

Specific Authority 370.12(2)(m) FS. Law Implemented 370.12(2)(d),(m) FS. History—New 12-22-92, Amended 6-16-93, Formerly 16N-22.027, 62N-22.027, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. David Arnold, Chief of the Bureau of Protected Species Management, Florida Fish and Wildlife Conservation Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Bradley J. Hartman, Director of the Office of Environmental Services, Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 14, 2000

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF CORRECTIONS

Table with 2 columns: RULE NOS. and RULE TITLES. Rows include 33-601.209, 33-601.210, 33-601.215, and 33-601.901.

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. 9, March 3, 2000, issue of the Florida Administrative Weekly:

33-601.209 State Classification Office and Institutional Classification Teams Committees.

(1) The inmate classification system is comprised of two primary operational components which have been established to provide uniformity and consistency in both the development and implementation of classification policies and procedures. These two components are the State Classification Office Committee and the Institutional Classification Team Committee. These components have specific authority and responsibility relative to the operation and management of the inmate classification system.

(2) The State Classification Office Committee shall be composed of a chairperson, a vice-chairperson and other members as designated by the Chief of Classification and Central Records.

(a) The State Classification Office (SCO) Committee (SCC) refers to a staff committee or committee member at the central office level who is responsible for the review of inmate overall classification decisions of inmates. Duties include

approving or rejecting Institutional Classification Team (ICT) committee (ICC) recommendations. In addition, the SCC has authority for decision making relating to care, custody, placement or control of inmates within the Florida Department of Corrections as directed by the Chief of the Bureau of Classification and Central Records.

(3) The Institutional Classification Team Committee is responsible for making local classification decisions as defined in rule and procedure. The Institutional Classification Team Committee shall be comprised of the following members:

- (a) through (d) No change.
33-601.210 Custody Classification.
(1) No change.
(2) Custody Grade Classification.
(a) through (b) No change.

(c) The result of completing an automated questionnaire shall be a computer generated numerical score or status custody for the inmate. A status custody is the automatic placement into one of the five custody grades based upon an inmate's sentence, criminal history, time remaining to serve, and other classification factors reflected on the automated custody questionnaire a custody range determined by the inmate's status, i.e. a death row inmate is maximum custody by virtue of his status of having a death sentence.

- (d) No change.
(e) All custody assignments will require the approval of the Institutional Classification Team Committee.

(f) Any modification of the resulting custody grade from on the system generated custody or any assignment to community or minimum custody shall requires the review and approval of a State Classification Office staff Committee member based upon the criteria listed in (l) below.

(g) A member of the State Classification Office Committee shall have the authority to initiate a custody assessment and determine the custody level of an inmate whenever the staff committee member determines that a new assessment is necessary for the safety of the public or the needs of the department.

- (h) through (j) No change.
(k) The following inmates shall not be classified as less than close custody unless approved for assignment to a lower custody by the Chairperson of the State Classification Office Committee as provided in (l) below:

- 1. through 5. No change.
(l) The Chairperson of the State Classification Office Committee may approve an inmate listed in (k) for lower custody after consideration of the following criteria:

- 1. through 10. No change.
(3) Review of Inmates Who Have Special Needs. The secretary shall appoint a special needs committee in central office to review those cases in which inmates have been determined by medical services as having special medical

needs or inmates who are elderly and have special needs which may be in conflict with the custody levels authorized. The special needs committee will evaluate the special needs, the custody requirements and the institutional placement best suited to meet an inmate's needs. This committee has the authority to make the final assignment that meets the inmate's needs within the medical and facility resources of the department. This may include a special custody exception on a case by case basis. Inmates identified as having special needs or requiring special review shall be recommended to the impaired inmate special needs coordinator in the central office who will coordinate with classification services and refer each case to the special needs committee. The special needs committee shall be comprised of the Chairperson of the State Classification Office Committee, the Americans with Disabilities Act Coordinator and the Impaired Inmate Coordinator for Health Services. Committee decisions shall be reviewed by the secretary.

(4) Progress Assessments.

(a) As used in this subsection:

1. "Review" means meeting of the Institutional Classification Team Committee.

2. "Assessment" means a formal evaluation of the inmate's progress towards the goals set for him or her by the Institutional Classification Team Committee.

(b) through (c) No change.

(d) Assessments and reviews should also be used to document any program changes made by the Institutional Classification Team Committee between regularly scheduled reviews. In such cases, only the areas encompassing the change need to be noted in the report. Such an abbreviated report will not alter the schedule of reviews.

(e) through (f) No change.

(g) An assessment and review will be completed on all transfer recommendations except as authorized by a member of the State Classification Office Committee. Movement from one location to another on a temporary basis does not require an assessment and review.

(h) No change.

(i) All recommendations for a transfer to another facility or to a contract drug treatment program, or for work release shall require the approval of the State Classification Office Committee.

(j) through (k) No change.

(1) Assessments and reviews may contain recommendations for the setting of sentences pursuant to section 921.22, F.S. Such recommendations should specify a definite period of years or months, taking into account the tentative expiration date on the set term, the amount of gain time earned and the amount of time it will take to process the recommendation. Such recommendations should be based on all information concerning the inmate which is available to the team committee.

(m) The department may in selected cases recommend to the Florida Parole Commission that an inmate be placed on parole at an earlier date than scheduled. Note should be made of an inmate's presumptive parole release date (PPRD) when considering such possibilities. If it is felt that such significant progress has taken place since the setting of the PPRD that it should be moved forward to an earlier date, then such recommendations should be made to the Parole Commission in an assessment and review setting forth the basis for recommending a change in the PPRD. All assessments and reviews containing parole recommendations will be reviewed and approved or disapproved by the Institutional Classification Team Committee and forwarded to the State Classification Office Committee for approval or disapproval. The assessment and review shall then be submitted to the Chief of the Bureau of Classification and Central Records who, on behalf of the secretary, shall make a recommendation to the Parole Commission. A copy of the report shall be forwarded to the Parole Commission.

(5) No change.

33-601.215 Classification – Transfer of Inmates.

Upon completion of the reception process, each inmate shall be assigned and transferred to the institution approved by the State Classification Team Committee that might best facilitate his institutional progress. Inmates may subsequently be transferred from one institution to another; however, the goal of the classification system is to retain inmates at institutions for longer periods of time in order to reduce transfers and stabilize the inmate population. Inmates participating in academic, vocational, substance abuse or betterment programs will not be transferred to another institution prior to completion of the program unless the program is available at the receiving institution, or for purposes of population management or security and safety concerns specifically set forth in writing. Transfers are subject to review by the inmate grievance procedure.

33-601.901 Confidential Records.

(1) through (9) No change.

(10) Parties establishing legitimate research purposes who wish to review preplea, pretrial intervention, presentence and postsentence investigation reports in the records of current or prior inmates or offenders must obtain prior approval from the Bureau Chief of Research and Data Analysis. Parties seeking to review records pursuant to this section shall be required to submit a written request to the Bureau Chief of Classification and Central Records if the report pertains to an inmate, or to the correctional probation circuit administrator or designee of the office where the record is located if the report pertains to a supervised offender. The written request must disclose the name of the person who is to review the records; the name of any organization, corporation, business, school or person for which the research is to be performed; the purpose of the research; any relationship to offenders or the families of

offenders; and a confidentiality agreement must be signed. After submitting the required written request, research parties must receive written approval as described in this section prior to starting the project.

(11) No change.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.659
 RULE TITLE: Procedural Forms and Instructions

NOTICE OF CORRECTION

Notice is hereby given that the following text was inadvertently omitted from the Notice of Proposed Rulemaking published on April 7, 2000 in Florida Administrative Weekly, Vol. 26, No. 14, Page 1636:

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 17, 2000

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-4.042
 RULE TITLE: Individual Environmental Resource Permits Formal Determination of Wetlands and Other Surface Waters

NOTICE OF CORRECTION

Notice is hereby given that the following text was inadvertently omitted from the Notice of Proposed Rulemaking published on April 7, 2000 in Florida Administrative Weekly, Vol. 26, No. 14, Page 1636 and 1637:

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 17, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-5.0043
 RULE TITLE: Obligations of Continuing Education Providers

NOTICE OF WITHDRAWAL OF NOTICE OF CHANGE

Notice is hereby given that the Notice of Change published for the above rule in the April 14, 2000 Florida Administrative Weekly, Vol. 26, No. 15, has been withdrawn. This rule was originally published in the March 3, 2000 FAW, Vol. 26, No. 9. The reason for the withdrawal is because the Notice of Change was published in error. This withdrawal does not constitute changes in any other subsequent rulemaking notices. The person to be contacted regarding the proposed rule is Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Center, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-5.0043
 RULE TITLE: Obligations of Continuing Education Providers

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Professional Surveyors and Mappers hereby gives notice of an additional public hearing on the above-referenced rule to be held on May 18-19, 2000 at 9:00 a.m., at the Sheraton Suites, 2001 S. Roosevelt Blvd., Key West, Florida 33040. The rule was originally published in Vol. 26, No. 9, of the March 3, 2000, Florida Administrative Weekly. This hearing is in response to comments received from the staff of the Joint Administrative Procedures Committee.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

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 ENVIRONMENTAL PROTECTION

DOCKET NO.: 99-33R

RULE CHAPTER NO.: 62-737
 RULE CHAPTER TITLE: The Management of Spent Mercury-Containing Lamps and Devices Destined for Recycling

RULE NO.: 62-737.400
 RULE TITLE: Requirements and Management Standards for Handlers and Transporters of Spent Universal Waste Lamps and Devices

NOTICE OF WITHDRAWAL

The proposed rule was first published in the Florida Administrative Weekly, Vol. 25, No. 41, October 15, 1999. A Notice of Change to this rule was published in the Florida Administrative Weekly, Vol. 25, No. 48, December 3, 1999, which had the effect of deleting all of the proposed changes. Therefore, notice is hereby given that the above rule has been withdrawn.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-3.005
 RULE TITLE: Fees for Application, Examination, Initial and Renewal Licensure

NOTICE OF WITHDRAWAL OF NOTICE OF CHANGE

Notice is hereby given that the Notice of Change published for the above rule in the April 14, 2000, Florida Administrative Weekly, Vol. 26, No. 15, has been withdrawn. This rule was originally published in the February 11, 2000, FAW., Vol. 26, No. 6. The reason for the withdrawal is because the Notice of Change was published in error. This withdrawal does not constitute changes in any other subsequent rulemaking notices. The person to be contacted regarding the proposed rule is Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-6.004
 RULE TITLE: Procedures for Approval of Attendance at Continuing Education Courses

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. 6, issue of the Florida Administrative Weekly. The change is in response to comments received from the Joint Administrative Procedures Committee.

Subsection 3 shall now read as follows:

3. the American Medical Association (AMA) as Category I, the American and Florida Thoracic Societies, the American College of Cardiology, the American College of Chest Physicians, the American and Florida Societies of Anesthesiologists, the American and Florida Lung Association, the National Society for Cardiopulmonary Technologists, the American Heart Association, the American Nurses Association, and the Florida Nurses Association, provided that they are related to respiratory care services; THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Respiratory Care, Northwood Centre, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NOS.:	RULE TITLES:
64D-3.001	Definitions
64D-3.002	Notifiable Diseases or Conditions to Be Reported
64D-3.003	Notification by Laboratories
64D-3.007	Quarantine, Requirements
64D-3.013	Procedures for Control of Specific Communicable Diseases
64D-3.016	Reporting Requirements for Physicians for Sexually Transmissible Diseases (STDs), Including HIV and AIDS
64D-3.018	Partner Notification

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rules published in Vol. 26, No. 6, February 11, 2000, of the Florida Administrative Weekly. The changes were made in response to written comments received from County Health Department Directors and Administrators, Department of Health Disease Control staff, and the Florida Legislature Joint Administrative Procedures Committee.

When changed, Rule 64D-3.001(1)(c) shall read as follows:

(c) A person who, in the judgment of the county health department director or administrator or ~~the his designeated representative~~, is suspected to be a carrier and who refuses to submit to examination when ordered to do so for good cause shown by county health department director or administrator; or

When changed, Rule 64D-3.002 shall read as follows:

(1) The following notifiable diseases or conditions are declared as dangerous to the public's health or of public health significance. ~~The occurrence of these diseases listed in 64D-3.002, F.A.C., or the suspected occurrence with the exception of cancer, congenital anomalies, and HIV infection, including persons who at the time of death were so affected, shall be reported by licensed practitioners as defined in~~

s. 381.0031, F.S., to the local county health department director or administrator or to their designated representative in the county of the patient's residence. Such reports shall be made within 72 hours of recognition by telephone, or other electronic means, or in writing, except for certain specified diseases as indicated below by a (T), which shall be reported immediately by telephone. Telephone reports shall be followed by a subsequent written report. Exceptions to the reporting time frames required as defined by this rule are provided for syphilis, as indicated in 64D-3.016(3), F.A.C., AIDS, as indicated in 64D-3.016(1)(a), F.A.C., and congenital anomalies, as indicated in 64D-3.027(4), F.A.C. Cancer cases treated or diagnosed by licensed practitioners as defined in s. 381.0031, F.S., in medical facilities licensed under Chapter 395, F.S., and in each freestanding radiation therapy center as defined in s. 408.07, F.S., shall be reported to the Florida Cancer Data System as required by s. 385.202, F.S., and by 64D-3.006, F.A.C.

(a) Acquired Immune Deficiency Syndrome (AIDS)

(b) Animal Bite to humans by a potentially rabid animal resulting in a county health department or state health office recommendation for post-exposure prophylaxis, or by a nonhuman primate

(c) Anthrax (T)

(d) Botulism (T)

(e) Brucellosis

(f) Campylobacteriosis

(g) Cancer (except non melanoma skin cancer)

(h) Chancroid

(i) Chlamydia trachomatis

(j) Ciguatera

(k) Congenital Anomalies

(l) Cryptosporidiosis

(m) Cyclosporiasis

(n) Dengue

(o) Diphtheria (T)

(p) Ehrlichiosis

(q) Encephalitis

(r) Enteric disease due to *Escherichia coli* 0157:H7 (T)

(s) Enteric disease due to other pathogenic *Escherichia coli* (including enterotoxigenic, enteroinvasive, enteropathogenic, enterohemorrhagic, and enteroaggregative strains)

(t) Giardiasis (acute)

(u) Gonorrhea

(v) Granuloma Inguinale

(w) *Haemophilus influenzae*, invasive disease

(x) Hansen's Disease (Leprosy)

(y) Hantavirus Infection (T)

(z) Hemolytic Uremic Syndrome

(aa) Hemorrhagic Fever (T)

(bb) Hepatitis, viral A (T), B, C, non-A non-B, and other including unspecified

(cc) Hepatitis, viral, Hepatitis B Surface Antigen (HbsAg)-positive in a pregnant woman or a child < or = 24 months of age

(dd) Human Immunodeficiency Virus (HIV)

(ee) Lead Poisoning

(ff) Legionellosis

(gg) Leptospirosis

(hh) Listeriosis (T)

(ii) Lyme Disease

(jj) Lymphogranuloma Venereum

(kk) Malaria

(ll) Measles (T)

(mm) Meningitis, bacterial and mycotic

(nn) Meningococcal Disease (T)

(oo) Mercury Poisoning

(pp) Mumps

(qq) Neurotoxic Shellfish Poisoning (T)

(rr) Pertussis

(ss) Pesticide-Related Illness and Injury

(tt) Plague (T)

(uu) Poliomyelitis (T)

(vv) Psittacosis

(ww) Q Fever

(xx) Rabies

(yy) Rocky Mountain Spotted Fever, *R. rickettsii*

(zz) Rubella, including congenital

(aaa) Salmonellosis

(bbb) Shigellosis

(ccc) Smallpox (T)

(ddd) *Staphylococcus aureus*, glycopeptide (vancomycin) intermediate (GISA/VISA, MIC=8ug/ml) (T)

(eee) *Staphylococcus aureus*, glycopeptide (vancomycin) resistant (GRSA/VRSA, MIC= \geq 32mg/ml) (T)

(fff) Streptococcal Disease, invasive, Group A

(ggg) *Streptococcus pneumoniae*, invasive disease

(hhh) Syphilis

(iii) Tetanus

(jjj) Toxoplasmosis, acute

(kkk) Trichinosis

(lll) Tuberculosis

(mmm) Tularemia (T)

(nnn) Typhoid Fever

(ooo) *Vibrio cholerae* (T)

(ppp) Vibrio Infections

(qqq) Yellow Fever (T)

(rrr) Any disease outbreak in a community, a hospital, or other institution, or a foodborne, or waterborne outbreak (T)

(2) The occurrence of the diseases listed in 64D-3.002(1), F.A.C., or the suspected occurrence with the exception of cancer, congenital anomalies, and HIV infection, including persons who at the time of death were so affected, shall be reported by licensed practitioners as defined in s. 381.0031, F.S., to the local county health department director or administrator or the designee in the county of the patient's residence. Such reports shall be made within 72 hours of recognition by telephone, or other electronic means, or in writing, except for certain specified diseases as indicated by a (T), which shall be reported immediately by telephone. Telephone reports shall be followed within 72 hours by a subsequent written report. Exceptions to the reporting time frames required, as defined by this rule, are provided for syphilis, as indicated in 64D-3.016(3), F.A.C.; AIDS, as indicated in 64D-3.016(1)(c), F.A.C.; and congenital anomalies, as indicated in 64D-3.027(4), F.A.C. Cancer cases treated or diagnosed by licensed practitioners as defined in s. 381.0031, F.S., in medical facilities licensed under Chapter 395, F.S., and in each freestanding radiation therapy center as defined in s. 408.07, F.S., shall be reported to the Florida Cancer Data System as required by s. 385.202, F.S., and by 64D-3.006, F.A.C.

When changed, Rule 64D-3.003(1) shall read as follows:

(1) Each laboratory director or designee in charge of a laboratory shall report, or cause to be reported evidence suggestive of or diagnostic of diseases or conditions listed in 64D-3.002(1), F.A.C., from any specimen derived from a human body, or from an animal in the case of rabies or plague testing, to the county health department director or administrator or the State Health Officer or to either of their designated representatives. Such reports shall be made within 72 hours of recognition by telephone, or other electronic means, or in writing, except for certain specified diseases as indicated by a (T), which shall be reported immediately by telephone and followed within 72 hours by a written report.

When changed, Rule 64D-3.007(3) shall read as follows:

(3) The county health department decisions regarding may order the testing and euthanasia and testing of animals maintained in quarantine for the purposes of human disease control and prevention shall be made according to the guidelines as set forth in the document "Rabies Prevention and Control in Florida, 2000," incorporated by reference as indicated in 64D-3.013(2)(6)2. Such an order shall be issued in writing and shall be enforced by local officials as required in s. 381.0012(5), F.S.

When changed, Rule 64D-3.013(2)(b) shall read as follows:

(b) Prevention in Humans – Persons bitten or otherwise exposed to suspect rabid animals shall be evaluated for post-exposure treatment by the county health department director or medical director or their designee according to recommendations of the Advisory Committee on Immunization Practices published in the Centers For Disease

Control and Prevention Morbidity and Mortality Weekly Report, No. RR-1, January 8, 1999, incorporated by reference in this rule. This document may be obtained from the Department of Health, Bureau of Epidemiology, 2020 Capital Circle, S. E., Bin A-12, Tallahassee, Florida 32399-1720.

When changed, Rule 64D-3.013(3)(a)2. shall read as follows:

2. Contacts – Persons in selected sensitive situations as defined in 64D-3.014, F.A.C., and as specified by the county health department director or administrator or their designee, who are household or other close contacts of an infected person, shall be managed as follows:

When changed, Rule 64D-3.013(3)(a)2.b. shall read as follows:

b. Those persons who do not have symptoms of an enteric illness or who have not had those symptoms during the past two (2) weeks may be permitted to continue in their sensitive situation at the discretion of the county health department director or administrator or their designee.

When changed, Rule 64D-3.013(3)(a)3. shall read as follows:

3. Carriers – Persons infected with salmonella (excluding typhoid fever) without symptoms may attend schools or child care centers at the discretion of the county health department director or administrator or their designee, provided adequate sanitary facilities and hygienic practices exist.

When changed, Rule 64D-3.013(4) shall read as follows:

(4) In the event of an outbreak in a child care setting of one of these diseases, the county health department director or administrator or designee shall implement control procedures as defined in "Guidelines for the Control of Outbreaks of Enteric Disease in Child Care Settings," dated ~~March~~ August 2000 1999, and incorporated by reference in this rule. This document is available from the Department of Health, Bureau of Epidemiology, 2020 Capital Circle, S. E., Bin A-12, Tallahassee, Florida 32399-1720.

When changed, Rule 64D-3.013(5)(b) shall read as follows:

(b) Household contacts of a typhoid case who may be excreting *S. typhi* as determined by the county health department director or administrator or their designee and who are involved in food processing, food preparation or food service for public consumption or in any occupation bringing them in contact with children, ill persons, or the elderly or are present in other sensitive situations, as defined in 64D-3.014, F.A.C., are prohibited from returning to such occupation or situation until no less than three specimens of feces taken at no less than daily intervals are negative for typhoid organisms. In addition, other appropriate tests may be required at the discretion of the county health department director or administrator or their designee.

When changed, Rule 64D-3.013(6)(b) shall read as follows:

(b) Infants born to HBsAg-positive mothers shall receive hepatitis B immune globulin and hepatitis B vaccine once they are physiologically stable, preferably within 12 hours of birth, and shall complete the hepatitis B vaccine series according to

the recommended vaccine schedule. Testing infants for HBsAg and antibody to hepatitis B surface antigen (anti-HBs) three (3) to nine (9) six (6) months after the completion of the hepatitis B vaccine series is recommended to monitor the success or failure of therapy. A positive HBsAg result in any child aged 24 months or less shall be reported to the local county health department.

When changed, Rule 64D-3.016(1)(b) shall read as follows:

(b) Except for AIDS ~~and~~ HIV, as indicated in 64D-3.016(1)(c), and hepatitis A and B as indicated in 64D-3.002(2), all reports of sexually transmissible diseases shall be completed and submitted on the Florida Confidential Report of Sexually Transmitted Diseases, DH 720, 10/97. The form, incorporated by reference in this rule, will be furnished by the local county health department.

When changed, Rule 64D-3.018(3) shall read as follows:

(3) ~~Before initiating steps to interview the patient or cause the patient to be interviewed in every case where partner notification is initiated,~~ the authorized representative of the department shall first attempt to consult with the physician submitting the report of a sexually transmissible disease ~~in order to determine the need for coordinate follow-up activities; before initiating steps to interview the patient or cause the patient to be interviewed. Examples of follow-up activities include post-test counseling for persons who do not return for test results, referral for medical evaluation, case management services and voluntary partner notification.~~

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:
67-44.011 Fees
 NOTICE OF CHANGE

Notice is hereby given that in response to oral and written comments and recommendations made by the Joint Administrative Procedures Committee, the following changes in addition to non-published technical corrections/clarifications have been made to Rule 67-44, Florida Administrative Code, as published in Vol. 26, No. 9 of the Florida Administrative Weekly on March 3, 2000.

- 67-44.011 Fees.
(1)(d) Removed non-refundable 1% commitment fee.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Spotted Seatrout
RULE NOS.: RULE TITLES:
68B-37.002 Definitions
68B-37.003 Size Limits
68B-37.004 Regional Bag Limits; Closed Seasons

NOTICE OF CHANGES TO PROPOSED RULES

The Fish and Wildlife Conservation Commission announces changes to proposed amendments to Rules 68B-37.002, 68B-37.003, and 68B-37.004, FAC., as published in the February 25, 2000 issue of the Florida Administrative Weekly, Vol. 26, No. 8, pages 935-937. The changes are in response to public comment, testimony, and Commission discussion contained in the record of the public hearing held by the Commission on March 31, 2000, in Tallahassee, Florida. Each proposed rule amendment was substantively changed and given a July 1, 2000 effective date. Rules 68B-37.002, 68B-37.003, and 68B-37.004, as changed, will read as follows:

68B-37.002 Definitions.

As used in this rule chapter:

(1) "Fishing pier" means a platform extending from shore over water, used primarily to provide a means for persons to harvest or attempt to harvest fish therefrom. The term shall not be construed to include any residential dock, marina, or facility at which vessels are launched or moored, but shall include any abandoned bridge serving the function of a fishing pier.

(2) "Harvest" means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive, and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum or maximum size requirements of this chapter shall not constitute harvesting such fish, provided that it is measured immediately after taking, and immediately returned to the water free, alive, and unharmed if undersize or oversize.

(3) "Harvest for commercial purposes" means the taking or harvesting of any spotted seatrout for purposes of sale or with intent to sell. The harvest of spotted seatrout in excess of the applicable recreational bag limit shall constitute harvest for commercial purposes.

(4) "Land", when used in connection with the harvest of a fish, means the physical act of bringing the harvested fish ashore.

(5) "Northeast Region" means all state waters lying north of the Flagler-Volusia County Line to the Florida-Georgia border, and adjacent federal Exclusive Economic Zone (EEZ) waters.

(6) "Northwest Region" means all state waters north and west of a line running due west from the westernmost point of Fred Howard Park Causeway (28° 9.35' N., 82° 48.398' W.), which is approximately 1.17 miles south of the Pasco-Pinellas County Line, to the Florida-Alabama border, and adjacent federal Exclusive Economic Zone (EEZ) waters.

(7) "South Region" means state waters lying between the Flagler-Volusia County Line on the Atlantic Ocean and the southern boundary of the Northwest Region on the Gulf of

Mexico in Pinellas County, as specified in subsection (6), Pinellas Pasco County Line on the Gulf of Mexico and adjacent federal Exclusive Economic Zone (EEZ) waters.

(8) "Spotted seatrout" means any fish of the species *Cynoscion nebulosus*, or any part thereof.

(9) "Total length" means the length of a fish as measured from the most forward point of the head to the hindmost point of the tail.

PROPOSED EFFECTIVE DATE: July 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-1-89, Amended, 1-1-96, 8-1-96, Formerly 46-37.002, Amended 7-1-00.

68B-37.003 Size Limits.

(1)(a) Recreational Size Limits – Except as provided in paragraph (b), a person subject to a regional bag limit specified in Rule 68B-37.004(1) shall not harvest, possess while in or on the waters of the state, or land any spotted seatrout with a total length ~~smaller or larger than the regional size limits indicated in this paragraph:~~

~~1. In the Northeast Region and South Region, a total length less than 15 inches or greater than 20 inches.~~

~~2. In the Northwest Region, a total length less than 15 inches or greater than 24 inches.~~

(b) A person harvesting under a regional ~~the~~ bag limit established in Rule 68B-37.004(1) may harvest, possess while in or on the waters of the state, and land no more than one spotted seatrout per day with a total length greater than 20 inches ~~the applicable regional maximum size limit specified in paragraph (a) of this subsection.~~

(2) Commercial Size Limit – A person harvesting for commercial purposes shall not harvest, possess while in or on the waters of the state, or land any spotted seatrout with a total length less than 15 inches or greater than 24 inches. No person shall buy, sell, or exchange any spotted seatrout with a total length less than 15 inches or greater than 24 inches.

(3) All spotted seatrout harvested in or from Florida or adjacent federal Exclusive Economic Zone (EEZ) waters shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of a spotted seatrout that has been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of spotted seatrout, or mere removal of gills before landing is not prohibited.

PROPOSED EFFECTIVE DATE: July 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.003, Amended 7-1-00.

68B-37.004 Regional Bag Limits; Closed Seasons.

(1) Regional bag limits. – Except as provided in Rule 68B-37.005 and subject to the closed seasons specified in subsection (2), no person shall harvest more spotted seatrout

per day or possess at any time, while in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters, more spotted seatrout than the specified bag limit established in this subsection within the following identified regions:

(a) ~~Northeast Region and South Region – Four (4) Five (5)~~ spotted seatrout.

(b) Northwest and Northeast Regions ~~Region – Five (5) Seven (7)~~ spotted seatrout.

(2) Regional season closures – No person shall harvest any spotted seatrout within the specified region during the closed seasons established in this subsection. During the specified closed season, the possession of spotted seatrout while in or on the waters of the specified region or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters is prohibited.

~~(a) Northeast Region – Beginning on December 1 of each year and continuing through the last day of February of the following year, the season for harvest of spotted seatrout is closed in the Northeast Region. During this closed season, no person shall land any spotted seatrout harvested in the South or Northwest Region in the Northeast Region.~~

~~(b) South Region – Beginning on November 1 and continuing through December 31 each year, the season for the harvest of spotted seatrout is closed in the South Region. During this closed season, no person shall land any spotted seatrout harvested in the Northeast or Northwest Region in the South Region.~~

~~(b)(c) Northwest and Northeast Regions ~~Region –~~ Beginning on February 1 and continuing through the last day of February each year, the harvest of spotted seatrout is closed in the Northwest and Northeast Regions ~~Region~~. During this closed season, no person shall land any spotted seatrout harvested in the ~~Northeast or South Region in the Northwest or~~ Northeast Region.~~

PROPOSED EFFECTIVE DATE: July 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.004, Amended 7-1-00.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE:

Instant Game 302 Specifics

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game 302, "TREASURE HUNT" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners and the number and size of prizes in the game.

RULE NO.:

53ER00-16