

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 26, No. 12, March 24, 2000

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.: 4-136.034
RULE TITLE: Uniform Certificate of Authority
Expansion Application
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 26, No. 38, September 22, 2000, of the Florida Administrative Weekly:

Subparagraph (1) – in the first sentence “July 31, 2000 is changed to read August 1, 2000”.

Subparagraph (2)(a) – “July 31, 2000 is changed to read August 1, 2000”.

Subparagraph (3)(a) – add at the end “rev. 8/00”.

Subparagraph (3)(b) – delete “as revised July 31, 2000” and add “rev. 8/00”.

Subparagraph (3)(c) – add at the end “rev. 8/00”.

Subparagraph (3)(d) – add at the end “rev. 8/00”.

Subparagraph (3)(e) – add at the end “rev. 8/00”.

Subparagraph (3)(f) – add at the end “rev. 8/00”.

Subparagraph (3)(g) – add at the end “rev. 8/00”.

Subparagraph (3)(h) – add at the end “rev. 8/00”.

Subparagraph (3)(i) – add at the end “rev. 8/00”.

Subparagraph (3)(p) – add at the end “rev. 8/00”.

Add to Law Implemented 624.316(2)(b), 624.321(1)(a)

The remainder of the rule reads as previously published.

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON
NOVEMBER 29, 2000

The Governor and Cabinet, on November 29, 2000, sitting as head of the Department of Revenue, will consider the proposed amendments to Rules 12B-4.013, F.A.C. (Conveyances Subject to Tax), 12B-4.014, F.A.C. (Conveyances Not Subject to Tax), 12B-4.052, F.A.C. (Computation of Tax; Definitions), 12B-4.053, F.A.C. (Taxable Documents), and 12B-4.054, F.A.C. (Exempt Transactions). The first Notice of Rule Development Workshop was published in the February 4, 2000 edition of the Florida Administrative Weekly (Vol. 26, No. 5, pp. 424-425), and the workshop was held on February 22, 2000. No testimony was received at the first workshop, and no written comments were submitted. An expanded version of

these proposed rule changes, incorporating issues from the 2000 Legislature, was noticed for a second rule development workshop in the July 28, 2000 edition of the Florida Administrative Weekly (Vol. 26, No. 30, pp. 3425-3426), and the second workshop was held on August 14, 2000. No testimony was received at the second workshop, and no written comments were submitted. A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on September 29, 2000 (Vol. 26, No. 32, pp. 4485-4488), and a public hearing was conducted on October 24, 2000. No testimony was received at the public hearing, and no written comments were submitted.

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON
NOVEMBER 29, 2000

The Governor and Cabinet, on November 29, 2000, sitting as head of the Department of Revenue, will consider the proposed amendments to Rules 12C-3.0015, F.A.C. (Documents, Extensions, and Due Dates for Filing), 12C-3.0035, F.A.C. (Calculation of Tax upon Resident Decedent Estates), 12C-3.0045, F.A.C. (Calculation of Tax upon Nonresident Decedent Estates), 12C-3.0055, F.A.C. (Calculation of Tax upon Nonresident Alien Decedent Estates), 12C-3.008, F.A.C. (Forms), 12C-3.012, F.A.C. (Releases), and 12C-3.013, F.A.C. (Protest Procedures). The first Notice of Rule Development Workshop was published in the February 4, 2000 edition of the Florida Administrative Weekly (Vol. 26, No. 5, pp. 427-430), and the workshop was held on February 22, 2000. No testimony was received at the first workshop, and no written comments were submitted. An amended version of these proposed rule changes was noticed for a second rule development workshop in the July 28, 2000 edition of the Florida Administrative Weekly (Vol. 26, No. 30, pp. 3426-3430), and the second workshop was held on August 14, 2000. No testimony was received at the second workshop, and no written comments were submitted. A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on September 29, 2000 (Vol. 26, No. 32, pp. 4488-4492), and a public hearing was conducted on October 24, 2000. No testimony was received at the public hearing, and no written comments were submitted.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-14
RULE TITLE: Methods to Determine Compliance
RULE NO.: 20-14.001
RULE TITLE: Methods to Determine Compliance

HEARING DATE CORRECTION NOTICE

The Department of Citrus announces the date correction of a public hearing for the above proposed rule sections which was published in Vol. 26, No. 41, of the Florida Administrative Weekly, October 13, 2000

NEW HEARING DATE AND TIME: 9:00 a.m., November 15, 2000

PLACE: Department of Citrus Building, 1115 E. Memorial Blvd., Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joan B. Martin, Administrative Assistant, Department of Citrus, Legal Department, P. O. Box 148, Lakeland, Florida 33802

DEPARTMENT OF CITRUS

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
20-49	Standards for Fresh Squeezed Citrus Juices
RULE NOS.:	RULE TITLES:
20-49.001	Purpose
20-49.002	Definitions
20-49.003	Fresh Squeezed Citrus Juices
20-49.004	Wholesale Producers – Testing
20-49.005	Wholesale Producers – Inspections
20-49.006	Small Producers – Testing
20-49.007	Small Producers – Inspections
20-49.008	Retail Grocery Producers – Testing and Inspections
20-49.009	Fresh Squeezed Orange Juice Marked with Florida Citrus Growers’ Certification Mark
20-49.010	Fresh Squeezed Grapefruit Juice Marked with Florida Citrus Growers’ Certification Mark

HEARING DATE CORRECTION NOTICE

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NEW HEARING DATE AND TIME: 9:00 a.m., November 15, 2000

PLACE: Department of Citrus Building, 1115 E. Memorial Blvd., Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joan B. Martin, Administrative Assistant, Department of Citrus, Legal Department, P. O. Box 148, Lakeland, Florida 33802

DEPARTMENT OF CITRUS

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
20-64	Standards for Processed Citrus Products
RULE NOS.:	RULE TITLES:
20-64.0081	Orange Juice
20-64.0082	Orange Juice Marked with Florida Sunshine Tree or Florida Citrus Growers’ Certification Mark
20-64.020	Sanitary Requirements

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PUBLIC SERVICE COMMISSION

DOCKET NO.: 990994-TP

RULE NOS.:	RULE TITLES:
25-24.490	Customer Relations; Rules Incorporated
25-24.845	Customer Relations; Rules Incorporated

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, to the extent that they incorporate by reference subsections (2) and (19) of Rule 25-4.110, Florida Administrative Code, as noticed in Vol 26, No. 11, March 17, 2000, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-601.800	Close Management
33-601.801	Close Management – General
33-601.802	Levels Of Close Management
33-601.803	Privileges In Close Management
33-601.804	Close Management Review Team
33-601.805	Assignment To Close Management
33-601.806	Review Of Assignment To Close Management
33-601.807	Close Management – Warden’s Responsibility
33-601.808	Close Management – Regional Director’s Responsibility
33-601.809	Close Management – Case Management Responsibilities
33-601.810	Close Management Facilities
33-601.811	Close Management – Other Conditions And Privileges
33-601.812	Close Management Records And Forms
33-601.813	Close Management – Rule Change Implementation

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 32, August 11, 2000, issue of the Florida Administrative Weekly:

33-601.800 Close Management.

(1) Definitions.

(a) ~~Area~~ Housing supervisor – a correctional officer sergeant, or above, who is in charge of the confinement unit for a particular shift.

(b) through (f) No change.

(g) ~~Confinement~~ Review – where used herein, refers to the evaluation of pertinent information or documentation concerning an inmate's confinement status to determine if changes or modifications are required or recommended.

(h) ~~Confinement~~ Visit – where used herein, refers to the official tour and inspection of a close management unit by a staff member personal contact by staff members with inmates in confinement status to ensure that their welfare is properly addressed.

(i) through (l) No change.

(m) Restricted Labor Squad – an armed supervision work squad consisting of individually shackled close management II or III custody inmates who work outside the secure perimeter on institution grounds whose primary detail is farm operations.

(n) No change.

(o) Special risk inmate – any inmate who has demonstrated behavior that is ~~or could be~~ harmful to himself or herself. When a non-clinically trained staff member observes behavior that appears potentially harmful, he shall refer the incident to clinically trained staff for further review.

(p) through (3)(c) No change.

(d) Mental health staff will complete the mental health review within two working days of receipt of Form DC6-128 from the classification supervisor. If the senior psychologist determines that no further evaluation is needed, he or she will forward Form DC6-128 to the classification supervisor with relevant recommendations. If the senior psychologist determines that further evaluation is needed, either the senior psychologist or psychiatrist will conduct an interview and evaluation with the inmate to determine the treatment needs of the inmate. The senior psychologist or psychiatrist will forward Form DC6-128, Close Management Referral Assessment, to the classification supervisor with the results of the assessment and recommendation for the inmate. This interview and evaluation will be forwarded to the classification supervisor with relevant recommendations that completed within five working days after the SCO's final decision to place the inmate in close management and will include the following placement options: unrestricted placement, placement in a close management facility in which there is a provision for out patient mental health services, placement in a close

management facility where intensive mental health services are available, or close management not recommended because of the inmate's current mental health condition. ~~The senior psychologist or psychiatrist will forward Form DC6-128 to the classification supervisor with the results of the assessment and recommendation for the inmate.~~

(e) Upon receiving the mental health assessment the classification supervisor will submit the case for ICT Docket. The ICT will evaluate the recommendations for close management placement and the mental health assessment charges, interview the inmate, and document its findings and recommendations on the Report of Close Management, Form DC6-233C. Form DC6-233C is incorporated by reference in paragraph (18) of this rule. The inmate will be given a minimum of forty-eight hours to prepare for the review unless waived by completing a Close Management Waiver, Form DC6-265. Form DC6-265 is incorporated by reference in paragraph (18) of this rule. The inmate may present information verbally or in writing for consideration by the ICT. The team will document on Form DC6-233C that the inmate was informed of his or her allotted time to prepare for the review. The ICT is authorized to postpone the case review to allow an inmate additional time to prepare. If an extension of time is given, the team will document such postponement on form DC6-233C.

(f) A staff assistant will be assigned to assist an inmate when the team determines the inmate is illiterate or does not understand English, has a disability that would hinder his ability to represent himself, or when the complexity of the issue makes it unlikely that the inmate will be able to properly represent himself or herself. This assistance can also be offered at the inmate's request. In such event, it is the responsibility of the staff member to explain the close management recommendation and procedures to the inmate. Even though the staff member will be authorized to assist an inmate during the hearing and aid the inmate in presenting his or her position, the staff member will not take the position of an advocate or defense attorney for the inmate.

(g) ICT Hearing. The inmate will appear at the hearing unless he or she demonstrates disruptive behavior, either before or during the hearing, that impedes the process. In such cases, the review will be completed without the inmate, and the absence or removal of the inmate will be documented on Form DC6-233C. After the interview and review of all pertinent information including the mental health assessment, the ICT will make a recommendation to the SCO. This recommendation will be documented on Form DC6-233C. The ICT will inform the inmate of the basis for its decision and provide a copy of the team's decision to the inmate after the conclusion of the hearing. The classification supervisor will enter the team results in OBIS.

(h) No change.

(4) Transfers From a Non-CM Institution.

(a) Once a recommendation is made, the team will enter the recommendation in OBIS and provide fax a copy of the DC6-233C~~e~~ reflecting the decision and signatures to the SCO.

(b) through (8)(b) No change.

(c) Personal Property – Inmates shall be allowed to retain personal property including stamps, watches, rings, writing paper, envelopes and health and comfort items unless there is an indication of a security problem. Exceptions or removal of any item will be documented on the DC6-229. An Inmate Impounded Personal Property List, Form DC6-220, will be completed by security staff and signed by the inmate designating what personal items were removed. The original will then be placed in the inmate's property file and a copy of the form will be given to the inmate for his or her records. Radios ~~and television sets~~ are not authorized for an inmate in close management. Form DC6-220 is incorporated by reference in Rule 33-602.220 ~~33-501.401~~.

(d) Comfort Items – Inmates in close management shall be permitted personal hygiene items and other medically needed or prescribed items such as eye glasses or hearing aids, except when security requirements dictate otherwise. Inmates in close management shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol. In the event certain items that inmates in close management are not normally prohibited from possessing are removed, the senior correctional officer shall be notified and must approve the action taken, or the item must be returned to the inmate. Action taken shall be recorded on the Daily Record of Segregation, Form DC6-229, which must be reviewed by the chief of security. When any personal property is removed, an Inmate Impounded a Receipt for Personal Property List, Form DC6-220 ~~DC6-227~~, designating what personal items were removed, shall be completed by security staff and signed by the inmate. ~~Form DC6-227 is incorporated by reference in (18) of this rule.~~ The following comfort items shall be provided as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, and feminine hygiene products for women, and toilet tissue.

(e) through (f) No change.

(g) Canteen Items. Inmates in CMI and II will be allowed to make canteen purchases once per month unless restricted by disciplinary action. Canteen purchases are subject to the following limitations, unless modified by the ICT:

1. through 2. No change.

3. Any disciplinary reports received by an inmate between the time that he or she requests canteen food items and the delivery of those items will result in disapproval of the requested items.

~~4.3.~~ No change.

(h) Religious Accommodations. Inmates in close management status shall be allowed to participate in religious ceremonies that can be accomplished at cell-side (for example, communion). Additionally, close management inmates shall be

allowed to possess religious literature and have access to a spiritual advisor or clergy visit with citizen clergy persons at a time and location approved by the warden.

(i) Counseling Interviews – The ICT will determine whether an inmate inmates in close management may be removed from his or her their cells to attend any counseling session when they determine that it is safe to do so there is no security problem involved.

(j) Legal Access – An inmate in close management will have access to his or her personal legal papers and law books and have correspondence access with the law library. Access to the law library will be obtained through delivery of research materials to an inmate's cell, and access to visits with certified inmate law clerks. Although the inmate may not be represented by an attorney at any administrative hearing, access to an attorney or aide to that attorney will be granted for legal visits at any reasonable time during normal business hours. Indigent inmates will be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent will be allowed to purchase paper and envelopes for this purpose by completing Form DC6-251, CMI and II Canteen Order, or Form DC6-252, CMIII Canteen Order, within the stated time frames. Forms DC6-251 and DC6-252 are incorporated by reference in paragraph (18) of this rule. Typewriters or typing services are not considered required items and will not be permitted in confinement cells. Inmates with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids or an inmate assistant in order to prepare legal correspondence. An inmate who is provided a "writer/reader" will be allowed access to such a person for the purpose of preparing legal documents, legal mail, and filing grievances.

(k) No change.

(l) Writing utensils – Inmates in close management shall possess only security pens. Other types of pens or pencils shall be confiscated and stored until the inmate is released from close management status. If a security pen is not available, the inmate shall be allowed to sign out a regular pen from the confinement unit officer. All care shall be taken to ensure that an inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the department has access to a pen for a time period sufficient to prepare the legal mail, documents, or grievances. An inmate who has been provided a "writer/reader" will be allowed access to such a person for the purpose of reading and preparing correspondence.

(m) Reading materials – Reading materials, including scriptural or devotional materials and books that are in compliance with admissibility requirements, are allowed in close management units unless there is an indication of a threat to the safety, security, or sanitation of the institution. If it is determined that there is a safety, security or sanitation risk, the items will be removed. Such removal of reading materials will

be documented on Form DC6-229, Daily Record of Segregation. An inmate who receives services from the Bureau of Braille and Talking Book library will be allowed to have his tape player, devotional or scriptural material tapes, and other books on tape which are in compliance with Rule 33-501.401, F.A.C.

(n) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. If the inmate requests a physical fitness program handout, the wellness specialist or the confinement officer shall provide the inmate with an in-cell exercise guide and document such on the Daily Record of Segregation, Form DC6-229. However, if confinement extends beyond a 30-day period, an exercise schedule shall be implemented to ensure a minimum of three hours per week of exercise out of doors. The assignment and participation of an inmate on the restricted labor squad or other outside work squad required to work outside at least one day per week will satisfy the minimum exercise requirements for the week. Such exercise periods shall be documented on Form DC6-229. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation. In this instance, a major rule violation is defined as: any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; escape or escape attempt. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. Medical restrictions determined by health services staff can also place limitations on the amount and type of exercise permitted. Such restrictions of exercise periods will be documented on the Daily Record of Segregation, Form DC6-229. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him that will accomplish the need for exercise and take into account the particular inmate's limitations.

(9) Privileges in Close Management Units.

(a) No change.

(b) CMI. Privileges for an inmate assigned to CMI who maintains a satisfactory adjustment are as follows:

1. No change.

2. Check out ~~two~~ one soft-back books from the library at least once per week and possess no more than four personal soft back books at any given time; an inmate who receives services from the Bureau of Braille and Talking Book Library will be allowed to check out two books on tape per week and possess four at any given time, even though the actual number of tapes may be more than four.

3. No change.

4. Subscribe to one magazine as provided for in rule 33-602.401 and possess no more than four issues at any given time; an inmate who receives services from the Bureau of Braille and Talking Book Library will be allowed to receive up to four issues of a magazine:

5. No change.

6. Receive a personal visit after completing 90 days of satisfactory adjustment in close management status and having maintained a clear disciplinary record since assignment to close management. If found guilty of any disciplinary infractions while assigned to CMI, the inmate is eligible to be considered for visits 90 days following release from disciplinary confinement status or the disciplinary hearing.

7. ~~If a penalty other than disciplinary confinement was imposed, with a continued clear disciplinary record,~~ The inmate is eligible to receive personal visits after each subsequent 90 day period with a continued clear disciplinary record and satisfactory adjustment while in the status unless security or safety concerns would preclude a visit. A CMI inmate is eligible for a maximum of four visits per year. All visits for CMI inmates in CMI will be non-contact visits.

(c) CMII. In addition to the privileges provided for CM I inmates and those privileges outlined in (9)(b)1.-5. of this rule ~~[with the exclusion of (9)(b)]~~, CMII inmates will be eligible to receive personal visits:

1. through 3. No change.

(d) CMIII. In addition to the privileges provided above for CM I inmates, and those privileges outlined in (9)(b)1.-5. of this rule ~~[with the exclusion of (9)(b)]~~, CM III inmates will be entitled to the following:

1. through 2. No change.

3. The inmate is eligible to receive personal visits after each subsequent 30 day period with a continued clear disciplinary record and satisfactory adjustment while in the status unless security or safety concern would preclude a visit. A CMIII inmate is eligible for a maximum of 11 visits per year. The warden will determine the conditions of the visit, whether the visit is to be contact or non-contact, and the level of supervision and restraint required. The level of supervision and restraint of CMIII inmates during visits will be determined by the warden.

4. No change.

5. ~~Purchase a maximum of four canteen food items if the inmate has not received a disciplinary report for 90 days while in close management status. In making this determination, it is the number of food items that is considered, not the type of food. For example, three packages of cookies count as three items, not one item.~~

6. ~~Any disciplinary reports received by an inmate between the time that he or she requests canteen food items and the delivery of those items will result in disapproval of those requested items.~~

(10) through (11)(b) No change.

(c) ~~Outside w~~Work assignments shall be performed during day light hours.

(12) No change.

(13) Contact by Staff.

(a) ~~The following staff members shall be required to officially inspect and tour the close management unit. Inmates in close management shall receive a personal contact or visit by the following staff members.~~ All visits by staff shall be documented on the Inspection of Special Housing Record, Form DC6-228. Form DC6-228 is incorporated by reference in paragraph (18) of this rule. The staff member shall also document his or her visit on the Daily Record of Segregation, Form DC6-229, if there is any discussion of significance, action or behavior of the inmate, or any other important evidential information which may have an influence or effect on the status of confinement. These visits shall be conducted at a minimum of:

1. through 3. No change.

4. ~~Weekly~~ Daily by the chief of security (when on duty at the facility) except in case of riot or other institutional emergency.

5. through 9. No change.

(14) No change.

(15) Review of Close Management.

(a) An ICT member shall review inmates in close management at least once every week for the first 60 days and once every 30 days thereafter. The purpose shall be toward reducing the inmate's ~~status to status~~ to the lowest management level or returning the inmate to ~~general open~~ population as soon as the facts of the case indicate that this can be done safely.

(b) Any inmate assigned to close management for more than 30 days shall be given a psychological assessment by mental health professional staff to determine the inmate's mental condition. The assessment shall include a personal interview. All such assessments shall be documented in the mental health record. The psychologist or psychological specialist shall prepare a report to the ICT with the facts of the case. The ICT shall then make a decision regarding continuation of confinement. Any recommendations by the psychologist or psychologist specialist that the inmate be released from close management shall be forwarded by the ICT to the SCO. ~~All such assessments shall be documented in the mental health record.~~ If the decision is to continue confinement and that confinement extends beyond 90 days, a new psychological assessment shall be completed each 90-day period.

(c) The close management program team (CMPT) will review the CMP at least 30 days after the implementation of the plan and at least every 60 days thereafter. All changes and or modifications will be documented on the inmate's CMP. The CMPT's review (and interview, if necessary) will include the following:

1. through 3. No change.

(d) No change.

(e) The ICT shall review the report of close management prepared by the classification officer, insert any other information regarding the inmate's status and interview the inmate. The ICT's recommendation shall be documented in OBIS and the Report of Close Management, Form DC6-233Ce. If it is determined that no justifiable safety and security issues exists for the inmate to remain in close management the ICT shall forward their recommendation for release to the SCO for review. For an inmate to remain in close management the ICT shall justify the safety and security issues or circumstances that can only be met by maintaining the inmate at the current level or a lower level of management.

(f) The SCO shall conduct an onsite interview with each inmate at least once every six months or as often as necessary to determine if continuation, modification, or removal from close management status is appropriate. ~~The SCO shall advise the inmate of the decision.~~ The SCO shall review all reports prepared by the ICT concerning an inmate's close management status and may interview the inmate before determining the final disposition of the inmate's close management status. If it is determined that no justifiable safety and security issues exist for the inmate to remain in close management the SCO shall cause the inmate to be immediately released. For an inmate to remain in close management, the SCO shall determine based on the reports and documentation that there are safety and security issues or circumstances for maintaining the inmate at the current level or at a lower level of management. The SCO's decision shall be documented in OBIS and the Report of Close Management, Form DC6-233Ce. The ICT shall advise the inmate of the SCO's decision.

(16) Close Management Records.

(a) A Report of Close Management, Form DC6-233Ce, shall be kept for each inmate placed in close management.

(b) A Daily Record of Segregation, Form DC6-229, shall be maintained for each inmate as long as he is in close management. Form DC6-229 shall be utilized to document any activities, including cell searches, items removed, showers, recreation, haircuts and shaves. If items that inmates in close management are not prohibited from possessing are denied or removed from the inmate, the shift supervisor or the senior correctional officer must approve the action initially. The Central Office ADA coordinator must be contacted if any item is to be removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229 and the chief of security shall make the final decision in regard to the action no later than the next working day following the action. The confinement housing officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action

~~(2) "Arm/Disarm device" means an electrically or mechanically actuated switch that can make or break one or more electroexplosive firing circuits; operate in a manner similar to Safe and Arm devices except that they do not physically interrupt the explosive train.~~

~~(3) "Arming plug" means a removable device that provides electrical continuity when inserted in a firing circuit.~~

~~(1)(4) "Authority" as defined in § 331.302, F.S., means the Spaceport Florida Authority created by the Spaceport Florida Authority Act, § 331.301, 331.360, F.S.~~

~~(2)(5) "Barricade" means an intervening barrier, natural or artificial, of such type, size and construction as to limit in a prescribed manner, the effect of an explosion on nearby buildings or exposures.~~

~~(3)(6) "Board" or "Board of Supervisors" as defined in §331.302, F.S., means the governing body of the Authority.~~

~~(7) "Bruetton test method" means a statistical method for determining the all fire and no fire characteristics of an electroexplosive device using a small sample size, both with high reliability.~~

~~(4)(8) "CSLA" means the Commercial Space Launch Act, as codified at 49 U.S.C. §§ 70101-70119 (1998) (formerly designated as 49 U.S.C. App. § 2601 et seq.), incorporated by reference herein and a copy may be obtained from Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, FL 32920-4003.~~

~~(9) "Deflagration" means a rapid chemical reaction in which the output of heat is enough to enable the reaction to proceed and be accelerated without input of heat from another source. Deflagration is a surface phenomenon with the reaction products flowing away from the unreacted material along the surface at subsonic velocity. The effect of a true deflagration under confinement is an explosion. Confinement of the reaction increases pressure, rate of reaction and temperature, and may cause transition into a detonation.~~

~~(10) "Detonating cord" means a flexible fabric tube containing a filler of high explosive material intended to be initiated by an electroexplosive device, often used in destruct and separation functions.~~

~~(11) "Detonation" means a violent chemical reaction within a chemical compound or mechanical mixture evolving heat and pressure. A detonation is a reaction which proceeds through the reacted material toward the unreacted material at a supersonic velocity. The result of the chemical reaction is exertion of extremely high pressure (above 10,000 PSI) on the surrounding medium forming a propagating shock wave that originally is of supersonic velocity. A detonation, when the material is located on or near the surface of the ground, is characterized normally by a crater.~~

~~(5)(12) "Detonator" means an explosive device (usually an electroexplosive device) that is the first device in an explosive train and is designed to transform an input (usually electrical) into an explosive reaction.~~

~~(6)(13) "DOD" means United States Department of Defense.~~

~~(7)(14) "DOT License" means a license issued by the Secretary of Transportation pursuant to the CSLA.~~

~~(15) "EBW" means a high voltage exploding bridgewire initiator; an initiator in which the bridgewire is designed to be exploded (disintegrated) by a high energy electrical discharge that causes the explosive charge to be initiated.~~

~~(16) "EED" means a low voltage electroexplosive device.~~

~~(17) "ETX" means an explosive transfer assembly; explosive train; an arrangement of explosive or combustible elements used to perform or transfer energy to an end function.~~

~~(18) "ETS" means an explosive transfer system.~~

~~(19) "Explosion" means a chemical reaction of any chemical compound or mechanical mixture that, when initiated, undergoes a very rapid combustion or decomposition releasing large volumes of highly heated gases that exert pressure on the surrounding medium. Also, a mechanical reaction in which failure of the container causes the sudden release of pressure from within a pressure vessel, for example, pressure rupture of a steam boiler. Depending on the rate of energy release, an explosion can be categorized as a deflagration, a detonation, or pressure rupture.~~

~~(20) "Explosion proof apparatus" means an enclosure that will withstand an internal explosion of gases or vapors and prevent those gases or vapors from igniting the flammable atmosphere surrounding the enclosure, and whose external temperature will not ignite the surrounding flammable atmosphere.~~

~~(8)(21) "Explosives" means all ammunition, munition, fillers, demolition material, solid rocket motors, liquid propellants, cartridges, pyrotechnics, mines, bombs, grenades, warheads of all types, explosive elements of ejection and aircrew egress systems, air-launched missiles and those explosive components of missile systems and space systems and assembled kits and devices containing explosive material. Explosives, explosives weight, net weight, and other like terms also refers to the fillers of an explosive item. Fillers may be explosive mixtures, propellants, pyrotechnics, military chemicals, and other toxic substances. The term does not include liquid fuels and oxidizers that are not used with missiles, rockets, and other such weapons or explosive items.~~

~~(9)(22) "Explosive" means any chemical compound or mechanical mixture that, when subjected to heat, impact, friction, detonation, or other suitable initiation, undergoes a very rapid chemical change with the evolution of large volumes of highly heated gases that exert pressures in the surrounding medium. The term applies to materials that either detonate or deflagrate and covers all explosives including but not limited to: high, low, dynamite, propellant, and plastic explosives.~~

~~(10)(23)~~ "Explosive quantity distance site plan" means a formal plan for a facility storing explosives, and areas detailing explosives quantity operating and storage limits, and restrictions and resultant distance clearance requirements.

~~(24)~~ "Firing circuit," means the current path between the power source and the initiating device.

~~(11)(25)~~ "Flight safety" means all arrangements intended to control safety risks during the flight of a space vehicle, and to protect persons, public and private property, and the environment, against any damage that might be caused by in-flight maneuvers of this space vehicle.

~~(12)(26)~~ "Fuse" means a system used to initiate an explosive train.

~~(13)(27)~~ "Hazard" means equipment, systems, events or situations with an existing or potential condition that may result in a mishap. This definition also applies to "hazardous."

~~(28)~~ "Hazard analysis" means the analysis of systems to determine potential hazards and recommended actions to eliminate or control the hazards.

~~(14)(29)~~ "Hazardous materials" means liquids, gases, or solids that may be toxic, reactive, or flammable or that may cause oxygen deficiency either by themselves or in combination with other materials.

~~(15)(30)~~ "Hazardous operations" means activities, processes, and procedures that, because of the nature of the equipment, facilities, personnel or environment involved or function being performed, may result in bodily injury or property damage.

~~(31)~~ "Hazardous substance" means any substance hazardous in nature.

~~(16)(32)~~ "Hazardous substance" any substance hazardous in nature and is as it is defined under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9601, as amended by the Superfund Amendment and Preauthorization Act (SARA) of 1986, and authorities referenced therein. This definition is incorporated by reference herein and a copy may be obtained from the Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, FL 32920-4003.

~~(17)(33)~~ "Hazardous systems" means systems that incorporate hazardous commodities, to include but not be limited to liquid propellants, solid propellants, ordnance, lasers, high power Radio Frequency Emitters.

~~(34)~~ "Hygroscopic" means a tendency of material to readily absorb and retain moisture from its surroundings.

~~(18)(35)~~ "Hypergolic" means a property of various combinations of chemicals to self ignite spontaneously upon contact with each other without a spark or other external initiation.

~~(19)(36)~~ "Igniter" means a device containing a specifically arranged charge of ready burning composition, usually black powder, used to amplify the initiation of a primer.

~~(37)~~ "Interrupter" means a mechanical barrier in a fuse that prevents transmission of an explosive effect to some elements beyond the interrupter.

~~(20)(38)~~ "Jurisdiction" means statewide authority, applying to all those that come under the Authority's regulations, in accordance with § 331.350(3), F.S.

~~(21)(39)~~ "Landing Area" as defined in § 331.302, F.S., means the geographical area designated by the Authority within the spaceport territory for or intended for the landing and surface maneuvering of any launch or other space vehicle.

~~(22)(40)~~ "Launch" means to place or attempt to place a launch vehicle and payload, if any, in any sub-orbital trajectory, in Earth's orbit, into outer space, or otherwise in outer space. This includes occurrences within the atmosphere, in space, or on Earth after descending from the atmosphere, or space.

~~(23)(41)~~ "Launch Pad" as defined in § 331.302, F.S., means any launch pad used by the spaceport or spaceport user for launching of space vehicles.

~~(24)(42)~~ "Launch Services" means those activities involved in the preparation of a launch vehicle and its payload for launch and the completion of an actual launch.

~~(25)(43)~~ "Launch Vehicle" means any vehicle and/or any sub-orbital rocket constructed for the purpose of operating in, or placing a payload into, outer space.

~~(26)(44)~~ "Liquid Propellants" means liquid or gaseous substances (fuels, oxidizers, or monopropellants) used for propulsion or operation of missiles, rockets and other related devices.

~~(27)(45)~~ "Magazine" means any building or structure, except for an operating building, used for the storage of explosives, as defined in 27 C.F.R. § 55.11.

~~(46)~~ "Maximum Credible Event" means in terms of hazard evaluation, the Maximum Credible Event (MCE) from a hypothesized accidental explosion, fire, or agent release that is the worst single event that is likely to occur from a given quantity and disposition of explosives. The MCE must be realistic with a reasonable probability of occurrence, considering the explosion propagation, burning rate characteristics, and physical protection given to the items involved. The MCE evaluated on this basis may then be used as a basis for effects calculations and casualty predictions.

~~(28)(47)~~ "Mishap" means an unplanned event or series of events resulting in injury, occupational illness, or damage to or loss of: equipment; public property; or private property.

~~(29)(48)~~ "National Security" means the national defense and foreign relations of the United States, defined in the National Industrial Security Program Operating Manual, DoD 5220.22-M.

~~(49)~~ "No fire Level" means the maximum direct current or radio frequency energy at which an electroexplosive initiator shall not fire with a reliability of 0.999 at a confidence level of

~~ninety-five (95%) percent as determined by a Brucceton Test and shall be capable of subsequent firing within the requirements of performance specifications.~~

~~(30)(50) "Operating Building" means any structure, except a magazine, in which operations pertaining to manufacturing, processing, handling, loading, or assembly of space related explosives or ordnance are performed.~~

~~(31)(51) "Ordnance" means all solid rocket motors, liquid propellants, pyrotechnics, and explosives.~~

~~(52) "Ordnance component" means a component such as a squib, detonator, initiator, ignitor, or linear shape charge in an ordnance system.~~

~~(53) "Ordnance Operation" means any operations consisting of shipping, receiving, transportation, handling, test, checkout, installation and mating, electrical connection, render safe, removal and demating, and disposal of ordnance.~~

~~(32)(54) "Payload" as defined in § 331.302, F.S., means any property or cargo to be transported aboard any vehicle launched by or from the spaceport.~~

~~(33)(55) "Person" as defined in § 331.302, F.S., means any individual, child, university, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, nation, government (federal, state, or local), agency (government or other), subdivision of the state, municipality, county, business entity, or any other group or combination.~~

~~(34)(56) "Pre-launch" means those activities involved in the preparation of a launch vehicle, its payload, and the conduct of a launch.~~

~~(35)(57) "Project" as defined in § 331.302, F.S., means any development, improvement, property, launch, utility, facility, system, works, road, sidewalk, enterprise, service, or convenience, which may include coordination with the Board of Regents and the Space Research Foundation; any rocket, capsule, module, launch facility, assembly facility, operations or control facility, tracking facility, administrative facility, or any other type of space-related transportation vehicle, station, or facility; any type of equipment or instrument to be used or useful in connection with any of the foregoing; any type of intellectual property and intellectual property protection in connection with any of the foregoing including, without limitation, any patent, copyright, trademark, and service mark for, among other things, computer software; any water, wastewater, gas or electric utility system, plant, or distribution or collection system, any small business incubator initiative, including any startup aerospace company, research and development company, research and development facility, storage facility, and consulting service, or any tourism initiative, including any space experience attraction, space-launch-related activity, and space museum sponsored or promoted by the Authority.~~

~~(36)(58) "Property damage" means partial or total destruction, impairment, or loss of tangible property, real or personal.~~

~~(37)(59) "Public safety" means safety involving risks to the general public of the United States or foreign countries and/or their property.~~

~~(38)(60) "Quantity/Distance (Q/D)" means the quantity of explosives material and distance separation relationships providing defined types of protection. These relationships are based on levels or risk considered acceptable for the stipulated exposures and are tabulated in the appropriate Q/D tables. Separation distances afford less than absolute safety.~~

~~(39)(61) "Range" as defined in § 331.302, F.S., means the geographical area designated by the Authority or other appropriate body as the area for the launching of rockets, missiles, launch vehicles, and other vehicles designed to reach high altitude.~~

~~(40)(62) "Recovery" as defined in § 331.302, F.S., means the recovery of space vehicles and payloads which have been launched from or by the spaceport.~~

~~(41)(63) "Risk" means a measure that takes into consideration both the probability of occurrence and the consequence of a hazard to humans or property. Risk is measured in the same units at the consequence such as number of injuries, fatalities, or dollar loss.~~

~~(64) "Risk analysis" means the study of potential risk.~~

~~(42)(65) "Safety risk" means a measure of the potential consequences of a hazard, such as the expected number of human casualties, considering the probability of the associated event and the consequences, the projected severity for people, public and private property, and the environment (not including political, financial, technical, industrial, and project risks).~~

~~(43)(66) "Spaceport" as defined in § 331.302, F.S., means any area of land or water, or any manmade object or facility located therein, developed by the Authority under this act, which area is intended for public use or for the launching, takeoff, and landing of spacecraft and aircraft, and includes any appurtenant areas which are used or intended for public use, for spaceport buildings, or for other spaceport facilities, spaceport projects, or rights-of-way.~~

~~(44)(67) "Spaceport launch facilities" as defined in § 331.302, F.S., shall be defined as industrial facilities in accordance with § 380.0651(3)(c), F.S. and include any launch pad, launch control center, and fixed launch-support equipment.~~

~~(45)(68) "Spaceport system" as defined in § 331.302, F.S., means the programs, organizations, and infrastructure developed by the Authority for the development of facilities or activities to enhance and provide commercial space-related development opportunities for business, education, and government within the state.~~

~~(46)(69)~~ "Spaceport territory" as defined in § 331.302, F.S., means the geographical area designated in § 331.304, F.S. and as amended or changed in accordance with § 331.329, F.S.

~~(47)(70)~~ "Spaceport user" as defined in § 331.302, F.S., means any person who uses the facilities or services of any spaceport, and, for the purposes of any exemptions or rights granted under this act, said spaceport user shall be deemed a spaceport user only during the time period in which such person has in effect a contract, memorandum of understanding, or agreement with the spaceport. Such rights and exemptions shall be granted with respect to transactions relating only to spaceport projects.

~~(48)(71)~~ "Waiver" means written and duly signed authorization given on an occasional, exceptional and limited basis, relative to the acceptance of a hazardous item that does not comply with the applicable Safety Regulations or Rules.

Specific Authority 331.303 FS. Law Implemented 331.303 FS. History—New _____.

SPACEPORT FLORIDA AUTHORITY

RULE NO.: 57-4.005 RULE TITLE: Documents and Records

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 25, June 23, 2000, issue of the Florida Administrative Weekly.

57-4.005 Documents and Records.

Unless containing issues related to national security, trade secrets or proprietary information, the Authority's safety documents and records, including correspondence, inspection reports, reference documents, maps and computer files, shall be open and available for public access upon any public request for the information. Regarding public information commingled with information related to national security, trade secrets or proprietary information, the safety officer, acting as an agent of the Authority, shall separate and secure any item related or pertaining to national security, trade secret or proprietary information. If the security officer determines that any information requested by the public will reveal a trade secret, the officer shall notify the person making the request of that determination. The public information shall be made available to the requester in accordance with Chapter 57-2 of the Florida Administrative Code.

Specific Authority 331.314, 331.319, 331.350(3) FS. Law Implemented 331.314, 331.319, 331.350(3) FS. History—New _____.

SPACEPORT FLORIDA AUTHORITY

RULE NOS.: RULE TITLES:
57-5.001 Scope
57-5.003 General Requirements
57-5.004 Storage; General
57-5.005 Conflicts

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 25, June 23, 2000, issue of the Florida Administrative Weekly.

57-5.001 Scope.

These rules apply to all persons, companies and organizations conducting or performing space launch, pre-launch or satellite processing, and solid rocket motor activities related to explosives storage, transportation or use commercially within the State of Florida with the following exceptions:

(1) These rules shall not apply to the transportation of space related explosives while under the jurisdiction of and in compliance with the regulations of the United States Department of Transportation, 49 C.F.R., Parts 177-379 (1999), incorporated by reference herein and copies may be obtained from the Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, FL 32920-4003.

(2) These rules shall not apply to the regular Armed Forces of the United States, or to any duly organized military force of any state or territory thereof.

(3) These rules shall not apply to the transportation and use of explosives in the normal and emergency operations of federal agencies such as the Federal Bureau of Investigation or the Secret Service.

Specific Authority 331.350(3) FS. Law Implemented 331.350(3) FS. History—New _____.

57-5.003 General Requirements.

(1) No person shall either store, handle, or transport space related explosives when such storage, handling, and transportation constitutes an undue hazard to life and property which shall be determined by the Safety Officer of the Authority.

(2) Quantities of explosives handled at any location within the state shall be restricted according to the Safety Officer's discretion under standards set forth in chapter three of the DOD's Contractor's Safety Manual for Ammunition and Explosives, ~~DOD~~ DOD 4145.26-M (effective March 1986), incorporated by reference herein and copies may be obtained from the Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, FL 32920-4003.

Specific Authority 331.314, 331.350(3), 331.353 FS. Law Implemented 331.314, 331.350(3), 331.353 FS. History—New _____.

57-5.004 Storage; General.

(1) All explosives, except when being transported, or readied for launch, shall be kept in magazines which meet the requirements of 27 C.F.R. § 55, Subpart K (effective April 1, 2000), incorporated by reference herein and copies may be obtained from the Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, FL 32920-4003. Detonators, initiators, and other initiating explosives, shall not be stored in the same magazine with other explosives.

(2) The land surrounding explosive magazines shall be kept clear of brush, dried grass, leaves and other combustible materials for a distance of at least 25 feet in each direction.

(3) Magazines shall only be used for the storage of explosive supplies and shall be of the proper Class, which is clean and dry and free of combustible material, as defined in the DOD Contractor's Safety Manual for Ammunition and Explosives, DOD 4145.26-M and in 27 C.F.R. § 55, Subpart K. These documents are incorporated by reference herein.

(4) No matches, flame producing devices or fire of any kind shall at any time be permitted inside of or within 50 feet of a magazine.

Specific Authority 331.314, 331.350(3), 331.353 FS. Law Implemented 331.314, 331.350(3), 331.353 FS. History–New _____.

57-5.005 Conflicts.

Nothing contained in the Rules shall be in conflict with provisions of the National Security Act of 1947, as it exists (1999), or the Espionage and Sabotage Act of 1954, as it exists (1999). These documents are incorporated by reference herein and copies may be obtained from the Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, FL 32920-4003.

Specific Authority 331.314, 331.350(3), 331.353 FS. Law Implemented 331.314, 331.350(3), 331.353 FS. History–New _____.

SPACEPORT FLORIDA AUTHORITY

RULE NOS.:	RULE TITLES:
57-6.003	General Requirements
57-6.004	Safety Plans

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 25, June 23, 2000, issue of the Florida Administrative Weekly.

57-6.003 General Requirements.

The following requirements must be satisfied in order to conduct pre-launch and launch activities under the Authority's jurisdiction:

(1) DOT License Requirements under License Number LSO 97-002A (effective May 22, 1997), incorporated by reference herein and copies may be obtained from the Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, FL 32920-4003.

(2) Failure Tolerance/Risk Acceptability Requirements: including and limited to License Number LSO 97-002A, the DOD Contractor's Safety Manual for Ammunition and Explosives (~~DOD~~ DOD 4145.26-M), the Department of Air Force's Quantity Distance Site Plan RFP-D-4423 (AFSC-CCAFS-87-02) and the Air Force Manual 91-201 Explosive Safety Standards. These documents are incorporated by reference herein.

(3) System Safety Program and Analysis Requirements: Air Force Manual 91-201 Explosive Safety Standards and including but limited to License Number, LSO 97-002A, the DOD Contractor's Safety Manual for Ammunition and Explosives (~~DOD~~ DOD 4145.26-M), the Department of Air Force's Quantity Distance Site Plan RFP-D-4423 (AFSC-CCAFS-87-02) and the Air Force Manual 91-201 Explosive Safety Standards. These documents are incorporated by reference herein.

(4) Safety Documentation Requirements: including and limited to License Number, LSO 97-002A, the DOD Contractor's Safety Manual for Ammunition and Explosives (DOD 4145.26-M), the Department of Air Force's Quantity Distance Site Plan RFP-D-4423 (AFSC-CCAFS-87-02) and the Air Force Manual 91-201 Explosive Safety Standards. These documents are incorporated by reference herein.

(5) All applicable Approval Processes including and limited to License Number, LSO 97-002A, the DOD Contractor's Safety Manual for Ammunition and Explosives (~~DOD~~ DOD 4145.26-M), the Department of Air Force's Quantity Distance Site Plan RFP-D-4423 (AFSC-CCAFS-87-02) and the Air Force Manual 91-201 Explosive Safety Standards. These documents are incorporated by reference herein.

Specific Authority 331.350(3) FS. Law Implemented 331.350(3) FS. History–New _____.

57-6.004 Safety Plans.

The following requirements must be satisfied by commercial space users under the Authority's jurisdiction:

(1) The Safety Officer shall require users of Authority facilities engaging in commercial space launch vehicle operations to submit a Ground Safety Plan. Such plan shall detail how the operator(s) plan to satisfy the requirements of Chapters 57-3 through 57-7 pertaining to launch vehicle operators on Authority facilities. The Ground Safety Plan shall be submitted to the Safety Officer 30 days before operations begin. The Ground Safety Plan shall include the following information:

- (a) Responsibilities of the User
- (b) Launch Agency and Range User
- (c) Warning Devices
- (d) Personnel Control
- (e) Smoking Areas
- (f) Protective Clothing and Equipment

- (g) Radio Communications
- (h) Ordnance Operations
- (i) Flight Termination System
- (j) Lightening Protection
- (k) Personnel and Explosive Limits
- (l) Emergency Evacuation Procedures

(2) Process Safety Management Plan (OSHA 1910.119)(effective November 1993), and incorporated by reference herein. A copy may be obtained from the Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, FL 32920-4003.

Specific Authority 331.350(3) FS. Law Implemented 331.350(3) FS. History--New _____.

SPACEPORT FLORIDA AUTHORITY

RULE NOS.:	RULE TITLES:
57-7.001	Scope
57-7.003	General Requirements
57-7.004	Hazardous Material Selection
57-7.005	Hazardous Material Test Requirements
57-7.006	Hazardous Materials System Hardware Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 25, June 23, 2000, issue of the Florida Administrative Weekly.

57-7.001 Scope.

These rules apply to all persons, companies and organizations conducting or performing space launch, pre-launch or satellite processing, and solid rocket motor or space related hazardous materials use, storage, and transportation activities commercially within the State of Florida with the following exceptions:

(1) These rules shall not apply to the transportation of space related explosives when under the jurisdiction of and in compliance with the regulations of the United States Department of Transportation, 49 C.F.R., Parts 177-379 (1998), incorporated by reference herein.

(2) These rules shall not apply to the regular Armed Forces of the United States, or to any duly organized military force of any state or territory thereof.

(3) These rules shall not apply to the transportation and use of in the normal and emergency operations of federal agencies such as the Federal Bureau of Investigation or the Secret Service.

Specific Authority 331.314 FS. Law Implemented 331.314 FS. History--New _____.

57-7.003 General Requirements.

(1) No person shall store, handle or transport space related hazardous materials when such storage, handling, and transportation constitutes an undue hazard to life or property.

(2) Quantities of hazardous materials handled at any location within the state shall be restricted by the Safety Officer of the Authority, in accordance with the DOD Contractor's safety Manual for Ammunition and Explosives (DOD 4145.26-M), incorporated by reference herein and the Air Force Manual 91-201 Explosive Safety Standards, incorporated by reference herein.

Specific Authority 331.314 FS. Law Implemented 331.314 FS. History--New _____.

57-7.004 Hazardous Material Selection.

The selection of hazardous materials shall be based on flammability and combustibility, toxicity and compatibility.

(1) The least flammable liquid or material shall be used where feasible.

(2) The least toxic liquid or material shall be used where feasible.

(3) Materials that do not give off a toxic gas if ignited shall be used where feasible.

(4) Hazardous materials, including leakage, shall not come into contact with a non-compatible material that can cause a hazard during ground operations. The Safety Officer will provide oversight of the usage of hazardous materials, but day-to-day operations will be the responsibility of the operator. The Safety Officer shall give an operator 30 days to correct any hazards, unless it is determined to be an immediate hazard, in which case the operator must act immediately to mitigate the hazard.

(5) Hazardous materials shall not retain a ~~static~~ charge that presents an ignition source to ordnance or propellants or a ~~shock~~ hazard to personnel during ground operations. The Safety Officer will provide oversight of the usage of hazardous materials, but day-to-day operations will be the responsibility of the operator. The Safety Officer shall give an operator 30 days to correct any hazards, unless it is determined to be an immediate hazard, in which case the operator must act immediately to mitigate the hazard.

Specific Authority 331.314 FS. Law Implemented 331.314 FS. History--New _____.

57-7.005 Hazardous Material Test Requirements.

(1) If the physical properties of the material or liquid are unknown, standard testing conducted by a laboratory certified by the National Institute of Standards and Technology shall be performed to determine the hazard. If the material or liquid is found to be hazardous, it shall be handled and controlled as a hazardous material.

(2) Safety documentation shall include a listing of all hazardous materials and liquids on space flight hardware and ground processing equipment or is used during ground operations.

Specific Authority 331.314 FS. Law Implemented 331.314 FS. History--New _____.

57-7.006 Hazardous Materials System Hardware Requirements.

(1) Hazardous chemical hardware shall be designed by qualified engineers using industry standards to prevent hazardous chemicals from spilling or leaking, and, thereby, injuring personnel, property, or contaminating the environment, in accordance with DOT regulations, 49 C.F.R. Parts 177-379, incorporated by reference herein.

~~(2) Hazardous chemical systems which release caustic, toxic, or reactive chemicals shall be designed such that the flow path contains two independent safeties to prevent an inadvertent release.~~

~~(2)(3) Components of hazardous chemical systems shall feature redundant mechanical or welded seals at all fittings to prevent the inadvertent flow or release of caustic, toxic, and/or reactive chemicals.~~

~~(4) Bi-propellant systems that incorporate both a fuel and an oxidizer shall be designed in such a manner that a malfunction of either the oxidizer or fuel subsystems cannot result in mixing during ground operations. In general, all hazardous chemical systems shall be designed to preclude the inadvertent mixing of hazardous chemicals, especially in cases where chemical reactions could have catastrophic consequences to public safety.~~

~~(5) Mono-propellant systems that feature a fuel and a catalytic bed shall incorporate at least two independent safeties in the flow path to prevent inadvertent fuel contact with the catalytic bed during ground operations.~~

Specific Authority 331.314 FS. Law Implemented 331.314 FS. History--New _____.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-11.0045 RULE TITLE: Examination Review Fee

NOTICE OF PUBLIC HEARING

The Board of Opticianry hereby gives notice of a public hearing on the above-referenced rule to be held on November 15, 2000 at the Board of Opticianry office, 4042 Bald Cypress

Way, Room 320F, Tallahassee, Florida 32309 at 8:30 a.m. The rule was originally published in Vol. 26, No. 36, of the September 8, 2000, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3257.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.: RULE TITLES:
64F-18.001 Scope and Purpose
64F-18.002 Definitions
64F-18.003 Procedures

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules published in the Florida Administrative Weekly, Vol. 26, Number 32, August 11, 2000, in addition to the changes previously published in the Florida Administrative Weekly, Vol. 26, Number 38, September 22, 2000. Notice is also given that changes were also made to the referenced attachments to this proposed rule. These changes were made in response to written objections received from the Florida Legislature Joint Administrative Procedures Committee.

64F-18.003 The proposed new language is amended to read:
A person wishing to participate in the insulin program can obtain an application from any county health department. The application is form number DH2105, 10/00,

A copy of the referenced attachments can be obtained by contacting Virginia Foster at the address below.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE IS: Virginia Foster, Family Health Services, Department of Health, 4052 Bald Cypress Way, Bin #A18, Tallahassee, FL 32399

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

RULE NOS.:	RULE TITLES:
65A-1.701	Definitions
65A-1.702	Special Provisions
65A-1.703	Family-Related Medicaid Coverage Groups
65A-1.704	Family-Related Medicaid Eligibility Determination Process
65A-1.705	Family-Related Medicaid General Eligibility Criteria
65A-1.706	Family-Related Medicaid Needs
65A-1.707	Family-Related Medicaid Income Criteria
65A-1.708	Family-Related Medicaid Budgeting Criteria
65A-1.716	Income and Resource Criteria

CONTINUATION OF PROPOSED RULEMAKING

The Department of Children and Family Services announces a public hearing to which all persons are invited.

TIME AND DATE: 10:00 a.m., November 17, 2000

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

PURPOSE: To finalize the department's response to comments by Florida Legal Services on the notice of proposed rulemaking for these rules as published in the FAW Vol. 26, No. 32, August 11, 2000. Florida Legal Services has requested the clarification of the following provisions of these rule amendments:

1. Living with a specified relatives and deprivation;
2. Providing specific rule language relating to income documentation and verification requirements to clarify what these provisions are and when they do not apply;
3. Whose income is considered for Medicaid purposes;
4. Consideration of child support payments as income for Medicaid purposes;
5. Inclusion of 200 percent of federal poverty guidelines for families with infants less than age one; and,
6. Clarifying that there is no resource limit for pregnant women's coverage.

Any person desiring special accommodations under the Americans with Disabilities Act or desiring a copy of the agenda for this hearing should contact Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Program, Building 3, Room 421, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700 or telephone (850)488-3090. If special accommodations are required, please make the contact at least 24 hours prior to the hearing.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-32.002	Definitions
67-32.004	General Program Restrictions

NOTICE OF CHANGE

Notice is hereby given that in response to written recommendations made by the Joint Administrative Procedures Committee, the following changes in addition to non-published technical corrections/clarifications have been made to Rule 67-32, Florida Administrative Code, as published in Vol. 26, No. 35, of the Florida Administrative Weekly on September 1, 2000.

67-32.002 Definitions.

(2) "Applicant" means any non-profit not-for-profit that provides Sponsor of Housing for the Elderly who is requesting a loan from the Corporation for the purpose of making building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, financing life-safety or security-related repairs or improvements to such housing.

~~(7)~~(6) "Housing for the Elderly" means any non-profit housing community which is financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) ~~or (4)~~, or s. 236 of the National Housing Act, as amended, and which is subject to the income limitations as established by the United States Department of Housing and Urban Development, or any program funded by the Farmers Home Administration or its successor, U.S. Department of Agriculture Rural Development, and subject to the income limitations as established by the United States Department of Agriculture.

67-32.004 General Program Restrictions.

(1) Loans shall be subject to the following restrictions:

(b) Loans under this Program shall be made:

1. For life-safety related installations, modifications, or improvements, building preservation, health, sanitation, or security-related installations, modifications, or improvements ~~as set forth in the National Fire Protection Association Life Safety Code Handbook NFPA 101 (1997) and all publications referenced in Chapter 32 and Appendix B thereof.~~ Examples shall include emergency generator system, sprinkler system, emergency alert or call system, rewiring-fire safety and sprinkler system, new or updated fire alarms, new or updated smoke detectors or smoke detection systems, security surveillance system, enhanced lighting, roof replacement or repair, plumbing replacement or repair, improvement of Development access to handicapped persons, repair or improvement to large boiler and chiller water systems, closed circuit security TV system, intercom system, install locks – exterior or interior, regulatory federal, state, or local required repairs or improvements, security card access system, fence,

~~sidewalks, exterior waterproofing of building, automated or remote activated entrance and exit door latch system smoke detectors, smoke detection systems, automatic door closures and alarm systems; and~~

2. For the purpose of meeting and maintaining the standards set forth in applicable federal requirements contained in HUD Handbooks 4571.3, Rev. 1, 4560.01, Rev. 1, 4510.1 and Multifamily Accelerated Processing (MAP) Guide, and HUD regulatory agreement forms HUD-92466-CA, HUD-93135 and FHA-1733 HUD manuals, policies, procedures and Development regulatory agreements to assure a safe and secure environment for Development residents. Examples include emergency call systems, enhanced lighting in halls, stairwells, public areas, and exterior entrances and exits; intercom systems, fencing, security surveillance systems and automated entrance and exit door latch systems.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS:	RULE TITLES:
67-48.001	Purpose and Intent
67-48.002	Definitions
67-48.003	Notice of Funding or Credit Availability
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.006	Compliance and Reporting Requirements
67-48.007	Fees
67-48.008	No Discrimination
67-48.009	SAIL General Program Procedures and Restrictions
67-48.0095	Additional SAIL Application Ranking and Selection Procedures
67-48.010	Terms and Conditions of SAIL Loans
67-48.0105	Sale or Transfer of a SAIL Development
67-48.012	SAIL Credit Underwriting and Loan Procedures
67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing
67-48.014	HOME General Program Procedures and Restrictions
67-48.015	Match Contribution Requirements for HOME Allocation
67-48.017	Eligible HOME Activities
67-48.018	Eligible HOME Applicants
67-48.019	Eligible and Ineligible HOME Development Costs

67-48.020	Terms and Conditions of Loans for HOME Rental Developments
67-48.0205	Sale or Transfer of a HOME Development
67-48.021	HOME Credit Underwriting and Loan Procedures
67-48.022	HOME Disbursements Procedures and Loan Servicing
67-48.023	Housing Credits General Program Procedures and Requirements
67-48.025	Qualified Allocation Plan
67-48.026	Housing Credit Underwriting Procedures
67-48.027	Tax-Exempt Bond-Financed Developments
67-48.028	Carryover Allocation Provisions
67-48.029	Extended Use Agreement
67-48.030	Sale or Transfer of a Housing Credit Development
67-48.031	Termination of Extended Use Agreement and Disposition of Housing Credit Developments
67-48.032	Minimum Set-Aside for Non-Profit Organizations Under Housing Credits Program

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 35, September 1, 2000, Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE: Sports Fantasy Instant Ticket Retailer Sales Incentive
RULE NO.: 53ER00-44
SUMMARY OF THE RULE: This emergency rule relates to the Sports Fantasy Instant Ticket Retailer Sales Incentive to be conducted from October 30, 2000 through December 30, 2000. All active instant and on-line Florida Lottery retailers may qualify to win merchandise prizes by settling books of TOUCHDOWN instant lottery tickets.
THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS: