

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE NO.: 5I-4.002
RULE TITLE: Purpose and Definitions
PURPOSE AND EFFECT: Modify the definition off-highway vehicle, and add two new definitions.
SUBJECT AREA TO BE ADDRESSED: Division of Forestry Managed Lands Definitions.
RULEMAKING AUTHORITY: 570.07(23), 589.011(4), 589.071, 589.12 FS.
LAW IMPLEMENTED: 589.011(3), 589.071 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: Steve Bohl, 3125 Conner Blvd., Tallahassee, FL 32399-1650, (850)414-9914
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.: 5J-6.003, 5J-6.005, 5J-6.013
RULE TITLES: Definitions, Licensing Requirement, Commercial Telephone Seller, Salesperson Exemption
PURPOSE AND EFFECT: The purpose and effect of the amendments to Rule 5J-6.003, F.A.C., is to clarify the term, “driver’s license number”, in order to effectively implement Section 501.605, F.S. and Section 501.607, F.S. The purpose and effect of the amendments to Rule 5J-6.005, F.A.C., is to implement Sections 501.605 and 501.607, F.S., requiring registration through the use of DACS Form 10001, Commercial Telephone Seller Business License Application Packet, Rev. 8-01-10, or DACS Form 10005, Commercial Telephone Salesperson Individual License Application Packet, Rev. 8-01-10. Amendments to Rule 5J-6.005, F.A.C., will also implement Section 501.609, F.S., requiring written notice to the Department using DACS Form 10006, Florida Telemarketing Act Material Change Form, Rev. 8-01-10, of

any material changes in information previously submitted for purposes of licensure. The purpose and effect of Rule 5J-6.013, F.A.C., is to implement Section 501.608(1)(b), F.S., through the use of the Commercial Telephone Seller Affidavit of Exemption included in DACS Form-10001, Commercial Telephone Seller Business License Application Packet, Rev. 8-01-10, for those businesses claiming an exemption from licensure with the Department.

SUBJECT AREA TO BE ADDRESSED: Update of the Commercial Telephone Seller Business License Application Packet, Commercial Telephone Salesperson Individual License Application Packet, Florida Telemarketing Act Material Change Form, and clarification of the definition of “driver’s license”.

RULEMAKING AUTHORITY: 501.626 FS.
LAW IMPLEMENTED: 501.602, 501.603, 501.604, 501.605, 501.607, 501.608, 501.609 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: Mazey Strauss, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3848

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-14.0542
RULE TITLE: Tuition Waiver for Classroom Teachers
PURPOSE AND EFFECT: The purpose and effect of this rule development is to develop the Department of Education’s approval process of courses authorized for waived fees pursuant to Section 1009.26(10), Florida Statutes.
SUBJECT AREA TO BE ADDRESSED: Student fees.
RULEMAKING AUTHORITY: 120.536(1), 120.54, 1001.02(1), 1009.26(10) FS.
LAW IMPLEMENTED: 1009.26(10) 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: Julie

Alexander, Associate Vice Chancellor for Learning Initiatives, Division of Florida Colleges, 325 West Gaines Street, Room 1532G, Tallahassee, FL 32399, (850)245-9523. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-602.201 Inmate Property

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify provisions relating to possession and disposal of religious property and to generally amend for grammatical clarity.

SUBJECT AREA TO BE ADDRESSED: Inmate Property.

RULEMAKING 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.201 Inmate Property.

(1) The reception center ~~chief~~ Chief of ~~security~~ Security shall ensure that property files are established for all new inmates. The inmate property file shall become part of the inmate's institutional file. All forms and correspondence pertaining to inmate property shall be placed in this file in chronological order. The ~~chief~~ Chief of ~~security~~ Security or his designee shall be responsible for the maintenance of the inmate property file. An addendum will be made to Form DC6-224, Inmate Personal Property List, any time the status of inmate personal property changes. Examples of changes include when an inmate receives additional property through an approved

source or when the inmate chooses to dispose of a broken or worn out item. Form DC6-224 is incorporated by reference in subsection (17) of this rule.

(2)(a) When an inmate is initially received by the ~~department~~ Department, the receiving or property officer shall take charge of the inmate's personal property. The officer shall inventory all items in the inmate's possession at that time using Form DC6-224, Inmate Personal Property List.

(b) After final disposition is completed, the officer shall give one copy of the receipt to the inmate along with that property the inmate is authorized by the ~~department~~ Department to keep. Personal property remaining in the possession of an inmate is the responsibility of that inmate and not of the institution. One copy of the receipt shall be placed with any property that is not authorized within the ~~department~~ Department and that is to be stored. One copy of the receipt shall be placed in the package to be mailed to the inmate's home or to the person designated on the form; if the inmate chooses to forfeit the items, this copy of the receipt shall be given to the inmate. One copy of the receipt shall be placed in the inmate property file. The unauthorized property will be held at the institution for 30 days. During this 30 day period, the inmate shall be given an opportunity to have the items picked up by an approved visitor, relative, or friend; or to mail money or valuables to their families or other persons of their choice at no expense to the ~~department~~ Department. The 30 day period will not include any time during which an appeal or grievance pertaining to the disposition of the property is pending. Persons picking up items must pre-arrange with the warden for pick-up at a specific time during administrative working hours (Monday through Friday 8:00 a.m. through 5:00 p.m.).

(3) No change.

(4) Authorized Property.

(a) The property reflected on the Approved Property List (Appendix One), in the indicated quantities, is authorized within the ~~department~~ Department once an inmate is permanently assigned, provided the inmate has sufficient storage space. An inmate may not use other inmates' storage space; or other non-authorized storage containers; or store property in locations other than his assigned housing unit.

(b) through (e) No change.

(f) An inmate transferred from a jail or private prison to a Department of Corrections facility shall be permitted to retain only that property that is authorized by the ~~department~~ Department in Appendix One. Any unauthorized item will be confiscated and held by the institution for 30 days. During this 30 day period, the inmate shall be given an opportunity to have the items picked up by an approved visitor, relative, or friend; or to mail the items to persons of their choice at no expense to the Department of Corrections. The 30 day time period will not include any time during which a grievance or appeal pertaining to the disposition of the property is pending.

(5) Unauthorized Property (Also see Control of Contraband, Rule 33-602.203, F.A.C.).

(a) Property that is contraband pursuant to Rule 33-602.203, F.A.C., shall be handled as provided in ~~that rule~~ Rule 33-602.203, F.A.C.

1. through 3. No change.

(b) Property that is authorized for inmates in general population such as shaving powders, oils, and lotions shall be unauthorized or restricted based upon an inmate's confinement or other high security status when that item presents a security risk. Further limits on personal items for inmates in confinement or other high security statuses are authorized as referenced in Rules 33-602.220, 33-602.221, 33-602.222, ~~and~~ 33-601.800, ~~and~~ 33-601.820, F.A.C.

(6) Storage of Excess Legal Materials.

(a) through (b) No change.

(c) Storage of Excess Active Legal Material.

1. No change.

2. When it is determined by the assistant warden or ~~chief~~ Chief of security ~~Security~~ that an inmate has legal material that cannot be contained in the inmate's assigned locker, the inmate shall be given a written order from an employee of the ~~department~~ Department providing:

a. No change.

b. If, after organizing and inventorying his or her legal material, the inmate will not be able to fit active legal material in his assigned inmate locker, the inmate shall complete Form DC6-2006, Request for Storage of Excess Active Legal Material, and Form DC6-2008, Excess Active Legal Material Inventory List, to be submitted to the warden for review. Forms DC6-2006 and DC6-2008 are incorporated by reference in subsection (17) of this rule.

3. No change.

4. In the event the inmate refuses to organize and inventory his legal material as ordered, the inmate shall receive a disciplinary report. If the inmate refuses to comply after being ordered a second time, the inmate shall receive a disciplinary report and the ~~department~~ Department shall organize and inventory the material. The inventory shall be performed in the same manner as the staff review described in subparagraph 5. below.

5. Prior to placing an inmate's active legal material into excess storage, the inmate's legal material shall be subject to a cursory review by ~~Department~~ staff to ensure compliance with ~~department~~ Department rules regarding utilization of excess storage, approved property, and contraband. This review will only be conducted in the presence of the inmate. Only the case style, signature on the document (if any), and letterhead (if any) may be read. Any material that is determined by staff to not be active legal material, shall be collected by two designated employees and placed in a box(es) with interlocking flaps for storage pending disposition. The warden or designee shall notify the inmate on Form DC6-2007,

Excessive Inactive Legal Material Disposition Determination, of the determination that the inmate has 30 days to make arrangements to have the excess inactive legal material picked up by an approved visitor, ~~or sent to a relative,~~ or friend ~~or sent out~~ at the inmate's expense, as provided in subparagraph (6)(c)6. ~~The, or the~~ institution will otherwise ~~destroy the material~~ it. This notification shall be provided to the inmate within three calendar days of the determination unless the inmate provides verification of a deadline that cannot be met within the three day waiting period. The 30 day limit shall not include any time that a grievance appeal is pending provided the inmate has provided the warden or the warden's designee with the written notice required in subparagraph (6)(c)7. Form DC6-2007 is incorporated by reference in subsection (17) of this rule. For purposes of this subparagraph, the warden's designee may include the property room supervisor.

6. through 8. No change.

9. If the inmate's grievance appeal is denied and the inmate wishes to appeal the determination to the courts as well as ~~and wishes~~ to have the order to dispose of the excess inactive legal material within 30 days stayed while the court appeal is proceeding, the inmate must provide written notice to the warden on Form DC6-236, Inmate Request, that he intends to appeal the determination to the courts. The written notice must be filed within 30 calendar days of receipt of the response from the Office of the Secretary, must identify the court in which the appeal has been filed, must include a statement by the inmate that the inmate intends to appeal the determination, and must specifically identify the documents or papers on which the appeal is based.

10. If the inmate's appeal is denied, the inmate shall have 30 days to make arrangements to have the materials picked up by an approved visitor, relative, or friend; or pay to have the material sent to one of these approved individuals. If the material is not picked up or mailed out within 30 days, the institution shall destroy it.

11. Prior to being stored in excess storage, excess active legal material shall be placed in a box(es) with interlocking flaps, shall be numbered in sequential order, and shall have the inmate's name and ~~department~~ Department number clearly written on the top and side of each box. Prior to being sealed, the box(es) shall be inspected by staff, in the presence of the inmate, for contraband. Each box shall be sealed in the presence of the inmate prior to being placed into excess storage. Form DC6-2008, Excess Active Legal Material Inventory List, shall be completed or updated by the inmate before the box(es) ~~is are~~ sent or returned to excess storage.

12. through 13. No change.

(d) through (f) No change.

(7) Impounded Property.

(a) When it is necessary to take and impound items of personal property belonging to or in the possession of an inmate, that property shall be taken, handled, processed, and

secured in a manner that will safeguard it from loss, damage, destruction, or theft while it is under the control of the ~~department~~ Department. If the property impounded does not belong to the inmate in possession of the property, an investigation shall be conducted to determine if the owner of the property knowingly permitted the use of the property. If so, the property shall be handled as contraband. If it can be determined that the property was stolen or otherwise taken, the impounded property shall be returned to the rightful owner. Inmates must report stolen items immediately to the housing officer. The officer shall complete an incident report and an attempt will be made to locate the missing property.

(b) When personal property of an inmate is taken, it will be inventoried according to the following procedure on Form DC6-220, Inmate Impounded Personal Property List, and, whenever practical, in the presence of the inmate. Exceptions may be made when the inmate's presence during this process jeopardizes institutional security or in times of an emergency such as a general disturbance creating security concerns. New inmates being processed into the ~~department~~ Department at one of the reception centers will have their property recorded on Form DC6-220, with a copy being given to the inmate. Unauthorized property will be stored pending final disposition as provided in this rule. At the time of receipt into the ~~department~~ Department each inmate will also sign Form DC6-226, Authorization for Disposition of Mail and Property, which authorizes the ~~department~~ Department to dispose of the property should the inmate abandon it. Form DC6-226 is incorporated by reference in subsection (17) of this rule.

1. The inventory shall specifically list and identify each item or each group or package of personal items such as letters, legal papers, etc.; as an assortment on Form DC6-220.

2. No change.

3. If an inmate refuses to sign the inventory list, or is not present, that fact will be noted on the inventory and signed by the employee making the inventory and also by a second employee present.

4. through 5. No change.

(c) After being inventoried, the property will be removed as soon as possible to a secure area where it will be safe from loss, theft, or damage and to which other inmates do not have access.

(d) No change.

(e) If it is appropriate to return part, but not all, of the impounded property to the inmate, the following procedure will be followed:

1. That part of the property being returned will be listed on the approved release, Form DC6-225, Inmate Partial Property Return Receipt, and any property found to be missing at that time will be noted on the form. Form DC6-225 is incorporated by reference in subsection (17) of this rule. The employee making the release and the inmate will date and sign the release form, each in the presence of the other. One signed copy of the

release form shall be given to the inmate. One copy shall be attached to the original inventory list and kept with the remaining impounded property until all property is returned to the inmate, at which time it will be placed in ~~and then to~~ the inmate's property file.

2. through 3. No change.

(f) No change.

(g) When an inmate whose personal property has been taken and impounded is transferred to another facility, that property shall be transported with the inmate or as soon as possible thereafter. It is the responsibility of the sending location to ensure that only authorized property is transported and that the inmate has signed the proper receipt for the property, Form DC6-227, Receipt for Personal Property. Form DC6-227 is incorporated by reference in subsection (17) of this rule. The procedures for returning property listed in paragraph (f) shall be followed. When the inmate has excessive authorized property that which cannot be transported with the inmate, the procedures for making a partial return listed in paragraph (e) shall be followed.

(h) through (9) No change.

(10) When, with the prior knowledge of the ~~department~~ Department, an inmate is not under the immediate control of the ~~department~~ Department for more than 24 hours and his personal property does not accompany him, it will be inventoried and held until his return.

(11) through (12) No change.

(13) The warden or ~~his~~ designee is authorized to require an inmate to bring all of his personal property to the disciplinary hearing if the warden or designee determines that this is necessary after evaluating the factors set out in subsection (12) above.

(14) Missing Inmate Property.

(a) No change.

(b) If the grievance is approved, the assistant warden or other designee of the warden, shall conduct an investigation of the loss. The investigation shall be completed and forwarded within 30 days.

(c) through (e) No change.

(15) Transfer of Property. Inmates shall not transfer items of personal property to any other individual by way of loan, sale, trade, barter, or donation.

(16) Religious Property.

(a) No change.

(b) Unless otherwise prohibited by ~~department~~ Department rule, inmates shall be permitted to possess, for personal use, religious publications as defined in Rule 33-503.001, F.A.C., that are in compliance with admissibility requirements of Rule 33-501.401, F.A.C.

(c) Unless otherwise prohibited by ~~department~~ Department rule or by paragraph (e) of this subsection, inmates shall be permitted to possess the following items adhering to the tenets

of a particular religion for wearing or carrying at all times or for use during individual worship in their assigned cell or individual sleeping area if assigned to open dormitory housing. Such religious items must be documented on Form DC6-224, Inmate Personal Property List. When an inmate makes a change in religious preference, the inmate must dispose of all of the items associated with the previous religion unless such items are also associated with the new religious preference. Disposal shall be in accordance with paragraph (i) below may be by mailing at the inmate's expense or by waste disposal and must be done before the inmate shall be permitted to possess items adhering to the new religious preference. An inmate shall be allowed to maintain the following religious items in his individual housing unit unless specific and definable security concerns require storage and usage elsewhere. An inmate shall not be transported to the chapel for the purpose of using an item for individual worship if the inmate possesses the item in his housing area; however, if an inmate does not possess a necessary item for individual worship in his housing area and the item is available at the institutional chapel, the inmate shall not be prohibited from being transported to the chapel for the purpose of using the item for individual worship.

1. Religious items for wearing or carrying at all times:

a. through g. No change.

h. No more than two pictures or images depicting gods, saints, or other religious or spiritual entities. Such pictures or images may be no larger than 8.5" x 11" inches. This limit does not apply to images or pictures contained within religious publications.

(d) No change.

(e) Limitations on Use of Religious Property. When an inmate is prohibited from retaining possession of religious items due to transfer to a different management or housing status, such items shall be stored and returned to the inmate once he has been transferred back to a setting in which the items are permissible pursuant to this rule.

1. No change.

2. Inmates on close management or maximum management status and inmates in disciplinary or administrative confinement shall be permitted to possess religious publications, items for wearing or carrying at all times, and items for individual worship unless the warden or designee finds that the inmate's possession of the item poses a specific and definable safety or security threat. In determining whether an item presents a specific and definable threat, the following shall be considered:

a. through (f) No change.

(g) The chaplain at the institution shall serve as advisor to staff and inmates in the area of religious property listed in paragraphs (c) and (d) of this subsection. Should issues arise concerning the appropriateness of any particular religious item that is alleged to be permitted by this subsection, the institutional chaplain will evaluate the item in conjunction with

security staff to determine whether the item is permissible. The agency chaplaincy services administrator ~~Chaplaincy Services Administrator~~ shall provide advice and guidance to the department ~~Department~~ regarding approved religious items, religions and religious items not listed in this rule, and other department ~~Department~~ religious issues.

(h) Inmate requests for religious property not listed in this rule shall be reviewed by the agency chaplaincy services administrator ~~Chaplaincy Services Administrator~~ to determine whether the item adheres to the tenets of ~~is required by~~ the inmate's particular religion. If the chaplaincy services administrator ~~Chaplaincy Services Administrator~~ determines that the item adheres to the tenets of ~~is required by~~ the inmate's religion, the agency security bureau chief shall conduct a review to determine whether the item presents a specific and definable threat to security and order. In determining whether an item presents a threat to security and order the following shall be considered:

1. through 2. No change.

(i) Disposal of Religious Property.

1. Religious property that must be disposed of in order for an inmate to remain in compliance with the provisions of this rule (e.g., to remain within limits on the number of permissible items) shall be retained by the institution for 30 days. The inmate may mail out the item(s) during this time at no expense to the department or may elect to give the item(s) to the institutional chaplain for disposal in a manner respecting the tenets of the faith to which the item adheres. If after 30 days the inmate has not disposed of the property, it shall be transferred to the chaplain for disposal in a manner respecting the tenets of the faith to which the item adheres.

2. Religious property that must be disposed of in order for an inmate to receive items adhering to a different faith pursuant to paragraph (c) above may be mailed out at no expense to the department or may be given to the institutional chaplain for disposal in a manner respecting the tenets of the faith to which the item adheres.

(17) No change.

APPENDIX ONE

PROPERTY LIST

This list incorporates all property authorized to be possessed by inmates in all department ~~Department~~ institutions and facilities except community correctional centers. Except for items specified below as "exemptions," ~~"exemptions"~~, property received must be in compliance with this list. Inmates in possession of property previously approved by the Department of Corrections which meets the description of property on the list shall be allowed to retain the property. Inmates transferring to department ~~Department~~ facilities from private correctional facilities shall be allowed to retain only those items that are in compliance with the list of authorized property. As items sold in canteens at private facilities may

differ from those sold in department ~~Department~~ canteens, items purchased in canteens at private facilities will not always be admissible in department ~~Department~~ facilities.

Definitions.

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

Exemptions.

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

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

AUTHORIZED PROPERTY LIST

No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, 5-16-02, 7-8-03, 8-18-04, 1-25-05, 10-23-06, 2-27-08, 12-25-08, 1-25-10, 7-4-10,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.020
 RULE TITLE: Ambulatory Surgical Center Services
 PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 59G-4.020, F.A.C., is to incorporate by reference the revised Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook,

December 2010. The revised handbook will now incorporate updated policy related to reimbursement. An update is needed to the reimbursement policy, procedure codes and payment groups used for ambulatory surgical centers (ASCs). This rule updates the procedure codes payable in the ASC setting and payment groups used to reimburse ASCs for services by Florida Medicaid. Additionally, various policy clarifications have been made.

SUBJECT AREA TO BE ADDRESSED: Ambulatory Surgical Center Services.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.908, 409.912, 409.913 FS.

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

DATE AND TIME: Thursday, January 6, 2011, 2:00 p.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tiffany Williams at the Bureau of Medicaid Services, (850)412-4211. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tiffany Williams, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4211, e-mail: tiffany.williams@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

(2) All ambulatory surgical center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, December 2010 ~~January 2004~~, ~~updated January 2005 and January 2006~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent’s Web site ~~website~~ at www.mymedicaid-florida.com ~~http://floridamedicaid.aes-inc.com~~. Select Public Information for Providers, then Click on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be

obtained by calling the Provider Contact Center at (800)289-7799 and selecting Option 7 Provider Inquiry at (800)377-8216.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.908, 409.912, 409.913 FS. History--New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01, 7-26-01, 2-25-03, 2-17-04, 1-10-05, 10-2-05, 7-2-06, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.: RULE TITLE:
64D-4.002 Definitions

PURPOSE AND EFFECT: The purpose and effect of this amendment will be to decrease the federal poverty level (FPL) from 400% to 300% FPL for the AIDS Drug Assistance Program (ADAP). The federal poverty level is used for eligibility purposes for the HIV/AIDS Patient Care Programs to better serve low income persons living with HIV disease. The change is part of the cost containment process to serve the neediest due to an unprecedented demand for services and lack of funding.

SUBJECT AREA TO BE ADDRESSED: The proposed revisions decrease the federal poverty level for those persons living with HIV/AIDS accessing ADAP.

RULEMAKING AUTHORITY: 381.003(1)(c) FS.

LAW IMPLEMENTED: 381.011(1), 381.003(1)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Suzanne Stevens, Bureau of HIV/AIDS, 4052 Bald Cypress Way, BIN A09, Tallahassee, Florida 32399-1715, (850)245-4335; Suzanne_Stevens@doh.state.fl.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.: RULE TITLE:
65G-2.015 Siting

PURPOSE AND EFFECT: The purpose of the rule development is to solicit public input for the implementation of Laws of Florida Chapter 2010-193. These rule changes address the siting requirements of facilities that are licensed by the Agency for Persons with Disabilities and are also a community residential home within a planned residential community.

SUBJECT AREA TO BE ADDRESSED: Siting of Licensed Facilities Within a Planned Residential Community.

RULEMAKING AUTHORITY: 393.067, 393.501(2) FS.

LAW IMPLEMENTED: 393.067, 393.501(2) FS.

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

DATE AND TIME: January 6, 2011, 1:30 p.m. – 3:30 p.m. EST

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Danielle Scoggins, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399-0950, (850)414-5853, danielle_scoggins@apd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Danielle Scoggins, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399-0950, (850)414-5853, danielle_scoggins@apd.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65G-2.015 Siting.

(1) through (7) No change.

(8) The requirements of subsections (4), (5), and (6) of this rule do not apply to a "community residential home" located within a "planned residential community" as those terms are defined in Section 419.001, Florida Statutes. A facility has the burden of establishing that it is a "community residential home" within a "planned residential community." To satisfy this burden, a facility must provide, at a minimum, the following documents with its initial license application and each subsequent license renewal application:

(a) A copy of all local ordinances approving the planned residential community as a planned unit development.

(b) A statement by the applicant, under oath, stating that:

1. The facility is a community residential home located within a planned residential community.

2. The planned residential community is under unified control.

3. the planned residential community was planned and developed as a whole.

4. The planned residential community has a gross lot area of 8 acres or more.

5. The planned residential community provides choices with regard to housing arrangements, support providers, and activities.

Rulemaking Specific Authority 393.067, 393.501(2) FS. Law Implemented 393.063, 393.066, 393.067, 393.501 FS. History--New 8-1-05, Formerly 65B-6.014, Amended _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NOS.:	RULE TITLES:
65G-4.0028	Tier Two Waiver
65G-4.0029	Tier Three Waiver
65G-4.00291	Tier Four Waiver

PURPOSE AND EFFECT: The Purpose and effect of this rule is to amend existing rules to be consistent with recently amended Section 393.0661(3), Florida Statutes, by reducing the expenditure limit for the Tier Two, Tier Three and Tier Four waiver and providing that Tier Four includes individuals who were enrolled in the family and supported living waiver on July 1, 2007.

SUBJECT AREA TO BE ADDRESSED: Expenditure limits for the Tier Waivers.

RULEMAKING AUTHORITY: 393.0661(3) FS.

LAW IMPLEMENTED: 393.0661(3) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Marc Ito, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, marc_ito@apd.state.fl.us, (850)922-4556. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Marc Ito, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, marc_ito@apd.state.fl.us, (850)922-4556

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65G-4.0028 Tier Two Waiver.

The total budget in a cost plan year for each Tier Two Waiver client shall not exceed \$53,625 ~~\$55,000~~. The Tier Two Waiver is limited to clients who meet the following criteria:

(1) through (2) No change.

Rulemaking Authority 393.0661(3) FS. Law Implemented 393.0661(3) FS. History--New 3-7-10, Amended _____.

65G-4.0029 Tier Three Waiver.

The total budget in a cost plan year for each Tier Three Waiver client shall not exceed \$34,125 ~~\$35,000~~. A client must meet at least one of the following criteria for assignment to the Tier Three Waiver:

(1) through (7) No change.

Rulemaking Authority 393.0661(3) FS. Law Implemented 393.0661(3) FS. History--New 3-7-10, Amended _____.

65G-4.00291 Tier Four Waiver.

(1) The total budget in a cost plan year for each Tier Four Waiver client shall not exceed \$14,422 ~~\$14,792~~ per year.

(2) Tier four includes individuals who were enrolled in the family and supported living waiver on July 1, 2007, who shall be assigned to this tier without the assessments required by this section.

(3)(2) Clients who are not eligible for assignment to the Tier One Waiver, the Tier Two Waiver, or the Tier Three Waiver shall be assigned to the Tier Four Waiver.

Rulemaking Authority 393.0661(3) FS. Law Implemented 393.0661(3) FS. History--New 3-7-10, Amended _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-20.005	Specific Fish Management Area Regulations

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to alter the bag limit for black bass in Orange and Lochloosa Lakes Fish Management Areas (Alachua County). The effect would be to enable the agency to better manage fisheries resources.

SUBJECT AREA TO BE ADDRESSED: The harvest of black bass in Orange and Lochloosa Lakes Fish Management Areas (Alachua County).

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: Tom Champeau, Director, Division of Freshwater Fisheries, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-7.0710
RULE TITLE: Instructional Materials Policies and Procedures

PURPOSE AND EFFECT: The purpose and effect of this new rule is to prescribe the procedures governing the adoption of instructional materials for use by Florida school districts.

SUMMARY: The rule prescribes the policies, procedures, and specifications for submission and review of instructional materials for adoption by the Commissioner of Education.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 1001.02(1), 1006.34(1) FS.

LAW IMPLEMENTED: 1006.29, 1006.30, 1006.31, 1006.32, 1006.33, 1006.34, 1006.36, 1006.38 FS.

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

DATE AND TIME: March 15, 2011, 9:00 a.m.

PLACE: Department of Education, 325 West Gaines Street, Room 1703, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Large, General Counsel, Department of Education, 325 West Gaines Street, Suite 1244, Tallahassee, Florida 32399-0400, (850)245-9434

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-7.0710 Instructional Materials Policies and Procedures.

The policies and procedures for state adoption of instructional materials are prescribed in “Policies and Procedures for the Florida Instructional Materials Adoption,” which is hereby incorporated by reference and shall become effective on the effective date of this rule. The specifications for instructional materials for Science are prescribed in “2009 Science Specifications for the 2010-2011 Florida State Adoption of Instructional Materials,” “Addendum, 2009 Science Specifications for the 2010-2011 Florida State Adoption of Instructional Materials,” and “2010-2011 Instructional Materials Adoption Science Specifications – Frequently Asked Questions,” which are hereby incorporated by reference and shall become effective on the effective date of this rule. The specifications for instructional materials for Social Studies are prescribed in “2010 Social Studies Specifications for the 2011-2012 Florida State Adoption of Instructional Materials,” which is hereby incorporated by reference and shall become effective on the effective date of this rule. These documents may be found at http://www.fldoe.org/bii/instruct_mat or by contacting the Department of Education, 325 West Gaines Street, Room 424, Tallahassee, Florida 32399.

Rulemaking Authority 1001.02(1), 1006.34(1) FS. Law Implemented 1006.29, 1006.30, 1006.31, 1006.32, 1006.33, 1006.34, 1006.36, 1006.38 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haithcock, Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 2010

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-15.018
RULE TITLE: Pavement Selection Process and Industry Involvement

PURPOSE AND EFFECT: Rule 14-15.018, F.A.C., is being promulgated to incorporate Chapter 4 of the Pavement Type Selection Manual.

SUMMARY: Chapter 4 of the Pavement Type Selection Manual, “Pavement Selection Process and Industry Involvement,” is addressed.