

Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Speech Language Pathology and Audiology**

RULE CHAPTER TITLE: Assistants  
 RULE CHAPTER NO.: 64B20-4

PURPOSE AND EFFECT: The Board proposes to discuss this chapter to determine if amendments are necessary to the existing rules or if it is necessary to create new rules.

SUBJECT AREA TO BE ADDRESSED: Certification of Assistants. Education Requirements for Assistants. On-the-Job Training, Role and Observation of Speech-Language Pathology and Audiology Assistants. Supervision of Speech-Language Pathology Assistants and Audiology Assistants.

SPECIFIC AUTHORITY: 468.1125(9), 468.1135(4), 468.1215(3) FS.

LAW IMPLEMENTED: 468.1125, 468.1215 FS.

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

TIME AND DATE: 8:30 a.m., May 24, 2001

PLACE: Hyatt Regency, 9300 Airport Boulevard, Orlando, Florida 32827

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sue Foster, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

Any person requiring special accommodations to participate in this workshop because of a disability or physical impairment should contact the Board, (850)245-4460, at least 5 calendar days before the workshop. If you are hearing or speech impaired, please contact the Board using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLE: Terms and Conditions of SAIL Loans  
 RULE NO.: 67-48.010

PURPOSE AND EFFECT: The purpose of this Rule is to revise the procedures by which the Corporation shall make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.).

SUBJECT AREA TO BE ADDRESSED: Rule Chapter 67-48.010, F.A.C.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Kerey Carpenter, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

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

**Section II  
 Proposed Rules**

**DEPARTMENT OF INSURANCE**

RULE TITLE: Party-in-Interest  
 RULE NO.: 4-193.025

PURPOSE, EFFECT AND SUMMARY: Rule 4-193.025 is to be repealed as lacking specific delegated legislative authority. The rule at present requires that the Department be made a party-in-interest to escrow agreements and letters of credit in connection with Continuing Care Retirement Communities under Chapter 651, F.S. The rule is replaced by § 651.033(2), F.S., requiring the department to be notified by the bank before withdrawal of escrow funds.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 651.015(3) FS.

LAW IMPLEMENTED: 651.033, 651.035 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:30 a.m., May 30, 2001

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ted Straughn, Bureau of Specialty Insurers, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0331, phone (850)413-2474

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-193.025 Party-in-Interest.

Specific Authority 651.015(3) FS. Law Implemented 651.033, 651.035 FS. History—New 7-16-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ted Straughn, Bureau of Specialty Insurers, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Al Willis, Bureau Chief, Bureau of Specialty Insurers, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2001

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-45R

RULE CHAPTER TITLE: Treatment Plant Classification and Staffing

RULE CHAPTER NO.: 62-699

RULE TITLE: Additional Classification and Staffing Requirements

RULE NO.: 62-699.311

PURPOSE AND EFFECT: This rulemaking activity will help ensure consistent implementation of the Department's lead/chief operator staffing requirements for domestic wastewater treatment plants and for drinking water treatment plants.

SUMMARY: The proposed rule would require an operator whose license meets the lead operator classification level of the plant to be available during all periods of plant operation. "Available" would be defined to mean "able to be contacted as needed to initiate the appropriate action in a timely manner." Further, it would clarify the requirement that the lead operator be on duty for one full shift each duty day by eliminating the requirement and instead requiring the lead operator to be employed at the plant full time. "Full time" would be defined to mean "at least 4 days per week, working a minimum of 35 hours per week, including leave time." The proposed rule would allow the lead operator to supervise the operation of multiple plants connected to a single distribution or collection system when such plants are under an electronic surveillance and control system upon receiving written approval from the Department.

SPECIFIC AUTHORITY: 403.88(3) FS.

LAW IMPLEMENTED: 403.88(1),(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:30 a.m., June 7, 2001

PLACE: Department of Environmental Protection, 2600 Blair Stone Road, Conference Room 609, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES: Sharon Sawicki, P.E. Administrator, Domestic Wastewater Section, Department of Environmental Protection, MS 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Phone (850)488-4524

THE FULL TEXT OF THE PROPOSED RULE IS:

62-699.311 Additional Classification and Staffing Requirements.

(1) ~~An operator meeting the lead operator classification level of the plant shall be available on-call during all periods of the plant operation is unattended.~~ "Available" means able to be contacted as needed to initiate the appropriate action in a timely manner. Daily checks of all plants shall be performed by the permittee, or supplier, or his representative or agent 5 days per week for all Class C and D plants.

(2) through (9) No change.

(10) For A and B plants, the lead/chief operator shall be employed at the plant full time. "Full time" shall mean at least 4 days per week, working a minimum of 35 hours per week, including leave time on duty for one full shift each duty day. ~~In~~ Upon written approval from the Department, the lead/chief operator may supervise the operation of two plants located in close physical proximity or multiple plants connected to a single distribution or collection system when such plants are under an electronic surveillance and control system. The lead/chief operator's time shall be allocated, the shift time may be equally divided between or among the two plants based upon the size and complexity of the plants and the availability of electronic surveillance and control for the plants.

(11) No change.

Specific Authority 403.88(3) FS. Law Implemented 403.88(1),(2) FS. History—New 11-17-70, Revised 10-24-74, Amended 12-25-75, 6-10-76, Formerly 17-16.13, Amended 5-8-85, Formerly 17-16.375, 17-602.375, 17-699.311, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Drew, Chief, Bureau of Water Facilities Regulation, Department of Environmental Protection

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi Drew, Director, Division of Water Resource Management, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2001  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2000

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	64E-5.101
Limits on Levels of Radiation for Radiographic Exposure Devices and Storage Containers	64E-5.401
Performance Requirements for Radiography Equipment	64E-5.402
Locking of Sources of Radiation	64E-5.403
Storage Precautions	64E-5.404
Radiation Survey Instruments	64E-5.405
Leak Testing, Repair, Tagging, Opening, Modification and Replacement of Sealed Sources	64E-5.406
Quarterly Inventory	64E-5.407
Utilization Logs	64E-5.408
Inspection and Maintenance	64E-5.409
Permanent Radiographic Installations	64E-5.410
Training and Testing	64E-5.411
Two-Member Radiography Crews	64E-5.412
Operating and Emergency Procedures	64E-5.413
Personnel Monitoring Control	64E-5.414
Security	64E-5.415
Posting	64E-5.416
Radiation Surveys and Survey Records	64E-5.417
Temporary Jobsites	64E-5.418
Special Requirements for Radiography Employing Radiation Machines	64E-5.419
Subjects to be Covered During the Instruction of Industrial Radiographers	64E-5.420
Use of Sealed Sources in Industrial Radiography	64E-5.421
Reporting Requirements	64E-5.422
Definitions	64E-5.423
Requirements for Industrial Radiography Equipment Using Sealed Sources	64E-5.424
Locking of Sources of Radiation, Storage Precautions, and Surveillance	64E-5.425
Radiation Survey Instruments	64E-5.426
Leak Testing, Repairing, Tagging, Opening, Modifying, and Replacing Sealed Sources and Devices	64E-5.427
Quarterly Inventory	64E-5.428
Source Movement Logs, Daily Survey Reports, and Individual Dosimeter Logs	64E-5.429
Inspection and Maintenance	64E-5.430
Permanent Radiographic Installations	64E-5.431
Radiation Protection Program	64E-5.432
Radiation Safety Officer	64E-5.433

Training, Testing, Certification, and Audits	64E-5.434
Conducting Industrial Radiographic Operations	64E-5.435
Operating and Emergency Procedures	64E-5.436
Personnel Monitoring	64E-5.437
Radiation Surveys	64E-5.438
Posting	64E-5.439
Records	64E-5.440
Reporting Requirements	64E-5.441

**PURPOSE AND EFFECT:** The purpose of the proposed rules is to establish safety measures for industrial radiography. The effect of the proposed rules is protection of the public from unnecessary radiation exposure from industrial radiography.

**SUMMARY:** The proposed rule amends the safety requirements for industrial radiography. It specifies training requirements and procedures to help protect the public and radiography workers from unnecessary radiation exposure.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** None.

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

**SPECIFIC AUTHORITY:** 404.051, 404.061, 404.071, 404.081, 404.0141 FS.

**LAW IMPLEMENTED:** 404.022, 404.031, 404.051(1),(4),(6),(9),(10),(11), 404.061(2), 404.071, 404.081(1), 404.141, 404.20, 404.30 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):**

**TIME AND DATE:** 9:00 a.m., June 6, 2001

**PLACE:** 4042 Bald Cypress Way, Room 210J, Tallahassee, FL 32311

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** William A. Passetti, Chief, Bureau of Radiation Control, (850)245-4266

**THE FULL TEXT OF THE PROPOSED RULES IS:**

64E-5.101 Definitions.

As used in these rules, these terms have the definitions set forth below. Additional definitions used only in a certain part are defined in that respective part.

(1) through (17) No change.

(18) “Baggage x-ray system” means a cabinet x-ray system with a maximum energy less than 120 kVp that produces only fluoroscopic images and that is used for packages or carry-on baggage.

(18) through (21) renumbered (19) through (22) No change.

~~(23)(22)~~ “Cabinet x-ray system” means an x-ray system with the x-ray tube installed in an enclosure or cabinet that, independently of existing architectural structures except the floor on which it is placed, is intended to contain at least the portion of the material being irradiated, to provide radiation attenuation, and to exclude persons from its interior during generation of x-radiation. An x-ray tube used within a shielded part of a building or x-ray equipment that temporarily or occasionally incorporates portable shielding is not considered a cabinet x-ray system. industrial radiography using a radiation machine, which is conducted in an enclosed and interlocked cabinet, such that the radiation machine will not operate unless all openings are securely closed, and which cabinet is so shielded that every location on the exterior meets conditions for an unrestricted area as specified in 64E-5.312.

(23) through (62) renumbered (24) through (63) No change.

~~(64)(63)~~ “Industrial radiography” means nondestructive testing using ionizing radiation to make radiographic images or radiographs to detect flaws in objects the examination of the macroscopic structure of materials by nondestructive methods using sources of radiation.

(64) through (95) renumbered (65) through (96) No change.

(97) “Offshore” means within the territorial waters of the State of Florida. The territorial waters of Florida extend to the 3 marine league line or 9 nautical miles from the Florida coast.

(96) through (100) renumbered (98) through (102) No change.

~~(103)(101)~~ “Permanent radiographic installation” means an enclosed shielded room, cell, or vault, as specified in Rule 64E-5.431, F.A.C., in which industrial radiography is performed installation or structure designed or intended for radiography and in which radiography is regularly performed, but not meeting the requirements of shielded room radiography.

(102) through (117) renumbered (104) through (119) No change.

~~(120)(118)~~ “Radiographer” means any individual who has completed successfully the training and testing requirements specified in Rule 64E-5.434(2), F.A.C., performs or personally supervises industrial radiographic operations, and who is responsible to the licensee or registrant for assuring compliance with the requirements of these rules and all license or certificate of registration conditions.

~~(121)(119)~~ “Radiographer’s assistant or assistant radiographer” means any individual who has completed successfully the training and testing requirements specified in Rule 64E-5.434(1), F.A.C., and who, under the personal supervision of a radiographer, conducts radiographic operations uses sources of radiation, related handling tools or radiation survey instruments in industrial radiography.

~~(123)(120)~~ “Radiographic exposure device” means any instrument containing a sealed source that is used to make a radiographic exposure. It also is known as a camera or a projector fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed, from a shielded to unshielded position, for purposes of making a radiographic exposure.

(121) through (132) renumbered (123) through (134) No change.

~~(135)(133)~~ “Shielded position” means the location within the radiographic exposure device or source changer where the sealed source is secured and restricted from movement storage container which, by manufacturer’s design, is the proper location for storage of the sealed source.

(134) through (147) renumbered (136) through (149) No change.

~~(150)(148)~~ “Storage container” means a container in which sealed sources are secured and device in which sealed sources are transported or stored.

(149) through (175) renumbered (151) through (177) No change.

Specific Authority 404.051, 404.061 FS. Law Implemented 404.031, 404.061(2), 404.20, 404.30 FS. History–New 7-17-85, Amended 4-4-89, 5-12-93, 1-1-94, 5-15-96, Formerly 10D-91.102, Amended 5-18-98, 10-8-00, \_\_\_\_\_.

64E-5.401 Limits on Levels of Radiation for Radiographic Exposure Devices and Storage Containers.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(6) FS. History–New 7-17-85, Formerly 10D-91.503, Repealed \_\_\_\_\_.

64E-5.402 Performance Requirements for Radiography Equipment.

Specific Authority 404.051 FS. Law Implemented 404.051(1),(4),(6) FS. History–New 1-1-94, Amended 5-18-98, Formerly 10D-91.5031, Repealed \_\_\_\_\_.

64E-5.403 Locking of Sources of Radiation.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(6) FS. History–New 7-17-85, Formerly 10D-91.504, Repealed \_\_\_\_\_.

64E-5.404 Storage Precautions.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(6) FS. History–New 7-17-85, Formerly 10D-91.505, Repealed \_\_\_\_\_.

64E-5.405 Radiation Survey Instruments.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4) FS. History–New 7-17-85, Formerly 10D-91.506, Repealed \_\_\_\_\_.

64E-5.406 Leak Testing, Repair, Tagging, Opening, Modification and Replacement of Sealed Sources.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4) FS. History–New 7-17-85, Formerly 10D-91.507, Repealed \_\_\_\_\_.

64E-5.407 Quarterly Inventory.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081(1) FS. History–New 7-17-85, Formerly 10D-91.508, Repealed \_\_\_\_\_.

**64E-5.408 Utilization Logs.**

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081 FS. History–New 7-17-85, Formerly 10D-91.509, Repealed.

**64E-5.409 Inspection and Maintenance.**

Specific Authority 404.051, 404.071, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.071(1), 404.081(1) FS. History–New 7-17-85, Formerly 10D-91.510, Repealed.

**64E-5.410 Permanent Radiographic Installations.**

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4) FS. History–New 7-17-85, Amended 4-4-89, 1-1-94, Formerly 10D-91.511, Repealed.

**64E-5.411 Training and Testing.**

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081(1) FS. History–New 7-17-85, Formerly 10D-91.512, Repealed.

**64E-5.412 Two-Member Radiography Crews.**

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4) FS. History–New 7-17-85, Formerly 10D-91.513, Repealed.

**64E-5.413 Operating and Emergency Procedures.**

Specific Authority 404.051, 404.081, 404.20 FS. Law Implemented 404.022, 404.051(1),(4),(6), 404.081, 404.20(1),(2) FS. History–New 7-17-85, Formerly 10D-91.514, Repealed.

**64E-5.414 Personnel Monitoring Control.**

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081 FS. History–New 7-17-85, Amended 1-1-94, Formerly 10D-91.515, Repealed.

**64E-5.415 Security.**

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4) FS. History–New 7-17-85, Amended 1-1-94, Formerly 10D-91.516, Repealed.

**64E-5.416 Posting.**

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4) FS. History–New 7-17-85, Amended 1-1-94, Formerly 10D-91.517, Repealed.

**64E-5.417 Radiation Surveys and Survey Records.**

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4),(6), 404.081(1) FS. History–New 7-17-85, Amended 4-4-89, Formerly 10D-91.518, Repealed.

**64E-5.418 Temporary Jobsites.**

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081(1) FS. History–New 7-17-85, Amended 5-15-96, Formerly 10D-91.519, Repealed.

**64E-5.419 Special Requirements for Radiography Employing Radiation Machines.**

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4),(6), 404.081 FS. History–New 7-17-85, Formerly 10D-91.520, Repealed.

**64E-5.420 Subjects to be Covered During the Instruction of Industrial Radiographers.**

Specific Authority 404.051, 404.071 FS. Law Implemented 404.071 FS. History–New 7-17-85, Amended 1-1-94, 5-15-96, Formerly 10D-91.521, Repealed.

**64E-5.421 Use of Sealed Sources in Industrial Radiography.**

Specific Authority 404.051, 404.061, 404.071, 404.081, 404.0141 FS. Law Implemented 404.022, 404.051(1),(4),(6),(9),(10),(11), 404.061(2), 404.071(1),(3), 404.081(1), 404.141 FS. History–New 8-25-91, Amended 5-15-96, Formerly 10D-91.522, Repealed.

**64E-5.422 Reporting Requirements.**

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4),(6), 404.081 FS. History–New 1-1-94, Formerly 10D-91.523, Repealed.

**64E-5.423 Definitions.**

As used in this part, the following definitions apply:

(1) “Associated equipment” means equipment, such as guide tubes, control tubes, control cables, removable source stops, J-tubes, and collimators, used in conjunction with a radiographic exposure device that drives, guides, or comes in contact with the sealed source.

(2) “Certifying entity” means:

(a) For radiographic operations using radioactive materials, an independent certifying organization that meets the requirements of Appendix A of 10 CFR Part 34, which is herein incorporated by reference and which is available from the department, or an agreement state that meets the requirements of Appendix A, Parts II and III of 10 CFR Part 34.

(b) For radiographic operations using radiation machines, any agreement state or organization approved by the Conference of Radiation Control Directors, Inc.

(3) “Collimator” means a radiation shield that is placed on the end of the guide tube or directly onto a radiographic exposure device to restrict the size of the radiation beam when the sealed source is cranked into position to make a radiographic exposure.

(4) “Control cable” means the cable that is connected to the source assembly and used to drive the source from and return it to the shielded position. It also is known as a drive cable.

(5) “Control drive mechanism” means a device that enables the source assembly to be moved to and from the shielded position. It also is known as a crank assembly.

(6) “Control tube” means a protective sheath for guiding the control cable. The control tube connects the control drive mechanism to the radiographic exposure device.

(7) “Exposure head” means a device that locates the sealed source in the selected position. It also is known as a source stop.

(8) “Guide tube” means a flexible or rigid tube for guiding the source assembly and the attached control cable from the radiographic exposure device to the exposure head and includes the connections to attach to the radiographic exposure device and to the exposure head. It also is known as a projection sheath or source tube.

(9) “Industrial cabinet x-ray system” means a cabinet x-ray system used to perform industrial radiography excluding baggage x-ray systems.

(10) “Lay-barge radiography” means industrial radiography performed on any water vessel used for laying pipe.

(11) “Platform radiography” means industrial radiography performed on an offshore platform or other structure over a body of water.

(12) “Radiographer certification” means a written document received from a certifying entity stating that an individual has met radiation safety training, testing, and experience criteria satisfactorily.

(13) “Radiographic operations” means all activities including surveys that involve the use or transport of radiation machines, radiographic exposure devices, source changers, or industrial cabinet x-ray systems to conduct industrial radiography.

(14) “Radiographic personnel” means radiographers and radiographer’s assistants.

(15) “Reference survey” means a survey made with a radiation survey instrument within 6 inches (15 cm) of the surface of a radiographic exposure device or source changer at a location established by the licensee. The reference survey is used to verify that the sealed source is located properly in the shielded position and to establish a radiation level for reference before, during, and after radiographic operations.

(16) “S-tube” means a tube through which the radioactive source travels inside a radiographic exposure device.

(17) “Source assembly” means a set of assembled parts consisting of a sealed source and a connector that attaches the source to the control cable. The source assembly sometimes includes a stop ball used to secure the source in the shielded position. It also is known as a pigtail.

(18) “Special training session” means training not conducted during production radiography.

(19) “Transport container” means a package that is designed to provide radiation safety and security when sealed sources are transported and that meets all applicable requirements of the U.S. Department of Transportation (USDOT).

(20) “Underwater radiography” means industrial radiography performed when the radiation machine, radiographic exposure device, or related equipment are beneath the surface of the water.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.031, 404.051(1),(4),(6) FS. History—New

## SUBPART A EQUIPMENT CONTROL

### 64E-5.424 Requirements for Industrial Radiography Equipment Using Sealed Sources.

(1) Equipment used in radiographic operations shall meet the criteria specified below.

(a) Each radiographic exposure device, source assembly or sealed source, and all associated equipment shall meet the requirements specified in American National Standards Institute (ANSI) N432-1980 “Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography,” published as National Bureau of Standards Handbook 136, January 1981, which is herein incorporated by reference and which is available from the department. Engineering analyses that demonstrate that the radiography equipment components are equivalent are an acceptable alternative to actual testing of the component.

(b) Equipment used in radiographic operations is not required to comply with section 8.9.2(c) of the Endurance Test in ANSI N432-1980 if the prototype equipment has been tested using a torque value representative of the torque that an individual using the radiography equipment realistically can exert on the lever or crankshaft of the drive mechanism.

(2) In addition to the requirements specified in Rule 64E-5.424(1), F.A.C., radiographic exposure devices, source changers, source assemblies, and sealed sources must meet the requirements specified below.

(a) Each radiographic exposure device shall have a durable, legible, clearly visible label attached that specifies:

1. The chemical symbol and mass number of the radionuclide in the radiographic exposure device;
2. The activity of the sealed source and the date on which this activity was last measured;
3. The manufacturer’s name and the model and serial number of the sealed source; and
4. The name, address, and telephone number of the licensee.

(b) Each radiographic exposure device, source changer, storage container, and transport container shall have a durable, legible, clearly visible marking or label attached that includes the standard radiation symbol as specified in Rule 64E-5.322, F.A.C., in conventional colors of magenta, purple, or black on a yellow background, has a minimum diameter of 25 millimeters, and has the following wording:

#### CAUTION (or DANGER)

#### RADIOACTIVE MATERIAL – DO NOT HANDLE NOTIFY CIVIL AUTHORITIES (or NAME OF COMPANY)

(c) Modification of radiographic exposure devices, source changers, source assemblies, and associated equipment is prohibited unless the design of any replacement component, including source holder, source assembly, controls, or guide tubes will not compromise design safety features.

(3) Radiographic exposure devices, source assemblies, and associated equipment that allow the source to be moved out of the radiographic exposure device for radiographic operations or to source changers must meet the requirements specified below.

(a) The coupling between the source assembly and the control cable shall be designed so that the source assembly will not become disconnected if cranked outside the guide tube. The coupling shall be designed so that it cannot be disconnected unintentionally under normal and reasonably foreseeable abnormal conditions.

(b) The radiographic exposure device shall secure the source assembly automatically when it is cranked back into the fully shielded position within the device. This securing system shall be able to be released only by a deliberate operation on the exposure device.

(c) The outlet fittings, lock box, and drive cable fittings on each radiographic exposure device shall be equipped with safety plugs or covers that are installed during storage and transportation to protect the source assembly from water, mud, sand, or other foreign matter.

(d)1. Each sealed source or source assembly shall have attached to it or engraved on it a durable, legible, visible label with the words: "DANGER – RADIOACTIVE."

2. The label cannot interfere with the safe operation of the radiographic exposure device, source changer, or associated equipment.

(e) The guide tube shall be able to withstand a crushing test that approximates closely the crushing forces that are likely to be encountered during use and be able to withstand a kinking resistance test that approximates closely the kinking forces that are likely to be encountered during use.

(f) Guide tubes shall be used when moving the source out of the device.

(g) An exposure head or similar device designed to prevent the source assembly from passing out of the end of the guide tube shall be attached to the outermost end of the guide tube during radiographic operations.

(h) The guide tube exposure head connection shall be able to withstand the tensile test for control units specified in ANSI N432-1980.

(i) Source changers shall have a system to ensure that the source will not be withdrawn from the changer accidentally when connecting or disconnecting the drive cable to or from a source assembly.

(4) The maximum exposure rate limits for storage containers and source changers are 200 millirem (2 mSv) per hour at any exterior surface and 10 millirem (0.1 mSv) per hour at 1 meter from any exterior surface with the sealed source in the shielded position.

(5) Each radiographic exposure device, source changer, and storage container shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(6) FS. History–New \_\_\_\_\_.

64E-5.425 Locking of Sources of Radiation, Storage Precautions, and Surveillance.

(1) Each radiation machine, radiographic exposure device, source changer, and storage container shall be kept locked with the key removed from any keyed lock except when under the direct supervision of radiographic personnel or as specified in Rule 64E-5.435(3), F.A.C.

(2) Each radiation machine, radiographic exposure device, source changer, and storage container shall be locked and the key removed from any keyed lock before being moved or transported and before being stored at a given location, except at permanent radiographic installations as specified in Rule 64E-5.431, F.A.C. Keys to radiation machines, radiographic exposure devices, source changers, storage containers, transport containers, and transport vehicles shall be maintained in the possession of the radiographer or radiographer's assistant responsible for the equipment in a manner that prevents access to sources of radiation by unauthorized personnel.

(3) Locked radiographic exposure devices, source changers, storage containers, and radiation machines shall be secured physically except when under the direct surveillance of radiographic personnel or as specified in Rule 64E-5.435(3), F.A.C., to prevent tampering or removal by unauthorized personnel. The licensee shall store licensed material in a manner that minimizes danger from explosion or fire.

(4) Each sealed source shall be secured in its shielded position by locking the radiographic exposure device or source changer each time the sealed source is returned to the shielded position.

(5) Transport containers containing licensed material shall be locked and secured in the transporting vehicle to prevent accidental loss, tampering, or unauthorized removal of the licensed material from the vehicle.

(6) During each radiographic operation, the radiographer or radiographer's assistant shall maintain continuous direct visual surveillance of the operation to protect against unauthorized entry into a high radiation area, except at permanent radiographic installations where all entryways are locked and the requirements of Rule 64E-5.431, F.A.C., are met.

(7) During each radiographic operation using an industrial cabinet x-ray system, direct surveillance of the operation shall be maintained to protect against unauthorized entry into a high radiation area.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(6) FS. History–New \_\_\_\_\_.

64E-5.426 Radiation Survey Instruments.

(1) The licensee or registrant shall maintain enough calibrated and operable radiation survey instruments to make physical radiation surveys as required by the rules contained in this part and Chapter 64E-5, Part III, F.A.C. Such instrumentation shall be able to measure a range from 2 millirem (0.02 mSv) per hour through 1 rem (0.01 Sv) per hour.

(2) Radiation survey instruments used to establish dose rates shall be calibrated:

(a) At intervals not to exceed 6 months and after each instrument servicing other than battery replacement;

(b) At energies and geometries appropriate for use;

(c) To demonstrate accuracy within 20% of the true radiation level at each point checked;

(d) For linear scale instruments, at two points located approximately 1/3 and 2/3 of full-scale on each scale; for logarithmic scale instruments, at midrange of each decade and at two points at least one decade apart; and for digital instruments, at three points between 2 millirem (0.02 mSv) per hour and 1 rem (0.01 Sv) per hour; and

(e) By a person licensed by the department, another agreement state, licensing state or the NRC.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(6) FS. History—New \_\_\_\_\_.

64E-5.427 Leak Testing, Repairing, Tagging, Opening, Modifying, and Replacing Sealed Sources and Devices.

(1) The replacement, leak testing, leak test sample analysis, repair, tagging, opening, or any other modification of any sealed source shall be performed only by persons authorized specifically to do so by the department, another agreement state, licensing state, or the NRC.

(2) Each sealed source shall be tested for radioactive contamination leakage at intervals not to exceed 6 months. In the absence of a certificate from a transferor indicating that a test has been made within the 6 months before the transfer, the sealed source shall not be used until tested. Sealed sources that are listed in a department license for storage only do not require leak testing during storage but shall be tested before use or transfer to another person if the interval of storage exceeds 6 months.

(3) Each exposure device using depleted uranium (DU) shielding and an S-tube configuration shall be tested for DU contamination at intervals not to exceed 12 months. DU shielded devices do not have to be tested for DU contamination while in storage and not in use. However, the DU devices shall be tested for DU contamination before use or transfer if the interval of storage exceeds 12 months. Licensees must comply with the DU leak testing requirements of this section within 6 months after the effective date of this rule.

(4) Leak testing shall be performed using a method approved by the department, another agreement state, licensing state, or the NRC. The wipe sample shall be taken from the nearest accessible point to the sealed source where contamination could accumulate. The leak test analysis required by Rule 64E-5.427(2) and (3), F.A.C., shall be capable of detecting the presence of 0.005 microcurie (185 Bq) of removable contamination on the test sample.

(5) If any test conducted pursuant to this section reveals the presence of 0.005 microcurie (185 Bq) or more of removable radioactive material, the licensee immediately shall withdraw the equipment from use and cause it to be decontaminated and repaired or disposed of in accordance with the applicable sections of rules contained in Parts III and XV of Chapter 64E-5, F.A.C. If DU leak testing reveals the presence of 0.005 microcurie (185 Bq) or more of removable DU contamination, the exposure device shall be removed from use until an evaluation of the wear on the S-tube has been made. If the evaluation reveals that the S-tube is worn through, the device shall not be used. The licensee shall file a report with the department describing the equipment involved, the test results, and the corrective action taken within 5 days after obtaining results of the test.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(6) FS. History—New \_\_\_\_\_.

64E-5.428 Quarterly Inventory.

Each licensee or registrant shall conduct a quarterly physical inventory to account for all sources of radiation received or possessed during the quarter. The inventory shall cover all sources of radiation requiring licensure or registration by the department, including sealed sources, radiation machines, and radiographic exposure devices containing DU.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4), 404.081(1) FS. History—New \_\_\_\_\_.

64E-5.429 Source Movement Logs, Daily Survey Reports, and Individual Dosimeter Logs.

(1) Each time a radiation source is removed from storage, the licensee or registrant shall complete and maintain source movement logs for each radiation source with the following information, as applicable:

(a) The locations where used, the names of the jobs or clients, and the dates of use;

(b) The manufacturer's name, model, and serial number of the radiographic exposure device, source changer, or radiation machine used;

(c) The sealed source manufacturer's name, model, and serial number, activity in curies (becquerels) on the date of receipt and each date of use, and the due date of the next leak test;

(d) The results of the reference survey of the radiographic exposure device or source changer performed upon removal and return to storage; and



(e) The signature or initials of the radiographer to whom the radiation source has been assigned.

(2) Before performing industrial radiography, leak tests, source exchanges, or quarterly inspection and maintenance of radiographic equipment, the licensee or registrant shall prepare and maintain a daily survey report for each radiation source with the information described below as it becomes available:

(a) The location where used, the name of the job or client, and the date of use;

(b) The manufacturer's name, model, and serial number of the radiographic exposure device, source changer, or radiation machine used;

(c) The sealed source manufacturer's name, model, and serial number and activity in curies (becquerels) for the date of use;

(d) The names and titles of the radiographic personnel working with the radiation source;

(e) The serial number of the personnel monitoring badge, pocket dosimeter, and alarm ratemeter used by each of the radiography crew members;

(f) The manufacturer's name, model, serial number, and date of calibration or calibration due date for each survey meter used;

(g) The results of the reference survey performed when the radiographic exposure device or source changer is removed from or returned to storage;

(h) Evidence of performance of the equipment checks described in Rule 64E-5.430(1), F.A.C.;

(i) The results of the survey of the posted perimeter in mR/hr (mSv/hr) and feet (meters);

(j) The total exposure time; and

(k) The start, end, and total pocket dosimeter readings for all radiographic personnel.

(3) Radiographic personnel shall maintain an individual log of their daily dosimeter totals. Each individual shall record the doses measured by his or her dosimeter at the end of each day of radiographic operations and total the recorded doses at the end of each week and at the end of each month. Copies of the individual dosimeter logs shall be provided to the radiation safety officer (RSO) or the RSO's designee no later than 7 days after each month. The RSO or the RSO's designee shall review the logs within 7 days of receipt and shall date and sign or initial the logs at the time of the review. Each log shall include the following information:

(a) The name of the individual;

(b) The dates of the monitoring periods;

(c) The daily, weekly, and monthly individual radiation dose totals as measured by the dosimeter; and

(d) The date the log was reviewed by the RSO or the RSO's designee and the signature or initials of the RSO or the RSO's designee.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(6) FS. History—New \_\_\_\_\_.

#### 64E-5.430 Inspection and Maintenance.

(1) Each licensee or registrant shall perform visual and operability checks on survey instruments, radiation machines, radiographic exposure devices, associated equipment, transport containers, storage containers, and source changers before use on each day the equipment is to be used to ensure the equipment is in good working condition, the sources are shielded adequately, and required labeling is present. All appropriate parts shall be maintained in accordance with the manufacturer's specifications. Each radiation survey instrument shall be visually inspected, have its batteries checked, and have its operability checked with a radiation source at the beginning of each day of use and at the beginning of each work shift. If equipment problems are found, the equipment shall be removed from service until repaired.

(2) Each licensee or registrant shall perform equipment inspection and maintenance as described below.

(a) Inspection and maintenance of survey instruments, radiation machines, radiographic exposure devices, associated equipment, source changers, storage containers, and transport containers shall be performed quarterly to assure proper functioning of components important to safety. All appropriate parts shall be maintained in accordance with the manufacturer's specifications. Verification of compliance with radiation limits specified in Rule 64E-5.424(4), F.A.C., shall be included in each quarterly inspection. If equipment problems are found, the equipment shall be labeled as defective and removed from service until repaired. Replacement components shall meet manufacturer's specifications.

(b) Inspection and maintenance of Type B packages used to transport radioactive materials shall be performed quarterly in accordance with each package's certificate of compliance or other approval.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(6) FS. History—New \_\_\_\_\_.

#### 64E-5.431 Permanent Radiographic Installations.

(1) Each entrance used for personnel access to a high radiation area in a permanent radiographic installation shall have either:

(a) An entrance control that reduces the radiation level to below the level at which an individual might receive a deep dose equivalent of 0.1 rem (1 millisievert) in 1 hour at 30 centimeters from the source of radiation from any surface the radiation penetrates, or

(b) Conspicuous visible and audible signals to warn of the presence of radiation. The visible signal shall be actuated by radiation. The audible signal shall be actuated when an attempt is made to enter the installation while the source is exposed or the radiation machine is activated.

(2) The alarm system shall be tested for proper operation with a radiation source each day before radiographic operations. The test shall include a check of both the visible and audible signals. Entrance control devices that reduce the radiation level upon entry shall be tested monthly. If an entrance control device or an alarm is operating improperly, it shall be labeled immediately as defective and repaired within 7 days. The installation can continue to be used by an unaccompanied radiographer during this 7-day period if the continuous surveillance requirements of Rule 64E-5.435(3), F.A.C., are implemented and an alarming ratemeter is used.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(6) FS. History—New \_\_\_\_\_.

## SUBPART B RADIATION SAFETY REQUIREMENTS

### 64E-5.432 Radiation Protection Program.

The radiation protection program specified in Rule 64E-5.303, F.A.C., for registrants performing radiography and license applications, renewals, and requests for amendments for licensees performing radiography shall include the components specified below.

(1) A description of the overall organizational structure pertaining to the licensee's or registrant's radiation protection program, including specific delegation of authority and responsibility, the name of the RSO, and the minimum qualifications of the RSO and the RSO's designees.

(2) A radiation safety training program for radiographic personnel that meets the requirements of Rule 64E-5.434, F.A.C., and includes the components described below.

(a) Initial, periodic, and on-the-job training.

(b) Written and practical examinations to determine knowledge, understanding of, and ability to comply with department and applicable USDOT rules, licensee or registrant requirements, operating and emergency procedures, and use of radiographic and related equipment.

(3) Procedures to verify the certification of radiographers and to ensure that the certification remains valid.

(4) A written policy to maintain radiation doses as low as reasonably achievable as specified in Rule 64E-5.303, F.A.C. The policy shall include:

(a) A commitment by management to keep radiation doses as low as reasonably achievable and a description of the participation of management, the RSO, and radiographic personnel in the implementation of the policy;

(b) Investigation within 30 days by the RSO of any exposure level that exceeds established monthly and quarterly levels and implementation of corrective actions to halt unnecessary exposures and prevent recurrence; and

(c) An audit of the program to evaluate its effectiveness in minimizing exposures in conjunction with the annual review of the radiation protection program specified in Rule 64E-5.303(3), F.A.C. A summary of the results of each audit,

including a description of corrective actions taken, shall be prepared by the RSO and approved by the licensee or registrant.

(5) An auditing program for internal inspections of the job performance of all radiographic personnel at intervals not to exceed 6 months as described in Rule 64E-5.434, F.A.C.

(6) Written operating and emergency procedures as described in Rule 64E-5.436, F.A.C.

(7) Leak testing procedures, including a description of:

(a) The method of taking wipes and preparing samples for analysis using only radiographers or radiographer's assistants working under the personal supervision of a radiographer or persons specifically licensed by the department, another agreement state, licensing state, or the NRC to perform such services; and

(b) The method of performing leak test sample analyses, including instrumentation to be used and experience of the individuals who will perform the analyses or a commitment to use vendors specifically licensed to perform such analyses by the department, another agreement state, licensing state, or the NRC.

(8) Procedures for the semiannual calibration of survey instruments and the annual calibration of alarm ratemeters, including a description of the calibration instrumentation and the experience of the person who will perform the calibrations or a commitment to use persons specifically licensed to perform such calibrations by the department, another agreement state, licensing state, or the NRC. All survey instrument calibrations shall be performed in accordance with Rule 64E-5.426(2), F.A.C.

(9) Procedures for quarterly inspection and maintenance of survey instruments, radiation machines, radiographic exposure devices, associated equipment, source changers, storage containers, and transport containers to assure proper function of components important to safety, performed in accordance with Rule 64E-5.430, F.A.C.

(10) Procedures for annual calibration of pocket or electronic dosimeters, including a description of the calibration instrumentation and the experience of the person who will perform the calibrations or a commitment to use persons specifically licensed to perform such calibrations by the department, another agreement state, licensing state, or the NRC.

(11) Procedures for lay-barge, offshore platform and underwater radiography if conducting such activities.

Specific Authority 404.051, 404.061 FS. Law Implemented 404.022, 404.051(1),(4),(6),(9),(10), 404.061(2), 404.081(1), 404.141 FS. History—New \_\_\_\_\_.

64E-5.433 Radiation Safety Officer.

(1) The licensee or registrant shall appoint an RSO and delegate the authority needed to fulfill the duties of the position. Except as specified in Rule 64E-5.433(2), F.A.C., below, the minimum qualifications, training, and experience for the RSO shall be:

(a) Two years of documented industrial radiography experience as a radiographer; and

(b) Sixteen hours of formal instruction in the establishment and maintenance of a radiation protection program, including training to perform internal audits and mitigation of radiological incidents. Individuals identified as an RSO on an industrial radiography license or registration before the effective date of this rule are not required to comply with the training requirements of this paragraph.

(2) Equivalent alternative radiation and safety training and experience in radiographic operations and formal training in the establishment and maintenance of a radiation protection program can substitute for the requirements specified in Rules 64E-5.433(1)(a), (b), F.A.C., above.

(3) In addition to other duties specified in this part, the RSO shall:

(a) Ensure compliance with all components of the licensee's or registrant's radiation protection program as specified in Rule 64E-5.432, F.A.C., the terms and conditions of the license, and this rule;

(b) Investigate incidents and direct corrective actions, including halting operations when necessary;

(c) Serve as the licensee's or registrant's contact with the department; and

(d) Ensure that radiation safety activities are performed using approved procedures and requirements in Chapter 64E-5, F.A.C., in the daily operation of the licensee's program.

Specific Authority 404.051, 404.061 FS. Law Implemented 404.022, 404.051(1),(4), 404.061(2) FS. History--New \_\_\_\_\_.

64E-5.434 Training, Testing, Certification, and Audits.

(1) The licensee or registrant shall not permit any individual to act as a radiographer's assistant until such individual:

(a) Receives a copy of the licensee's or registrant's operating and emergency procedures;

(b) Completes 8 hours of training, including instruction in the licensee's or registrant's operating and emergency procedures and supervised instruction in use of the licensee's or registrant's radiographic equipment, related handling tools, radiation survey instruments, and personnel monitoring devices during a special training session; and

(c) Successfully completes a closed-book, written examination on the licensee's or registrant's operating and emergency procedures and a practical examination that is not conducted during production radiography to demonstrate

competence in the use of the licensee's or registrant's radiographic equipment, related handling tools, radiation survey instruments, and personnel monitoring devices.

(2) The licensee or registrant shall not permit any individual to act as a radiographer until such individual:

(a) Receives copies of rules contained in Chapter 64E-5, Parts I-IV, IX and XV, F.A.C., applicable USDOT regulations, the appropriate license or certificate of registration, and the licensee's or registrant's operating and emergency procedures;

(b)1. For radioactive material radiographic operations, completes 320 hours of on-the-job training in industrial radiography, excluding hours as specified in Rule 64E-5.434(2)(b)2., F.A.C., below, as a radiographer's assistant using radioactive material; or

2. For machine produced radiographic operations, completes 200 hours of on-the-job training using radiation machines;

(c) Receives 40 hours of formal instruction in the subjects outlined in Rule 64E-5.434(6), F.A.C., and supervised instruction during a special training session in the inspection and use of the licensee's or registrant's radiographic equipment, related handling tools, radiation survey instruments, and personnel monitoring devices;

(d) Successfully completes a closed-book, written examination on the subjects outlined in Rule 64E-5.434(4), F.A.C., and a practical examination to demonstrate competence in the use of the licensee's or registrant's radiographic and safety equipment;

(e) Is certified by a certifying entity; and

(f) Satisfies requirements specified in Rule 64E-5.213(8)(b), F.A.C., if using radioactive materials. Licensees and registrants can allow individuals who have completed the training and testing specified in Rule 64E-5.434(2)(a)-(d), F.A.C., to perform industrial radiography for 12 months after the effective date of these rules.

(3) Radiographers who work for an out-of-state radioactive materials license under reciprocal recognition are authorized to conduct radiographic operations within the state if they have a valid certification from a certifying entity for the activities being conducted before entering the state.

(4) Individuals who have completed the on-the-job training requirement described in Rule 64E-5.434(2)(b), F.A.C., and the 40-hour radiation safety training requirement described in Rule 64E-5.434(2)(c), F.A.C., during previous employment shall complete 4 hours of additional training and testing before conducting radiographic operations. The training shall consist of instructions in the licensee's or registrant's operating and emergency procedures and supervised instruction during a special training session in the use of the licensee's or registrant's radiographic and safety equipment. The testing shall consist of successful completion of the

written and practical examinations described in Rule 64E-5.434(1)(c), F.A.C. The RSO shall document how the prior radiation training and experience was verified.

(5) Personnel using industrial cabinet x-ray systems for industrial radiography shall complete 16 hours of training and testing as described below:

(a) Ten hours of training and testing as described in Rule 64E-5.434(6), F.A.C.; and

(b) Two hours of instruction in the registrant's operating and emergency procedures pertaining to industrial radiography using industrial cabinet x-ray systems, 2 hours of supervised instruction during a special training session in the use of the registrant's industrial cabinet x-ray system, related handling tools, radiation survey instruments, and personnel monitoring devices, and 2 hours of testing, which shall consist of a written examination covering operating and emergency procedures and equipment use and a practical examination to demonstrate competence in the use of the registrant's industrial cabinet x-ray system and related equipment.

(6) The subjects to be covered during the instruction of radiographers shall include:

(a) Fundamentals of radiation safety, including characteristics of radiation, units of radiation dose, quantities of radioactivity, hazards of radiation exposure, radiation protection standards, radiation levels from sources of radiation, and methods of minimizing radiation dose.

(b) Radiation detection instruments, including:

1. Use, operation, calibration, and limitations of radiation survey instruments;

2. Survey techniques; and

3. Use of personnel monitoring equipment.

(c) Equipment to be used, including, as applicable:

1. Operation and control of radiation machines, radiographic exposure equipment, remote handling equipment, source changers, storage containers, and transport containers, including pictures or models of source assemblies;

2. Storage, control, and disposal of licensed material; and

3. Inspection and maintenance of equipment.

(d) The applicable requirements of these rules and NRC and USDOT regulations.

(e) The licensee's or registrant's operating and emergency procedures.

(f) Case histories of industrial radiography accidents.

(7) Each licensee or registrant shall provide 8 hours of annual radiation safety training to all radiographic personnel, which can be conducted in multiple sessions.

(8) The RSO or the RSO's designee shall audit the job performance of each radiographer and radiographer's assistant to ensure that the department's regulations, license requirements, and the licensee's or registrant's operating and emergency procedures are followed. The audits shall include observation of the performance of each radiographer or

radiographer's assistant during an actual radiographic operation at intervals not to exceed 6 months. Radiographers or radiographer's assistants who have not participated in a radiographic operation for more than 6 months since the last audit shall demonstrate knowledge of the licensee's or registrant's operating and emergency procedures and safe use of radiographic and related equipment by a practical examination before participating in a radiographic operation. Audits of the RSO are not required.

(9) Individuals conducting internal radiation safety training or audits shall meet the minimum qualifications specified in Rule 64E-5.433(1), F.A.C., for the RSO.

Specific Authority 404.051, 404.061 FS. Law Implemented 404.022, 404.051(1),(4), 404.061(2) FS. History—New \_\_\_\_\_.

#### 64E-5.435 Conducting Industrial Radiographic Operations.

(1) With the exception of industrial cabinet x-ray systems, the radiographer shall be accompanied by at least one other radiographer or radiographer's assistant whenever radiography is performed at a location other than a permanent radiographic installation. The additional qualified individual shall observe the radiographic operations and be capable of providing immediate assistance to prevent unauthorized entry. Radiography is prohibited if only one qualified individual is present. Radiography performed in an industrial cabinet x-ray system by a single individual meeting the training and testing requirements specified in Rule 64E-5.434(5), F.A.C., is permitted.

(2) The radiographer's assistant shall be under the personal supervision of a radiographer when using a radiation machine, radiographic exposure device, source changer, or related source handling tools or conducting radiation surveys to determine that the sealed source has returned to the shielded position or that the radiation machine is off after an exposure.

(3) During each radiographic operation, the radiographer or radiographer's assistant shall maintain direct surveillance of the operation to protect against unauthorized entry into a high radiation area, except:

(a) Where the high radiation area is equipped with a control device or alarm system as described in Rule 64E-5.316(1), F.A.C.; or

(b) Where the entrance to the high radiation area is locked to protect against unauthorized or accidental entry.

(4) All radiographic operations conducted at a licensee's or registrant's permanent facility shall be conducted in a permanent radiographic installation or an industrial cabinet x-ray system or using equipment, facilities, and procedures that are adequate to protect public health, safety, and property and included in the radiation protection program specified in Rule 64E-5.432, F.A.C.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(11), 404.081(1) FS. History—New \_\_\_\_\_.

64E-5.436 Operating and Emergency Procedures.

The licensee's or registrant's procedures shall include instructions in the following:

(1) Handling and use of sources of radiation to be used so that exposures are maintained as low as reasonably achievable and no individual is likely to be exposed to radiation doses in excess of the limits established in rules contained in Part III of Chapter 64E-5, F.A.C.:

(2) Methods and occasions to conduct radiation surveys;

(3) Methods to control access to radiographic areas;

(4) Methods and occasions to lock and secure sources of radiation;

(5) Personnel monitoring and the use of personnel monitoring equipment, including steps to be taken immediately by radiography personnel when a pocket dosimeter is found off-scale, an alarm ratemeter alarms unexpectedly, or a personnel monitoring badge is damaged or lost;

(6) Transportation of licensed material to field locations and preparation of packages for shipment by common or contract carriers, including packaging, marking, labeling, shipping papers, emergency response information, blocking and bracing, security, surveys, and vehicle placarding in accordance with applicable requirements of the USDOT;

(7) Leak testing, quarterly inventories, and equipment inspection, maintenance and operability checks, and disposal of licensed material;

(8) Source exchanges for licensees who perform source exchanges;

(9) Calibration of survey instruments, dosimeters, and alarm ratemeters for licensees who perform calibrations;

(10) Emergency response, including response to loss, damage, or theft of sources of radiation, unauthorized entries into restricted areas, notifications, exposure minimization, and source recovery;

(11) Identifying and reporting equipment defects and noncompliance issues; and

(12) Maintenance of records.

Specific Authority 404.051, 404.20 FS. Law Implemented 404.022, 404.051(1),(4),(6), 404.081, 404.20(1) FS. History—New \_\_\_\_\_.

64E-5.437 Personnel Monitoring.

(1) The licensee or registrant shall not permit any individual to act as a radiographer or a radiographer's assistant unless the individual wears on the trunk of his or her body at all times during radiographic operations:

(a) A NVLAP-approved personnel monitoring badge such as a film badge, thermoluminescent dosimeter (TLD) or optically stimulated luminescent device (OSLD);

(b) A direct reading pocket dosimeter, which can be either an ion chamber or electronic personal dosimeter; and

(c) An alarming ratemeter. Alarm ratemeters are not required for radiography performed in an approved permanent radiographic installation meeting the requirements of Rule 64E-5.431, F.A.C.

(2) Each personnel monitoring badge shall be assigned to and worn by only one individual and shall be exchanged monthly. After exchange each badge shall be processed as soon as possible. If a report is received from the badge processor that indicates an individual has received a radiation exposure in excess of 5 rem (0.05 Sv), the licensee or registrant shall notify the department within 24 hours as specified in Rule 64E-5.344(2), F.A.C. If a personnel monitoring badge is lost or damaged, the worker shall cease work immediately until a replacement badge is provided and the exposure is calculated by the RSO or the RSO's designee for the time period from issuance to loss or damage of the badge. The results of the calculated exposure and the time period for which the personnel monitoring badge was lost or damaged shall be provided to the processor to adjust the individual's occupational exposure record.

(3) Pocket dosimeters shall have a range from 0 to 200 millirem (2 mSv) and shall be recharged at the start of each shift and when 75% of the full scale of the dosimeter is exceeded. Initial, final, and total pocket dosimeter readings shall be recorded at the start and end of each shift.

(4) If an individual's pocket dosimeter is found to be off-scale or if an individual's electronic personal dosimeter reads more than 200 millirem (2 mSv) and the possibility of radiation exposure cannot be ruled out as the cause, the individual's personnel monitoring badge shall be sent for processing within 24 hours. In addition, the individual shall not resume radiographic operations until a determination of the individual's radiation exposure has been made by the RSO or the RSO's designee. The results of this determination shall be reported in writing to the department within 30 days of the determination.

(5) Each alarming ratemeter shall:

(a) Have a function test without being exposed to radiation to ensure that the audible alarm is functioning properly before use at the start of each work shift;

(b) Give an alarm at a preset dose rate of no more than 500 millirem (0.5 mSv) per hour; and

(c) Require special means to change the preset alarm function.

(6) Pocket dosimeters and alarm ratemeters shall be calibrated annually for correct response to radiation by a person licensed by the department, another agreement state, licensing state, or the NRC. Acceptable dosimeters shall read within 20% of the true radiation exposure. Ion chamber dosimeters also shall be checked for response to drift by setting the dosimeter at zero and storing it in a low background area for at least 24 hours and for electrical leakage, which shall be

no more than 1% of full scale for each 24 hours. Acceptable ratemeters shall alarm within 20% of the true radiation dose rate.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4), 404.081(1) FS. History—New \_\_\_\_\_.

**SUBPART C**  
**PRECAUTIONARY PROCEDURES IN**  
**RADIOGRAPHIC OPERATIONS**

64E-5.438 Radiation Surveys.

(1) No radiographic operations shall be conducted unless at least one calibrated and operable radiation survey instrument meeting the requirements of Rule 64E-5.426, F.A.C., is available for each radiographic exposure device and radiation machine in use at each site where radiographic exposures are made. All radiation surveys shall be performed with a calibrated and operable radiation survey instrument meeting the requirements of Rule 64E-5.426, F.A.C.

(2) The surveys described below shall be performed by the licensee or registrant where applicable.

(a) A reference survey of each radiographic exposure device or source changer immediately following removal from a storage area, including removal from storage following transportation.

(b) An area survey during the first radiographic exposure to verify that the posting requirements specified in Rule 64E-5.439(1), F.A.C., have been met and that unrestricted areas do not have radiation levels in excess of the limits specified in Rule 64E-5.312(1)(c), F.A.C.

(c) A survey of the radiographic exposure device and the length of the guide tube after each exposure when approaching the device or guide tube, concluding with a reference survey of the radiographic exposure device at the location established by the licensee after each radiographic exposure. The surveys shall be performed before exchanging film, repositioning the exposure head, or dismantling equipment.

(d) A reference survey of the radiographic exposure device and source changer before and after source exchanges.

(e) A reference survey of the radiographic exposure device, source changer, or storage container after returning the sealed source to a storage area.

(f) A survey after each radiographic exposure using radiation machines to verify that the machine is off.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4), 404.081(1) FS. History—New \_\_\_\_\_.

64E-5.439 Posting.

In addition to the posting requirements specified in Rule 64E-5.901, F.A.C., the licensee or registrant shall comply with the requirements described below.

(1) Radiation areas and high radiation areas created by radiographic operations shall be posted conspicuously as specified in Rule 64E-5.323(1) and (2), F.A.C. Areas or rooms

in which licensed material is used or stored shall be posted as specified in Rule 64E-5.323(5), F.A.C. The exceptions to posting specified in Rule 64E-5.324(1), F.A.C., do not apply to industrial radiography.

(2) Source movement logs specified in Rule 64E-5.429, F.A.C., that document the current location of each source of radiation and source movements for the previous 30 days shall be posted conspicuously adjacent to the area where the source of radiation is stored.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4), 404.081(1) FS. History—New \_\_\_\_\_.

64E-5.440 Records.

(1) Each licensee or registrant shall maintain the following records for 3 years after the event for inspection by the department:

(a) Survey instrument, dosimeter, and alarm ratemeter calibrations specified in Rules 64E-5.426 and 64E-5.437(5)-(6), F.A.C.:

(b) Leak test results specified in Rule 64E-5.427, F.A.C., which shall contain the manufacturer's name, model, and serial number of each sealed source or device tested, including the device the source was stored in, the identity of each radionuclide, the estimated activity of each sealed source, the measured activity of each test sample expressed in microcuries (becquerels), the date of the test, and the signature or initials of the RSO or the RSO's designee;

(c) Quarterly inventories specified in Rule 64E-5.428, F.A.C., which shall include the name of the person conducting the inventory, the radionuclide, number of curies (becquerels) or mass in each device, location of each sealed source, device, and machine, the manufacturer, model, and serial number of each sealed source, device, and machine, the date of the inventory, and the signature or initials of the RSO or the RSO's designee;

(d) Source movement logs and daily survey reports specified in Rule 64E-5.429, F.A.C.

(e) Quarterly equipment inspection and maintenance specified in Rule 64E-5.430(2), F.A.C., including the date of the inspection, the name of inspector, the equipment involved, any problems found, and what repair or maintenance was done;

(f) Operation tests on permanent radiographic installation entrance controls and audible and visual alarms specified in Rule 64E-5.431, F.A.C.:

(g) Records of internal audits specified in Rule 64E-5.434(8), F.A.C., including lists of audit items checked and any violations observed;

(h) Records showing receipts and transfers of sealed sources and devices using DU for shielding, including the date, the name of the individual making the record, radionuclide, number of curies (becquerels) or mass, manufacturer, model, and serial number of each sealed source and device, as appropriate.

(2) Each licensee or registrant shall maintain the following records until the department terminates the license or registration requiring the record:

(a) Individual dosimeter logs specified in Rule 64E-5.429, F.A.C.;

(b) Initial and refresher radiation safety training specified in Rule 64E-5.434, F.A.C., including lists of the topics discussed, dates the training was conducted, names of the instructors and attendees, and written and practical examinations;

(c) Verification of previous radiography experience;

(d) Radiographer certification documents specified in Rules 64E-5.434(2)(e)-(f), F.A.C., and verification of certification status;

(e) Records of personnel exposure investigations specified in Rule 64E-5.432(3)(b), F.A.C., including the names of the individuals involved, the exposures received, the dates the exposures were received, a description of the cause of the exposures, the corrective actions taken, and the signature of the RSO;

(f) Records of estimates of exposures as a result of off-scale dosimeters or lost or damaged personnel monitoring badges, including records of surveys used to determine an individual's exposure and reports submitted to the department as specified in Rule 64E-5.437(3), F.A.C.;

(g) Records of annual ALARA audits specified in Rule 64E-5.432(3)(c), F.A.C.; and

(h) Operating and emergency procedures.

(3) Each licensee or registrant conducting industrial radiography at a temporary job site shall have the following records available at that site for inspection by the department:

(a) Appropriate license or registration;

(b) Certification by a certifying entity;

(c) Operating and emergency procedures;

(d) Rules contained in Chapter 64E-5, Parts I-IV, IX, and XV, F.A.C.;

(e) Calibration records for the survey instruments, pocket dosimeters, and alarm ratemeters used at the site or calibration tags or labels that are affixed to the devices;

(f) Records of the latest leak test results for the specific devices in use at the site or leak test tags or labels that are affixed to the devices; and

(g) Source movement logs and daily survey reports for the period of operation at the site.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4), 404.081(1), 404.020 FS. History—New \_\_\_\_\_.

64E-5.441 Reporting Requirements.

(1) In addition to the reporting requirements specified in rules contained in Chapter 64E-5, Parts III, IX, F.A.C., and other sections of this part, each licensee shall provide a written report to the department within 30 days of the occurrence of any of the incidents involving radiographic equipment described below. Such reports shall be mailed to the Bureau of Radiation Control, Radioactive Materials Section, Bin C21, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1741 for incidents involving radioactive materials or to the Bureau of Radiation Control, Radiation Machine Section, P. O. Box 210, Jacksonville, Florida 32231 for incidents involving radiation machines.

(a) Unintentional disconnection of the source assembly from the control cable.

(b) Inability to retract and secure the source assembly to the fully shielded position.

(c) Failure of any component critical to safe operation of the device to perform its intended function properly.

(2) The licensee shall include the information described below in each report submitted as specified in this section.

(a) A description of the equipment problem.

(b) Cause of each incident if known.

(c) Manufacturer name and model number of the equipment involved in the incident.

(d) Place, time, and date of the incident.

(e) Actions taken to establish normal operations.

(f) Corrective actions taken or planned to prevent recurrence.

(g) Qualifications of the personnel involved in the incident.

(3) Reports of overexposures submitted as specified in rules contained in Part III of Chapter 64E-5, F.A.C., that involve failure of safety components of radiography equipment also must include the information specified in Rule 64E-5.441(2), F.A.C.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4), 404.081(1) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
William A. Passetti

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sharon Heber, Dr.P.H.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 9, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 30, 2001

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Sexually Violent Predator Program	65E-25
RULE TITLES:	RULE NOS.:
Assessment and Evaluation Procedures	65E-25.001
Education and Training Requirements for Multidisciplinary Team Members	65E-25.002
Criteria for Recommendation that Involuntary Commitment Petition be Filed	65E-25.003
Designation of Secure Facilities	65E-25.004
Basic Treatment Plan Components	65E-25.005
Notification of Examination	65E-25.006

PURPOSE AND EFFECT: To establish rule sections required by section 394.930, Florida Statutes (2000).

SUMMARY: The proposed rules set forth basic procedural requirements for assessments and evaluations of potential sexually violent predators; set forth the minimum education and training requirements for multidisciplinary team members; address criteria for recommendations to a state attorney that a petition be filed to involuntarily commit an individual; designate the secure facilities to be utilized by the Sexually Violent Predator Program (SVPP); describe the basic treatment plan components; and outline minimum requirements for notifying potential sexually violent predators of examination under the provisions of the Jimmy Ryce Act.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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

SPECIFIC AUTHORITY: 394.930 FS.

LAW IMPLEMENTED: Ch. 394, Part V FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 12:00 p.m., Tuesday, May 29, 2001

PLACE: Department of Children and Family Services, 1317 Winewood Blvd., Bldg 6, Conference Room A, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gregory D. Venz, Program Director, Sexually Violent Predator Program, Department of Children and Families, 1317 Winewood Blvd., Bldg. 6, Rm. 220, Tallahassee, FL 32399-0700

THE FULL TEXT OF THE PROPOSED RULES IS:

65E-25.001 Assessment and Evaluation Procedures.

(1) There shall be an initial assessment of every individual referred to the Sexually Violent Predator Program (SVPP). The initial assessment shall consist of a record review by no fewer than two licensed psychologists or psychiatrists. Records reviewed shall, at a minimum, consist of a referred individual's criminal and institutional background and treatment history, if any, provided by the Department of Corrections, Department of Juvenile Justice, or the Department of Children and Families with the referral.

(2)(a) A clinical evaluation shall be conducted on referred individuals who may meet the statutory criteria for commitment as sexually violent predators as determined by the initial assessment. At least one licensed psychologist or psychiatrist shall perform a clinical evaluation, which shall include, at a minimum, a review of all records considered during the initial assessment, and a personal interview of the referred individual if the referred individual consents to the interview.

(b) The evaluator's clinical opinion shall be the product of clinical judgment guided by the application of assessment instruments generally accepted by licensed professionals in the field of the assessment and evaluation of sexual offenders as helpful in the prediction of sexual offender recidivism. The clinical evaluation shall result in a written report that addresses, at a minimum, whether the evaluated individual suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment. "Likely to engage in acts of sexual violence" shall mean that the person's propensity to commit acts of sexual violence is of such a degree as to pose a menace to the health and safety of others.

(3) The licensed psychologists or psychiatrists who conduct the initial assessment, the licensed psychologist(s) or psychiatrist(s) who perform the clinical evaluation, and the licensed psychologist or psychiatrist who signs the department's recommendation to the appropriate state attorney's office shall constitute the multidisciplinary team. In the event the multidisciplinary team has reached a decision as to whether a referred individual meets commitment criteria, but no licensed member of the multidisciplinary team is available to sign the recommendation to the state attorney, a Department employee other than a licensed psychologist or psychiatrist may sign the Department's recommendation. However, in the event that the Department recommends that the state attorney file a petition seeking an individual's involuntary commitment, a statement signed by a licensed psychologist or psychiatrist affirming the recommendation must be sent to the state attorney as soon as is practicable. The Department employee other than a licensed psychologist or psychiatrist who signs a



department recommendation in place of a licensed psychologist or psychiatrist is not a member of the multidisciplinary team.

(4) The multidisciplinary team does not have to be unanimous in its determination that an individual meets criteria for involuntary civil commitment as a sexually violent predator in order for the Department to recommend to a state attorney that a commitment petition be filed. In the event that the members of the multidisciplinary team are not unanimous in their opinions as to whether an individual meets commitment criteria, the clinical director of the sexually violent predator program, or his or her designee, shall determine whether or not the Department will recommend that a commitment petition be filed. At least one member of the multidisciplinary team who performed a clinical evaluation must conclude that the individual meets commitment criteria in order to support a Department recommendation that a petition be filed.

Specific Authority 394.930 FS, Law Implemented Ch. 394, Part V FS, History–New \_\_\_\_\_.

#### 65E-25.002 Education and Training Requirements for Multidisciplinary Team Members.

Multidisciplinary team members must be licensed psychologists or psychiatrists with a minimum of one year of experience in the assessment and/or treatment of sex offenders. The Department may accept other relevant experience in lieu of the year of sex offender assessment and/or treatment experience. Prior to participating in risk assessments as a member of the multidisciplinary team, the licensed psychologist or psychiatrist must have attended training in the use and scoring of at least one of the risk assessment instruments approved by the Department for multidisciplinary team use. Multidisciplinary team members must earn 24 hours of continuing education credit biannually in the assessment and/or treatment of sex offenders.

Specific Authority 394.930 FS, Law Implemented Ch. 394, Part V FS, History–New \_\_\_\_\_.

#### 65E-25.003 Criteria for Recommendation that Involuntary Civil Commitment Petition be Filed.

(1) The multidisciplinary team may not determine that an individual meets criteria for involuntary civil commitment as a sexually violent predator unless the team concludes that the individual satisfies the provisions of Section 394.912(10), Florida Statutes (2000).

(2) The multidisciplinary team may not determine that an individual meets criteria if the individual has never been charged with a sexually violent offense involving physical contact with a victim unless:

(a) The record reflects a non-contact sexually motivated offense that is of a predatory nature, such as false imprisonment, kidnapping, or stalking, or

(b) The record reflects at least two charges of non-contact offenses involving sexual acts in the presence of a child, and the record evidences an escalation in severity of offenses such

that the multidisciplinary team concludes that there is a reasonable probability that future sexual offenses will involve physical contact with the victim.

The presence of either factor listed in (a) or (b) of this subsection above does not mandate a conclusion that the referred individual meets statutory criteria as a sexually violent predator.

(3) An individual cannot be considered to meet the criteria for involuntary civil commitment as a sexually violent predator if the individual's propensity to commit sexually violent offenses is wholly attributable to a "mental illness" as defined in Section 394.455, Florida Statutes (2000).

(4) An individual cannot be considered to meet the criteria for involuntary civil commitment as a sexually violent predator if the individual's propensity to commit sexually violent offenses is wholly attributable to "retardation" or "autism" as defined in Section 393.063, Florida Statutes.

Specific Authority 394.930 FS, Law Implemented Ch. 394, Part V FS, History–New \_\_\_\_\_.

#### 65E-25.004 Designation of Secure Facilities.

The secure facilities to be utilized by the department for the control, care and treatment of persons detained and/or committed under Sections 394.910-931, Florida Statutes, are the Florida Civil Commitment Center at 13617 SE Hwy 70, Arcadia, FL 34266, and the South Bay Sexually Violent Predator Detainee Unit at 600 U.S. Highway 27 South, South Bay, FL 33493.

Specific Authority 394.930 FS, Law Implemented Ch. 394, Part V FS, History–New \_\_\_\_\_.

#### 65E-25.005 Basic Treatment Plan Components.

(1) The treatment program for individuals involuntarily committed to the Department shall be a cognitive-behavioral therapy and relapse prevention program tailored to meet the needs of each committed individual. All committed individuals must receive a comprehensive assessment that will permit the development of an individualized treatment plan.

(2) The treatment program shall consist of a series of hierarchically advancing stages of treatment and rehabilitation. The program must afford group and, where indicated, individual counseling directed toward sex offender-specific as well as substance abuse and general psychosocial issues. In addition to structured counseling activities, the program must offer vocational therapy and therapeutic recreational activities.

(3) The treatment program may utilize phallometric and polygraphic assessment to assist in measuring treatment progress.

(4) At least annually, each committed individual shall have his treatment plan and progress reviewed by the primary treating clinician, the treatment team and the clinical director or his or her licensed psychologist/psychiatrist designee. A status report shall be prepared and included in the clinical file, with notation of any adjustments made in the individual's treatment plan as a result of the review.

Specific Authority 394.930 FS. Law Implemented Ch. 394, Part V FS. History—New

65E-25.006 Notification of Examination.

Prior to conducting a personal interview of a potential sexually violent predator, the individual to be interviewed must be informed that he or she is the subject of a clinical evaluation which, together with review of pertinent records, will enable the State to formulate an opinion as to whether the individual meets statutory criteria as a sexually violent predator. The individual must be informed that he may decline to be interviewed, and that if he does, the clinical evaluation will consist of a record review only. The individual must be informed that the evaluation will result in a written report that will be considered by the State in reaching its determination as to whether to recommend to the state attorney that an involuntary commitment petition be filed. This information must be orally explained to the individual and should, if practicable, be provided to the individual in writing. If the individual refuses to sign the written statement, the evaluator should so indicate on the written statement and sign and date it. In the event that it is not practicable to provide the individual a written statement and obtain a signature, the evaluator should so indicate on the written statement with a brief explanation of why the written statement could not be provided to the individual and sign and date it.

Specific Authority 394.930 FS. Law Implemented Ch. 394, Part V FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregory Venz
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Celeste Putnam
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 17, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 29, 1999

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE NO.: 4A-38.028
RULE TITLE: Standards of the National Fire Protection Association Adopted
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 27, No. 12, March 23, 2001, of the Florida Administrative Weekly:

4A-38.028 – will be changed to read as follows.

The standards of the National Fire Protection Association for life safety from fire, as provided in NFPA 101, Life Safety Code, Chapter 32 for New and Chapter 33 for Existing Facilities 1988 Edition, in the edition adopted in Section 4A-3.012, Florida Administrative Code which is hereby adopted and incorporated by reference, shall be the uniform fire safety standards required for this state with respect to intermediate care facilities for persons with developmental disabilities. Chapter 21, "Residential Board and Care Occupancies", shall be the uniform standard.

The remainder of the rule reads as previously published.

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON MAY 15, 2001

The Governor and Cabinet, on May 15, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments to Rule 12C-1.051, F.A.C. (Forms). The proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on November 9, 2000 (Vol. 26, No. 45, p. 5269). The workshop was held on November 28, 2000. No one provided comments at the workshop and no written comments were received by the Department.

The proposed amendments were noticed for a rule hearing in the Florida Administrative Weekly on February 16, 2001 (Vol. 27, No. 7, pp. 710-711). A rule hearing was held on March 13, 2001. No one attended the hearing regarding these proposed rule changes. In response to written comments received from the Joint Administrative Procedures Committee, a technical change to the law implemented section of Rule 12C-1.051, F.A.C., has been made.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.210
RULE TITLE: Use of Force

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 27, No. 5, February 2, 2001, Florida Administrative Weekly have been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: 59C-1.033
RULE TITLE: Open Heart Surgery Program

NOTICE OF CHANGE

Proposed amendments to Rule 59C-1.033, open heart surgery, were published December 22, 2000, in Vol. 26, No. 51 of the FAW. The agency is revising the proposed language in paragraphs (7)(a) and (7)(b) of those amendments to clarify that review of any application to establish an open heart surgery program will consider the impact of such an approval on existing open heart surgery programs in the applicant's district. Accordingly, when adopted, the amended rule paragraphs will read as follows: