

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2007

Section III Notices of Changes, Corrections and Withdrawals

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."

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.071	Durable Medical Equipment and Medical Supply Services Provider Fee Schedules

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. 32, No. 49, December 8, 2006 issue of the Florida Administrative Weekly.

This is the second notice of change on the proposed rule. The first Notice of Change was published in Volume 33, Number 9, March 2, 2007, issue of the Florida Administrative Weekly. These changes are in response to written comments received before the public hearing. The rule incorporates by reference the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients, January 2007. The following procedure codes were added to the fee schedule: E2601, E2602, E2603, E2604, E2605, E2606, E2607, E2608, E2611, E2612, E2613, E2614, E2615, E2616, E2618, and E2619.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:	RULE TITLES:
59G-4.190	Independent Laboratory Services
59G-4.230	Physician Services

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. 32, No. 51, December 22, 2006 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the Joint Administrative Procedures Committee and comments received at the public hearing. On 2-11-07, Rule 59G-4.230

was amended to incorporate by reference the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2007. We corrected the rule text to reflect this amendment will incorporate by reference update January 2007 to the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2007. We also corrected the last sentence of the rule text to state papercopies of the handbooks may be obtained by calling Provider Enrollment, not Provider Inquiry.

The amendment to Rule 59G-4.190, Independent Laboratory Services, incorporates by reference update January 2007 to the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook. The following changes were made to the handbook.

On Page 2-5, we replaced Preconception Genetic Carrier Screening Laboratory Testing Covered Services and Prenatal Genetic Carrier Screening Laboratory Testing Covered Services with the following:

"Covered Services: Medicaid reimburses for preconception and prenatal genetic carrier screening laboratory tests that are accepted by the American College of Medical Genetics and that can be billed using Healthcare Common Procedure Coding System (HCPCS) procedure codes. The laboratory testing method must be considered to be a proven method for the identification of a genetically-linked inheritable disease (i.e., the genotypes to be detected by a genetic test must be shown by scientifically valid methods to be associated with the occurrence of a disease, and the observations must be independently replicated and subject to peer review)."

"Service Requirements: Preconception and prenatal genetic carrier screening laboratory tests must be ordered by a licensed healthcare practitioner authorized within the scope of his practice to order genetic carrier screening laboratory tests. The laboratory must maintain requests for the specific laboratory tests on file with copies of the report of the test results. The recipient must be eligible for Medicaid on the date of service."

Under DNA-Based Preconception and Prenatal Genetic Laboratory Services Limitations, we deleted the reference to the specific molecular diagnostic codes (83890-83912) and "up to a maximum of six probes of primer pairs per recipient."

On Page 2-6, we deleted Documentation Required for Preconception or Prenatal Genetic Carrier Screening Laboratory Testing, Preconception or Prenatal Genetic Carrier Screening Laboratory Testing Genetic Carrier Screening Services Exclusions, Accepted Clinical Laboratory Methods for Preconception or Prenatal Genetic Carrier Screenings. We repaginated the pages so that Limitations will begin on Page 2-6.

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. 32, No. 40, October 6, 2006 issue of the Florida Administrative Weekly.

The present changes are made in response to written comments received from the Joint Administrative Procedures Committee.

THE TEXT OF THE PROPOSED RULE CHANGES IS:

62B-49.006 Fees.

(1) Each application for a joint coastal permit, except those applications filed by the U.S. Army Corps of Engineers, shall be accompanied by the full application fee which is based on the sum of fees required in Rules 62-4.050, 62-312.060, 62-343.070, 62B-41.0085, 18-21.008, 18-21.009 and 18-21.010, F.A.C. Refer to the Department's Bureau of Beaches and Coastal Systems web page for an automated fee calculation tool. ~~If requested, the processing fee shall be waived for state agencies established pursuant to Chapter 20, F.S.~~ Severance and lease fees shall be paid prior to receipt of notice to proceed. Fees assessed pursuant to these rules are not refundable, except fees received for an activity that is exempt and fee payments in excess of the amount required by these chapters.

(2) through (3) No change.

Specific Authority 161.0535, 161.055, 373.427 FS. Law Implemented 161.0535, 161.055, 373.427 FS. History--New 10-12-95, Amended 2-19-98, _____.

62B-49.008 Permit Modifications.

(1) through (2) No change.

~~(3) Applications for major modifications shall be accompanied by the full application fee, calculated and submitted according to Rule 62B-49.006, F.A.C.~~

~~(3)(4) Minor modifications are design changes that are not expected to increase the potential for adverse impact or have a significantly different environmental impact than the authorized activity. Applications for minor modifications shall be accompanied by the full application fee, calculated and submitted according to Rule 62B-49.006, F.A.C.~~

(4) Applications for major and minor modifications shall be accompanied by the full application fee, calculated and submitted according to Rule 62B-49.006, F.A.C.

(5) through (7) No change.

Specific Authority 161.055, 373.427 FS. Law Implemented 161.041, 161.0535, 161.055, 373.427 FS. History--New 10-12-95, Amended 2-19-98, _____.

62B-49.011 Time Limits on Permits and Authorizations.

(1) Permits shall expire five years from the date of issuance unless a shorter period of time is requested by the applicant, the time period is limited by law or rule, as in the case of experimental coastal construction, pursuant to Rule

62B-41.0075, F.A.C., where the permit duration is limited to three years, or the permit authorizes an operation and maintenance phase pursuant to Section 373.416, F.S. and Rules 62-312, 62-330 and 62-343, F.A.C. If requested by an applicant, the Department shall issue a permit and an authorization, for a longer term reasonably expected to be necessary for completion of the construction upon reasonable assurance that:

(a) through (b) No change.

(2) Permits and authorizations for maintenance of inlets in accordance with Section 161.142, F.S., that have an adopted inlet management plan, and permits and authorizations for beach nourishment that maintain a previously authorized beach restoration template and that are consistent with the statewide strategic beach management plan pursuant to Chapter 161.161, F.S., shall ~~may~~ be issued for ~~periods up to~~ ten (10) years, unless a shorter duration is requested by the applicant or the Department determines that a shorter duration is necessary to avoid or minimize environmental impacts (pursuant to Section 161.041, F.S.), or a shorter duration is requested by the applicant.

(3) through (6) No change.

(a) Documentation that ~~Sufficient justification as to why~~ the authorized construction could not be completed within the allotted period;

(b) through (c) No change.

(7) through (12) No change.

Specific Authority 161.055, 373.427 FS. Law Implemented 120.60, 161.041, 161.055, 161.161, 373.413(3), 373.427, F.S. History--New 10-12-95, Amended 2-19-98, _____.

62B-49.013 General Conditions.

(1) through (2) No change.

Specific Authority 161.055, 373.427 FS. Law Implemented 161.041, 161.055, 371.421(2), 373.427, 872.02 FS. History--New 2-19-98, Amended _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-27.830
 RULE TITLE: Standards of Practice – Drug Therapy Management

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31 No. 17, April 29, 2005 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Office of Domestic Violence Program

RULE CHAPTER NO.: 65H-2
 RULE CHAPTER TITLE: Batterer Intervention Program Certification Minimum Standards

RULE NOS.:	RULE TITLES:
65H-2.001	Purpose
65H-2.002	Definitions
65H-2.003	Program Application Requirements
65H-2.004	Program Requirements
65H-2.005	Program Curriculum
65H-2.006	Facilitator Eligibility
65H-2.007	Assessor Application Requirements
65H-2.008	Assessment Requirements
65H-2.009	Assessor Eligibility
65H-2.010	Trainer Requirements
65H-2.011	Conflicts of Interest
65H-2.012	Monitoring

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. 32, No. 29, (July 21, 2006) issue of the Florida Administrative Weekly. These changes are being made to address changes requested by the Joint Administrative Procedures Committee (JAPC).

Rule Numbers 65H-2.003, Application for Certification, 65H-2.005, Program Content, 65H-2.007, Assessment Requirements, 65H-2.008, Assessor Eligibility, 65H-2.009, Trainer Requirements, 65H-2.010, Monitoring, and 65H-2.011, Conflicts of Interest, were renumbered and re-titled to read as follows:

65H-2.003	Program Application Requirements
65H-2.005	Program Curriculum
65H-2.007	Assessor Application Requirements
65H-2.008	Assessment Requirements
65H-2.009	Assessor Eligibility
65H-2.010	Trainer Requirements
65H-2.011	Conflicts of Interest
65H-2.012	Monitoring

While this revision created an additional rule section, it does not substantively change the content of the proposed rule.

Rule 65H-2.002 has been amended to add the following definitions:

(12) “Equality Wheel” means a graphically designed tool that illustrates the dynamics of a equal, violence-free partnership.”

(20) “Power and Control Wheel” means a graphically designed tool that illustrates the overall pattern of abusive and violent behaviors used by batterers to establish and maintain control over their partners.”

Rule 65H-2.003 has been amended to read as follows:

Program Application Requirements.

(1) Application.

(a) Application for initial certification or for renewal of certification shall be made on Form CF 831, Batterer Intervention Program Certification Application, January 2007,

which is incorporated by reference. Form CF 831 may be obtained from the Office of Certification and Monitoring or on the department’s website at www.dcf.state.fl.us/domesticviolence by clicking on the link for the Batterer Intervention Program. The individual owner, or the designated representative of a corporation or partnership shall complete the application.

(b) All program locations within a judicial circuit are included in the application and application fee. A separate application and application fee shall be submitted for each judicial circuit where branch or satellite offices are located.

(c) The initial application will not be considered complete until the department’s Office of Certification and Monitoring receives the program’s policy and procedure manual, as set forth in rule, all forms and informational brochures used by the program, educational, experiential, and training documentation for each direct service staff, and Form CF 1649D, Declaration of Good Moral Character, January 2007, which is incorporated by reference, for each direct service staff. Thereafter, this information must be updated and maintained in such a form as to permit review for rule compliance by authorized department staff or department-authorized agents.

(d) A completed Form CF 831, Batterer Intervention Program Certification Application, January 2007, must be submitted to the department’s Office of Certification and Monitoring at least 30 days prior to the expiration to ensure that a lapse of certification does not occur.

(2) Fees.

(a) A non-refundable application fee of \$300 will be assessed per applicant for initial certification and \$150 for renewal of certification, which shall be submitted with the application, Form CF 831. Submission of an application and application fee does not ensure approval for state certification.

(b) If the program does not renew its certification within 30 days after the expiration date, the certification shall be considered suspended and all interested parties notified by the Department. To renew a suspended certification, the provider shall be assessed the initial \$300 certification application fee.

(3) Certification.

(a) Certification is for one (1) year and may be renewed annually upon submission of Form CF 831, Batterer Intervention Program Certification Application, January 2007, and the department’s satisfaction that all minimum standards have been met as required in rule and in statute. Certification shall be rejected or suspended for failure to comply with any of the requirements detailed in rule or in statute.

(b) Certification is issued in the name of the owner, corporation or partnership of the program. Certification is non-transferable and valid only for the program and location or locations named in the certificate.

(c) The Department issued certificate or a copy thereof shall be displayed within public view at all program locations.

(4) Change of Location of Service. If the provider wishes to change a program's location of service or open additional locations within the circuit where certified, the provider shall notify the department, in writing, at least 30 days prior to the change. If the provider wishes to open an additional program or programs in a circuit where the program is not currently certified, the provider shall submit an initial application and application fee for certification.

Rule 65H-2.004 has been amended to read as follows:

To qualify for certification, a batterer intervention program shall meet and comply with minimum standards as set forth herein and in statute, which include the following.

(1) Community Collaboration and Coordination. To be effective in protecting victims and their children, as outlined in Section 741.32(1), F.S., the program must coordinate its efforts within the community, particularly with the local justice system, social service agencies, including the domestic violence centers, and state and local governments.

(2) Personnel.

(a) The provider must have zero tolerance for domestic violence on the part of their employees. The provider must be as vigorous in their response to suspected crimes on the part of their own employees as they are to all other domestic violence crimes. However, the provider shall also uphold their duty to the employee in terms of providing employee assistance; preventing harm to self or family; and continuing employment where appropriate, safe, and within the provider agency guidelines and statute.

(b) All direct service personnel employed or contracted by a provider shall be required to undergo security background investigations as a condition of employment and continued employment. Background investigations shall be a level 1 screening as defined in Section 435.03, F.S., and shall include local criminal records checks through local law enforcement agencies, and statewide criminal records checks through the Florida Department of Law Enforcement, Division of Criminal Justice Information Services (CJIS), including a check for registered sex offenders/sexual predators, and injunctions for protection against domestic violence. The local law enforcement screening shall also be conducted for the employee's or contractor's previous address if she or he has lived in the current jurisdiction less than one (1) year. Such background investigations shall be conducted at the expense of the employing agency.

(c) All direct service staff employed or contracted by a certified provider shall complete annually, as a condition of employment and continued employment, Form CF 1649D, Declaration of Good Moral Conduct, January 2007, which is incorporated by reference.

(d) A provider shall not employ an individual who has been a perpetrator of domestic violence or subject of an injunction for protection against domestic violence unless the

applicant has successfully completed a batterer intervention program certified by the department and remained violence free for minimum period of five (5) years.

(e) A provider shall not hire an individual under any form of community supervision including probation, pre-trial diversion, or parole.

(f) A provider may employ an otherwise disqualified individual, except as stipulated in paragraphs (2)(d)-(e) above, if the applicant can provide documentation that she or he has not been convicted of any of the disqualifying offenses for a minimum period of five (5) years.

(g) The provider shall terminate the employment or contract of any direct service staff convicted or found guilty, regardless of adjudication, or having entered a plea of nolo contendere, to any disqualifying offense and notify the department's Office of Certification and Monitoring of the termination within 72 hours.

(h) The provider shall ensure that direct service staff employed or contracted by the program meets all moral conduct, educational, experiential, and training requirements as required by rule.

(i) The provider shall notify the department's Office of Certification and Monitoring, in writing, of any replacements in direct service staff and forward copies of their credentials prior to hiring for approval by the department.

(3) Fees. Programs shall be self-supporting and funded with fees from the program participant as payment for intervention. The program shall establish a method of payment for program fees and provisions to accept indigent clients into the program. Payment for services is important to the participant taking responsibility for the act of violence, however, programs shall not decline the admittance of a batterer based on the ability to pay. A program shall not collect from a participant that portion of the program fee that is exempted by Section 741.325(6), F.S.

(b) The program shall collect a \$30 participant fee from each participant for attendance at each 29-week program and submit to the department's Office of Certification and Monitoring as provided for in subparagraph 65H-2.004(10)(d)2., F.A.C.

(c) The batterer shall not be allowed to participate in a program or be formally assessed until payments of the appropriate fees are made in accordance with the established program policy.

(4) Intake/Enrollment.

(a) A list of certified programs compiled and updated by the department's Office of Certification and Monitoring will be provided to the batterer by the referral source, which may be accessed at the department's website. The program selected by the batterer shall perform the intake/enrollment, which shall include:

1. An explanation of program fees, rules, regulations and expectations.

2. Completion of Form CF 832, Participant Enrollment, January 2007, which is incorporated by reference.

3. Completion of Form CF 833, Program Contract, January 2007, which is incorporated by reference.

4. Completion of Form CF 843, Participant Fee Payment Agreement, January 2007, which is incorporated by reference, and

5. Provision of the department's list of certified assessors.

(b) The program shall not accept a participant who has been or is currently enrolled in another certified batterer intervention program unless approval to change programs is obtained, in writing, from the referral source, probation and parole, if applicable, and the previous program director.

(c) Services shall not be denied to any person because of ethnicity, national origin, religion, age or disability. This non-discrimination clause shall be included in the program's policy and procedure manual.

(5) Orientation. The program shall conduct an orientation session prior to the start of the intervention with a minimum time period of one (1) hour and 30 minutes, excluding breaks. An outline of the orientation shall be given to each participant and a signed statement acknowledging attendance shall be placed in the participant's file. The orientation shall include:

(a) Definition of domestic violence as defined by subsection 741.315(8), F.S.,

(b) Domestic violence statistics,

(c) Introduction of the power and control wheel and equality wheel as defined in Rule 65H-2.002, F.A.C.,

(d) Overview of program rules, regulations, and expectations, and

(e) Outline of program content showing the dynamics of power and control, the effects of abuse on the victim, children and others, gender roles, socialization, and nature of the violence.

(6) Assessments. The provider shall ensure that only those assessors certified by the departments Office of Certification and Monitoring conduct the psychosocial evaluations required in rule.

(7) Group Sessions.

(a) The provider shall use a psychoeducational group model that incorporates power and control dynamics in the program curriculum.

(b) The program shall be a minimum of 29 weeks in length and include a minimum of 24 weekly group sessions. Each session shall be for a time period of one (1) hour and 30 minutes, excluding breaks.

(c) The program shall maintain a maximum group size of 24 participants with two (2) facilitators or 15 participants with one (1) facilitator. The minimum group size shall be three (3) members.

(d) The program shall accept new members into the group on an ongoing basis.

(e) The program shall ensure that all participants in the group are the same gender.

(f) The program conducting a non-English speaking group shall have a facilitator who is fluent in that language.

(g) The program shall use interpreters only when there are no approved facilitators within the local area who are fluent in the language of one or more of the participants. The program must insure that a person who serves in the role of interpreter be duly qualified to interpret. Interpreters must not have a familial or personal relationship with the participant. A list of qualified interpreters may be found through the local court or from the Florida State Courts' website at <http://www.flcourts.org> by clicking on the link for the Court Interpreters Program.

(h) The program shall ensure weekly group sessions are not suspended or cancelled for a period of more than one week.

(8) Victim Notification.

(a) The program shall notify the victim, in writing, within three (3) business days of the batterer's enrollment in the program. The letter shall be dated and include contact information for the local certified domestic violence center, law enforcement, probation or parole, if applicable, and the state attorney's office. The letter shall include information on the goals and objectives of the certified batterer intervention program and advise the victim that information disclosed by the victim to program staff is not privileged communication as defined in Section 90.5036, F.S. The letter shall include a copy of *A Partner's Guide to Batterer Intervention Program Classes for Men*, which shall be furnished to the program by the department.

(b) The program shall notify the victim, in writing, within three (3) business days of the batterer's discharge from the program. The letter shall be dated and include the reason for discharge: completion, termination, or transfer. The letter shall include contact information for the local certified domestic violence center, law enforcement, probation or parole, if applicable, and the state attorney's office.

(c) The program shall keep copies of all notification letters to the victim in the batterer's file. Letters shall not disclose the physical address or any other contact information for the victim.

(9) Discharge Criteria.

(a) There are three categories of discharge from a certified program:

1. Completion indicates that the participant has completed the assessment performed by a certified assessor, has been in compliance with the program's rules and contract, participated in the group at an acceptable level as determined by the facilitator, and paid required fees, both to the provider and the department.

2. Termination indicates the participant is inappropriate for the program according to the screening criteria outlined in rule as determined by a certified assessor or the program, or has not successfully met the requirements of the program as specified in the contract or program rules, and

3. Transfer indicates the participant has relocated to another program with the approval of the referral source, and the outgoing and incoming program directors. Each participant requesting transfer of credit must obtain a letter of referral from the previous program and present it to the new program prior to receiving any credit(s) for weeks completed. The referral letter shall include attendance dates at intake/enrollment, orientation, and group sessions, as well as the date of each absence and the date each absence was made up.

(b) When a participant is discharged from the program, the provider shall complete the following:

1. Document the reason(s) for discharge for placement in the participant's file.

2. Inform the victim, referral source, and probation and parole, if applicable, in writing, of the discharge within three (3) business days, and

3. Submit the participant's completed enrollment form, CF 832, to the department no later than the tenth (10th) day of the subsequent month after discharge. Incomplete forms will not be accepted by the Department and will be returned to the provider for completion.

(10) Record Keeping and Reporting Requirements.

(a) General Requirements. A provider shall maintain complete and accurate records regarding the program, personnel and program participants at the program's office. Records shall be made available for review during the hours of operation to authorized department staff or its authorized department agents. Copies of required records are acceptable for documentation.

(b) Personnel Records. The provider shall maintain complete and accurate records on each direct service staff employed or contracted by the program, which shall contain the following signed and dated information:

1. Name, address, home phone number, and date of birth.

2. Proof of identity, in the form of a copy of a government issued photo identification.

3. Proof of employment history check and security background investigations.

4. Job description.

5. A resume or employment application.

6. Documentation of required education and work experience.

7. Documentation of required training and annual continuing education.

8. For individuals licensed under Chapters 490 and 491, F.S., a signed privacy act statement acknowledging confidentiality of information received.

9. Receipt of the program's policy and procedure manual, and

10. Form CF 1649D, Declaration of Good Moral Conduct, January 2007, renewed annually.

(c) Program Participant Records. The provider shall maintain individual files on each program participant and retain the records for a minimum of five (5) years from the date of discharge. Files shall include the following signed and dated information:

1. Proof of identity, in the form of a government issued photo identification.

2. Copy of the court order and police report, if applicable.

3. Financial assessment.

4. Completed form CF 832, Participant Enrollment, January 2007, which is incorporated by reference.

5. Completed form CF 833, Contract for Participation, January 2007, in a Certified Batterer Intervention Program, which is incorporated by reference.

6. Completed assessment by a Department certified assessor.

7. Completed Form CF 843, Participant Fee Payment Agreement, January 2007.

8. Record of attendance at orientation and groups with the dates of each session attended, missed and made up.

9. Record of payment of all fees, including dates and amounts.

11. Copy of non-compliance reports, if any, to the referral source and probation and parole, if applicable, and 10. Copies of all notification letters to the victim. Letters shall be dated and shall not disclose the physical address or any other contact information for the victim.

12. Copy of the discharge report to the referral source and probation and parole, if applicable.

(d) Reporting and Fee Remittance.

1. The provider shall submit by the tenth (10th) day of each month to the department's Office of Certification and Monitoring the completed Form CF 832, Participant Enrollment Form, January 2007, for each program participant discharged during the preceding month.

2. The provider shall submit a provider check no later than the tenth (10th) day of each month for the total amount of the participant fees collected during the preceding month to the department's Office of Certification and Monitoring. Provider checks are to be made payable to the Florida Department of Children and Families.

(11) Health Insurance Portability and Accountability Act (HIPPA). Where applicable, the provider shall comply with the Health Insurance Portability and Accountability Act (HIPPA) pursuant to 42 U.S.C. 132d, as well as all regulations promulgated under 45CFR Parts 160, 162 and 164.

(12) Electronic Communication. The department's primary communication with providers will be electronic. Providers shall have the capability to access the Internet and to electronically submit certification documentation as may be required by the department. Providers shall maintain a functional email address with the capability of receiving attachments and provide that address to the department.

(13) Operating Policies and Procedures Manual.

(a) The provider shall maintain written policies and procedures that direct the operation of the batterer intervention program as required by rule that include the following:

1. Mission Statement and Philosophy.

2. Days and Hours of Operation and Group Schedules.

3. Intake/Enrollment Procedure.

4. Orientation and Curriculum Outline.

5. Recording Keeping and Reporting Procedures.

6. Fee Collections and Remittance Procedure.

7. Acceptance of Indigent Participants Policy and Procedure.

8. Non-discrimination Policy.

9. Accessibility to Persons with Disabilities Policy and Procedure.

10. Duty to Warn and Reporting of Criminal Behavior Policy and Procedure.

11. Reporting of Enrollment and Discharge Information to Referral Source and Probation and Parole, if applicable, Policy and Procedure.

12. Personnel Policy, which shall include policies and procedures for the following: equal employer opportunity; code of professional ethics and moral conduct; confidentiality; non-fraternization; conflict of interest; violence free life style; drug free workplace; sexual harassment, and domestic violence in the workplace.

(b) The program's operating policies and procedures manual shall be submitted with the certification application to the Office of Certification and Monitoring to ensure compliance with minimum standards as set forth in rule and in statute.

Rule 65H-2.006 has been amended to read as follows:

(3) Facilitator Continuing Education Training.

(a) Each facilitator shall complete annually a minimum of 12 hours of continuing education. The training must contribute to the advancement, extension or enhancement of the facilitator's skills and knowledge related to domestic violence. Training shall comply with the program standards as required in Rule 65H-2.005, F.A.C., and include information in any of the following areas as they pertain to intimate partner violence: current law; evaluation and intervention with families; victimization, effects on children, dating violence, intervention and prevention, alcohol evaluation and treatment; and the power and control model.

(b) Documentation for all continuing education training must be updated and maintained in the facilitator's personnel file for review by authorized department staff or department authorized agents during the department's on-site monitoring or mailed to the Office of Certification and Monitoring upon the department's request.

Rule 65H-2.007 (formerly included in Rule 65H-2.003) has been amended to read as follows:

Assessor Application Requirements.

(1) Application.

(a) Application for initial certification or for renewal of certification shall be made on Form CF 840, Assessor Certification Application, January 2007, which is incorporated by reference. Form CF 840 may be obtained from the Office of Certification and Monitoring or on the department's website at www.dcf.state.fl.us/domesticviolence by clicking on the Batterer Intervention Program link.

(b) The initial application will not be considered complete until the Office of Certification and monitoring receives a copy of the applicant's educational, experiential, and training documentation, Form CF 1649D, Declaration of Good Moral Character, January 2007, and the, assessment tool. Thereafter, this information must be updated and maintained in the personnel file for review by authorized department staff or department authorized agents during the department's on-site monitoring or mailed to the Office of Certification and Monitoring upon the department's request.

(c) A completed application for renewal of annual certification must be submitted to the department's Office of Certification and Monitoring at least 30 days prior to the expiration date to ensure that a lapse of certification does not occur.

(2) Fees.

(a) A non-refundable application fee of \$100 will be assessed per applicant for initial certification and \$75 for annual renewal of certification, which shall be submitted with the application. Submission of an application and application fee does not ensure state certification by the department.

(b) If the program does not renew its certification within 30 days after the expiration date, the certification shall be considered suspended. To renew a suspended certification, the provider shall be assessed the initial \$100 application fee.

(3) Certification.

(a) Certification is for one (1) year and may be renewed annually upon the submission of department's satisfaction that all minimum standards have been met as required in rule and in statute. Certification shall be rejected or suspended for failure to comply with the requirements detailed in rule or in statute.

(b) Certification is valid only for the person named in the department issued certificate and is non-transferable.

(c) The certificate issued by the department or a copy thereof, shall be displayed at the location or locations of service within public view.

Rule 65H-2.009 (formerly Rule 65H-2.008), has been amended to read as follows:

(2) Assessor Continuing Education Training.

(a) As a condition of annual certification renewal, each assessor shall complete annually a minimum of 12 hours of continuing education. The training must contribute to the advancement, extension or enhancement of the assessor's skills and knowledge related to the assessment of a batterer. Training shall comply with the program standards as required in Rule 65H-2.005, F.A.C., and include information in any of the following areas as they pertain to intimate partner violence: current law; evaluation and intervention with families; victimization, effects on children, dating violence, intervention and prevention, alcohol evaluation and treatment; and the power and control model.

(b) Confirmation of the completed 12 hours of training shall be included in the annual renewal application. No credit will be given for trainings that do not meet the standards as stipulated in rule.

(c) Documentation for all continuing education training must be updated and maintained in the personnel file for review by authorized department staff or department authorized agents during the department's on-site monitoring or mailed to the Office of Certification and Monitoring upon the department's request.

Rule 65H-2.012 (formerly Chapter 65H-2.010) has been amended to read as follows:

(7) Failure to successfully complete the corrective action plan will result in suspension of a program's certification, unless the department finds that the failure to successfully complete the corrective action plan is due to extraordinary circumstances beyond the provider's reasonable control. However, the department may suspend a program's certification immediately without allowing a corrective action in cases of recurring violations or inappropriate intervention approaches as set forth in rule and in statute.

Forms CF 831 Batterer Intervention Program Certification Application, January 2007; referenced in Rule 65H-2.003, F.A.C., CF 840, Assessor Certification Application, January 2007, referenced in Rule 65H-2.007, F.A.C., and CF 1649D Declaration of Good Moral Conduct, January 2007, have been modified to remove the notarization requirements.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-6.0022	Possession of Class I, II, or III Wildlife in Captivity; Permit Requirements
68A-6.003	Facility and Structural Caging Requirement for Class I, II and III Wildlife
68A-6.004	Standard Caging Requirements for Captive Wildlife
68A-6.007	Possession, Transportation, Exhibition and Caging Venomous Reptiles of Concern; Prohibited Reptile Species
68A-6.0071	Record Keeping and Reporting Requirements
68A-6.0072	Identification of Non-Native Venomous Reptiles and Reptiles of Concern; Escape

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. 33, No. 1, January 5, 2007 issue of the Florida Administrative Weekly.

68A-6.0022 Possession of Class I, II, or III Wildlife in Captivity; Permit Requirements.

(1) No change.

(2) No permit shall be required to possess the following wildlife for personal use, unless possession of a species is otherwise regulated by other rules of the Commission:

(a) Reptiles; or amphibians (nonvenomous, unprotected)

(b) through (v) No change.

(3) No change.

(4) No permit shall be issued to any person to possess Class III wildlife for exhibition, sale or personal use unless such person can ~~provide documentation of the following~~ meet the following requirements:

(a) No change

(b) Application for permits to possess Class III wildlife for personal use shall include the satisfactory completion of a questionnaire developed by the Commission that assesses the applicant's knowledge of general husbandry, nutritional, and behavioral characteristics. Such information shall be documented on the Personal Use Application and Questionnaire form FWCDLE 621 (01/07), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits.

(c) Applicants for permits to possess capuchin, spider, or woolly monkeys shall meet the age, experience and examination requirements for authorization to possess Class II wildlife.

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

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

(5) Qualification requirements for a permit to possess Class I or Class II wildlife:

~~(a)~~ All applicants shall qualify for permits as follows:

~~(a)1.~~ Age Requirement: Applicants to possess Class I or Class II wildlife shall be at least 18 years of age.

~~(b)2.~~ Applicants shall not have been convicted of any violation of captive wildlife regulations; or venomous reptile or reptile of concern regulations involving unsafe housing of wildlife or that could potentially endanger the public; any violation ~~offense~~ involving the illegal commercialization of wildlife; ~~any violation offenses~~ involving cruelty to animals; ~~or any violation involving importation of wildlife within three (3) years of the date of application.~~

~~(c) 3.~~ Experience Requirement for Class I permits:

~~1.a.~~ Applicants shall demonstrate no less than one (1) year of substantial practical experience (to consist of no less than 1000 hours) in the care, feeding, handling and husbandry of the species for which the permit is sought, or other species, within the same biological order (except ratites which shall be in the same biological sub-order), which are substantially similar in size, characteristics, care and nutritional requirements to the species for which the permit is sought.

~~2.b.~~ For purposes of demonstrating compliance, applicants shall submit documentation of such experience, including:

~~a.I.~~ A description of the specific experience acquired.

~~b.H.~~ The dates the experience was obtained and the specific location(s) where acquired.

~~c.HH.~~ References of no less than two (2) individuals, no more than one of which may be a relative of the applicant, having personal knowledge of the applicant's stated experience, one of which must be licensed by the commission for wildlife of the same family and the same or higher class for which the applicant is seeking authorization.

~~d.~~ Additional documentation may include records of prior permits for the keeping of captive wildlife, employment records, and any other competent documentation of the requisite experience.

~~3.e.~~ Documented educational experience in zoology or other relevant biological sciences, obtained at the college or technical school level or above, may substitute for up to six months or 500 hours of the required experience.

4. Providing false information to document the applicant's experience, by the applicant or any reference, is prohibited as provided in Sections 837.012 and 837.06, F.S.

~~(d)4.~~ Experience and examination requirements for Class II permits:

~~1.a.~~ Applicants may qualify for a permit for Class II wildlife by documenting one year of experience (to consist of no less than 1000 hours) as defined in subparagraph ~~68A-6.0022(5)c.1-4. 68A-6.0022(5)(a)3.a-e.,~~ above. If the applicant is unable to document such experience, as an alternative, the applicant may take a written examination. The successful completion of a written examination for the particular species or family, administered by the Division of Law Enforcement, together with the documentation of not less than 100 hours of substantial practical experience (with documentation and compliance procedures as noted in ~~68A-6.0022(5)(c)1.-4. 68A-6.0022(5)(a)3.~~ above) in the care, feeding, handling and husbandry of the species or family for which the permit is sought may be substituted for the one-year/1,000-hour requirement. Upon receipt of an application, the Commission shall notify the applicant of the time and place of the next examination. Applicant scoring at least 80 percent correct on the examination shall be deemed as meeting the examination requirement for the particular species or family.

~~2.b.~~ The above requirements shall not apply to applicants for permits to possess ostriches, rheas, emus, cassowaries or coyotes when possessed for purposes other than public exhibition or personal use.

~~5. Facility Requirements:~~

~~a.~~ Applicants for permits to possess wildlife in captivity ~~shall specify the location of the facility at which captive wildlife shall be maintained, and such facility shall be inspected and approved by the Commission prior to issuance of the permit.~~

~~b.~~ In order to assure public safety, Class I and Class II wildlife shall only be kept in appropriate neighborhoods and, accordingly, facilities that house such wildlife shall meet the requirements of this rule subsection. Compliance with these requirements is a necessary condition for licensure. For purposes of this subsection, a "facility" means the site at which Class I or Class II carnivores are kept or exhibited. Applicants shall submit documentation verifying that the construction of the facility, its cages and enclosures is not prohibited by county ordinance and, if within a municipality, municipal ordinance.

~~e.~~ Notwithstanding any other requirements of this rule, facilities licensed prior to the effective date of this section may sell or transfer their interests, including their approved classification(s) of wildlife, (excluding licenses) to other qualified investor or owners for possession, and such facility may remain in the same location. New or prospective owners shall be qualified to receive the classifications of wildlife applied for and shall complete applications for licenses to receive same. The transfer shall not occur until a final on-site inspection is conducted by Commission personnel and the license is approved and issued. Other than facilities meeting the requirements of sub-sub-subparagraph ~~68A-6.0022(5)(a) 5.b.(I), F.A.C.,~~ Class I wildlife shall not be possessed in

multi-unit dwellings or in any premises consisting of less than one-quarter acre of land area. Other than facilities meeting the requirements of Rule 68A-6.0022(5)(a)5.b.(H), F.A.C., Class II wildlife shall not be possessed in multi-unit dwellings unless the dwelling in which they are housed is equipped with private entrance, exit, and yard area.

(I) Additional facility requirements for Class I Carnivores (lions, tigers, leopards, snow leopards, jaguars, and bears):

(A) The facility shall not be constructed on less than five (5) contiguous acres of property owned or leased by the applicant. If leased, the lease shall be for a term of not less than one year from the date of application and such lease is subject to initial and annual review and approval by the Commission as a condition of granting said license.

(B) The facility shall have a "buffer zone" of not less than 35 feet between the caging and the facility property line.

(C) The cages of the facility shall be bounded by a fence of not less than eight (8) feet in height, constructed of not less than 11 1/2 gauge chain link, or equivalent, to prevent escape from the property of any wildlife that may escape the primary caging.

(H) Additional facility requirements for the following Class II carnivores: cougars; panthers, clouded leopards, and Class II Canidae:

(A) The facility shall not be constructed on less than two and one-half (2 1/2) contiguous acres of property owned or leased by the applicant. If leased, the lease shall be for a term of not less than one year from the date of application and such lease is subject to initial and annual review and approval by the Commission as a condition of granting said license.

(B) The facility shall contain a "buffer zone" of not less than 35 feet between the caged wildlife and the facility property line.

(C) The cages of the facility shall be bounded by a fence of not less than eight (8) feet in height, constructed of not less than 11 1/2 gauge chain link, or equivalent, or, as an alternative, a fence of not less than six (6) feet in height, with a 2-foot, 45-degree, inward angle overhang. The inward angle fencing and vertical fencing shall be constructed of 11 1/2 gauge chain link or equivalent. This fencing is to prevent escape from the property of any wildlife that may escape from primary caging.

(D) The above requirements shall be effective July 1, 2000, but shall not apply to those facilities licensed to possess captive wildlife species prior to that date. After July 1, 2000, those licensees that desire to expand their inventory to include a family of Class I or Class II species not previously authorized at their facility location shall comply with the requirements herein. Requests to upgrade wildlife classification authorization shall be considered new applications for license purposes.

(6) Except as otherwise provided, applicants for permits to possess wildlife in captivity shall specify the location of the facility at which the wildlife shall be kept or possessed. Prior to the issuance of a permit for Class I, Class II, or Class III capuchin, spider or woolly monkeys such facility shall be inspected and approved by Commission personnel prior to the issuance of the permit.

(7) Disaster and Critical Incident Plans:

Applicants for permits to possess wildlife in captivity shall document in writing a course of action to be taken in preparation for disasters or critical incidents. Such course of action shall be documented on the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE 619 (02-06), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. This form shall consist of two parts. Part A of form FWCDLE 619 shall be submitted at the time of initial application or renewal; and Part B shall be retained on file at the facility location and be made available for inspection upon request of Commission personnel.

PROPOSED EFFECTIVE DATE: January 1, 2008.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.921, 372.922 FS. History—New 7-1-90, Amended 7-1-90, 7-1-91, 2-1-98, Formerly 39-6.0022, Amended 4-30-00, 1-1-08.

68A-6.003 Facility and Structural Caging Requirement for Class I, II and III Wildlife.

(1) In addition to the standard caging requirements set forth in Rule 68A-6.004, F.A.C., Class I and Class II animals shall be caged in accordance with the following requirements:

(a) A fence sufficient to deter entry by the public, which shall be a minimum of five (5) feet in height, shall be present around the premises wherein Class I or Class II animals are housed or exercised outdoors.

(a)(b) All cages or enclosures of Class I and Class II wildlife, and Class III capuchin, spider and woolly monkeys, animals except paddocks, approved open air habitats, or outdoor reptile enclosures shall be equipped with a safety entrance. A safety entrance is defined as a protected, secure area that can be entered by a keeper that prevents animal escape and safeguards the keeper, or a device that can be activated by a keeper that prevents animal escape and safeguards entry. Such entrances shall include: A double-door mechanism, interconnecting cages, a lock-down area, or other comparable devices, subject to Commission approval, that will prevent escape and safeguard the keeper. Safety entrances shall be constructed of materials that are of equivalent strength as that prescribed for cage construction for that particular species.

(b)(e) No change.

(2) In order to assure public safety, the facilities for the housing of Class I and Class II wildlife shall meet the requirements of this rule. Compliance with these requirements is a necessary condition for licensure. For the purposes of this rule, a "facility" means the site at which Class I or Class II wildlife are kept or exhibited. Applicants shall submit documentation verifying that the construction of the facility, its cages and enclosures are not prohibited by county ordinance and, if within a municipality, municipal ordinance.

(a) Notwithstanding other requirements of this rule, facilities licensed pursuant to this section may be transferred through will, trust or probate proceedings to a lawful heir and such facilities may remain in the same location. Said heir must be qualified to receive the classifications of wildlife applied for and shall complete applications for licenses to receive same. The transfer shall not occur until a final on-site inspection is conducted by Commission personnel and the license is approved and issued.

(b) Facility requirements:

1. Property ownership/lease:

a. The facility shall be constructed on property owned or leased by the applicant. If leased the lease shall be for a term of not less than one (1) year from date of application. Such lease shall be subject to initial and annual review and approval by the commission as a condition of said lease.

b. If the property is leased, the lessee must have exclusive rights to occupy, possess and use the property with no restrictions that could prevent the lessee from adhering to the eligibility requirements for licensure with no other in holdings or easements.

c. The existence of any such lease restrictions or termination of the lease shall result in the denial or revocation of the license or permit.

2. Land area:

a. Class I wildlife: The facility shall not be constructed on less than five (5) acres.

b. Class II wildlife: The facility shall not be constructed on less than two and one-half (2 1/2) acres.

c. The total facility shall not be comprised of more than two (2) parcels of land whether leased, owned or a combination of leased or owned parcels. If more than one parcel, the adjacent parcels must have a minimum of 100 feet common linear boundary.

3. Buffer zones:

The facility shall contain a "buffer zone" of not less than thirty-five (35) feet between the caged wildlife and the facility property line.

4. Perimeter fencing:

a. Class I wildlife: The cages of the facility shall be bounded by a fence of not less than eight (8) feet high.

b. Class II wildlife: The cages of the facility shall be bounded by a fence of not less than eight (8) feet high, or as an alternative, a fence of not less than six (6) feet high, with a 2-foot, 45 degree, inward angle overhang.

c. All vertical fencing and inward angle overhang fencing of the perimeter fence shall be constructed of 11 1/2 gauge chain link or equivalent.

5. Zoning:

Facilities housing the following Class I wildlife may not be located on property within an area zoned solely for residential use. Changes in zoning subsequent to the issuance of the license or permit shall not be disqualifying provided the license is maintained in a current and valid status.

a. Primates (all listed species)

b. Cats (all listed species)

c. Bears (family *Ursidae*)

d. Elephants (family *Elephantidae*)

e. Rhinoceros (family *Rhinocerotidae*)

f. Hippopotamuses (family *Hippopotamidae*)

g. Cape Buffalo (*Syncerus caffer caffer*)

(c) Exemptions:

The following Class I and Class II wildlife are exempt from the facility requirements as listed above:

1. Permits authorizing possession of infants only including:

a. Class I or Class II carnivores until they reach 25 pounds or six (6) months of age, which ever comes first, provided written documentation is available to verify the age of the animal, the animal is marked or otherwise identifiable, and the animal is provided space for exercise on a daily basis:

b. Class I and II primates until they reach the age of twelve (12) months, provided written documentation is available to verify the age of the animal, the animal is marked or otherwise identifiable, and the animal is provided space for exercise on a daily basis.

2. Crocodylians four (4) feet in length or less.

3. Cats: Ocelots (*Leopardus pardalis*), Servals (*Leptailurus serval*), Caracals (*Caracal caracal*), Bobcats (*Lynx rufus*), African golden cats (*Profelis aurata*), Temminck's golden cats (*Profelis temmincki*), and Fishing cats (*Prionailurus viverrina*).

4. Non-human primates: Uakaris (*genus Cacajao*), Bearded sakis (*genus Chiropotes*), and Guenons (*genus Cercopithecus*) not including De Brazza's monkey (*Cercopithecus neglectus*), Blue monkey (*Cercopithecus mitis*), Preuss's monkey (*Cercopithecus preussi*) or any other non-human primate of the genus *Cercopithecus* which exceeds the normal adult weight of fourteen (14) pounds.

(d) Any Class I or Class II wildlife exempt from meeting the facility requirements of this rule must meet the following:

1. Class I wildlife shall not be possessed in any multi-unit dwellings or on any premises consisting of less than one quarter acre of land area.

2. Class II wildlife shall not be possessed in multi-unit dwellings unless the dwelling in which they are housed is equipped with private entrance, exit and yard area.

3. A fence sufficient to deter entry by the public, which shall be a minimum of five (5) feet in height, shall be present around the premises wherein Class I or Class II animals are housed or exercised outdoors.

(e) The above requirements shall be effective January 1, 2008, but shall not apply to those facilities licensed to possess captive wildlife species prior to that date. After January 1, 2008, those licensees that desire to expand their inventory to include a family of Class I or Class II species not previously authorized at their facility location shall comply with the requirements here in. Requests to upgrade wildlife classification authorizations shall be considered new applications for license purposes.

(3)(2) No change.

PROPOSED EFFECTIVE DATE: January 1, 2008.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.921, 372.922 FS. History—New 8-1-79, Amended 6-21-82, Formerly 39-6.03, Amended 6-1-86, 7-1-90, 7-1-92, 2-1-98, Formerly 39-6.003, Amended 1-1-08.

68A-6.004 Standard Caging Requirements for Captive Wildlife.

(1) through (3) No change.

(4) Carnivores and Certain Omnivores with Similar Requirements:

(a) through (n) No change.

(o) Rhinos.

1. No change.

2. Access to a shelter shall be provided ~~at all times.~~

(p) No change.

(q) Reptiles and amphibians.

1. Reptiles.

In addition to requirements for this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to ensure the well-being of the species. The environment or devices shall be non-injurious, and may include, but are not limited to ambient temperature, hot rocks, artificial lights, natural sunlight and heat strips. Each enclosure shall be provided with a non-injurious substrate, including but not limited to gravel, newspaper, processed wood shavings, rocks, sand, or indoor-outdoor carpet. Arboreal species of snakes or lizards shall be provided with a perch of sufficient height to allow for such specimen to perch or bask without any portion of its body or tail touching the floor, sides or roof of the enclosure. Enclosure sizes for all snakes or lizards shall be based on the total length of the longest specimen in the enclosure.

a. Snakes and glass lizards.

~~In addition to requirements of this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to insure the well-being of the species. The environment or devices shall be noninjurious, and may include, but are not limited to hot rocks, artificial lights, natural sunlight and heat strips. Each enclosure shall be provided with a noninjurious substrate such as newspaper, processed wood shavings, rocks, sand or indoor-outdoor carpet. Such substrate shall be disposed of or sanitized at intervals sufficient to insure the health of the animal(s). Enclosure sizes for all snakes and glass lizards shall be based upon the length of the longest specimen in the enclosure.~~

(I) Snakes, except as otherwise provided, and glass lizards:

For up to two specimens, a cage or enclosure having a perimeter equal to the length of the longest specimen, the width of the cage shall be ~~ten inches or~~ not less than ~~30~~ 20 percent of the length of the longest specimen which ever is greater, and shall not be required to exceed 3 feet. For each additional specimen, increase perimeter by 10 percent.

(II) Blood pythons or large constrictors that exceed 12 feet upon maturity: Boas, pythons, or anacondas

1. Specimens up to 5 feet in length.

For up to two specimens, a cage or enclosure 2.5 feet by 1 foot. For each additional specimen increase perimeter by 10 percent. Constrictors of this size possessed for exhibition or sale are exempt from this minimum cage requirement but shall meet the requirements as indicated for snakes and glass lizards.

2. Specimens 5 feet to 12 feet in length.

For up to two specimens, a cage or enclosure with a perimeter equal to 1.25 times the length of the longest specimen. The width of the cage shall not be less than 30 percent of the length of the longest specimen and shall not be required to exceed 3 feet. For each additional specimen, increase perimeter by 10 percent.

3. Specimens greater than 12 feet in length.

For up to two specimens, a cage or enclosure with a perimeter equal to the length of the longest specimen. The width of the cage shall not be required to exceed 3 feet. For each additional specimen, increase perimeter by 10 percent.

b. Lizards (other than glass lizards).

~~In addition to requirements of this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to ensure the well-being of the species. The environment and devices shall be noninjurious, and may include, but are not limited to hot rocks, artificial lights, natural sunlight and heat strips. Each enclosure shall be provided with a noninjurious substrate, such as gravel, newspaper, processed wood shavings, rocks, sand, or indoor-outdoor carpet. Such substrate shall be disposed of or sanitized at intervals sufficient to insure the health of the animal(s).~~

(I) Lizards up to 6 inches in length. For one or two animals, a cage or enclosure 12 inches by 8 inches, 6 inches high. For each additional animal, increase enclosure size by 1 inch in length and width.

(II) Lizards 7 to 12 inches in length. For one or two animals, a cage or enclosure 20 inches by 10 inches, 12 inches high. For each additional animal, increase cage or enclosure size by 2 inches in the length and width.

(III) Lizards 13 to 24 inches in length. For one or two animals, a cage or enclosure 30 inches by 12 inches, 12 inches high. For each additional animal, increase cage or enclosure size by 3 inches in length and width.

(IV) Lizards 25 to 36 inches in length. For one or two animals, a cage or enclosure ~~48~~ 36 inches by ~~16~~ 12 inches, ~~20~~ 16 inches high. For each additional animal, increase cage or enclosure size by 10 inches or 25 percent in length and width.

(V) Lizards 37 inches to 6 feet in length. For one or two animals, a cage or enclosure 6 feet by 3 feet, 4 feet high. For each additional animal, increase cage or enclosure size by 25 percent of the original floor area.

(VI) Lizards over 6 feet in length. For one or two animals, a cage or enclosure 9 feet by 6 feet, 4.5 feet high. For each additional animal, increase the size of the cage or enclosure by 25 percent of the original floor area.

c. Turtles, Tortoises and box turtles.

Each enclosure for turtles, tortoises and box turtles shall have a pool of water. The pool area shall equal no less than two (2) times the shell width by two (2) times the shell length. For turtles, other than tortoises and box turtles, such pool shall allow submersion of the largest turtle. For soft-shelled turtles, a non-abrasive pool bottom is required. Enclosure and pool sizes for all turtles, tortoises and box turtles shall be based upon the size of the largest specimen in the enclosure.

(I)e. Turtles (other than tortoises and box turtles):

~~In addition to requirements of this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to insure the well-being of the species. The environment and devices shall be noninjurious, and may include, but are not limited to artificial lights and natural sunlight. Each enclosure shall be provided with a noninjurious substrate, such as gravel, rocks or sand. Each enclosure shall have a pool of water that will allow submersion of the largest turtle. For soft-shelled turtles, a non-abrasive pool bottom is required.~~

~~Enclosure sizes for all turtles shall be based upon the size of the largest specimen in the enclosure.~~

For one or two turtles, an enclosure with an area at least 5 times the shell length by 2 times the shell width. A dry resting area equal to the size of the shell of the largest turtle shall be provided. For each additional animal, increase original floor area and pool area by 10 percent.

(II)d. Tortoises and box turtles:

~~In addition to requirements of this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to insure the well-being of the species. The environment and devices shall be noninjurious, and may include, but are not limited to artificial lights and natural sunlight. Each cage shall be provided with a noninjurious substrate, such as gravel, rocks, newspaper, sand or indoor outdoor carpet. Such substrate shall be kept clean.~~

~~Enclosure sizes for all tortoises and box turtles shall be based upon the size of the largest specimen in the enclosure.~~

For one or two tortoises or box turtles, an enclosure with a floor area 10 times the shell size of the largest specimen in the enclosure. For additional animals, the combined area covered by all their bodies shall not exceed 50 percent of enclosure area.

e. through f. renumbered d. through e. No change.

(r) No change.

(5) Effective date: All cage and enclosure requirements in this rule shall not take effect until January 1, ~~2008~~ 2000, ~~for those licensed or permitted prior to December 31, 1997.~~

PROPOSED EFFECTIVE DATE: January 1, 2008.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.921, 372.922 FS. History-New 8-1-79, Amended 6-22-80, 6-4-81, Formerly 39-9.03, Amended 6-21-82, Formerly 39-6.04, Amended 5-10-87, 4-13-88, 7-1-90, 9-1-90, 4-14-92, 2-1-98, Formerly 39-6.004, Amended 1-1-08.

68A-6.007 Possession, Transportation, Exhibition and Caging Venomous Reptiles and Reptiles of Concern; Prohibited Reptile Species.

(1) Any person who keeps, possesses, exhibits or sells poisonous or venomous reptiles shall comply with Sections 372.86, 372.87, 372.88, 372.89, 372.90, 372.901, 372.91, 327.921, F.S., and the provisions of this rule.

(2) Any person who keeps, possesses, exhibits or sells reptiles of concern shall comply with Sections 372.921, 372.922, F.S., and the provisions of this rule. The following reptiles, including any subspecies or hybrids thereof, are designated as reptiles of concern:

- (a) Indian or Burmese python (*Python molurus*)
- (b) Reticulated python (*Python reticulatus*)
- (c) African rock python (*Python sebae*)
- (d) Amethystine or Scrub python (*Morelia amethystinus*)
- (e) Green anacondas (*Eunectes murinus*)
- (f) Nile monitor (*Varanus niloticus*)

(3) General qualifications:

Applicants for authorization to possess venomous reptiles or reptiles of concern shall:

- (a) Be at least 18 years old at the time of application.
- (b) Not have been convicted of any violation of venomous reptile or reptile of concern or captive wildlife regulations involving unsafe housing of wildlife or that could potentially

endanger the public; any violation involving the illegal commercialization of wildlife; any violation involving cruelty to animals; or any violation involving importation of wildlife within three (3) years of the date of application.

(c) Shall specify the location of the facility at which the venomous reptiles or reptiles of concern shall be maintained. Facilities for venomous reptiles shall be inspected and approved by Commission personnel prior to the issuance of the permit and placement of animals at the facility location.

(4) Experience requirements:

Applicants for authorization to possess venomous reptiles or reptiles of concern shall meet the following experience requirements.

(a) Venomous reptiles: Any person or entity not currently permitted to possess or exhibit venomous reptiles must qualify for a permit by meeting the following criteria:

1. Applicants shall demonstrate no less than one (1) year of substantial practical experience (to consist of no less than 1,000 hours) in the care, feeding, handling and husbandry of the species or other species within the same biological family which are similar in characteristics and care to the species for which the permit is sought. For the purposes of demonstrating compliance, applicants shall submit documentation of such experience including:

a. A description of the specific experience acquired.

b. The dates the experience was obtained and the specific location(s) where acquired.

c. References of no less than two (2) individuals, no more than one of which may be a relative of the applicant, having personal knowledge of the applicant's stated experience, one of which must be licensed by the commission for venomous reptiles of the same family for which the applicant is seeking authorization.

d. Additional documentation may include records of prior permits for the keeping of venomous reptiles, employment records, and any other competent documentation of the requisite experience.

2. If the applicant is unable to document such experience, as an alternative the applicant may take a written examination. The successful completion of a written examination for the particular species or family, administered by the Division of Law Enforcement, together with the documentation of not less than 500 hours of substantial practical experience in the care, feeding, handling and husbandry of the species or family for which the permit is sought may be substituted for the one year/1,000-hour requirement. Applicants scoring at least 80 percent correct on the examination shall be deemed as meeting the examination requirement for the particular species or family.

3. Providing false information to document the applicant's experience, by the applicant or any reference, is prohibited as provided in Sections 837.012 and 837.06, F.S.

(b) Reptiles of concern: On or after January 1, 2008, any person or entity not currently permitted to possess reptiles of concern must qualify for a permit by including with the application a satisfactorily completed questionnaire developed by the Commission that assesses the applicant's knowledge of general husbandry, nutritional, and behavioral characteristic of the reptile of concern to be possessed.

(5) Facility requirements:

All persons licensed to keep, possess, or exhibit venomous reptiles or reptiles of concern shall provide safe, secure and proper housing for said reptiles in cases, cages, pits or enclosures. It shall be unlawful for any person whether licensed or not to keep, possess, or exhibit any venomous reptile or reptile of concern in any manner not approved as safe, secure and proper by the Florida Fish and Wildlife Conservation Commission. Venomous reptiles or reptiles of concern shall be kept in cages, cases, pits or enclosures of the following specifications:

(a) Cage may be constructed of a variety of materials including: plate glass of at least one-quarter inch thickness, break-resistant plastic of similar strength, concrete reinforced with wire, sheet metal, molded fiberglass, plywood or interlocking lumber that has been treated to be impervious to moisture and is not less than one-half inch in thickness, or other materials which provide equivalent stability and security against escape and unauthorized intrusion. Cages and doors to cages shall be sealed. The doors of each cage shall be securely locked by a device operated by a key, combination, key card or other locking device approved by the commission to prevent unauthorized intrusion.

(b) A room or out building may contain venomous reptiles or reptiles of concern in cages that are not locked provided that such a room or out building is locked by a device operated by a key, combination, key card or other locking device approved by the Commission to prevent unauthorized intrusion, is inaccessible to unauthorized personnel, is constructed and maintained as to be escape-proof, and has been inspected and approved as conforming to these rules by Commission personnel prior to use. Any out building so used must be of strong construction with concrete or other suitable flooring and securely anchored to the ground. Such building shall be clearly posted at point of entry with a sign stating "Danger-Venomous Reptiles" or in the instance of nonvenomous reptiles of concern a sign stating "Danger-Dangerous Reptiles."

(c) Outdoor open-topped enclosures:

1. For venomous reptiles native to the United States, the floors of outdoor cages shall be of concrete or masonry construction at least two inches in thickness. Sides shall be of similar construction, at least eight inches in thickness, or strength equivalent, with a minimum height of four feet above the floor of the enclosure. Outdoor enclosures need not have concrete or masonry flooring if the enclosure meets the following additional specifications:

a. The enclosure shall have concrete or masonry walls, at least eight inches in thickness, or strength equivalent.

b. The enclosure shall have footers made of concrete, or strength equivalent, extending not less than three feet below the grade level, outside the perimeter.

c. The corners of enclosure shall be designed or guarded to prevent the escape of reptiles by climbing.

d. All landscaping of the enclosure shall be arranged to insure that vegetation or other structures do not allow for the escape of reptiles.

2. Entrance doors shall be kept securely locked on all outdoor enclosures to prevent escape and unauthorized intrusion and the enclosure shall be equipped with barriers to prevent visitors from falling into enclosures that are constructed below ground level.

3. For venomous reptile species and reptiles of concern not native to the United States, all outdoor enclosures shall be topped with close-meshed wire or an equivalent barrier to provide additional security.

4. Enclosures shall meet the minimum standard caging size requirements as specified in Rule 68A-6.004, F.A.C.

5. Facilities housing venomous reptiles shall maintain bite or exposure protocols for the species of venomous reptiles possessed and have a visible cage enclosure identification system identifying the venomous reptiles housed or maintained on the premises.

a. Bite or Exposure Protocol:

Facilities or premises where venomous reptiles are housed or maintained shall have posted on the premises a venomous reptile bite protocol. Such protocol shall include: identification of the species by common and scientific name, emergency contact information, type of antivenin required for treatment of bites or exposures from the species housed or maintained, a plan of action to be taken in the event of a bite or exposure, and location of antivenin if stored on premises. In lieu of antivenin on premises contact information shall be provided for an antivenin bank or medical facility that maintains antivenin for the species possessed. Such protocol shall be clearly visible and posted in the room, building or other structure and in close proximity to where venomous reptiles are housed or maintained.

b. Cage Enclosure Identification System:

Each cage or enclosure housing venomous reptiles shall be clearly marked with a card or sign clearly stating "Danger Venomous Reptile" and identifying the species contained therein by common and scientific name. Such card or sign shall be clearly visible. A card or sign shall accompany the venomous reptile when it is removed from the cage or enclosure for handling or transport purposes.

(d) Facilities with one or more licensee at the same facility location may not commingle their respective live venomous reptile or reptile of concern inventories. All cages or enclosures

must be clearly identified or visibly marked with the name of the licensee or other identifier to facilitate inventory inspections.

(6) Inspection:

Venomous reptiles or reptiles of concern held in captivity are subject to inspection by commission personnel. Commission personnel shall determine whether the said reptiles are securely, properly and safely housed. In the event that the reptiles are not safely housed, commission personnel shall report the situation in writing to the person possessing or exhibiting such reptiles. Failure of the possessor or exhibitor to correct the situation within 30 days after such written notice shall be grounds for revocation of the license or permit.

(7) No person except the licensee or his or her authorized employee shall open any cage, pit, or other container which contains venomous reptiles.

(8) Transporting:

Any person transporting venomous reptiles shall comply with Section 372.90, F.S., and the provisions of this rule. Venomous reptiles shall be placed in a stout closely woven cloth sack, tied or otherwise secured. In lieu of a stout closely woven cloth sack, the venomous reptile may be contained in a trap or box of solid construction which is locked or otherwise secured. The sack, trap or box shall then be placed in a box. The box shall be of strong material in solid sheets, except for small air holes which shall be screened. Boxes containing venomous reptiles shall be prominently labeled "Danger-Venomous Reptiles."

(9) Disaster and Critical Incident Plans:

Applicants for permits to possess venomous reptiles or reptiles of concern in captivity shall document in writing a course of action to be taken in preparation for disasters or critical incidents. Such course of action shall be documented on the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE 619 (02-06), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. This form shall consist of two parts. Part A of form FWCDLE 619 shall be submitted at the time of initial application or renewal; and Part B shall be retained on file at the facility location and be made available for inspection upon request of Commission personnel.

(10) All species of snakes commonly known as sea snakes or sea kraits, belonging to the families *Elapidae*, *Hydrophiidae* or *Laticaudidae* are prohibited from being imported or possessed, except under the provisions of Section 370.081(4), F.S.

PROPOSED EFFECTIVE DATE: January 1, 2008.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.92, 372.921, 372.922 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.86, 372.87, 372.88, 372.89, 372.90, 372.901, 372.91, 372.92, 372.921, 372.922 FS. History-New 1-1-08.

68A-6.0071 Record Keeping and Reporting Requirements.

(1) Any person who possesses any live venomous reptile or reptile of concern shall have a permit issued in accordance with Section 372.86, 372.921, or 372.922, F.S., and comply with the provisions of this rule, 68A-6.007, and if applicable Rule 68A-6.0072, F.A.C.

(a) Record Keeping:

Possessors shall maintain an accurate record of all changes in inventory including births, deaths, acquisitions, sales and transfers of all venomous reptiles or reptiles of concern. Such records shall be kept on the licensed premises on a Captive Wildlife Inventory-Reptile form, FWCDLE 620IV-R (12-06), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. Such records shall be open to inspection upon request by commission personnel.

1. Records of births or deaths shall include the date of the birth or death; and the quantity and species of each birth or death. For the purposes of this section "birth" shall be defined as the initial hatch or live birth date for the clutch.

2. Records of acquisition shall include the date of acquisition; quantity and species of reptiles acquired; method of identification and unique passive integrated transponder (PIT tag) number, if applicable, for each specimen; name and complete address of supplier; and license identification number of supplier where applicable.

3. Records of sale or transfer shall include the date of sale or transfer; quantity and species of reptiles sold or transferred; method of identification and unique passive integrated transponder (PIT tag) number, if applicable, of each specimen sold or transferred; and the license identification number of the recipient where applicable.

(b) Reporting:

1. Persons exhibiting or selling live venomous reptiles or reptiles of concern in accordance with Section 372.86 or 372.921, F.S., shall complete a Captive Wildlife Inventory-Reptile form, FWCDLE 620IV-R (12-06), and submit same to Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, upon annual renewal of license and six months thereafter.

2. Persons possessing any live venomous reptile in accordance with Section 372.86, F.S., or any live reptile of concern in accordance with Section 372.922, F.S., for personal use shall complete a Captive Wildlife Inventory-Reptile form, FWCDLE 620IV-R (12-06), and submit same to Florida Fish and Wildlife Conservation Commission, Division of Law

Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, upon annual renewal of license and upon any instance of inventory change.

3. Persons operating in accordance with Rule 68A-6.0011, F.A.C., are exempt from these reporting requirements.

PROPOSED EFFECTIVE DATE: January 1, 2008.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.92, 372.921, 372.922 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.86, 372.87, 372.88, 372.89, 372.90, 372.901, 372.91, 372.92, 372.921, 372.922 FS. History—New 1-1-08.

68A-6.0072 Identification of Non-Native Venomous Reptiles and Reptiles of Concern; Escape.

(1) Any person who keeps or possesses for personal use any live venomous reptile not indigenous to Florida, in accordance with Section 372.86, F.S., or any live reptile of concern, in accordance with Section 372.922, F.S., must permanently identify such reptile.

(a) Live venomous reptiles not indigenous to Florida shall be permanently identified by photographic identification or with a unique passive integrated transponder (PIT tag).

(b) Live reptiles of concern shall be permanently identified with a unique passive integrated transponder (PIT tag).

(c) Records of identification including PIT tag number where applicable, along with information about the specimen being identified (species, specimen name or number, gender, and age) must be maintained in the possessors records for as long as the specimen is possessed.

(2) For photographic identification the photograph of the specimen must include sufficient distinguishing characteristics (marks, scars, and patterns, ect.) to enable that particular specimen to be distinguished from other specimens of the same species.

(3) Passive integrated transponder (PIT tag) identification shall consist of the implementation of a unique PIT tag under the specimen's skin in a manner to maintain the PIT tag permanently in place.

(a) For snakes implementation shall be in specimens with a two (2) inch or greater diameter. The PIT tag shall be implanted in the back one-third (1/3) of the snake, forward of the anal plate.

(b) For lizards implementation shall be in the body cavity in close proximity to and forward of a rear leg or in a rear leg.

(c) The requirement pertaining to the location of the PIT tag implementation shall not apply to specimens implanted prior to acquisition of the animal or prior to the effective date of this rule.

(4) Any person authorized to possess any venomous reptile not indigenous to Florida or reptile of concern must report any escapes to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement immediately upon discovery of escape.

(5) Effective Date:

All permanent identification requirements in this rule shall not take effect until July 1, 2008, for any live venomous reptile not indigenous to Florida or any reptile of concern possessed prior to January 1, 2008.

PROPOSED EFFECTIVE DATE: January 1, 2008.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.92, 372.921, 372.922 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.86, 372.87, 372.88, 372.89, 372.90, 372.901, 372.91, 372.92, 372.921, 372.922 FS. History–New 1-1-08.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-9.007
 RULE TITLE: Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing

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. 33, No. 1, January 5, 2007 issue of the Florida Administrative Weekly.

68A-9.007 Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing. Special-use permits, short-term use permits, and fees for such permits are hereby established as follows:

- (1) through (3) No change.
- (4) The Commission establishes short-term permits and fees as follows:
 - (a) Tenoroc Fish Management Area.
 - 1. through 3. No change.
 - 4. The following persons are excluded from the management area permit or short-term use permit requirements:

~~a. Users of the Commission shooting range.~~
~~a.b. Persons participating in Commission-sponsored meetings or activities.~~

~~b.e. Persons exempt from management area permit requirements by Section 372.562, F.S. Users exempt from the fishing license requirement by Section 370.0605(5), Florida Statutes (1996 Supp.).~~

- (b) through (c) No change.
- (d) To facilitate certain recreational activities including, but not limited to, public shooting ranges, camping, and paddling, short-term permit fees may be established and administered through negotiated contracts with private vendors in accordance with Chapter 278, F.S. Such short-term permit fees established in this manner, shall be required in lieu of an annual management area permit or other short-term use permits.

PROPOSED EFFECTIVE DATE: July 1, 2007.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57 FS. History–New 9-15-96, Amended 1-9-97, 6-1-97, 4-12-98, 4-15-99, Formerly 39-9.007, Amended 7-1-00, 5-13-02, 7-1-06, 8-22-06, 7-1-07.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-211.320
 RULE TITLE: Curriculum Standards for Special Designation

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 9, March 2, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**Section IV
 Emergency Rules**

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 THE LOTTERY

RULE NO.: 53ER07-10
 RULE TITLE: *Cars & Cash™* Promotion
 SUMMARY OF THE RULE: The Department of the Lottery will conduct a “Cars & Cash” game between March 5, 2007 and April 15, 2007, in which cash prizes and Ford vehicles will be awarded.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-10 Cars & Cash™ Promotion.

(1) Cars & Cash is a limited time lottery game that will be sold through Florida Lottery terminals from March 5, 2007 through April 15, 2007. Players who purchase a \$5 Cars & Cash ticket will have the opportunity to win Cars & Cash prizes. The total number of prizes to be awarded is:

- 42 Ford Vehicles
- 6 Grand Prizes of \$250,000
- Over 30,000 – \$50 Instant Winners

The actual number of instant prizes awarded and the odds of winning any prize in Cars & Cash will depend upon the number of Cars & Cash tickets sold during the game period. Cars & Cash tickets cannot be cancelled.

(2) Instant Win Prizes.