIFIC AUTHORITY: 24.105(9)(j) FS.

LAW IMPLEMENTED: 24.105(19)(d) 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: Faith L. Schneider, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: Forms RULE NO.: 61B-15.0012

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to change the form entitled "Notice of Condominium Recording Information" to reflect the amendment to Rule 61B-17.001, F.A.C., which requires developers who have recorded a declaration of condominium but not filed it with the division to file a copy of the recorded condominium documents.

SUBJECT AREA TO BE ADDRESSED: As required by Sections 718.104(2) and 718.403(8), Florida Statutes, condominium developers must file condominium documents and amendments with the division within 120 days of recording. Developers must file condominium documents with the division prior to offering condominium units for sale or lease in accordance with Section 718.502, Florida Statutes. Those developers who create condominiums and record the condominium documents but do not offer units for sale or lease, must file the recorded documents with the division so that the division can ensure compliance with Chapter 718, Florida Statute, and collect the statutory annual fees under Section 718.501(2), Florida Statutes. If the developer later offers units for sale in the ordinary course of business, the developer must comply with the filing and review requirements under Sections 718.403, 718.502, 718.503 and 718.504, Florida Statutes.

SPECIFIC AUTHORITY: 718.501(1)(f), 718.502(1)(c) FS.

LAW IMPLEMENTED: 718.104(2), 718.403(8), 718.501(2), 718.502, 718.503, 718.504 FS.

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

TIME AND DATE: 10:00 a.m., April 4, 2005

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

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: Developer, Filing
 RULE NO.: 61B-17.001
 PURPOSE AND EFFECT: The purpose of the proposed rule is to require developers who have recorded a declaration of condominium but not filed it with the division to file a copy of the recorded condominium documents.

SUBJECT AREA TO BE ADDRESSED: As required by Sections 718.104(2) and 718.403(8), Florida Statutes, condominium developers must file condominium documents and amendments with the division within 120 days of recording. Developers must file condominium documents with the division prior to offering condominium units for sale or lease in accordance with Section 718.502, Florida Statutes. Those developers who create condominiums and record the condominium documents but do not offer units for sale or lease, must file the recorded documents with the division so that the division can ensure compliance with Chapter 718, Florida Statute, and collect the statutory annual fees under Section 718.501(2), Florida Statutes. If the developer later offers units for sale in the ordinary course of business, the developer must comply with the filing and review requirements under Sections 718.403, 718.502, 718.503 and 718.504, Florida Statutes.

SPECIFIC AUTHORITY: 718.501(1)(f), 718.502(1)(c) FS.
 LAW IMPLEMENTED: 718.104(2), 718.403(8), 718.501(2), 718.502, 718.503, 718.504 FS.

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

TIME AND DATE: 10:00 a.m., April 4, 2005
 PLACE: Conference Room 440, Fuller Warren Building, 201 W. Bloxham Street, Tallahassee, Florida

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Deputy Pilots' and State Pilots' Physical and Mental Capabilities
 RULE NO.: 61G14-20.001

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address appropriate documentation for demonstration of physical and mental capabilities.

SUBJECT AREA TO BE ADDRESSED: Demonstration of physical and mental capabilities.

SPECIFIC AUTHORITY: 310.185(1) FS.
 LAW IMPLEMENTED: 310.071, 310.073 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: RULE NO.:

Board Approval of Continuing Education Providers 61G15-22.011

PURPOSE AND EFFECT: Purpose and effect is to include a prohibition of conflict of interest as an added requirement for Board approval of continuing education providers.

SUBJECT AREA TO BE ADDRESSED: Board Approval of Continuing Education Providers.

SPECIFIC AUTHORITY: 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 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 Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-22.011 Board Approval of Continuing Education Providers.

(1) No change.

(2) To demonstrate the education and/or the experience necessary to instruct professional engineers in the conduct of their practice for continuing education credit, an applicant for continuing education provider status must be a regionally accredited educational institution, a commercial educator, a governmental agency, a state or national professional association whose primary purpose is to promote the profession of engineering, an engineer with a Florida license to practice engineering who is not under disciplinary restrictions pursuant to any order of the Board, or an engineering firm that possesses an active certificate of authorization issued by the Board pursuant to Section 471.023, F.S. The continuing education provider shall not have any financial or commercial interest, direct or indirect, in any technology that is the subject of the instruction.

(3) through (9) No change.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended 9-4-02, 12-21-03, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: RULE NO.:

Schedule of Fees 61G15-24.001

PURPOSE AND EFFECT: Purpose and effect is to add an Engineer Endorsement Fee.

SUBJECT AREA TO BE ADDRESSED: Schedule of Fees.

SPECIFIC AUTHORITY: 455.213, 455.217(3), 455.219, 455.271, 471.011, 471.019 FS.

LAW IMPLEMENTED: 119.07(1)(a), 455.217(3),(7), 471.011, 471.019 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 Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-24.001 Schedule of Fees.

(1) No change.

(2) Engineering fees (individuals and firms):

(a) through (o) No change.

(p) Engineer Endorsement Fee: \$100.00.

(3) No change.

Specific Authority 455.213, 455.217(3), 455.219, 455.271, 471.011, 471.019 FS. Law Implemented 119.07(1)(a), 455.217(3), (7), 471.011, 471.019 FS. History—New 1-8-80, Amended 8-26-81, 12-19-82, 6-2-83, 2-28-84, Formerly 21H-24.01, Amended 3-10-86, 12-11-86, 3-10-87, 4-12-88, 12-21-88, 1-10-90, 8-15-90, 1-6-93, Formerly 21H-24.001, Amended 11-15-94, 8-10-98, 6-16-99, 5-8-00, 11-15-01, 2-21-02, 9-16-02, 5-9-04, _____.

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 Nursing

RULE TITLE: RULE NO.:

Effective Date 64B9-17.004

PURPOSE AND EFFECT: To set 180 days from the date this rule chapter is filed as the time the provisions of this rule chapter shall become effective.

SUBJECT AREA TO BE ADDRESSED: Effective Date.
 SPECIFIC AUTHORITY: 464.003(a), 464.006 FS.
 LAW IMPLEMENTED: 464.003(a), 464.012(3),
 464.015(1),(5), 464.019(1)(j),(n) 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: Dan Coble, Executive
 Director, Board of Nursing, 4052 Bald Cypress Way, Bin
 #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE
 DEVELOPMENT IS:

64B9-17.004 Effective Date.

To allow institutions time to evaluate the competency and knowledge of or to train the registered nurse who may want to administer conscious or deep sedation, the provisions of this rule chapter shall become effective 180 days from the date this rule chapter is filed. Nothing shall prohibit those individuals who meet the requirements specified in this rule chapter at the time of its adoption from engaging in the administration of conscious or deep sedation as delineated in this rule chapter.

Specific Authority 464.003(a), 464.006 FS. Law Implemented 464.003(a), 464.012(3), 464.015(1),(5), 464.019(1)(j),(n) FS. History—New

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Continuing Education for Biennial Renewal
 RULE NO.: 64B15-13.001
 PURPOSE AND EFFECT: The Board proposes the
 development of rule amendments to address risk management
 credit for attendance at Board meetings.
 SUBJECT AREA TO BE ADDRESSED: The proposed rule
 amendments clarify continuing medical education in risk
 management for attendance at Board meetings.
 SPECIFIC AUTHORITY: 459.005, 459.008(4) FS.
 LAW IMPLEMENTED: 456.013(5),(6),(7), 459.008(4) 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: 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 NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Application and Examination Fee for
 Licensure by Examination; Review Fee
 RULE NO.: 64B19-12.002
 PURPOSE AND EFFECT: The Board proposes to review the
 existing language in this rule to determine whether changes are
 necessary.
 SUBJECT AREA TO BE ADDRESSED: Application and
 Examination Fee for Licensure.
 SPECIFIC AUTHORITY: 456.013(2), 490.004(4),
 490.005(1)(a) FS.
 LAW IMPLEMENTED: 456.013(2), 456.017, 490.005(1)(a)
 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE
 PROPOSED RULE DEVELOPMENT AND A COPY OF
 THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye
 Howerton, Executive Director, Board of Psychology, 4052
 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253
 THE PRELIMINARY TEXT OF THE PROPOSED RULE
 DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Reexamination Fee
 RULE NO.: 64B19-12.003
 PURPOSE AND EFFECT: The Board proposes to review the
 existing language in this rule to determine whether changes are
 necessary.
 SUBJECT AREA TO BE ADDRESSED: Reexamination Fee.
 SPECIFIC AUTHORITY: 456.017(2), 490.004(4) FS.
 LAW IMPLEMENTED: 456.017(1)(c),(2) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED
 UNNECESSARY BY THE AGENCY HEAD, A RULE
 DEVELOPMENT WORKSHOP WILL BE NOTICED IN
 THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE
 WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE
 PROPOSED RULE DEVELOPMENT AND A COPY OF
 THE PRELIMINARY DRAFT, IF AVAILABLE IS: Kaye
 Howerton, Executive Director, Board of Psychology, 4052
 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253
 THE PRELIMINARY TEXT OF THE PROPOSED RULE
 DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE CHAPTER TITLE: Public Assistance Programs
 RULE CHAPTER NO.: 65A-1

RULE TITLE: Administrative Definitions
 RULE NO.: 65A-1.203

PURPOSE AND EFFECT: The proposed rule amendment will provide for the use of a paper or electronic/web-based application form to apply for public assistance. It will also clarify definitions related to eligibility for public assistance.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment provides for the use of a paper or electronic/web-based application form to apply for public assistance. Additionally, it clarifies definitions related to the eligibility process.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 409.212, 409.903, 409.904, 410.033, 414.095, 414.31 FS.

IF REQUESTED AND DEEMED NECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:30 a.m., April 6, 2005

PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Jennifer Lange, Chief of Policy, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 450, Tallahassee, Florida 32399-0700, (850)921-0253

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

**Section II
 Proposed Rules**

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Teacher Certification Examinations
 RULE NO.: 6A-4.0021

PURPOSE AND EFFECT: The purpose of this rule amendment is to reflect the recommendations made by advisory committees consisting of practicing teachers, university faculty members, and school district administrators regarding various Florida Teacher Certification Examinations and the Competencies and Skills from which the examinations are derived. These recommendations include the adoption of the tenth edition of the FTCE Competencies and Skills for the Florida Teacher Certification Examinations, a modification of the weighting for the English 6-12 subject area examination in order to make the weighting of the essay portion of the exam

consistent with other English exams, a change in the minimum score needed to pass the Professional Education and Exceptional Student Education examinations, clarification of the accommodations provided for reading, and clarification of the procedures for examinee reviews of scores. The effects of these changes are that updated competencies for 10 tests (Art K-12, Preschool Birth-Age 4, Health K-12, Spanish K-12, German K-12, French K-12, Biology 6-12, Chemistry 6-12, Earth/Space Science 6-12, Physics 6-12) will be available to examination candidates and colleges of education. Increasing the weighting for the essay portion of the English 6-12 examination will increase the reliability and validity of the overall English 6-12 examination by giving an appropriate level of emphasis to the essay portion. In addition this change aligns the requirements for both secondary English exams, English 6-12 and Middle Grades English. Raising the minimum score needed to pass the Professional Education test and the Exceptional Student Education examination will raise the validity of these assessments by setting more appropriate performance standards for the content assessed. The procedures for accommodations will assure that applicants taking a reading examination read the test themselves. Processing fees will be assessed for examinees that have failed an examination and wish to review their performance. A minimum period of 30 days will be required before a failing examinee can retake an examination after reviewing the examination that was failed.

SUMMARY: This rule is amended to adopt the tenth edition of Competencies and Skills Required for Teacher Certification in Florida, to provide consistency in the weighting of the essay portion of the exam consistent with other English exams, to adopt a new minimum score required to pass the Professional Education and Exceptional Student Education examinations, clarification of the accommodations provided for reading, and clarification of the procedures for examinee reviews of scores.

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 the notice.

SPECIFIC AUTHORITY: 1012.55(1), 1012.56, 1012.59 FS.

LAW IMPLEMENTED: 1012.56 FS.

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

TIME AND DATE: 8:30 a.m., April 19, 2005

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Cornelia S. Orr, Director, Assessment and School Performance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0513