

(20) Disclosure of social security numbers (SSN) for the applicant and all household members is required ~~voluntary and will not affect eligibility if not provided~~. Social security numbers are used to identify household members and to verify that assistance has not been received more than one time in the twelve month period prior to the month of the current application. The SSN for the applicant becomes the case number. ~~In the absence of a SSN for any household member, a pseudo social security number will be assigned to that individual in order to assist in case management.~~

Specific Authority 414.45 FS. Law Implemented 414.16 FS. History—New 3-13-88, Amended 4-2-91, 7-15-93, Formerly 10C-33.008, Amended

65A-33.011 Type and Amount of Assistance.

(1) through (3) No change.

(4) When the minimum assistance needed by the eligible household to avoid eviction or foreclosure exceeds the \$400 limit, the household must indicate exactly how the excess cost will be paid prior to assistance being granted. ~~Assistance will not be granted for rent or mortgage payments to prevent eviction or foreclosure unless the total minimum amount needed to prevent eviction or foreclosure can be secured.~~ In such situations, assistance can be granted to pay for alternate housing for the eligible household.

(5) Payment will be made in the form of a one-party check made payable to the landlord, mortgage holder or vendor for all eligible payments. The vendor or his representative will be required to sign a Vendor/Security Deposit Payment Agreement, CFHRS-ES Form 2698, (incorporated by reference in rule 65A-33.008, FAC) prior to receiving the check.

Specific Authority 414.45 FS. Law Implemented 414.16 FS. History—New 3-13-88, Amended 4-2-91, 7-15-93, Formerly 10C-33.011, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rodney McInnis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: April 30, 1999

### Section III Notices of Changes, Corrections and Withdrawals

#### PUBLIC SERVICE COMMISSION

DOCKET NO. 960258-WS

RULE NO.:

25-30.431

RULE TITLE:

Used and Useful Consideration

#### NOTICE OF CHANGE

Notice is hereby given that the following change have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 23, No. 27, July 3, 1997, issue of the Florida Administrative Weekly:

25-30.431 Used and Useful Consideration ~~Margin Reserve.~~

(1) ~~“Margin reserve” is defined as the amount of plant capacity needed to preserve and protect the ability of utility facilities to serve existing and future customers in an economically feasible manner that will preclude a deterioration in quality of service and prevent adverse environmental and health effects.~~

(2) ~~“Margin reserve period” is defined as the time period needed to install the next economically feasible increment of plant capacity.~~

(3) ~~Margin reserve is an acknowledged component of the used and useful rate base determination that when requested and justified shall be included in rate cases filed pursuant to section 367.081, Florida Statutes.~~

(4) ~~Unless otherwise justified, the margin reserve period for water source and treatment facilities and wastewater treatment and effluent disposal facilities will be 18 months. In determining whether property is needed to serve customers more than five full years after the end of the test period as provided by section 367.081(2)(a)2.c., Florida Statutes (1999) another margin reserve period is justified, the Commission shall consider the rate of growth in the number of equivalent residential connections (ERCs); the time needed to meet the guidelines of the Department of Environmental Protection (DEP) for planning, designing, and construction of plant expansion; and the technical and economic options available for sizing increments of plant expansion.~~

~~(2)(5)(a) Property needed to serve customers after the end of the test year Margin reserve for water source and treatment facilities and wastewater treatment and effluent disposal facilities shall be calculated as follows:~~

$$EG \times \text{PTMP} \times D = \text{PNMR}$$

where:

EG = Equivalent Annual Growth in ERCs determined pursuant to (b) or (c) below, not to exceed 5 percent per year

PTMP = Post Test Year Margin-Reserve Period determined pursuant to section 367.081(2)(a)2.b. and c., Florida Statutes (1999) subsection (4)

UD = Unit of measurement utilized Demand per ERC (customer demand applied in the used and useful calculations for plant components water and wastewater facilities)

PNMR = Property needed Margin-reserve expressed in the units of measurement utilized gallons per day (GPD)

(b) The equivalent annual growth in ERCs (EG) is measured in terms of the projected annual growth and shall be calculated in Schedules F-9 and F-10 of Form PSC/WAW 19 for Class A utilities and Form PSC/WAW 20 for Class B utilities, incorporated by reference in Rule 25-30.437.

(c) The utility shall also submit a linear regression analysis using average ERCs for the last 5 years. The utility may submit other information that will affect growth in ERCs.

~~(3)(6) As part of its application filed pursuant to Rule 25-30.437, the utility shall submit its most recent wastewater capacity analysis report, if any, filed with DEP.~~

~~(7) Contributions in aid of construction (CIAC) shall be imputed when a margin reserve is authorized. The amount of imputed CIAC shall be determined based on 50 percent of the number of ERCs included in the margin reserve period and the projected CIAC that will be collected from those ERCs. However, the imputed CIAC shall not exceed the rate base component associated with margin reserve.~~

Specific Authority 367.121 FS. Law Implemented 367.081(2)(a)2.b.c. FS. History-New\_\_\_\_\_.

## DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-601.801	Close Management – General
33-601.803	Privileges in Close Management
33-601.805	Assignment to Close Management
33-601.806	Review of Assignment to Close Management
33-601.809	Close Management – Case Management Responsibilities
33-601.810	Close Management Facilities
33-601.811	Close Management – Other Conditions and Privileges
33-601.812	Close Management Records and Forms

## NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 35, September 3, 1999, issue of the Florida Administrative Weekly. Note: These rules were published in the notice of proposed rulemaking as 33-38.001, 33-38.003, 33-38.005, 33-38.006, 33-38.009, 33-38.010, 33-38.011 and 33-38.012, respectively, but have since been renumbered as indicated above.

References to the below-listed forms appearing throughout the above rules are changed as follows:

Receipt for Personal Property, Form DC6-227 ~~DC3-304~~

Daily Record of Segregation, Form DC6-229 ~~DC4-815~~

Report of Close Management, Form DC6-233c ~~DC4-813e~~

Observation Checklist/Restraint Observation Checklist, Form DC4-650

Incident Report, Form DC6-210 ~~DC3-301~~

Inspection of Special Housing ~~Confinement~~ Record, Form DC6-228 ~~DC4-814~~

33-601.801 Close Management – General.

(1) No change.

(2)(a) through (b) No change.

(c) Prior to ~~When~~ escorting an inmate from a cell the inmate shall be thoroughly searched. If the inmate is being taken outside the immediate housing unit, leg irons and other appropriate restraint devices shall be applied.

(d) No change.

33-601.803 Privileges in Close Management.

(1)(a) through (c) No change.

(d) 1. No change.

2. Close management I and II inmates shall be allowed to purchase a maximum of 5 non-food canteen items. In making this determination, with the exception of stamps and notebook paper it is the number of non-food items that is considered, not the type of item. For example, three security pens count as three items, not one item. 25 stamps or fewer count as one item and two packages or less of notebook paper count as one item.

(e) through (3) No change.

33-601.809 Close Management – Case Management Responsibilities.

(1) No change.

(2) Any inmate assigned to close management for more than 30 continuous days shall be given a psychological assessment by appropriate mental health staff to determine his mental condition. For inmates who remain in confinement beyond 90 continuous days, a psychological assessment shall be completed each 90 day period. The assessment shall include a personal interview. All psychological assessments will be documented in the inmate's mental health record. Only those cases recommended for a change in status need to have a report

prepared for the warden. The warden shall then make a final decision regarding continuation of confinement based on the facts and recommendations in the report.

(3) No change.

(4)(a) No change.

(b) ~~As frequently as necessary, but not less than W~~weekly, by the inmate's assigned correctional probation officer to ensure that the inmate's welfare is properly provided for, and to determine the need for any program change recommendations.

(c) No change.

(5) A documented visual health and welfare ~~and~~security check shall be made of all inmates in close management:

(a) through (7) No change.

#### 33-601.810 Close Management Facilities.

(2) All close management cells will be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary ~~due to ensure safety and security of inmates and staff misbehavior~~. In such event, the inmate occupant shall be furnished with an adequate supply of drinking water by other means to prevent dehydration. This action shall be documented on Form DC6-229 ~~DC4-815~~, Daily Record of Segregation.

(3) through (4) No change.

#### 33-601.811 Close Management – Other Conditions and Privileges.

(1) No change.

(2) Inmates shall be allowed to retain personal property including stamps, watches, rings and health and comfort items unless there is an indication of a threat to the safety of the inmate or the institution security concern, in which case removal of any item will be documented on form DC6-229 ~~DC4-815~~ and a property receipt issued. The warden shall determine, based on institutional considerations, whether additional property is to be allowed. Radios, tape players, record players, television sets, and other electronic entertainment devices are not authorized for inmates in close management, except as authorized by rule 33-602.101(17).

(3) through (7) No change.

(8) Clothing and Bedding – Inmates in close management shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are required for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on Form DC6-229 ~~DC4-815~~ and approved by the correctional officer chief. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty ~~shroud~~garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in

the cell and this action shall be documented on Form DC6-229 ~~DC4-815~~. Under no circumstances shall an inmate be left without a means to cover himself or herself.

2. No change.

(9) through (11) No change.

(12)(a) No change.

(b) The Inspector General shall notify the warden ~~and~~ ~~or~~ regional director of any officer involved in eight or more use of force incidents in an 18 month period. The regional director will review the circumstances for possible reassignment.

#### 33-601.812 Close Management Records and Forms.

(1) through (3) No change.

(4) The following forms referenced in the close management rules are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator. Form DC4-813(e), Report of Close Management, is hereby incorporated by reference. A copy of this form is available from the Office of the General Counsel Security and Institutional Management, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If the form is to be mailed, a self-addressed stamped envelope must accompany the request. The effective date of this form is October 1, 1995.

(a) Form DC6-229, Daily Record of Segregation, effective date \_\_\_\_\_.

(b) Form DC6-233c, Report of Close Management, effective date \_\_\_\_\_.

(c) Form DC6-227, Receipt for Personal Property, effective date \_\_\_\_\_.

(d) Form DC6-228, Inspection of Special Housing Record, effective date \_\_\_\_\_.

(e) Form DC4-650, Observation Checklist/Restraint Observation Checklist, effective date \_\_\_\_\_.

(f) Form DC6-210, Incident Report, effective date \_\_\_\_\_.

### DEPARTMENT OF CORRECTIONS

#### RULE NOS:

33-602.220

33-602.221

33-602.222

33-602.223

#### RULE TITLES:

Administrative Confinement

Protective Management

Disciplinary Confinement

Special Management Meal

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 35, September 3, 1999, issue of the Florida Administrative Weekly. Note: These rules were published in the notice of proposed rulemaking as 33-3.0081, 33-3.0082, 33-3.0084 and 33-3.0085, respectively, but have since been renumbered as indicated above.

References to the below-listed forms appearing throughout the above rules are changed as follows:

Report of Administrative Confinement, Form DC6-233a ~~DC4-813(a)~~

Daily Record of Segregation, Form DC6-229 ~~DC4-815~~

Report of Protective Management, Form DC6-234 ~~DC4-868~~

Observation Checklist/Restraint Observation Checklist, Form DC4-650

Incident Report, Form DC6-210 ~~DC3-301~~

Inspection of Special Housing Confinement Record, Form DC6-228 ~~DC4-814~~

Record of Protective Management, Form DC6-235 ~~DC4-867~~

Special Management Meal Report, Form DC6-218 ~~DC3-013~~

33-602.220 Administrative Confinement.

(1) through (3) No change.

(4) Procedures for Placement in Administrative Confinement.

(a) When a decision is made to place an inmate in administrative confinement, the reason for such placement shall be explained to the inmate and the inmate shall be given an opportunity to present verbal comments on the matter. The inmate shall also be allowed to submit a written statement. Prior to placing the inmate in administrative confinement, the inmate shall be given a pre-confinement health assessment to include a physical and mental health evaluation that shall be documented in the health care record. When an official places an inmate in administrative confinement, this action shall be documented on a Report of Administrative Confinement, Form DC6-233a, including the reasons for the action and a summary of the inmate's comments. Form DC6-233a is incorporated by reference in (10)(e) of this rule. The heading and Section I shall be completed by the official who placed the inmate in administrative confinement. This section shall fully state the circumstances surrounding and reasons for placing the inmate in administrative confinement. The reason shall correspond with one of the reasons for placement stated in subsection (5) of this rule. Once Section I has been completed, the official who placed the inmate in administrative confinement shall sign Section I and forward the report to classification prior to the end of his or her shift or workday.

(b) The actions of the official placing the inmate in administrative confinement shall be reviewed within 72 hours by a correctional probation officer (CPO). The CPO shall review the reasons and circumstances surrounding the placement of the inmate in administrative confinement and shall personally interview the inmate. If the review cannot be completed within 72 hours by the CPO due to holiday or weekend, a senior correctional officer, who was not the official who originally placed the inmate in administrative confinement, shall complete the review. The review completed by a senior correctional officer shall be documented on Form DC6-229, Daily Record of Segregation, and the CPO shall complete a review within two working days after the weekend or holiday. Form DC6-229 is incorporated by reference in

(10)(e) of this rule. The CPO shall either concur with the placement of the inmate in administrative confinement or recommend the release of the inmate. The CPO's action shall be documented in section II of the Report of Administrative Confinement, Form DC6-233a. The CPO shall also document that the 72 hour review was completed by a senior correctional officer in section II of Form DC4-813(a), if necessary. If the CPO concurs with the placement of the inmate in administrative confinement, the DC6-233(a) does not need to be forwarded to the warden and shall be processed for filing. If the CPO recommends that the inmate be released from confinement, the DC6-233a shall be forwarded to the warden or assistant warden for a final decision. The warden's or assistant warden's decision shall be documented in section III of Form DC6-233a. The completed DC6-233a shall be forwarded to classification for filing.

(5)(a) through (b) No change.

(c)1. The institutional special review team shall initiate an investigation to gather information. A member of the special review team shall complete the heading and section IA of the DC6-234, Report of Protective Management. Form DC6-234 is incorporated by reference in (10)(e) of this rule. The team member shall utilize the documentation in the DC6-233a, Report of Administrative Confinement, for the information necessary to complete this portion of the report. The report shall then be forwarded to the investigative official assigned to investigate the reasons for protection. The investigator shall complete Section IB of the report and return it to the special review team.

2. If the inmate submits a request for release in writing at any time during a review for protection process that was initiated by the inmate, a member of the special review team shall interview the inmate as soon as possible and shall have the inmate complete Form DC6-203, Protection Waiver/ Appeal Decision Form. Form DC6-203 is incorporated by reference in (10)(e) of this rule. The special review team shall release the inmate from administrative confinement if it appears that the inmate does not need protection. If administrative confinement pending review for protection was imposed on the inmate, the process set forth in this rule shall continue until completed.

3. through 6. No change.

(d) through (f) No change.

(6)(a) through (b) No change.

(c) Any inmate assigned to administrative confinement for more than 30 days shall be given a psychological assessment by ~~appropriate~~ mental health staff to determine his mental condition. The assessment shall include a personal interview. The psychologist or psychological specialist shall prepare a report to the warden with the facts of the case. The warden shall then make a final decision regarding continuation of confinement. All such assessments shall be documented in the mental health record. If the decision is to continue confinement

and that confinement extends beyond 90 days, a new psychological assessment shall be completed each 90-day period.

(d) Inmates in administrative confinement shall receive a personal contact a minimum of:

1. No change.

2. ~~As frequently as necessary, but not~~ less than weekly, by a correctional probation officer to ensure that the inmate's welfare is properly provided for, and to determine the time and method of release or any program changes.

3. No change.

(e) A documented visual health and welfare ~~and~~ security check shall be made of all inmates in administrative confinement:

1. through 2. No change.

(f) No change.

(g) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff provides observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist/Restraint Observation Checklist, until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to special risk inmates shall be documented on Form DC6-229 and followed with an Incident Report, Form DC6-210. Form DC6-210 is incorporated by reference in (10)(e) of this rule.

(7)(a) No change.

(b) All administrative confinement cells shall be equipped with ~~appropriate~~ toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary due to misbehavior. In such event, the inmate occupant shall be furnished with an adequate supply of drinking water by other means to prevent dehydration. This action shall be documented on Form DC6-229, Daily Record of Segregation.

(c) No change.

(d) The administrative confinement cells shall be physically separate from disciplinary confinement cells, whenever possible given the physical design of the facility and the number of inmates housed in confinement areas. Whenever such location is not possible, physical barriers shall preclude the cross association of those in disciplinary confinement with those in administrative confinement. Administrative confinement cells shall be built to permit verbal communication and unobstructed observation by the staff.

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

(c) ~~Prior to~~ ~~When~~ escorting an inmate from a cell, the inmate shall be thoroughly searched. If the inmate is being taken outside the immediate housing unit, leg irons and other appropriate restraint devices shall be applied.

(d) through (e) No change.

(9)(a) through (d) No change.

(e) Legal Access – Legal materials shall be as accessible to inmates in administrative confinement as to inmates in general population as long as security concerns permit. An inmate in confinement may be required to conduct legal business by correspondence rather than a personal visit to the law library if security requirements prevent a personal visit. However, all steps shall be taken to ensure the inmate is not denied needed access while in confinement. Although the inmate may not be represented by an attorney at any administrative hearing, access shall be granted for legal visits at any reasonable time during normal business hours to the inmate's attorney or aide to that attorney. Indigent inmates shall be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent shall be allowed to purchase paper and envelopes for this purpose through a canteen order. Typewriters or typing services are not considered required items and shall not be permitted in confinement cells.

(f) through (j) No change.

(k) Clothing and Bedding.

1. Inmates in administrative confinement shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are necessary for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on Form DC6-229 and approved by the correctional officer chief. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty ~~shroud~~ garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229. Under no circumstances shall an inmate be left without a means to cover himself or herself.

2. No change.

(l) through (n) No change.

(o) Writing utensils. Inmates in administrative confinement shall possess only security pens, with a possession limit of four pens. Other types of pens shall be confiscated and stored ~~held~~ until the inmate is released from administrative confinement status. A security pen is a specially designed pen, approved by the Bureau of Security Operations, that is flexible so that it bends under pressure and has a tip that retracts under excessive pressure. If no security pens are available, the inmate shall be allowed to sign out a regular pen from the confinement unit

officer. All care shall be taken to ensure that an inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the department has access to a pen for a time period sufficient to prepare the legal mail, documents, or grievances.

(10)(a) No change.

(b) An Inspection of Special Housing Record, Form DC6-228, shall be maintained in each administrative confinement area. Each staff person shall sign such record when entering and leaving the confinement area. Prior to leaving the confinement area, each staff member shall indicate any specific problems including any inmate who requires special attention. Upon completion, the DC6-228 will be maintained in the housing area and forwarded to the correctional officer chief on a weekly basis where it will be maintained on file pursuant to the current retention schedule. Form DC6-228 is incorporated by reference in (10)(e) of this rule.

(c) A Daily Record of Segregation, Form DC6-229, shall be maintained for each inmate as long as he is in administrative confinement. The DC6-229 shall be utilized to document any and all activities, including cell searches, any items removed, showers, recreation, haircuts and shaves. If items that inmates in administrative confinement are not ~~normally~~ prohibited from possessing are denied or removed from the inmate, the shift officer-in-charge or the confinement lieutenant must approve the action initially. The items denied or removed will be documented on Form DC6-229 and the chief correctional officer will make the final decision in regard to the appropriateness of that action no later than the next working day following the action. The supervising officer will make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action will also be noted. The DC6-229 shall be maintained in the housing area for one week, at which time the form will be forwarded to the warden for review. Once reviewed, these forms will be forwarded to classification to be filed in the institutional inmate record.

(d) No change.

(e) The following forms referenced in this rule are hereby incorporated by reference. A copy of any of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel Security and Institutional Management, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, a self-addressed stamped envelope must accompany the request.

1. Form ~~DC6-233a~~ ~~DC4-813(a)~~, Report of Administrative Confinement, effective date \_\_\_\_\_.

2. Form ~~DC6-228~~ ~~DC4-814~~, Inspection of Special Housing Confinement, effective date 7-10-90.

3. Form DC4-650, Observation Checklist/Restraint Observation Checklist, effective date \_\_\_\_\_.

4. Form DC6-210, Incident Report, effective date \_\_\_\_\_.

5. Form DC6-234, Report of Protective Management, effective date \_\_\_\_\_.

6. Form DC6-229, Daily Record of Segregation, effective date \_\_\_\_\_.

7. Form DC6-203, Protection Waiver Appeal Decision, effective date \_\_\_\_\_.

(11) No change.

33-602.221 Protective Management.

(1) through (4)(b) No change.

(c) The institutional special review team shall cause a formal evaluation report to be prepared every 30 days on each inmate in protective management. The team shall review the report. Such reports may be in brief paragraph form stating the basis of the assignment, what has transpired since the last report, and any new facts relevant to the decision to continue protective management. Any inmate assigned protective management for more than 30 days shall be given a psychological assessment by ~~appropriate~~ mental health staff to determine his mental condition. The assessment shall include a personal interview. The psychologist or psychological specialist shall prepare a report to the warden with the facts of the case. The warden shall then make a final decision regarding continuation of protective management. All such assessments shall be documented in the mental health record. If the decision is to continue protective management that extends beyond 90 days, a new psychological assessment shall be accomplished each 90-day period.

(d) Any inmate who has demonstrated behavior that is or may be harmful to himself or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or medical staff provide observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650 until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to special risk inmates shall be documented on Form DC6-235 and followed with preparation of an Incident Report, Form DC6-210. Forms DC4-650, DC5-235 and DC6-210 are incorporated by reference in (11) of this rule.

(5) No change.

In (6) (a), the first sentence should read: Exercise – an exercise schedule shall be implemented to ensure a minimum opportunity of three ~~two~~ hours per week of exercise out of doors.

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

(c) A Record of Protective Management, Form DC6-235, shall be maintained for each inmate as long as the inmate is in protective management. Once the inmate is released from protective management, Form DC6-235 will be forwarded to the warden for review. Once reviewed, these forms will be forwarded to classification to be filed in the institutional inmate record. This form shall be used to record any action, remarks or disposition made on a specific inmate. Notations shall be made by medical staff, the special review team, or other staff dealing directly with the inmate. If items are denied or removed from the inmate, the senior correctional officer on duty must approve the action. The items denied or removed will be documented on the Form DC6-235 and the chief correctional officer will make the final decision in regard to the appropriateness of that action no later than the next working day following this action. The supervising officer will document any unusual occurrences or changes in the inmate's behavior and any action taken, ~~if necessary~~. Changes in housing location or any other special action will also be documented.

(11) The following forms referenced in this rule are hereby incorporated by reference. A copy of the forms may be obtained from the Forms Control Administrator, Office of the General Counsel Security and Institutional Management, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If the form is to be mailed, a self-addressed stamped envelope must accompany the request.

(a) Form DC6-235 ~~DC4-867~~, Record of Protective Management, effective date December 4, 1990.

(b) Form DC6-234 ~~DC4-868~~, Report of Protective Management, effective date \_\_\_\_\_.

(c) Form DC4-650, Observation Checklist/Restraint Observation Checklist, effective date \_\_\_\_\_.

(d) Form DC6-210, Incident Report, effective date \_\_\_\_\_.

(e) Form DC6-228, Inspection of Special Housing Record, effective date \_\_\_\_\_.

33-602.222 Disciplinary Confinement.

(1) Confinement Facilities and Conditions.

(a) Cells. Inmates placed in disciplinary confinement should ~~normally~~ be placed in single cells. The confinement cells should be approximately the same square footage as utilized for general population inmates. Inmates will not be housed in disciplinary confinement cells in greater number than there are bunks in the cells. The only exception to this policy would be during an emergency situation as approved by the warden. However, if this exception exists in excess of twenty-four (24) hours, the warden must get specific authorization from the regional director to continue to house inmates in this manner.

1. All disciplinary confinement cells shall be equipped with ~~appropriate~~ toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off

when necessary due to misbehavior. In such event, the inmate occupant will be furnished an adequate supply of drinking water by other means to prevent dehydration. This action shall be documented on Form DC6-229, Daily Record of Segregation.

2. No change.

3. Disciplinary confinement cells shall be physically separate from administrative confinement and protective management cells, whenever possible given the physical design of the facility and the number of inmates housed in confinement areas. Whenever such location is not possible, physical barriers shall preclude the cross association of those in disciplinary confinement with those in administrative confinement and protective management. Disciplinary confinement units shall be built to permit verbal communication and unobstructed observation by staff.

4. through 5. No change.

(b) Restraint and Escort Requirements.

1. through 2. No change.

3. Prior to ~~When~~ escorting an inmate from a cell, the inmate shall be thoroughly searched. If the inmate is being taken outside the immediate housing unit, leg irons and other appropriate restraint devices shall be applied.

4. through 5. No change.

(c) Clothing and Bedding.

1. Inmates in disciplinary confinement shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions shall be made for the welfare of the inmate or the security of the institution. In such cases, the exceptions should be noted on the DC6-229 Form and approved by the correctional officer chief. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty ~~shroud~~ garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229. Under no circumstances shall an inmate be left without a means to cover himself or herself.

2. No change.

(d) through (i) No change.

(j) 1. through 3. No change.

4. Indigent inmates will be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent shall be allowed to purchase paper and envelopes for this purpose through a canteen order. Typewriters or typing services are not considered required items and will not be permitted in confinement cells.

(k) through (o) No change.

(p) Canteen Items. Inmates in disciplinary confinement shall be allowed to purchase canteen items once every other week with the following restrictions:

1. Inmates in disciplinary confinement are prohibited from possessing or purchasing any canteen food items.

2. Inmates in disciplinary confinement shall be allowed to purchase a maximum of five non-food canteen items. In making this determination, with the exception of stamps and notebook paper, it is the number of non-food items that is counted, not the type of item. For example, three security pens counts as three items, not one item. Twenty-five stamps or fewer will count as one item and two packages or less of notebook paper will count as one item. Non-food items shall be limited to security pens, paper, stamps, envelopes, roll-on or stick deodorant and shower slides.

(q) through (r) No change.

(2) (a) No change.

(b) No inmate will be held in disciplinary confinement to exceed the maximum penalty for the rule violation. Any inmate assigned to disciplinary confinement for 30 days shall be given a psychological assessment by ~~appropriate~~ mental health staff to determine his mental condition. The assessment shall include a personal interview. The psychologist shall prepare a report to the warden with the facts of the case. If a recommendation to release the inmate from confinement is made by the psychologist, the warden shall, after a review of the documentation provided by the CPO and security staff on the inmate's Daily Record of Segregation, DC6-229, make a final decision regarding confinement. The warden will then make a final decision regarding continuation of confinement. All such assessments shall be documented in the mental health record. If the decision is to continue confinement and that confinement extends beyond 90 days, a new psychological assessment will be completed each 90-day period. If no psychological staff are available at the institution or facility, the warden shall make the decision whether to continue the disciplinary confinement.

(3)(a) No change.

(b) A documented visual health and welfare ~~and~~/security check shall be made of all inmates in disciplinary confinement:

1. Daily by the housing area supervisor.

2. At least every 30 minutes by a correctional officer, but on an irregular schedule.

(c) No change.

(d) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate exhibits bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures should be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or medical staff provide observation. Visual checks shall be made in accordance with medical

protocols or at least every 30 minutes and shall be documented on Form DC4-650 until the inmate is no longer considered a special risk inmate. Form DC4-650 is incorporated by reference in (7) of this rule. All actions taken by staff with regard to special risk inmates shall be noted on Form DC6-229 and shall be followed with an incident report, Form DC6-210. Forms DC6-229 and DC6-210 are incorporated by reference in (7) of this rule.

(4) Daily Record of Segregation.

(a) A Daily Record of Segregation, Form DC6-229 ~~DC4-815~~, will be maintained on each inmate in disciplinary confinement. The supervising officer of all three shifts the day and the evening shift, health care staff, and a disciplinary team member will sign the DC6-229 ~~DC4-815~~ form whenever they make a visit to a specific inmate. Full and complete remarks are to be made in the following situations:

1. Security Department – Supervising Officer.

a. Whenever a check of inmates is made on a ~~a routine or~~ special basis.

b. through 3. No change.

(5) Inspection of Special Housing Confinement ~~Record~~. Form DC6-228 ~~DC4-814~~, Inspection of Special Housing Confinement Record, shall be maintained in each disciplinary confinement area. Each staff person shall sign the form when entering and leaving the disciplinary confinement area. Prior to leaving the disciplinary confinement area, each staff member shall indicate any specific problems, including identification of any inmate who required special attention. Additionally, security personnel assigned to this area shall use this form to document all routine security checks. The officer-in-charge shall sign the DC6-228 when conducting his or her daily routine visit to the confinement area. Entries on this form by security staff, as referenced above, shall specifically state that each cell in the disciplinary confinement area has been visited and will indicate any specific problem, including identification of any inmate who required special attention. Upon completion, the DC4-814 will be maintained in the housing area and will be forwarded to the correctional officer chief on a weekly basis where it will be maintained on file pursuant to the current retention schedule.

(6) Staffing issues.

(a) Officers assigned to a confinement unit shall be rotated every 18 months to another assignment for a period of at least one year before reassignment to this type of housing unit. Any officer assigned to a confinement post shall be authorized a minimum period of five days annual leave or a five day assignment to a less stressful post every six months.

(b) No change.

(7) Forms. The following forms referenced in this rule are hereby incorporated by reference. A copy of any of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee,



Florida 32399-2500. If the request is for forms to be mailed, the request must be accompanied by a self-addressed stamped envelope.

(a) Form DC6-229, Daily Record of Segregation, effective date \_\_\_\_\_.

(b) Form DC6-228, Inspection of Special Housing Record, effective date \_\_\_\_\_.

(c) Form DC6-210, Incident Report, effective date \_\_\_\_\_.

(d) Form DC4-650, Observation Checklist/Restraint Observation Checklist, effective date \_\_\_\_\_.

33-602.223 Special Management Meal.

(1) through (3) No change.

(4) Placement on the Special Management Meal.

(a) When any employee observes inmate behavior that he believes meets the criteria for application of the special management meal, the employee shall prepare Form DC6-218 ~~DC3-013~~, Special Management Meal Report, and forward the report to the correctional officer chief for review. Form DC6-218 ~~DC3-013~~, Special Management Meal Report, is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel ~~Security and Institutional Management~~, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, a self-addressed stamped envelope must accompany the request. The effective date of this form is \_\_\_\_\_.

(b) No change.

(c) The warden ~~or his designee~~ shall approve or disapprove all recommendations for placement on the special management meal based on the criteria set forth in subsection (2) above.

(5) through (8) No change.

## DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

### Division of Workers' Compensation

RULE NOS.:	RULE TITLES:
38J-1.002	Definitions
38J-1.003	Right to Make Informed Choice
38J-1.004	Division Services – General
38J-1.005	Additional Requirements for Providing Certain Services
38J-1.006	Division Decisions and Appeal Procedures
38J-1.007	Case Closure

### NOTICE OF WITHDRAWAL

NOTICE IS HEREBY GIVEN that the above-listed proposed rules, as noticed in Vol. 23, No. 31 (August 1, 1997), Florida Administrative Weekly, have been withdrawn.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Board of Barbers'

RULE NO.:

61G3-19.011

RULE TITLE:

Barbershop Requirements

### NOTICE OF PUBLIC HEARING

The Board of Barbers' hereby gives notice of a public hearing on the above-referenced rule to be held on November 1, 1999, at 10:00 a.m., at the Sheraton Suites Tampa Airport, 4400 West Cypress Street, Tampa, Florida 33607. The rule was originally published in Vol. 25, No. 31, of the August 6, 1999, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ed Broyles, Executive Director, Board of Barbers', Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Florida Real Estate Appraisal Board

RULE NO.:

61J1-6.001

RULE TITLE:

Experience Requirement

### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule published in the Florida Administrative Weekly, Vol. 25, No. 33 on August 20, 1999, in accordance with s. 120.54(3)(d)1., F.S. The changes are in response to comments received from the Joint Administrative Procedures Committee.

61J1-6.001 Experience Requirement.

(1) through (6) No change.

(7) An applicant for licensure or certification who is employed by state or local government in Florida or by the federal government may have the experience requirement verified by an official statement affidavit when the applicant, due to statutory restrictions on the release of appraisal related work product, is unable to verify experience on forms 501.3 and 501.4. The experience for such an applicant must be verified by an official statement affidavit from a licensed or certified real estate appraiser who is in an appraisal supervisory capacity to the applicant. The filing of an official statement is enforceable pursuant to s. 837.06, Florida Statutes.

Specific Authority 475.614 FS. Law Implemented 475.617 FS. History—New 10-15-91, Formerly 21VV-6.001, Amended 9-22-93, 9-6-94, 2-19-98, 9-6-98,

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 99-34R

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
62-769	Florida Petroleum Liability and Restoration Insurance Program
RULE NOS.:	RULE TITLES:
62-769.800	Abandoned Tank Restoration Program
62-769.900	Forms

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the Notice of Repeal of Rules 62-769.800 and 62-769.900, Florida Administrative Code, as noticed in Vol. 25, No. 36, September 10, 1999, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION****Division of Recreation and Parks**

DOCKET NO.: 99-23R

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
62D-2	Operation of Division of Recreation Areas and Facilities
RULE NO.:	RULE TITLE:
62D-2.013	Park Property and Resources

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 37, September 17, 1999, issue of the Florida Administrative Weekly:

62D-2.013 Park Property and Resources.

(4) Plant Life.

(a) No change.

(b) No person shall transplant or remove any plant life from any park, except as provided herein. The Division shall ~~control manage~~ invasive exotic plants where appropriate for the restoration, maintenance, and preservation of ~~native certain~~ plant communities.

**DEPARTMENT OF HEALTH****Board of Medicine**

RULE NOS.:	RULE TITLES:
64B8-3.002	Licensure Fees
64B8-3.003	Renewal Fees

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 33, of the August 20, 1999, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Rule 64B8-3.002(1)(e), shall be changed to read, "(e) As provided in Section 458.317(4), F.S., if the person converting a full unrestricted license to a limited license, submits a written statement from the employing agency or institution that the licensee will not receive compensation for any service involving the practice of medicine, the application fee, all licensure fees, and neurological injury compensation assessments shall be waived."

2. Rule 64B8-3.003(2)(a)2., shall be changed to read, "2. If the licensee is converting a full, unrestricted license to a limited license, pursuant to section 458.317(4), F.S., the licensure renewal fee shall be waived."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH****Board of Medicine**

RULE NO.:	RULE TITLE:
64B8-7.002	Previously Inactive Applicants; Limited License

**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 33, of the August 20, 1999, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The change is as follows:

The last sentence of subsection (3) shall be reworded to read, "In this event a waiver of fees is provided as set forth in section 458.317(4), Florida Statutes."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH****Board of Occupational Therapy**

RULE NO.:	RULE TITLE:
64B11-4.003	Standards of Practice; Discipline

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 25, June 25, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. The Board discussed this rule and determined that it is necessary to do a substantial rewording of the rule since most of the rule text is being affected. The rule shall now read as follows:

## 64B11-4.003 Standards of Practice; Discipline.

(1) Purpose. The legislature created the Board to assure protection of the public from persons who do not meet minimum requirements for safe practice or who pose a danger to the public. Pursuant to Section 455.627, F.S., the Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Part III, Chapter 468, F.S. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the state reasons given within this rule. Each range includes the lowest and highest penalty and all penalties falling in between. The purposes of the imposition of discipline are to punish the applicants or licensees for violation and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Among the range of punishments in increasing severity are:

(a) Reprimand and a minimum administrative fine of \$100.

(b) Probation with conditions to include limitations on the type of practice or practice setting, requirement of supervision by a licensee of the Board, employer and self reports, periodic appearances before the Board, counseling or participation in the Physician's Recovery Network, payment of administrative fines, and such conditions to assure protection of the public.

(c) Suspension for a minimum of ninety days and thereafter until the licensee appears before the Board to demonstrate current competency and ability to practice safely and compliance with any previous Board orders.

(d) Denial of licensure with conditions to be met prior to any reapplication.

(e) Permanent Revocation.

(3) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating factors present in an individual case, the Board may deviate from the penalties recommended below. The Board shall consider as aggravating or mitigating factors the following:

(a) Exposure of patients or public to injury or potential injury, physical or otherwise; none, slight, severe, or death;

(b) Legal status at the time of the offense; no restraints, or legal constraints;

(c) The number of counts or separate offenses established;

(d) The number of times the same offense or offenses have previously been committed by the licensee or applicant;

(e) The disciplinary history of the applicant or licensee in any jurisdiction and the length of practice;

(f) Pecuniary benefit or self-gain inuring to the applicant or licensee;

(g) Any efforts at rehabilitation, attempts by the licensee to correct or to stop violations, or refusal by the licensee to correct or to stop violations;

(h) Any other relevant mitigating factors.

(4) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Section 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range of corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
(a) Attempting to obtain a license or certificate by bribery, fraud or through an error of the Department or the Board. (468.217(1)(a), 455.624(1)(h), F.S.) <u>First Offense</u>	Denial/revocation with ability to reapply and \$1000 fine	Denial/revocation with ability to reapply and \$3000 fine.
<u>Second Offense</u>	Revocation with ability to reapply and \$3000 fine	Revocation with ability to reapply and \$6000 fine
<u>Third Offense</u>	Revocation with ability to reapply and \$6000 fine	Revocation with no ability to reapply and \$10,000 fine
(b) Action taken against license by another jurisdiction. (468.217(1)(b), 455.624(1)(f) F.S.) <u>First Offense</u>	Imposition of discipline which would have been if the substantive violation occurred in Florida and \$1000 fine	Suspension/denial until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken and \$1000 fine. Impaired practioners working in Florida may be ordered into the PRN.
<u>Second Offense</u>	Imposition of discipline which would have been if the substantive violation occurred in Florida and a \$1000 fine	Revocation until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken and \$2000 fine. Impaired practioners working in Florida may be ordered into the PRN.
(c) Guilt of a crime directly relating to practice or ability to practice. (468.217(1)(c), F.S.) <u>First Offense</u>	6 months probation with conditions and \$1000 fine	Denial/revocation and \$5000 fine
<u>Second Offense</u>	1 year suspension and \$5000 fine	Revocation and \$10,000 fine
(d) False, deceptive, or misleading advertising. (468.217(1)(d), F.S.) <u>First Offense</u>	Reprimand	6 months suspension and \$250 fine
<u>Second Offense</u>	6 months suspension and \$250 fine	9 months suspension and \$500 fine
<u>Third Offense</u>	9 months suspension and \$500 fine	1 year suspension \$1000 fine

(e) Advertising, practicing under a name other than one's own name. (468.217(1)(c), F.S.)	<u>First Offense</u>	Reprimand	6 months suspension and \$100 fine	(l) Deceptive, untrue, or fraudulent representations in the practice of occupational therapy. (468.217(1)(l), 455.624(1)(a), F.S.)	<u>First Offense</u>	1 year probation with conditions and \$500 fine	1 year suspension, 1 year probation with conditions and \$1500 fine
	<u>Second Offense</u>	6 months suspension and \$100 fine	9 months suspension and \$500 fine		<u>Second Offense</u>	1 year suspension, 1 year probation with conditions and \$1500 fine	Denial/revocation \$3000 fine
	<u>Third Offense</u>	9 months suspension and \$500 fine	1 year suspension and \$1000 fine		<u>Third Offense</u>	2 years suspension, 2 years probation with conditions and \$3000 fine	Denial/revocation \$5000 fine
(f) Failure to report another licensee in violation. (468.217(1)(f), 455.624(1)(i), F.S.)	<u>First Offense</u>	Reprimand	Reprimand and \$100 fine	(m) Improper solicitation of patients. (468.217(1)(m), F.S.)	<u>First Offense</u>	1 year probation with conditions and \$500 fine	6 months suspension, 1 year probation with conditions and \$1000 fine
	<u>Second Offense</u>	Reprimand and \$100 fine	6 months probation with conditions and \$500 fine		<u>Second Offense</u>	6 months suspension, 1 year probation with conditions and \$1500 fine	1 year suspension, 2 years probation with conditions and \$3000 fine
	<u>Third Offense</u>	6 months probation with conditions and \$500 fine	6 months probation with conditions and \$1000 fine		<u>Third Offense</u>	1 year suspension, 2 years probation with conditions and \$3000 fine	Denial/revocation \$5000 fine
(g) Aiding unlicensed practice. (468.217(1)(g), 455.624(1)(i), F.S.)	<u>First Offense</u>	1 year probation with conditions and \$1000 fine	6 months suspension, 1 year probation with conditions and \$3000 fine	(n) Failure to keep written medical records. (468.217(1)(n), F.S.)	<u>First Offense</u>	Reprimand and \$100 fine	Reprimand or denial and \$1000 fine
	<u>Second Offense</u>	6 months suspension, 1 year probation with conditions and \$3000 fine	1 year suspension, 2 years probation with conditions and \$6000 fine		<u>Second Offense</u>	Reprimand and \$1000 fine	6 months suspension, 1 year probation with conditions and \$3000 fine
	<u>Third Offense</u>	1 year suspension, 2 years probation with conditions and \$6000 fine	Revocation and \$10,000 fine		<u>Third Offense</u>	6 months suspension, 1 year probation with conditions and \$3000 fine	1 year suspension, 2 years probation with conditions and \$5000 fine
(h) Failure to perform legal obligation. (468.217(1)(h), 455.624(1)(k), F.S.)	<u>First Offense</u>	Reprimand and \$100 fine	6 months probation with conditions and \$100 fine	(o) Exercising influence on patient for financial gain. (468.217(1)(o), 455.624(1)(n), F.S.)	<u>First Offense</u>	1 year probation with conditions and \$1000 fine	1 year suspension, 2 years probation with conditions or denial and \$5000 fine
	<u>Second Offense</u>	6 months probation with conditions and \$100 fine	6 months suspension, 1 year probation with conditions and \$500 fine		<u>Second Offense</u>	Revocation and \$5000 fine	Revocation and \$10,000 fine
	<u>Third Offense</u>	6 months suspension, 1 year probation with	Revocation and \$1000 fine conditions and \$500 fine		<u>Third Offense</u>	6 months probation with conditions and \$3000 fine	6 months probation with conditions and \$3000 fine
(i) Filing a false report or failing to file a report as required. (468.217(1)(l), 455.624(1)(i), F.S.)	<u>First Offense</u>	1 year probation with conditions and \$100 fine	6 months suspension, 1 year probation with conditions and \$250 fine	(p) Performing professional services not authorized by patient. (468.217(1)(q), F.S.)	<u>First Offense</u>	Reprimand and \$100 fine	Reprimand and \$1000 fine
	<u>Second Offense</u>	6 months suspension, 1 year probation with conditions and \$250 fine	Denial/revocation and \$500 fine		<u>Second Offense</u>	Reprimand and \$1000 fine	6 months probation with conditions and \$3000 fine
	<u>Third Offense</u>	1 year suspension, 2 years probation with conditions and \$500 fine	Denial/revocation and \$1000 fine		<u>Third Offense</u>	6 months probation with conditions and \$3000 fine	Revocation and \$5000 fine
(j) Kickbacks or split fee arrangements (468.217(1)(j) F.S.)	<u>First Offense</u>	6 months suspension, 1 year probation with conditions and \$500 fine	Denial/revocation and \$1000 fine	(q) Malpractice. (468.217(1)(q), F.S.)	<u>First Offense</u>	1 year probation with conditions and \$1000 fine	1 year suspension, 2 years probation with conditions or denial and \$5000 fine
	<u>Second Offense</u>	1 year suspension, 2 years probation with conditions and \$1000 fine	Denial/revocation and \$2500 fine		<u>Second Offense</u>	1 year suspension, 2 years probation with conditions and \$5000 fine	Revocation and \$10,000 fine
	<u>Third Offense</u>	2 years suspension, 3 years probation with conditions and \$2500 fine	Denial/revocation and \$5000 fine		<u>Third Offense</u>	1 year suspension, 1 year probation with conditions and \$1000 fine	2 years suspension, 2 years probation with conditions or denial and \$5000 fine
(k) Exercising influence to engage patient in sex. (468.217(1)(k), F.S.)	<u>First Offense</u>	1 year suspension, 4 years probation with conditions referral to PRN and \$5000 fine	Denial/revocation and \$7500 fine	(r) Performing of experimental treatment without informed consent. (468.217(1)(r), F.S.)	<u>First Offense</u>	1 year suspension, 1 year probation with conditions and \$1000 fine	2 years suspension, 2 years probation with conditions or denial and \$5000 fine
	<u>Second Offense</u>	Revocation and \$7500 fine	Revocation and \$10,000 fine		<u>Second Offense</u>	Revocation and \$5000 fine	Revocation and \$10,000 fine

(s) Practicing beyond scope permitted. (468.217(1)(s), 455.624(1)(o), F.S.)			(y) Unlicensed practice. (468.207, F.S.)		
<u>First Offense</u>	Reprimand and \$100 fine	6 months suspension, 6 months probation with conditions or denial and \$1500 fine	<u>First Offense</u>	6 months probation with conditions and \$1000 fine	Denial/revocation \$1000 fine plus \$50 per day for over 10 worked Up to \$5000
<u>Second Offense</u>	6 months suspension, 6 months probation with conditions and \$1500 fine	1 year suspension, 1 year probation with conditions and \$3000 fine	<u>Second Offense</u>	Revocation and \$1000 fine plus \$50 per day for over 10 worked up to \$5000	Revocation and \$10,000 fine
<u>Third Offense</u>	1 year suspension, 1 year probation with conditions and \$3000 fine	Revocation and \$5000 fine	(z) Intentionally violating any rule adopted by the Board or the Department as appropriate. (455.624(1)(b), F.S.)		
(t) Inability to practice occupational therapy with skill and safety. (468.217(1)(t), F.S.)			<u>First Offense</u>	6 months suspension, 1 year probation with conditions and \$1000 fine	1 year suspension, 2 years probation with conditions and \$2000 fine
<u>First Offense</u>	Submit to mental/physical examination and impose conditions on practice	Submit to mental/physical examination and suspension until able to demonstrate ability to practice with reasonable skill and safety	<u>Second Offense</u>	1 year suspension, 2 years probation with conditions and \$2000 fine	2 years suspension with conditions and \$4000 fine
<u>Second Offense</u>	Submit to mental/physical examination and suspension until able to demonstrate ability to practice with reasonable skill and safety	Submit to mental/physical examination and suspension until able to demonstrate ability to practice with reasonable skill and safety and \$3000 fine	<u>Third Offense</u>	2 years suspension, 4 years probation with conditions and \$4000 fine	Revocation and \$10,000 fine
<u>Third Offense</u>	Submit to mental/physical examination, suspension until able to demonstrate ability to practice with reasonable skill and safety and \$3000 fine	Revocation and \$5000 fine	(aa) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice a licensee's profession. (455.624(1)(c), F.S.)		
(u) Delegation of professional responsibilities to unqualified person. (468.217(1)(u), 455.624(1)(p), F.S.)			<u>First Offense</u>	6 months probation with conditions and \$1000 fine	Denial/revocation and \$5000 fine
<u>First Offense</u>	1 year probation with conditions and \$1000 fine	6 months suspension, 1 year probation with conditions and \$3000 fine	<u>Second Offense</u>	1 year suspension and \$5000 fine	Revocation and \$10,000 fine
<u>Second Offense</u>	6 months suspension, 1 year probation with conditions and \$3000 fine	1 year suspension, 2 years probation with conditions and \$6000 fine	(bb) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome. (455.624(1)(c), F.S.)		
<u>Third Offense</u>	1 year suspension, 2 years probation with conditions and \$6000 fine	Revocation and \$10,000 fine	<u>First Offense</u>	Reprimand	6 months probation with conditions and \$100 fine
(v) Violation of law, rule, order, or failure to comply with subpoena. (468.217(1)(v), 455.624(1)(q), F.S.)			<u>Second Offense</u>	6 months probation with conditions and \$100 fine	1 year probation with conditions and \$500 fine
<u>First Offense</u>	Suspension until law, rule, order, or subpoena complied with and \$500 fine	Revocation and \$1500 fine	<u>Third Offense</u>	1 year probation with conditions and \$500 fine	2 years probation with conditions and \$1000 fine
<u>Second Offense</u>	6 months suspension, 1 year probation with conditions and \$1500 fine	Revocation and \$5000 fine	(cc) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. (455.624(1)(g), F.S.)		
(w) Conspiring to restrict another from lawfully advertising services. (468.217(1)(w), F.S.)			<u>First Offense</u>	1 year probation with conditions and \$1000 fine	6 months suspension, 1 year probation with conditions and \$2000 fine
<u>First Offense</u>	Reprimand	Reprimand and \$100 fine	<u>Second Offense</u>	6 months suspension, 1 year probation with conditions and \$2000 fine	1 year suspension, 2 years probation with conditions and \$4000 fine
<u>Second Offense</u>	Reprimand and \$100 fine	Reprimand and \$500 fine	<u>Third Offense</u>	1 year suspension, 2 years probation with conditions and \$4000 fine	Revocation and \$10,000 fine
<u>Third Offense</u>	Reprimand and \$500 fine	Reprimand and \$1000 fine	(dd) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (455.624(1)(m), F.S.)		
(x) False representation of registration. (468.223(1), F.S.)			<u>First Offense</u>	1 year probation with conditions and \$500 fine	1 year suspension, 1 year probation with conditions and \$1500 fine
<u>First Offense</u>	Reprimand and \$100 fine	1 year probation with conditions or denial and \$500 fine	<u>Second Offense</u>	1 year suspension, 1 year probation with conditions and \$1500 fine	Denial/revocation and \$3000 fine
<u>Second Offense</u>	1 year probation with conditions and \$500 fine	6 months suspension, 1 year probation with conditions and \$750 fine	<u>Third Offense</u>	2 years suspension, 2 years probation with conditions and \$3000 fine	Denial/revocation and \$5000 fine
<u>Third Offense</u>	6 months suspension, 1 year probation with conditions and \$750 fine	Revocation and \$1000 fine			

(ee) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.

(455.624(1)(r), F.S.)

First Offense

6 months probation with conditions and \$1000 fine

6 months suspension, 1 year probation with conditions and \$2000 fine

Second Offense

6 months suspension, 1 year probation with conditions and \$2000 fine

1 year suspension, 2 years probation with conditions and \$4000 fine

Third Offense

1 year suspension, 2 years probation with conditions and \$4000 fine

(ff) Engaging or attempting to engage a patient in verbal or physical sexual activity.

(455.624(1)(u), F.S.)

First Offense

1 year suspension, 4 years probation with conditions referral to PRN and \$5000 fine  
Revocation and \$7500 fine

Denial/revocation and \$7500 fine

Second Offense

Revocation and \$10,000 fine

(gg) Failing to report to the board within 30 days after the licensee has been convicted or found guilty of, or entered a plea of no contendere to, regardless of adjudication, a crime in any jurisdiction.

(455.624(w), F.S.)

First Offense

Reprimand

6 months suspension, 1 year probation with conditions and \$500 fine

Second Offense

6 months suspension, 1 year probation with conditions and \$500 fine

1 year suspension, 2 years probation with conditions and \$1000 fine

Third Offense

1 year suspension, 2 years probation with conditions and \$1000 fine

(hh) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers for the solicitation of the people involved in the accidents.

(455.624(x), F.S.)

First Offense

1 year probation with conditions and \$1000

6 months suspension, 1 year probation with conditions and \$2000 fine

Second Offense

6 months suspension, 2 years probation with conditions and \$2000 fine

1 year suspension, 2 years probation with conditions and \$4000 fine

Third Offense

1 year suspension, 2 years probation with conditions and \$4000 fine

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

## DEPARTMENT OF HEALTH

### Board of Occupational Therapy

RULE NO.:

64B11-5.0065

RULE TITLE:

Exemption of Spouse of Member of Armed Forces from License Renewal Requirements

#### NOTICE OF CHANGE

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

1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. The rule shall now read as follows:

64B11-5.0065 Exemption of Spouse of Member of Armed Forces from License Renewal Requirements.

A licensee who is the spouse of a member of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence and the spouse's military status to the Board.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

## DEPARTMENT OF HEALTH

### Board of Pharmacy

RULE NO.:

64B16-27.220

RULE TITLE:

Medicinal Drugs which may be Ordered by Pharmacists

#### NOTICE OF CORRECTION

Notice is hereby given that the above-referenced rule, which was advertised in the September 24, 1999, issue of the Florida Administrative Weekly contained a typographical error in the date the notice of rule development was published in the Florida Administrative Weekly. The correct date for the date of publication of the notice of rule development was August 13, 1999. This change does not in any way affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE RULE IS: John Taylor, Executive Director, Board of Pharmacy, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

## DEPARTMENT OF HEALTH

### Council of Licensed Midwifery

RULE NO.:

64B24-6.005

RULE TITLE:

Criteria for Continuing Education Programs

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 6, February 12, 1999, Florida Administrative Weekly, has been withdrawn.

## DEPARTMENT OF HEALTH

### Division of Family Health Services

RULE NO.:

64F-2.005

RULE TITLE:

Healthy Start Coalitions

**NOTICE OF RULE WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 24, June 18, 1999, Florida Administrative Weekly, has been withdrawn.

**FISH AND WILDLIFE CONSERVATION COMMISSION****Division of Freshwater Fish and Wildlife**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
68A-12.007	Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting

**NOTICE OF CHANGE**

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subsection (2) of this proposed rule which was published in Volume 25, Number 35, Florida Administrative Weekly, September 3, 1999, so that when adopted, it will read as follows:

(1) No change.

(2) The purpose and intent of this subsection is to empower the Fish and Wildlife Conservation Commission, upon the complaint of a landowner or lessee, to enforce against the unauthorized use of dogs for hunting. No person owning, having the care of, or using any dogs shall permit such dog to trail, pursue or molest wildlife on the lands of another person without written permission from the landowner or lessee of said lands. Written permission shall be in the possession of each person using such dog on the lands of another person, and shall be presented for inspection upon request of any Commission wildlife officer or other law enforcement officer as referred to in subsection 68A-3.002(3), F.A.C.

(4) No change.

**FISH AND WILDLIFE CONSERVATION COMMISSION****Division of Freshwater Fish and Wildlife**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
68A-15.005	Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits

**NOTICE OF CHANGE**

Notice is hereby given that the following changes, in accordance with subparagraph 120.54(3)(d)1., F.S., have been made to this proposed rule which was published in Volume 25, Number 35, Florida Administrative Weekly, September 3, 1999, so that when adopted, it will read as follows:

(a) South Region

36. Withdraw proposed spring turkey quotas which were proposed for Walk-in-the-Water WMA.

No change to remainder of (a).

(b) Northeast Region

51. Holton Creek, mobility-impaired spring turkey (each hunt) – 10 by spring turkey application (no exemptions).

(c) Northwest Region

31. Tate's Hell, spring turkey (each hunt) – 25 by spring turkey application.

Renumber remainder of (c) accordingly.

(d) Everglades Region – No change.

(e) Central Region

9. Withdraw proposed spring turkey quotas which were proposed for Citrus WMA.

No change to remainder of (e).

**FISH AND WILDLIFE CONSERVATION COMMISSION****Division of Freshwater Fish and Wildlife**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
68A-15.006	Regulations Relating to Miscellaneous Areas

**NOTICE OF CHANGE**

Notice is hereby given that the following changes, in accordance with subparagraph 120.54(3)(d)1., F.S., have been made to this proposed rule which was published in Volume 25, Number 35, September 3, 1999, so that when adopted, it will read as follows:

68A-15.006 Regulations Relating to Miscellaneous Areas.

The Commission may establish specific regulations for wild hog areas and miscellaneous areas to regulate and manage the lands or waters therein the best interest of the state. Regulations are set forth as follows:

(1) Kissimmee River Public Use Area

(a) Open seasons:

1. Non-migratory game – Zonal seasons established under Rule 68A-13.004, F.A.C., except that open season for rabbit shall be during the zonal squirrel season only.

2. Migratory game birds – Statewide regulations established under Rules 68A-13.003 and 68A-13.008, F.A.C., except that open season for crow shall be during the first phase of crow season only.

3. Furbearers – During the zonal antlered deer season only except that bobcat, mink, and otter may be taken only after November 30.

4. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, furbearers, fish, and frogs. Wild hogs may be taken as provided in Rules 68A-13.004 and 68A-21.004, F.A.C. Bag and possession limits and shooting hours shall be those established under Rules 68A-13.003, 68A-13.004, and 68A-13.008, F.A.C., except that shooting hours for turkeys during the spring season shall be from one-half hour before sunrise until 1 p.m.

(c) General regulations:

1. The possession of center-fire rifles in the marshes and uplands shall be prohibited. The marshes shall be those lands outside the Kissimmee River channel and the Istokpoga canal.

2. No person shall possess any gun upland of the line marked by South Florida Water Management District blue management area signs except during the period beginning on the opening day of rail season established in Rule 68A-13.008, F.A.C., and ending on the closing day of spring turkey season established in Rule 68A-13.004, F.A.C.

3. Shooting frogs shall be permitted only during hunting seasons established for this area and only with guns that are legal to use during each particular open hunting season.

4. All public use shall be prohibited in those areas posted as closed to afford protection to biologically sensitive resources or sites, protection of archeological or cultural resources, or for public safety reasons. Hunting shall be prohibited within 300 yards of any active construction site.

Specific Authority Art. IV, Sec 9, Fla. Const. Law Implemented Art IV, Sec 9, Fla. Const. History—New \_\_\_\_\_.

## FISH AND WILDLIFE CONSERVATION COMMISSION

### Division of Freshwater Fish and Wildlife

RULE NO.: 68A-15.061  
 RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – South Region  
 NOTICE OF CHANGE

Notice is hereby given that the following changes, in accordance with subparagraph 120.54(3)(d)1., F.S., have been made to this proposed rule which was published in Volume 25, Number 35, Florida Administrative Weekly, September 3, 1999.

(1) No change.

(7) Arbuckle Wildlife Management Area

(a) Open season:

4. Spring turkey – March 21-23, April 4-6, and April 18-20.

No change to the remainder of (7).

~~(10) Kissimmee River Wildlife Management Area~~

~~(a) Open season:~~

~~1. Small game – November 13 through January 9.~~

~~2. Early duck – In the September season as established by Rule 68A-13.003, F.A.C., until noon.~~

~~3. Migratory game birds – During the migratory game bird seasons as established by Rules 68A-13.003 and 68A-13.008, F.A.C. During the duck and coot season, hunting is limited to the period one-half hour before sunrise until noon.~~

~~4. Falconry – During the falconry season as established by Rules 68A-13.004 and 68A-13.008, F.A.C.~~

~~5. Fishing and frogging – Permitted throughout the year.~~

~~(b) Legal to take: All legal small game, fish, frogs and furbearers.~~

~~(c) Camping: Prohibited during the small game season and on the Fort Basinger Unit.~~

~~(d) General regulations:~~

~~1. The possession or use of firearms other than shotguns is prohibited.~~

~~2. The use of dogs, other than retrievers, bird dogs and dogs with a shoulder height of 15 inches or less, is prohibited.~~

~~3. The use of vehicles, motorcycles or three or four wheelers (ATVs) is prohibited.~~

~~4. All vehicles shall be parked in the designated parking area. Bicycles may be ridden from the parking area to any other location on the wildlife management area.~~

~~5. Persons may enter the area no earlier than one-half hour before sunrise and shall exit no later than one-half hour after sunset.~~

~~6. Hunters shall check in at a designated check station when entering and exiting the area, and record all game taken.~~

~~(11) No change.~~

~~(12) Kissimmee River Wildlife Management Area – Pool A East Unit.~~

~~(a) Open season: Fishing – Permitted throughout the year.~~

~~(b) Legal to take: All legal fish.~~

~~(c) Camping: Prohibited.~~

~~(d) General regulations:~~

~~1. The possession or use of guns and dogs is prohibited.~~

~~2. The use of all terrain vehicles and airboats is prohibited.~~  
 Renumber remainder of rule accordingly.

(13) Withdraw all proposed amendments to (13), which were spring turkey season dates and associated regulations for Walk-in-the-Water Wildlife Management Area.

(14) No change.

(15) No change.

## FISH AND WILDLIFE CONSERVATION COMMISSION

### Division of Freshwater Fish and Wildlife

RULE NO.: 68A-15.062  
 RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – Northeast Region  
 NOTICE OF CHANGE

Notice is hereby given that the following changes, in accordance with subparagraph 120.54(3)(d)1., F.S., have been made to this proposed rule which was published in Volume 25, Number 35, Florida Administrative Weekly, September 3, 1999, so that when adopted, it will read as follows:

(1) No change.

(22) Holton Creek Wildlife Management Areas

(a) Open season:



2. Mobility-impaired spring turkey – March 24-26 and April 14-16.

3. No change.

(d) General regulations:

5. No change.

6. No change.

9. All mobility-impaired hunters are required to attend a pre-hunt orientation meeting.

## **FISH AND WILDLIFE CONSERVATION COMMISSION**

### **Division of Freshwater Fish and Wildlife**

RULE NO.: 68A-15.065  
 RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – Central Region

#### **NOTICE OF WITHDRAWAL**

Notice is hereby given that all proposed amendments to 68A-15.065(2), Citrus Wildlife Management Area spring turkey season, as published in Volume 25, Number 35, September 3, 1999, have been withdrawn. Proposed amendments to the remainder of the rule will be adopted as proposed.

## **FISH AND WILDLIFE CONSERVATION COMMISSION**

### **Division of Marine Fisheries**

RULE CHAPTER TITLE: Reef Fish	
RULE TITLES:	RULE NOS.:
Purpose and Intent, Repeal of Section 370.11(2)(a)8., F.S., Designation as Protected Species, Designation as Restricted Species	68B-14.001
Definitions	68B-14.002
Size Limits: Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper	68B-14.0035
Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Exception, Wholesale/Retail Purchase Exemption	68B-14.0036
Commercial Harvest Requirements; Licenses, Closures, Special Restrictions	68B-14.0045

#### **NOTICE OF CHANGES TO PROPOSED RULES**

The Fish and Wildlife Conservation Commission announces changes to proposed amendments to Rules 68B-14.001, 68B-14.002, 68B-14.0035, 68B-14.0036, and 68B-14.0045, F.A.C., as published in the September 3, 1999 issue of the Florida Administrative Weekly. The changes are in response to public comment, testimony, and Commission discussion contained in the record of the public hearing held by the Commission on October 7, 1999, in St. Petersburg, Florida. Each rule was changed by adding a January 1, 2000 effective date, as follows:

68B-14.001 Purpose and Intent, Repeal of Section 370.11(2)(a)8., F.S., Designation as Protected Species, Designation as Restricted Species.

(4) No change.

PROPOSED EFFECTIVE DATE: January 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const., sections 7 & 9 of chapter 83-134, Laws of Florida, as amended by chapter 84-121, Laws of Florida. Law Implemented Art. IV, Sec. 9, Fla. Const., sections 7 & 9 of chapter 83-134, Laws of Florida., as amended by chapter 84-121, Laws of Florida. History–New 7-29-85, Formerly 46-14.001, Amended 12-11-86, 2-1-90, 3-1-94, 12-31-98,\_\_\_\_\_.

68B-14.002 Definitions.

For purposes of this chapter, except where the context clearly requires otherwise:

(15) No change.

PROPOSED EFFECTIVE DATE: January 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const., Law Implemented Art. IV, Sec. 9, Fla. Const.. History–New 7-29-85, Formerly, 46-14.002, Amended 12-11-86, 2-1-90, 12-31-92, 3-1-94, 1-1-98, 12-31-98,\_\_\_\_\_.

68B-14.0035 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper.

No person shall harvest in or from state waters at any time, land, possess, unnecessarily destroy, or sell or offer for sale (except as provided in Rule 68B-14.0045), any of the following species, of a length less than set forth as follows:

(1) through (7) No change.

PROPOSED EFFECTIVE DATE: January 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-31-98, Formerly, 46-14.0035, Amended 3-1-99,\_\_\_\_\_.

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Wholesale/ Retail Purchase Exemption.

(2) No change.

(6) No change.

(7) No change.

(8) No change.

PROPOSED EFFECTIVE DATE: January 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-31-98, Formerly, 46-14.0036, Amended 3-1-99,\_\_\_\_\_.

68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Special Restrictions.

(1) through (3) No change.

PROPOSED EFFECTIVE DATE: January 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 2-1-90, Formerly, 46-14.0045, Amended 12-31-92, 10-18-93, 3-1-94, 6-15-95, 1-1-96, 11-27-96, 12-31-98, 3-1-99,\_\_\_\_\_.

# FISH AND WILDLIFE CONSERVATION COMMISSION

## Division of Marine Fisheries

RULE CHAPTER TITLE: Amberjack

RULE NOS.: RULE TITLES:

68B-40.001 Purpose and Intent, Designation as Restricted Species

68B-40.002 Definitions

68B-40.003 Size Limits; Prohibition of Sale of Undersize Fish

68B-40.004 Bag Limits

68B-40.005 Harvest for Commercial Purposes, Seasonal Prohibition From Sale

## NOTICE OF CHANGES TO PROPOSED RULES

The Fish and Wildlife Conservation Commission announces changes to the proposed repeal of Rule Chapter 68B-40, F.A.C., as published in the September 3, 1999 issue of the Florida Administrative Weekly. The changes are in response to public comment, testimony, and Commission discussion contained in the record of the public hearing held by the Commission on October 7, 1999, in St. Petersburg, Florida. The effective date of the repeals has been included as part of the rules to coincide with the effective date of the proposed amendment of Rule Chapter 68B-14, F.A.C., where the substantive provisions regarding amberjack are being inserted as part of reef fish regulations. The repeals, with the added effective dates are as follows:

68B-40.001 Purpose and Intent; Designation as Restricted Species.

PROPOSED EFFECTIVE DATE: January 1, 2000.

Specific Authority 370.01(20), 370.027(2) FS. Law Implemented 370.01(20), 370.025, 370.027 FS. History—New 2-1-90, Formerly, 46-40.001, Amended 12-31-92, 12-31-98, Repealed.

68B-40.002 Definitions.

PROPOSED EFFECTIVE DATE: January 1, 2000.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 2-1-90, Formerly, 46-40.002, Amended 12-31-92, 1-1-98, Repealed.

68B-40.003 Size Limits; Prohibition of Sale of Undersize Fish.

PROPOSED EFFECTIVE DATE: January 1, 2000.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 2-1-90, Formerly, 46-40.003, Amended 12-31-92, 1-1-98, Repealed.

68B-40.004 Bag Limits.

PROPOSED EFFECTIVE DATE: January 1, 2000.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 2-1-90, Formerly, 46-40.004, Amended 12-31-92, 4-1-96, 1-1-98, Repealed.

68B-40.005 Harvest for Commercial Purposes, Seasonal Prohibition From Sale.

PROPOSED EFFECTIVE DATE: January 1, 2000.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 2-1-90, Formerly, 46-40.005, Amended 12-31-92, 3-18-96, 1-1-98, 12-31-98, Repealed.

## Section IV Emergency Rules

### DEPARTMENT OF THE LOTTERY

RULE TITLE:

RULE NO.:

Instant Game 81 Specifics

53ER99-46

SUMMARY OF THE RULE: Instant Game Number 81 Specifics, "WHEEL OF FORTUNE®," will be sold by Florida Lottery retailers commencing on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, procedures to be followed on how to play the game, the number and size of prizes in the game, and the specifics of the WHEEL OF FORTUNE® PLAY-AT-HOME BONUS Promotion.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-46 Instant Game 81 Specifics.

(1) Name of Game. Instant Game Number 81 "WHEEL OF FORTUNE®."

(2) Price. WHEEL OF FORTUNE® tickets sell for \$2.00 per ticket.

(3) WHEEL OF FORTUNE® Lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning WHEEL OF FORTUNE® Lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any WHEEL OF FORTUNE® Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "WHEEL LETTERS" play symbols and play symbol captions in WHEEL OF FORTUNE® are as follows:

INSERT SYMBOLS