

least 5 calendar days before the workshop by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

## Section II Proposed Rules

### DEPARTMENT OF BANKING AND FINANCE

#### Division of Finance

RULE TITLE: Procedures for Filing Claim

RULE NO.: 3D-20.0021

PURPOSE AND EFFECT: The purpose of the proposed amendment is to adopt new claim forms that can be downloaded from the Department's website and used to submit claims for unclaimed property.

SUMMARY: Three new claim forms for unclaimed property are being adopted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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 the date of this notice.

SPECIFIC AUTHORITY: 717.138 FS.

LAW IMPLEMENTED: 92.525, 717.1201, 717.124, 717.125, 717.126 FS.

IF 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., November 29, 1999

PLACE: Room 330, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pete DeVries, Chief, Unclaimed Property Section, Room 326, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350 (850)410-9544

THE FULL TEXT OF THE PROPOSED RULE IS:

3D-20.0021 Procedures for Filing Claim.

(1) All claims for unclaimed property in the custody of the Department pursuant to Chapter 717, Florida Statutes, shall be submitted to the Department on the form(s) prescribed and supplied by the Department, together with documentation supporting the claim. The Department will only accept and review claims that are complete. A complete claim shall

include the appropriate claim form, manually signed by all claimants, and all supporting documentation as described and required by Sections 3D-20.0021(2)-(6), F.A.C., and Rule 3D-20.0022, F.A.C. Incomplete claims delivered to the Department will be returned to the claimant with a letter advising the reason the claim is being returned. All forms referenced in this rule are available from and shall be submitted to: The Department of Banking and Finance, Division of Finance, Abandoned Property Section, Suite 330, Fletcher Building, Tallahassee, Florida 32399-0350.

(1) through (7) renumbered (2) through (8) No change.

(9) The following forms, which are hereby incorporated by reference, can be downloaded from the Department's website at www.dbf.state.fl.us. and used to submit claims for unclaimed property:

(a) Form DBF-AP 106EZ (effective 6/99) to be used for claims filed by an apparent owner:

(b) Form DBF-AP 107EZ (effective 6/99) to be used for claims filed by other than an apparent owner; and

(c) Form DBF-AP 108EZ (effective 6/99) to be used for claims filed by a legal representative or private investigator.

Specific Authority 717.138 FS. Law Implemented 92.525, 717.1201, 717.124, 717.125, 717.126 FS. History--New 3-20-91, Amended 3-13-96, 3-18-96, 1-18-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pete DeVries, Chief, Abandoned Property Section

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bill Monroe, Deputy Comptroller

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 14, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 1999

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Plant Industry

RULE TITLES: RULE NOS.:

Citrus Budwood Protection Procedure	
Manual, Citrus Budwood Testing Manual, and Graft-transmissible Diseases of Citrus: Handbook for detection and diagnosis	5B-60.004
Citrus Nursery Stock Propagation and Planting Parent Trees	5B-60.006
Scion Trees	5B-60.007
Increase Trees	5B-60.009
Validated Trees	5B-60.010
Source Tree Registration Certificate	5B-60.011
Procedure for Identifying and Recording Citrus Nursery Stock	5B-60.012
Stop-Sale Notice or Hold Order (DACS-08016)	5B-60.013
Fees	5B-60.014
Exemptions	5B-60.015

**PURPOSE AND EFFECT:** The purpose of this rule development is to amend Rule Chapter 5B-60 to stipulate that validated increase blocks that originate from registered increase trees must be tested between the 10th and 12th month to qualify for the full 24 month use, which will make this testing consistent with the other testing in the rule. This will reduce the likelihood of propagating disease; to specify that the Certificate of Source Tree Registration for increase blocks shall be valid for a period of 24 months. The effect will be to reduce grower registration costs and eliminate some office paperwork; and to change the fees to more fully reflect the cost of the service. Fees will increase the cost of primary source material but should encourage privatization of budwood sources and preserve department germplasm for use as source material. Overall effect on the cost of nursery tree production should be minor as nursery trees are increased from the initial primary source material and are not individually subject to the fee increase.

**SUMMARY:** Rule 5B-60.011 is amended to stipulate that validated increase blocks that originate from registered increase trees must be tested between the 10th and 12th month; Rule 5B-60.012 Source Tree Registration Certificate is amended to specify that the certificate shall be valid for a period of 24 months; Rule 5B-60.015 increases the fees; and the numbering of the forms throughout the Rule Chapter are changed to reflect the new forms numbering system.

**SPECIFIC AUTHORITY:** 570.07(23), 581.031(1),(3),(8) FS.  
**LAW IMPLEMENTED:** 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) 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., December 1, 1999  
**PLACE:** Division of Plant Industry, Shaw Building Auditorium, 3027 Lake Alfred Road, Winter Haven, FL 33881  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, Florida 32608, Phone (352)372-3505

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

5B-60.004 Citrus Budwood Protection Procedure Manual, Citrus Budwood Testing Manual, and Graft-transmissible Diseases of Citrus: Handbook for detection and diagnosis. The regulations, definitions, and standards in Citrus Budwood Protection Procedure Manual, Revised 9/15/99, effective 9-30-96, Citrus Budwood Testing Manual, Revised September 16, 1999 3-4-98, and C. N. Rostacher, Graft-transmissible Diseases of Citrus: Handbook for detection and diagnosis. (Food and Agricultural Organization of the United Nations, Rome, 1991) are hereby adopted as regulations and rules under

the Division of Plant Industry, pursuant to Chapter 581, F.S. Copies may be obtained by contacting the Secretary of State's Office, Tallahassee, Florida. Copies are available for examination at the Florida Department of Agriculture and Consumer Services, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, Florida 33881-1438, and the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Plant Pathology Section, 1911 S. W. 34th Street, Gainesville, Florida 32608.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(23), 570.0705, 581.031(1),(14),(17),(23) FS. History--New 9-30-96, Amended 11-4-98.

5B-60.006 Citrus Nursery Stock Propagation and Planting.

(1) No change.

(2) Prior to propagating all dooryard, own-use and commercial citrus nursery stock, unless exempted in 5B-60.016, nurserymen and growers shall make application to produce citrus nursery stock on Form DACS-08066 PI-66. Form DACS-08066, Revised 6/99, PI-66 is effective 9-30-96, and is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438. Applicants must agree to comply with all the conditions which apply to the Citrus Budwood Protection Program as specified in this rule chapter.

(3) Commercial citrus nursery stock shall be propagated according to the following provisions unless exempted in 5B-60.016.

(a) Propagative material including budwood, air-layers, and cuttings shall be from parent trees, foundation trees, scion trees, increase or validated trees for which a Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~) has been issued as specified in 5B-60.012. Form DACS-08072, Revised \_\_\_\_\_, PI-72 is effective 9-30-96, and is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, Florida 33881.

(b) No change.

(c) All propagative material data shall be recorded on a registered budcutting report (DACS-08172) (~~PI-172~~) and submitted to the Bureau of Citrus Budwood Registration at the time of collection. Form DACS-08172, Revised \_\_\_\_\_, PI-172 is effective 9-30-96, and is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, Florida 33881-1438.

(d) through (i) No change.

(4) Dooryard citrus nursery stock shall be propagated according to the following provisions unless exempted in 5B-60.016.

(a) Propagative material including budwood, air-layers, and cuttings shall be taken from a parent, scion, foundation, increase, validated tree, or from a dooryard source tree which meets the following conditions:

1. through 3. No change.

4. Registered on a Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~) as specified in 5B-60.012, effective January 1, 1998.

(b) Tests for severe strains of citrus tristeza virus as required in (a) 2. shall be performed by certified laboratories or the department. The testing costs shall be the responsibility of the owner. Test results shall be provided by the certified laboratories to the office of the Bureau of Citrus Budwood Registration, Winter Haven, FL within 30 days of determination and not later than the expiration date of the Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~).

(c) No change.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98,\_\_\_\_\_.

5B-60.007 Parent Trees.

Parent trees are selected mature source trees belonging to a nurseryman or grower, or on property that the owner has given written permission to a nurseryman and the department for access for observation, testing, and budcutting.

(1) through (3)(a) No change.

(b) The parent tree has been tested negatively by certified laboratories or the department every six years for psorosis, citrus viroids, and effective January 1, 1998 for tatterleaf virus; and annually tested negatively for severe strains of citrus tristeza virus effective May 1, 1997. The testing costs shall be the responsibility of the owner. Test results shall be provided by the certified laboratories to the office of the Bureau of Citrus Budwood Registration, Winter Haven, FL, within 30 days of determination and not later than the expiration date of the Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~);

(c) through (d) No change.

(e) A Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~) has been issued.

(4) No change.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031 (1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98,\_\_\_\_\_.

5B-60.009 Scion Trees.

Scion trees shall be propagated from selected parent or foundation trees, be registered on a Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~) as specified in 5B-60.012, and must meet the following requirements:

(1) through (2) No change.

(3) Budwood used to propagate scion trees shall be taken under the direct supervision of the department and shall be reported on Form DACS-08172 (~~PI-72~~), Source Tree Bud Cutting Report, Revised 12/97.

(4) No change.

(5) The nurseryman shall furnish the Bureau of Citrus Budwood Registration within 30 days following date of budding, a nursery plat on Form DACS-08073 (~~PI-73~~), revised \_\_\_\_\_ ~~4/95~~, which is adopted and incorporated herein by reference. The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438. The nursery plat shall identify the location of each progeny tree, indicating the variety, rootstock, and the source tree registration number of the source;

(6) through (7) No change.

(8) The scion trees shall be tested negatively by certified laboratories at the owner's expense annually for severe strains of citrus tristeza virus effective May 1, 1997. Test results shall be provided by the certified laboratories to the office of the Bureau of Citrus Budwood Registration, Winter Haven, FL, within 30 days of determination and not later than the expiration date of the Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~);

(9) through (10) No change.

(11) Prospective scion trees may be propagated from prospective parent trees any time after the parent tree has passed the preliminary inspection and has been tested for citrus tristeza virus and indexing is in progress for psorosis, citrus viroids, and ~~effective January 1, 1998 for tatterleaf virus~~. The prospective scion tree shall not be eligible for registration until the tree has been planted for at least two years, negatively tested for severe strains of citrus tristeza virus, has borne fruit, and the prospective parent tree has been registered. If the prospective parent tree is found to be infested with the above pathogens, the prospective scion trees will be destroyed by and at the expense of the owner within 30 days of the detection.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98,\_\_\_\_\_.

5B-60.010 Increase Trees.

Increase trees shall be registered on a Certificate of Source Tree Registration DACS-08072 (~~PI-72~~) as specified in 5B-60.012 provided they have been propagated as follows:

(1) through (6) No change.

(7) The nurseryman must furnish the Bureau of Citrus Budwood Registration within 30 days following the date of budding, a nursery plat DACS-08073 (~~PI-73~~), indicating the variety, rootstock, number of trees budded, registration number of source, location of block, and date of budding.

(8) Trees propagated as increase trees under this rule chapter must only serve as registered sources of budwood with no testing required for a period of up to 24 months from budding. Increase trees can be used for nine more months if tested negatively between the 22nd and 24th month for severe strains of citrus tristeza virus. Test samples must be as follows:

(a) through (c) No change.

(d) Tests must be performed by certified laboratories or the department. The testing costs shall be the responsibility of the owner. Test results must be provided by the certified laboratories to the office of the Bureau of Citrus Budwood Registration, Winter Haven, FL not later than the expiration date of the Certificate of Source Tree Registration (DACS-08072) ~~(PI-72)~~.

(9) through (11) No change.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98,\_\_\_\_\_.

5B-60.011 Validated Tree.

Validated source trees shall be validated on a Certificate of Source Tree Registration (DACS-08072) ~~(PI-72)~~, and must meet the following requirements:

(1) Validated trees must be tested negatively by certified laboratories at the owner's expense annually for severe strains of citrus tristeza virus effective May 1, 1997. Test results must be provided by the certified laboratories to the office of the Bureau of Citrus Budwood Registration, Winter Haven, FL, within 30 days of determination and not later than the expiration date on the Certificate of Source Tree Registration (DACS-08072) ~~(PI-72)~~.

(2) through (3) No change.

(4) Validated increase blocks that originate from registered increase trees must be tested between the 10th and 12th month to qualify for the full 24 month use.

~~(5)(4)~~ Validated sources used for air-layering can be citrus tristeza virus tested by a 10 tree composite sample. If a composite sample is detected with a severe infection, then all individual trees in that sample must be individually tested prior to use.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98,\_\_\_\_\_.

5B-59.012 Source Tree Registration Certificate.

(1) Source tree registration certificate. The department shall keep a record of all plantings of source trees. This record shall indicate the variety, strain, and age of the source trees; the owner; location of planting, and location of individual trees in the property by grove, row, and tree number. This information shall be included in a Certificate of Source Tree Registration (DACS-08072) ~~(PI-72)~~ to be issued by the department. Only those trees having a "Yes" "~~Y~~" (Yes) or "V" (Validated) in the Reg (Registered) column shall qualify as a source tree. This

certificate shall be sent to the owner or agent of the source trees, and copies shall be filed in the office of the Bureau of Citrus Budwood Registration at Winter Haven.

(2) Duration of registration certificate. The Certificate of Source Tree Registration (DACS-08072) ~~(PI-72)~~ shall be valid for a period of 12 months unless revoked due to failure to meet the requirements herein or voluntary withdrawal by the participant. The Certificate of Source Tree Registration (DACS-08072) for increase blocks shall be valid for a period of 24 months.

(3) Renewal. Source tree registration may be renewed, subject to continued eligibility, at the end of each 12 months with the payment of a renewal fee as described in 5B-60.015.

(4) Cancellation. Source Tree Registration Certificates (DACS-08072) ~~(PI-72)~~ may be canceled or suspended upon:

(a) through (h) No change.

(5) Registration fees will not be refunded if the Certificate of Source Tree Registration (DACS-08072) ~~(PI-72)~~ is canceled.

(6) Reinstatement. The Certificate of Source Tree Registration (DACS-08072) ~~(PI-72)~~ canceled or suspended as provided above may be reinstated when:

(a) through (d) No change.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98,\_\_\_\_\_.

5B-60.013 Procedure for Identifying and Recording Citrus Nursery Stock.

(1) Identification and record of movement for commercial citrus nursery stock. For the benefit of the buyer, the nurseryman or grower shall identify registered nursery stock as being the progeny of registered source trees by completing the Citrus Nursery Stock Inspection Tag DACS-08038) ~~(PI-38)~~ at the time of delivery. If the nursery stock was propagated from a validated tree, the Citrus Nursery Stock Inspection Tag (DACS-08038) ~~(PI-38)~~ must contain this information and the statement that the validated tree was only tested for citrus tristeza virus. The nurseryman or grower shall keep a systematic record of the movement of citrus trees (DACS-08038) ~~(PI-38)~~ which shall be available for examination by the department. All movements of nursery stock shall comply with all department requirements pertaining to the inspection and certification as to freedom from plant pests, as well as the use and recording of citrus invoice certificates (tags) (DACS-08038) ~~(PI-38)~~. Form DACS-08038, Revised, \_\_\_\_\_ ~~PI-38 is effective 9-30-96, and~~ is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

(2) No change.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History--New 9-30-96, Amended \_\_\_\_\_.

5B-60.014 Stop-Sale Notice or Hold Order (DACS-08016) (PI-16).

A Stop-Sale or Hold Order (DACS-08016) (PI-16) shall be issued for the following reasons:

- (1) through (4) No change.
- (5) Knowingly propagating propagate budwood not meeting the requirements of this rule.

(6) Form DACS 08016, Revised 5/99, PI-16, Stop-Sale Notice or Hold Order is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History--New 9-30-96, Amended \_\_\_\_\_.

5B-60.015 Fees.

An annual source tree registration fee shall be paid as follows:

Parent tree	5.00 per tree per year
Scion tree	\$2.00 per tree per year
<del>Increase tree</del>	<del>\$2.00 per 100 trees per year</del>
Dooryard source tree	\$1.00 per tree per year
Validated source tree	\$1.00 per tree per year
Seed source tree	\$1.00 per tree per year
<u>Additional fee:</u>	
<u>Reinstate a tree</u>	<u>\$5.00 plus the back annual registration fees</u>
Miscellaneous fees for division services:	
Witnessing budwood cutting	Mileage <sup>1</sup> and \$5.00 per 1000 budeyes cut, \$10 minimum, \$25 maximum
Citrus viroid or psorosis testing	\$60 per test
Parent tree indexing	\$175 per tree
Shoot-tip grafting	\$300
Budwood	<u>25</u> <del>45</del> cents/eye, \$5.00 minimum
Cut from Citrus Budwood Foundation Grove, Screenhouse and/or Florida Citrus Arboretum	
Tip cuttings (6 inches)	<u>50</u> <del>30</del> cents each
Tip cuttings (6 inches) Out-of-State)	<u>1.50</u> <del>75</del> -cents each
New Division of Plant	\$1.00/eye (first <u>two</u> years)

Industry releases

Budwood shipment ~~75~~ ~~50~~ cents/eye, \$50.00  
\$25.00 minimum

(Out-of-State/Foreign)

Shipping and handling fee \$3.00 per shipment, or  
for budwood and seed actual cost for  
in Florida. large orders.

<sup>1</sup> Mileage shall be based on the prevailing State mileage rate.

(1) Fees shall be paid prior to obtaining a Certificate of Source Tree Registration (DACS-08072) (PI-72) and annually thereafter on the anniversary date of the certificate.

(2) through (3) No change.

Specific Authority 570.07(23), 581.031 (1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History--New 9-30-96, Amended 11-4-98, \_\_\_\_\_.

5B-60.016 Exemptions.

(1) No change.

(2) Citrus trees produced for research purposes in field plantings shall not be exempt from the program requirements contained in this rule chapter. Research facilities shall sign a Citrus Budwood Protection Program Research Facility Compliance Agreement, DACS-08031, Revised 5/99, PI-276, effective 2/98, incorporated in this rule by reference. Form DACS-08031 PI-276 may be obtained from the Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438. Requests to plant pathogen infected material for research projects shall be made on an Application and Permit To Plant Citrus Pathogen Infected Stock, DACS-08274, Revised \_\_\_\_\_, PI-274, effective 1/98, and incorporated in this rule by reference. Form DACS-08274 PI-274 may be obtained from the Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438.

(3) through (4) No change.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History--New 9-30-96, Amended 11-4-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Kesinger, Chief, Bureau of Citrus Budwood Registration, Division of Plant Industry, 3027 Lake Alfred Road, Winter Haven, Florida 33881

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Constance C. Riherd, Assistant Director, Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 1999

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Community Release Programs  
 RULE NO.: 33-601.602

PURPOSE AND EFFECT: The purpose of the proposed rule is to provide for electronic monitoring of work release inmates and to include monitoring costs as a subsistence deduction.

SUMMARY: The proposed rule provides for the electronic monitoring of work release inmates through use of the global positioning system, sets forth guidelines for the collection of monitoring costs, and incorporates standard forms to be used in conjunction with the rule.

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: 945.091, 946.002 FS.

LAW IMPLEMENTED: 945.091, 946.002 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., December 7, 1999

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.602 Community Release Programs.

- (1) No change.
- (2) Definitions.
- (a) through (l) No change.

(m) Subsistence – monies paid by the inmate to offset the cost of room, board and other costs of sustaining the inmate while in paid employment status at a work release center.

(n) Global Positioning System (GPS) – a form of electronic monitoring utilized on inmates.

- (3) through (6) No change.
- (7) Requirements and General Considerations.
- (a) through (d) No change.

(e) Inmates convicted of any of the offenses cited on the Primary Violent Personal Offenses List shall be required to sign and agree to abide by the terms of the GPS Monitoring Agreement, Form DC5-401. The Primary Violent Personal Offenses List and Form DC5-401 are hereby incorporated by reference. Copies of either of these documents are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida

32399-2500. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of these documents is \_\_\_\_\_.

(8) Inmate Conduct While On Community Release.

(a) During the inmate orientation process, inmates will be instructed of the following conduct requirements:

1. through 10. No change.

11. Comply with the provisions of the GPS Monitoring Agreement, DC5-401, if applicable.

(b) through (d) No change.

(9) through (14) No change.

(15) Clothing and Equipment.

(a) through (b) No change.

(c) Inmates shall be responsible for department issued electronic monitoring equipment as described in Form DC5-401.

(16) No change.

(17) Disbursement of Earnings.

(a) No change.

(b) Once an inmate is approved for paid employment, facility personnel, in consultation with the inmate, will establish a plan for the disbursement of earnings, based upon the needs, responsibilities, and financial obligations of the inmate, including the cost of electronic monitoring. No change will be made in this plan of disbursement without the approval of the correctional officer major.

(c) No change.

(d) The inmate shall be required to disburse such funds to pay the facility for subsistence at the following rates:

1. Inmates assigned to contract facilities for paid employment shall be required to pay the amount provided by the current contract between the Department of Corrections and the contractor.

2. For inmates on electronic monitoring, the amount of subsistence to be paid will be computed by factoring .45 (45%) times the inmate's net earnings. The actual cost for electronic monitoring will be deducted from the subsistence amount.

3.2. For all other inmates the amount of subsistence to be paid will be computed by factoring .45 (45%) times the inmate's net earnings.

(e) through (h) No change.

(i) The inmate shall be responsible while in paid employment for the following:

1. If transportation is provided by the department, the inmate shall be required to pay \$1.00 for every day one-way transportation is provided or \$2.00 for two-way transportation.

2. Health, comfort items, and incidental expenses.

3. Medical and dental expenses, unless waived by the regional health authority.

4. Tools, equipment, and clothing needed for employment.

5. Costs of electronic monitoring.

(j) through (k) No change.

(18) through (23) No change.

Specific Authority 945.091, 946.002 FS. Law Implemented 945.091, 946.002 FS. History--New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard Nimer

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 17, 1999

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Control of Contraband

RULE NO.: 33-602.203

PURPOSE AND EFFECT: The proposed rule is needed in order to reflect position title changes, clarify provisions related to the definition of contraband and the handling of contraband items, and to provide for the use of a new form to be used when impounding inmate personal property.

SUMMARY: The proposed rule corrects position titles, clarifies the definition of contraband and the handling of contraband items, and provides for the use of a new form to be used when impounding inmate personal property.

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: 944.09, 945.215 FS.

LAW IMPLEMENTED: 944.47, 945.215 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., December 2, 1999

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.203 Control of Contraband.

(1) General Definition of Contraband.

(a) Contraband is any item or article inside an institution or facility, on the property of a facility or in the possession of an inmate that was neither:

1. Issued,

2. Approved for purchase at the commissary,  
3. Purchased through an approved source with official approval,

4. Authorized and approved for delivery by mail, nor

5. Authorized to be brought into the institution or facility ~~by an approved visitor.~~

(b) Any item or article not originally contraband shall be deemed contraband if it is passed from one inmate to another without authorization.

(c) Any item or article which is altered from its original ~~design condition in such a way that it presents a threat to the security or order of the institution.~~

(2) No change.

(3) No person, whether he be an inmate or other person, unless authorized by the warden, ~~assistant warden, chief of security or the shift supervisor~~ Officer in Charge, ~~or his designated representative~~, shall introduce into or upon the grounds of an institution any of the following articles which are hereby declared to be contraband:

(a) through (f) No change.

(4) No person whether he be an inmate or other person, shall take any article whatsoever from the grounds of any institution without authorization from the warden, ~~assistant warden, chief of security~~ Officer in Charge, ~~or shift supervisor~~ his designated representative.

(5)(a) No money shall be given directly to or received by an inmate assigned to a community correctional center unless authorized by the chief ~~of security~~ ~~correctional officer~~ or his designated representative. On a case by case basis, each chief ~~of security~~ ~~correctional officer~~ may authorize a draw of funds from the inmate's account that exceeds the approved amount authorized under ~~33-203.201~~(3) if a specific request is made and a review determines it is warranted. Any money found in the possession of an inmate in excess of \$50 in community correctional centers shall be considered contraband and shall be confiscated and deposited in the inmate welfare trust fund.

(b) No change.

(6) No change.

(7) Disposition of Contraband.

(a) Those contraband items retained for use in disciplinary hearings as evidence will be stored until such time as the warden or his designee approves of their being destroyed or disposed of. A secure area within the institution will be designated as the storage area for all contraband items. A Contraband Log, Form DC6-219, will be utilized to document the storage of contraband items. Form DC6-219 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is \_\_\_\_\_.

(b) ~~Contraband items to be used during outside court cases as evidence will be referred to the State Attorney's Office, if the State Attorney's Office so desires, otherwise they will be held as evidence by the institution inspector or senior inspector assigned to the criminal investigation as evidence.~~ In either case, the initial confiscating authority will establish the chain of evidence, and insure it is properly followed.

(c) through (d) No change.

(e) If items of contraband are detected in the mail, that are not of any illegal nature, the institution finding the contraband will provide the sender and addressee a receipt for the property in accordance with department rules relating to mail procedures. ~~The property shall be held by the institution for 30 days. It shall be the responsibility of the inmate to make arrangements to have the property picked up by an approved visitor or sent to a relative or friend, at no cost to the State in accordance with the provisions of Department rules relating to inmate property.~~

(8)(a) All cells, lockers, dormitories and other areas of an institution may be searched in a reasonable manner at any time. A copy of Form DC6-220, Inmate Impounded Personal Property List, ~~receipt~~ shall be given for any property taken in such a search if the inmate acknowledges possession or if the property was taken from an area occupied by the inmate or under his control. The inmate's acceptance of his copy of Form DC6-220 ~~the receipt~~ shall not constitute admission of possession of contraband. Form DC6-220 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is \_\_\_\_\_.

(b)1. The Regional Director may declare an emergency situation to exist if he finds, upon the advice and request of the warden, that an immediate mass shakedown is necessary to preserve the security and order of the institution and sufficient staff are not available to follow routine procedures of accounting and receipting for property. Within 72 hours after the declaration, the warden shall prepare a written statement setting forth the facts showing such emergency, which statement shall be forwarded to the Regional Director, who shall prepare a report to the Secretary justifying the declaration.

2. Copies of Form DC6-220 Receipts do not have to be given immediately for property taken during such a mass shakedown. However, the property taken shall be kept and preserved, identified as to the area from which it was taken, and the inmate shall receive a copy of Form DC6-220 receipts ~~shall be given~~ as soon as practicable after the emergency has ceased. Property unclaimed after 30 days shall be disposed of as provided in subsection (7).

3. If items of inmate personal property are damaged or destroyed by Department staff during routine shakedowns, emergency shakedowns or while impounded, the warden or his designee shall cause an investigation to be made to determine.

- a. How the property became damaged or destroyed.
- b. Who is responsible for the damage or destruction.
- c. Whether there was any violation of Department policy or rules by staff.
- d. Whether appropriate staff need to be disciplined.
- e. Whether procedures need to be modified or established to prevent such loss of property from occurring in the future.

4. If an investigation determines that inmate personal property has been damaged or destroyed by Department staff, the procedure as outlined in 33-602.201(11) shall be followed in order to replace the property.

Specific Authority 944.09, 945.215 FS. Law Implemented 944.47, 945.215 FS. History—New 10-8-76, Amended 2-24-81, 4-18-82, 8-13-84, 2-13-85, 6-2-85, Formerly 33-3.06, Amended 2-9-87, 11-3-87, 8-14-90, 11-22-91, 1-06-94, 5-28-96, 10-26-97, Formerly 33-3.006, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Stan Czerniak

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 1999

**DEPARTMENT OF CORRECTIONS**

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

PURPOSE AND EFFECT: The proposed rule is needed in order to provide guidelines for the videotaping of use of force incidents and the review and processing of these tapes, and to correct titles of positions and offices involved in the use of force review process.

SUMMARY: The proposed rule sets forth requirements for the videotaping of use of force incidents and the review and processing of these tapes, and provides correct titles of positions and offices involved in the use of force review process.

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.35 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., December 1, 1999

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.210 Use of Force.

(1) No change.

(2) Physical force shall be employed only as a last resort when it reasonably appears that other alternatives are not feasible. When the use of force is justified, only that amount and type of force that reasonably appears necessary to accomplish the authorized objective shall be used. All authorized use of force incidents will be videotaped in their entirety. All spontaneous use of force incidents will be videotaped from the point the video camera operator arrives at the scene.

(3) through (4) No change.

(5) Whenever force is authorized, the employee who was responsible for making the decision to use force pursuant to subsection (1) shall prepare, date and sign the Authorization for Use of Force Report, Form DC6-232 ~~DC3-320~~. Form DC6-232 ~~DC3-320~~ is hereby incorporated by reference. Copies of this form may be obtained from any institution or from the Forms Control Administrator, Office of the General Counsel Operations, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of this form is March 26, 1986.

(6) Whenever force is used, a detailed written report of force used shall be prepared, dated and signed by the initial employee using force. Form DC6-230 ~~DC3-300~~, Report of Force Used, shall be used for this purpose. If more than one employee was involved in the initial use of force, the most senior employee shall complete the report. Each additional employee involved in the use of force who agrees with the facts and circumstances as reported on Form DC6-230 ~~DC3-300~~ part I shall prepare a staff supplement, Form DC6-231 ~~DC3-329~~. The report shall describe in detail the type and amount of force used by himself or herself. Each Employee shall individually write his or her own report, then submit the completed report to the clerical personnel designated by the warden to type all the reports onto one form to be signed by each employee. Any additional employee who does not agree with the facts and circumstances as reported in

Form DC6-230 ~~DC3-300~~ part I shall prepare a separate Form DC6-230 ~~DC3-300~~, Report of Force Used. Forms DC6-230 and DC6-231 are ~~DC3-300~~ is hereby incorporated by reference. Copies of these ~~this~~ forms may be obtained from ~~any institution or from the~~ Forms Control Administrator, Office of the General Counsel Operations, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of these ~~this~~ forms is November 2, 1994. ~~DC3-329~~ is hereby incorporated by reference. Copies of this form may be obtained from ~~any institution or from the~~ Office of Operations, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of this form is November 2, 1994.

(7) The Authorization for Use of Force Report and the Report of Force Used shall be completed by those staff involved either during or immediately after the tour of duty when force was used, ~~but prior to the employee's normal days off, an official holiday or the taking of annual leave by the employee~~. If an emergency arises, the warden may authorize the employee to complete the reports immediately upon his return ~~on the next calendar day to his duty station~~. Barring such an emergency, all reports must be typed and submitted to the warden or assistant warden within 1 5 working days (Monday through Friday) following after the incident.

(8) The warden or assistant warden shall immediately conduct a preliminary review of the video tape(s) and all associated reports for signs of excessive force or procedural deviation ~~cause an investigation to be done and shall, in writing, approve the use of force as being justified or disapprove it as being unjustified, stating the reasons for his approval or disapproval~~. The warden shall then appoint a staff member of equal or higher rank than those involved in the use of force to collect all pertinent information. This information will include statements from all involved staff, inmates and staff and inmate witnesses. This process will be completed within 5 working days (Monday through Friday). The warden shall forward the videotape(s) and associated reports on the use of force and the warden's summary to the institutional inspector. The institutional inspector will review the videotape(s) and associated documentation to ensure that all documentation is complete and will forward all materials to the Use of Force Unit within the Office of the Inspector General (OIG) within 5 working days. The OIG, following its review, will either approve the use of force action or disapprove it and refer it for investigation. The employee's report and the warden's evaluation shall be forwarded within 5 working days of the date of the completion of the investigation to the regional director who shall, in writing, concur in the warden's evaluation or disapprove it. Copies of the employee's report, the warden's summary evaluation and the inspector general's

~~regional director's review and determination shall be kept in the inmate's file. A Use of Force Log, Form DC2-802, shall be placed in every employees personnel file. This form will be maintained by the servicing personnel office and shall contain a record of every report of use of force and staff supplement completed by the employee. The institutional inspector shall be responsible for submitting accurate information to the personnel office in order to maintain the DC2-802. Any use of force reports completed prior to April 15, 1998 shall also remain in the file. Form DC2-802, Use of Force Log, is hereby incorporated by reference. Copies of this form can be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is \_\_\_\_\_. A notation of each incident involving use of force and the outcome based on the warden's or regional director's evaluation and the regional administrator's review shall be kept in the employee's personnel file. Form DC2-696, Use of Force Log, shall be used for this purpose. Form DC2-696 is hereby incorporated by reference. Copies of this form may be obtained from any department personnel office or from the Bureau of Personnel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of this form is November 8, 1998.~~

(9) ~~Any~~ Each employee who witnesses, or has reasonable cause to suspect, that an inmate has been unlawfully abused shall immediately prepare, date and sign an incident independent report, Form DC6-210, pursuant to Section 944.35 (5), Florida Statutes, specifically describing the nature of the force used, the location and time of the incident and the persons involved. The report shall be delivered to the inspector general of the department with a copy delivered to the warden of the institution. The inspector general shall conduct an appropriate investigation and, if probable cause exists that a crime has been committed, notify the state attorney in the circuit in which the institution is located. Form DC6-210, Incident Report, is hereby incorporated by reference. Copies of this form can be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is \_\_\_\_\_.

(10) Force or restraint may be used to administer medical treatment when ordered by at the request of a physician or his designee, and only when treatment is necessary to protect the health of other persons, as in the case of contagious and venereal diseases, or when treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death. The physician or his designee shall prepare a report documenting the reasons that force or restraint was authorized. Form DC6-232 ~~DC3-320~~, Authorization For Use Of Force

Report, shall be used for this purpose. The physician's report shall be attached to the Report of Force Used. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. If an injury is claimed or found to exist, Form DC4-708, Diagram Diagnosis of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In those cases where an injury is claimed but not substantiated by medical examination, the statement by the medical provider shall indicate this, and the documentation shall be sufficient to support that no injury was found upon examination. Forms DC4-701C and DC4-708 are incorporated by reference in (15) of this rule.

(11) The use of electronic restraining devices, batons, or chemical agents within institutions shall be authorized only by the warden, or duty warden his designee if the warden is not available. For purposes of this rule, the duty warden designee shall be of a rank of correctional officer colonel shift supervisor or higher. The correctional officer major at the main unit can serve as duty warden at those institutions that do not have a correctional officer colonel. Batons shall be used only by trained baton squad members to disarm an inmate or during situations in which the squad has been activated to quell a disturbance. The decision to use chemical agents or authorized electronic restraining devices shall be based on which level of force is most likely to resolve the situation with the least amount of injury to all parties involved. Hands-on physical force shall be avoided if injury is less likely to occur by using chemical agents or electronic restraining devices.

(12) Use of electronic restraining devices.

(a) through (e) No change.

(f) Electronic restraining devices shall be issued to officers on any inmate transport where firearms are issued, or on any outside hospital assignment where firearms are issued. The ~~correctional officer~~ chief of security, or in his absence, the shift supervisor officer-in-charge, shall determine the number of officers who will be issued firearms and electronic restraining devices during such trips.

(g) through (k) No change.

(13) Use of Chemical Agents.

(a) through (b) No change.

(c) In controlled situations when time constraints are not an issue, chemical agents can only shall be used if authorized by the warden or duty warden only by order of the warden or a high ranking employee specifically designated by the warden. ~~For purposes of this paragraph, "high ranking" means shift supervisor or higher.~~ Additionally, in accordance with (k) below, certified correctional staff will be designated by the warden to carry chemical agents and will be pre-authorized to

administer chemical agents in instances where chemical agents must be used for intervention in self defense, i.e., when the officer believes that he or she is in imminent threat of bodily harm or that the use of chemical agents will prevent injury to other staff, visitors, volunteers or inmates.

(d) Except in cases of emergency, as determined by the warden or ~~duty warden officer in charge~~, chemical agents shall be employed only by persons trained in their use.

(e) through (f) No change.

(g) No inmate shall be handcuffed solely for the purpose of administering chemical agents. If chemical agents are administered to a handcuffed inmate, an explanation as to why the removal of the handcuffs was not feasible shall be included in Section I of the Report of Force Used, Form DC6-230 ~~DC3-300~~.

(h) through (j) No change.

(k) Chemical agents shall be stored in the main arsenal. A small amount of chemical agents may be stored in secure locations such as the control room mini-arsenal or the officer's station in confinement and close management units until ~~its~~ their use is authorized. Shift supervisors, correctional officer sergeants, and other assigned internal security officers shall be issued one three or four ounce dispenser of MK-4 Defense Technologies 10% non-flammable OC pepper spray or equivalent, with marking dye, which shall be securely encased and attached to the officer's belt.

(l) In any case where chemical agents are used, an accurate record shall be maintained as to what type of agent was used, how much was used, method of administration, person authorized to draw chemical agent when issued from a secure location, person administering the chemical agent, location administered, and reason for use. This information shall be included in section I of the use of force report. Individual chemical agent dispensers carried by staff will be weighed by staff as designated by the warden at the beginning and end of each shift. These inspections will be documented on Form DC6-213 ~~DC3-049~~, Individual Chemical Agent Dispenser Accountability Log, and any discrepancies shall be immediately reported. Form DC6-213 ~~DC3-049~~ is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel Security and Institutional Management, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is \_\_\_\_\_ ~~October 6, 1999~~.

(m) Procedure for the use of chemical agents on disruptive inmates under controlled conditions:

1. If an inmate becomes disorderly, disruptive, unruly, and attempts by officers at counseling and ordering the cessation of disruptive behavior fails, the shift supervisor or higher shall be contacted for further instructions.

2. If the shift supervisor's efforts to control the disorderly inmate have failed and the use of chemical agents is the least level of force that can be expected to successfully gain control of the disruptive inmate while minimizing the risk of injuries to all involved, the shift supervisor shall:

a. Ensure that medical staff are contacted when time and circumstances permit, to determine if the inmate has a medical condition that would prevent the use of chemical agents; and

b. Contact the warden or duty warden, if in the institution, or his designee, if warden is not available, and request authorization to utilize chemical agents.

3. Prior to using chemical agents, the inmate again shall be ordered by staff to cease his actions.

a. If these efforts fail, the shift supervisor shall order the disorderly inmate to cease his actions and inform him that chemical agents will be administered if he continues his disruptive behavior.

b. Any uninvolved inmates in the cell or immediate area shall be given an opportunity to leave the potentially affected area, if it will not jeopardize the safety of staff or other inmates.

c. Except in cases of emergency, the shift supervisor shall be present during the time of the final counseling period and the administering of chemical agents.

(n) through (o) No change.

(14) Use of Firearms. In order for all concerned to be aware of their responsibilities, the statewide procedures set forth in this rule shall be included in the appropriate Department of Corrections institutional operating procedures, post orders and escape emergency plans at each institution.

(a) No change.

(b) Firearms or weapons shall be issued to an employee only upon instructions of the warden, assistant warden, chief of security or shift supervisor ~~correctional officer chief, or the officer in charge~~ by the arsenal officer or the officer designated to issue weapons. Employees shall not intentionally discharge a firearm at or in the direction of another person except under the following circumstances and after all reasonable non-lethal alternatives have been exhausted, and there is no danger to innocent bystanders:

1. In self-defense;
2. To prevent escape;
3. To prevent injury to a person; or
- 4 To quell a riot.

(c) through (j) No change.

(15) Medical Attention Following Use of Force. Appropriate medical treatment shall be provided immediately or, in the case of a riot or other man-made or natural disaster, as soon as possible, if an inmate or employee is injured. Any treatment or follow-up action shall be documented in section III of Form DC6-230 ~~DC3-300~~, Report of Force Used. A qualified health care provider shall examine any person

physically involved in a use of force to determine the extent of injury, if any, and shall prepare a report which shall include, but not be limited to, a statement of whether further examination by a physician is necessary. Any noticeable physical injury shall be examined by a physician and the physician shall prepare a report documenting the extent of the injury and the treatment prescribed. Such report shall be completed within 15 days of the incident and shall be submitted to the warden for initial review appropriate investigation. The qualified health provider and physician shall use Form DC4-701C, Emergency Room Record, to document an examination following use of force. Form DC4-708, Diagram of Injury, shall be used along with Form DC4-701C to document obvious physical injuries. A copy of the report, along with the referenced forms, shall be attached to the Report of Forced Used. The original reports shall be filed in the medical record. Forms DC4-701C and Form DC4-708 are hereby incorporated by reference. Copies of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel ~~any institution or from the Bureau of Health Services~~, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of these forms is September 28, 1985.

(16) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Czerniak  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 1999  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 1999

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLE: District Funds  
 RULE NO.: 40C-1.004

PURPOSE AND EFFECT: Section 40C-1.004, FAC., is being amended to incorporate by reference St. Johns River Water Management District's policy number 99-02, which provides the procedures for the disbursement of District funds by means of wire or electronic transfers.

SUMMARY: The proposed amendments delete certain listed procedures for disbursing District funds by wire or electronic transfer and incorporate by reference more specific procedures for disbursement of District funds by wire or electronic transfer as set forth in Section II, of Policy 99-02, entitled "Investment

of Funds and Wire and Electron Transfer Procedures". Section II of the policy provides a specific procedure for (1) repetitive wire and electronic funds transfers equal to or less than \$10,000 and all non-repetitive wire and electronic funds transfers equal to or less than the insurance limit of liability; and (2) non-repetitive wire and electronic funds transfers over the insurance limit of liability. In addition, procedures for the wire transfer of funds by phone in certain instances is provided for. The policy retains the requirement for written instructions for transfers; however, the amendment provides for the delivery of said written instructions by way of U.S. mail, fax, hand delivery or electronic instructions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.553 FS.

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

TIME AND DATE: Following the regularly scheduled Governing Board meeting which begins at 9:00 a.m., December 8, 1999

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma Messer, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-1.004 District Funds.

(1) No change.

(2) District funds may be disbursed, by wire or electronic transfer according to the procedure set forth in Section II, of Policy 99-02 entitled "Investment of Funds and Wire and Electronic Transfer Procedures," which is hereby incorporated by reference.

~~(2) District funds may be disbursed, with the Governing Board's approval, by wire or electronic transfer according to the following procedure:~~

~~(a) The Executive Director, or his designee, shall authorize and supervise all wire or electronic transfers of District funds, and shall report all wire or electronic transfer transactions to the Board at its next regular meeting following such transaction.~~

~~(b) The Executive Director shall provide written instructions to each financial entity that will be transferring District funds by wire or electronic transfer indicating which~~

~~District staff shall have the authority to request wire or electronic transfers of District funds, and stating that such financial entity may not wire or electronically transfer District funds without receiving prior written instructions for each transfer.~~

~~(e) The Executive Director, or any staff member authorized by the Executive Director to request wire or electronic transfer of District funds as provided in paragraph (b) above, shall provide written detailed instructions to the financial entity transferring the funds indicating the accounts from and to which District funds are to be transferred by telecopy transmission, hand delivery, or U.S. mail prior to each wire or electronic transfer of District funds.~~

~~(d) The District must receive documentation confirming the transfer of funds from the financial entity directed to transfer the funds.~~

Specific Authority ~~120.53~~, 373.044, 373.113 FS. Law Implemented ~~120.53~~, 373.553 FS. History--New 10-8-91, Amended 3-1-92,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Michael V. McKee, Director, Department of Administration,  
St. Johns River Water Management District, P. O. Box 1429,  
Palatka, Florida 32178-1429, (904)329-4117

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Governing Board of St. Johns River  
Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: February 9, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: May 14, 1999

Anyone requiring special accommodation to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting: Linda Lorenzen, (904)329-4262 or (904)329-4450 (TDD).

**DEPARTMENT OF MANAGEMENT SERVICES**

**Career Service System**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Recruitment, and Selection	60K-3
RULE TITLES:	RULE NOS.:
Purpose	60K-3.004
Definitions	60K-3.005
Statements of Policy	60K-3.006
Recruitment. (Model Rule)	60K-3.007
Job Opportunity Announcements	60K-3.0071
Accepting Employment Applications	60K-3.0072
Selection Process. (Model Rule)	60K-3.009
Eligibility Determination	60K-3.0091
Documentation	60K-3.0092
Eligibility Verification	60K-3.0094
Technical Assistance; Post Audit	60K-3.011

PURPOSE AND EFFECT: The rule provisions identify current departmental and agency responsibilities in the area of recruitment and selection; identify situations for which announcing job vacancies is not necessary; shorten the time frame for re-announcing positions; identify information to be included in a job vacancy announcement; allow agencies to accept requests for reassignment and promotion from employees in the Career Service; require employing agencies to determine eligibility on all applicants at the beginning of the selection process; incorporate by reference the guidelines for determining eligibility; and identify acceptable selection techniques.

SUMMARY: The rules outline the policies and procedures for recruitment and selection activities by employing agencies when recruiting and filling positions in the Career Service.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 110.201, 110.211(6), 110.213(4), 110.217(5) FS.

LAW IMPLEMENTED: 110.211, 110.213, 110.217 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: 10:00 a.m., November 29, 1999

PLACE: Room 301, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Phil Spooner, Human Resource Consultant, Human Resource Management, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULES IS:

60K-3.004 Purpose.

This chapter sets forth the policies, documentation requirements and rules for eligibility determination and the model rules for conducting recruitment and selection activities in the Career Service.

Specific Authority 110.201, 110.211(6), 110.213(4)(6), 110.217(5)(7) FS. Law Implemented 110.211, 110.213, 110.217 FS. History--New 1-1-85, Formerly 22A-3.04, 22A-3.004, Amended 10-24-94,\_\_\_\_\_.

60K-3.005 Definitions.

For the purposes of this chapter, the following definitions shall apply:

(1) Affirmative Action Plan = The written plan that contains an analysis of an agency's workforce and that, upon identification of underrepresentation of a protected group, sets forth the specific actions, goals and timetables the agency will use to eliminate the underrepresentation. The written plan by

which an agency conducts a reasonable self-analysis and, if it concludes that action is appropriate, sets forth the specific actions, goals, and timetables by which the agency will overcome the effects of past or present practices, policies, or other barriers to equal employment opportunity, as required by Section 110.112, Florida Statutes, and by federal regulations.

(2) Announced Position = An authorized Career Service position for which an employing agency is recruiting after the exceptions listed in Subsections 60K-3.0071(1) and (2), F.A.C., have been considered. ~~following have been considered: demotions and reassignments directed by management, laid-off employees, requests for reassignment and promotion on file with the agency, and, at the option of the agency, applicants as described in 60K-3.0071(2) and (3).~~

(3) Department = The Department of Management Services.

(4) Eligibility Determination = The ~~final~~ process of ascertaining whether an ~~the~~ applicant ~~recommended~~ possesses the minimum qualifications for the class and any required entry-level knowledge, skills, and abilities and any certification and licensure required for the position.

(5) Employing Agency = The agency in which a position to be filled is located.

(6) Employment Application = A form developed by the Department on which applicants describe the type and duration of their training and experience, level of education; and their knowledge, skills; and abilities.

(7) Entry-level KSAs = Required Essential knowledge, skills; and abilities an employee must bring to the position.

(8) Hard-to-Fill Position = A position in a class for which the agency has documented recruitment difficulty or high turnover.

(9) Job Analysis = A review of the job tasks assigned to a position to identify the ~~significant~~ knowledge, skills; and abilities required for successful performance of the job.

(10) Job Opportunity Announcement = A document used by an employing agency to notify interested parties of employment opportunities in the Career Service.

(11) Knowledge, Skills, Abilities (KSAs):

(a) Knowledge = The organized body of information, facts; or principles that an individual must possess for successful job performance.

(b) Skill = Proficiency in the manual, verbal; or mental manipulation of data or things that an individual must possess for successful job performance.

(c) Ability = The capacity to perform an observable behavior or produce a product.

(12) Minimum Qualifications (MQs) = A specification of experience, training, education, test, ~~and/or~~ licensure or certification or a combination thereof, that provides appropriate job-related evidence that an applicant can perform the essential tasks or duties needed for entry to a job class.

~~(13) Project Independence Program Participant. A household head or a member of a household who is either:~~

~~(a) Applying for Aid to Families With Dependent Children (AFDC);~~

~~(b) Currently receiving AFDC; or~~

~~(c) Currently receiving Food Stamps.~~

~~(13)(14) Recruitment~~ = Activities undertaken to attract qualified applicants for positions according to agency needs.

~~(14)(15) Recruitment Source List~~ = A list maintained by the Department that contains names and addresses of organizations that serve as recruitment sources and who do not have access or readily available access to the Internet to receive job opportunity announcements from the statewide vacancy segment of the Department's designated human resource information management system. ~~Cooperative Personnel Employment System (COPES) Statewide Vacancy Segment.~~

~~(16) Selection Procedure.~~ = The process including established steps, forms, and/or selection techniques used by an employing agency to determine the applicant to be selected for a position.

~~(15)(17) Selection Technique~~ = A method used to assess the required essential knowledge, skills, abilities, minimum qualifications; and other job-related requirements possessed by an applicant.

~~(18) Supplemental Application.~~ = A form completed by applicants on which they include educational, work, or life experiences related to the identified essential knowledge, skills, and abilities or tasks of the position.

~~(19) Turnover.~~ = The ratio of the number of employees vacating positions in a class by separation to the number of positions in the class in an employing agency for a specified time period.

~~(16)(20) Veterans' Preference~~ = The provision of Preferential employment consideration provided to certain veterans and spouses of veterans as prescribed by Chapter 295, Florida Statutes, and Chapter 55A-7, F.A.C.

Specific Authority 110.112(2), 110.201(1), 110.211(6), 110.213(4), 110.217(1), ~~(5)(7)~~ FS. Law Implemented 110.112, 110.211, 110.213, 110.217; ~~409.029(4)~~ FS. History—New 1-1-85, Amended 10-24-85, Formerly 22A-3.05, Amended 1-13-88, 11-9-88, Formerly 22A-3.005, Amended 10-24-94, \_\_\_\_\_.

60K-3.006 Statements of Policy.

(1) No person shall be appointed to a position because of age, race, color, sex, religion, creed, national origin, disability or political affiliation except when such a requirement constitutes a bona fide occupational qualification necessary to perform the tasks associated with the position or the appointment is to fulfill a documented affirmative action goal or legal requirement.

(2) Applicants with qualifying disabilities, as defined by the Americans with Disabilities Act (ADA), shall not be denied employment solely because of the existence of a

qualifying disability, unless the disability is of the nature that prohibits the applicant from performing the essential functions of the position with reasonable accommodation.

(3) Veterans' preference shall be given to eligible veterans and spouses of veterans in accordance with Chapter 295, Florida Statutes, and Chapter 55A-7, F.A.C.

(4) Selection shall be made in accordance with applicable federal and state laws and regulations.

(5) The selection process shall be based on a job analysis of the position.

(6) Applicants selected for employment shall possess the minimum qualifications for the class and the required entry-level knowledge, skills and abilities necessary for the successful performance of the duties of the position.

(7) The Department shall be responsible for:

(a) Provide technical assistance to the employing agencies in carrying out the requirements of these rules.

(b) Assist agencies in recruiting efforts by:

(1) Providing training and technical assistance to the employing agencies in carrying out these rules;

1. (2) Informing the public of procedures pertaining to state employment and assisting applicants in locating announced positions;

2. (3) Developing Providing State of Florida Employment Applications;

3. (4) Coordinating with and assisting the Department of Labor and Employment Security, Bureau of Program Operations, in providing employment information and referring applicants to the employing agencies;

4. (5) Assisting, upon request, employing agencies in the recruitment of recruiting applicants for hard-to-fill positions and to meet in fulfilling affirmative action goals;

(6) Reviewing employing agencies' activities in carrying out these rules;

5. (7) Maintaining the statewide vacancy segment of the Department's designated human resource information management system COPES;

6. (8) Maintaining the Recruitment Source List; and

(9) Identifying the classes designated as entry-level for the purposes of Project Independence; and

7. (10) Developing and disseminating Publishing recruitment literature promoting the state as an employer.

(c) Review and respond to inquiries from applicants concerning actions by employing agencies in carrying out these rules.

(d) Review and audit the employing agencies' actions in carrying out the rules issued by the Department. Post-audit reports of the Department's review shall be in compliance with statute and designed to help agencies improve their operating procedures and comply with the requirements of this chapter.

Specific Authority 110.112(2), 110.201(1), 110.211(6), 110.213(4), 110.217(1),(5)(7) FS. Law Implemented 110.112, 110.211, 110.213, 110.217, 295.07, 295.09, 409.029(4) FS. History—New 1-1-85, Formerly 22A-3.06, Amended 1-13-88, 11-9-88, Formerly 22A-3.006, Amended 10-24-94, Subsections 7(a),(c) and (d) were formerly, in part, Subsections (1),(2) and (3) of Rule 60K-3.011, Amended \_\_\_\_\_.

60K-3.007 Recruitment. (Model Rule)

The employing agencies shall be responsible for:

(1) No change.

(2) Announcing agency positions in accordance with Section 60K-3.0071, F.A.C., informing applicants of the agency's employment process, distributing employment applications and other recruitment information; and accepting employment applications for the agency's positions in accordance with Section 60K-3.0072, F.A.C. applicable rules; and

(3) Responding to general employment inquiries. Establishing an annual goal for hiring Project Independence Program participants into a minimum of 10 percent of announced entry-level positions;

(4) Selecting individuals for specific positions in accordance with applicable rules;

(5) Determining applicant eligibility in accordance with applicable rules;

(6) Documenting recruitment, eligibility determination, and selection activities in accordance with applicable rules;

(7) Giving preference in employment consideration to eligible veterans and spouses of veterans in accordance with Chapter 295, Florida Statutes, and Chapter 55A-7, F.A.C.;

(8) Informing applicants of the employment process and distributing employment applications and other recruitment information; and

(9) Responding to general applicant inquiries and referring applicants to appropriate agencies and resources.

Specific Authority 110.201(1), 110.211(6) FS. Law Implemented 110.211 FS. History—New 1-1-85, Formerly 22A-3.07, Amended 1-13-88, 11-9-88, Formerly 22A-3.007, Amended 10-24-94, \_\_\_\_\_.

60K-3.0071 Job Opportunity Announcements.

(1) All positions which an agency intends to fill shall be announced except those filled by the following, for which announcement is optional:

(a) Reclassifications or adds/deletes of positions with qualified incumbents; Demotions or reassignments directed by management;

(b) Appointments with temporary status; Laid-off employees;

(c) Appointments with overlap status, at the discretion of the agency head or designee in accordance with Chapter 60K-4, F.A.C.; Requests on file from employees for Reassignment or Promotion;

~~(d) Appointments with trainee status in cooperative education, vocational rehabilitation, blind services or return to work programs; Reclassifications, class title changes, or add/deletes with a qualified incumbent;~~

~~(e) Appointments of employees from the Selected Exempt Service or Senior Management Service into a Career Service position within the agency; Appointments with substitute status, at the discretion of the agency head or designee;~~

~~(f) Appointments as defined in Chapter 60K-4, F.A.C. within and between agencies that are demotions, reassignments or promotions of employees with request on file; with emergency status; or~~

~~(g) Appointments under the Veterans' Reemployment Rights law; or-~~

~~(h) Appointments within and between agencies of laid-off employees or those employees who have been given written notification of their impending layoff in accordance with Section 60K-17.004, F.A.C.~~

~~(2) If the agency head approves, an agency may also ~~When approved by the agency head, the agency may consider applicants from a previous job announcement without advertising if:~~~~

~~(a) The applications are reviewed and considered within six months of the closing date of a previous job announcement;~~

~~(b) The position being filled is the same position as previously advertised or is a different position in the same class in the same geographical work area; and~~

~~(c) The position requires the same minimum qualifications and any required entry-level knowledge, skills and abilities as the previously advertised position.~~

~~The selection must, however, be made within six months of the closing date of the previous job announcement; and the position being filled must be the same position as previously advertised, or be a different position in the same class in the same geographical work area and requiring the same minimum qualifications and any required entry level knowledge, skills, and abilities as the previously advertised position.~~

~~(3) At the discretion of the agency head, a position with an incumbent may be moved from the Selected Exempt Service into the Career Service without advertising.~~

~~(3)(4) Job opportunities shall be entered on the Department's designated human resource information system. Job opportunity announcements shall be defined and issued as:~~

~~(a) An Internal Agency Opportunity; wWhen the employing agency chooses to accept applications from only those Career Service employees currently employed in the agency; and those who have requests on file for promotion in accordance with a collective bargaining agreement. The position shall be announced for a minimum of 7 calendar days; or~~

~~(b) A Career Service Opportunity; wWhen the employing agency chooses to accept applications from only those persons currently employed in the Career Service; or~~

~~(c) An Open Competitive Opportunity; wWhen the employing agency chooses to accept applications from all applicants.~~

~~(4)(5) Announcements for a Career Service Opportunity A job opportunity announcement for a Career Service opportunity and for an Open Competitive Opportunity shall be issued for a minimum of 14 calendar days. If the agency determines there is an insufficient number of applicants, applicant pool; a position may be re-announced for a minimum of 7 to 10 calendar days.~~

~~(5)(6) All job opportunity announcements shall include the following:~~

~~(a) through (f) No change.~~

~~(g) Minimum qualifications for the class, if any, and any required entry-level knowledge, skills; and abilities for the position provided they are documented on the position description;~~

~~(h) through (l) No change.~~

~~(m) A statement, on Internal Agency Opportunity announcements, that an agency shall consider only current agency Career Service employees and other non-agency employees covered under a collective bargaining agreement that have a request for promotion on file in accordance with that agreement;~~

~~(n) A statement that the agency shall will consider only current Career Service employees when a position is announced as a Career Service Opportunity;~~

~~(o) The statement, "If you need an accommodation because of a disability in order to participate in the application/selection process, please notify the hiring authority in advance"; and~~

~~(p) Other information deemed pertinent by the agency to assist applicants in determining whether they should apply for the position; and~~

~~(q) A statement, if equivalencies are to be considered, that education and experience equivalent to that required in the minimum qualifications may be considered by the employing agency.~~

~~(7) Job opportunity announcements shall be distributed to:~~

~~(a) The Bureau of Employment Programs and Training in the department;~~

~~(b) The Bureau of Program Operations, Department of Labor and Employment Security for Open Competitive and Career Service Opportunity announcements;~~

~~(c) The Project Independence Coordinator in the area in which a position in a designated entry-level Project Independence class is located; and~~

~~(d) Other recruitment sources as determined by the agency.~~



~~(8) The department shall coordinate with the Department of Labor and Employment Security and the employing agencies to ensure that job opportunity announcements are distributed to the Job Service of Florida offices and to the recruitment sources on the Recruitment Source List.~~

~~(9) The department may issue job opportunity announcements on behalf of employing agencies.~~

~~(6)(10) Each employing agency shall be responsible for ensuring that all job opportunity announcements are reasonably accessible.~~

Specific Authority 110.201(1), 110.211(6) FS. Law Implemented 110.211, 110.105(2), 110.112(5), 295.15, ~~409.029(4)~~ FS. History—New 11-9-88, Section 22A-3.0071 was, in part, formerly Subsections (6),(7),(8),(9),(10) of Section 22A-3.007, Formerly 22A-3.0071, Amended 10-24-94, \_\_\_\_\_.

60K-3.0072 Accepting Employment Applications.

(1) Application for employment in the Career Service shall be made on the current State of Florida Employment Application; Form No. DP-E-16, Revised December 1998, May, 1993, which is hereby incorporated adopted by reference. Agencies may accept applications which have been submitted electronically via the Internet from the Department's official web site.

~~(2) Agencies may~~ The employing agency shall accept employment applications for announced positions only. They may, however, accept employment applications continuously to ,except:

~~(a) The employing agency may accept employment applications continuously for hard-to-fill classes as designated by the agency;~~

~~(b) The employing agency may accept employment applications continuously for the purpose of fulfilling the agency's affirmative action goals; and~~

~~(c) The employing agency may accept employment applications to meet agency needs.~~

(3) Employment applications received for announced positions after the close of business on the announced deadline shall not be included for employment consideration for that position, ~~except that~~

~~(4) An applicant who expresses interest in an announced position in writing by written letter or resume before the close of business on the announced deadline date, and who submits a current State of Florida Employment Application prior to the employing agency comparing the applications to the minimum qualifications and the entry-level knowledge, skills and abilities for the position as required by Section 60K-3.009(1)(a), F.A.C., shall be considered in the employing agency's selection procedures, if the applicant submits a State of Florida Employment Application prior to the employing agency's comparing the applications to the minimum qualifications and the entry-level knowledge, skills and abilities for the position as required by Section 60K-3.009(2), F.A.C.~~

(5) An employee who submits a request for promotion or reassignment form provided by the agency shall also submit a current and updated State of Florida employment application. Requests shall indicate the classes and the counties to which the employee would like to be promoted or reassigned.

(6) Agencies shall accept requests for promotion and reassignment from employees unless an agency policy states that all vacancies will be advertised.

(7) Agencies may set submission and purge dates for request for promotion and reassignment by employees provided that such dates conform to applicable collective bargaining agreements.

Specific Authority 110.201(1), 110.213(4) FS. Law Implemented 110.213, 110.211(1) FS. History—New 11-9-88, Formerly 22A-3.0072, Amended 10-24-94, \_\_\_\_\_.

60K-3.009 Selection Process. (Model Rule)

In determining which applicant is to be selected for a position, regardless of whether or not a position is advertised, each agency shall:

(1) Determine the applicant's eligibility for the position. Selection of applicants for employment shall be based on a job analysis of the position being filled that identifies the specific knowledge, skills, and abilities necessary for the successful performance of the duties of the position.

~~(a)(2) The agency shall evaluate an applicant's knowledge, skills and abilities by reviewing the employment application and comparing them to the required minimum qualifications, licensure or certification and any required entry-level knowledge, skills and abilities of the position. For any announced position, there shall be an evaluation of the applicant's knowledge, skills, and abilities as reflected in education, experience, licensure or certification as outlined on the employment application as compared to the required minimum qualifications and any required entry-level knowledge, skills, and abilities of the position.~~

(b) The agency may use a combination of the employment application form and a supplemental application may be used for the initial eligibility determination, screen provided that all applicants are given the opportunity to complete the supplemental application prior to the eligibility determination initial screening.

(c) Only applicants who appear to possess the required minimum qualifications and any required entry-level knowledge, skills, and abilities shall be given further consideration.

(d) Eligibility determination of each applicant shall be in accordance with the Eligibility Determination Manual issued in 1999, by the Department, which are hereby incorporated by reference.

(e) The agency may approve an applicant's education and experience as equivalent to the education and experience required in the minimum qualifications if the equivalency is documented and justified based on the following:

1. The total quantity of the applicant's training and experience equals or exceeds the total quantity of training and experience established for the class;

2. The quality and type of the applicant's training and experience is equivalent to the quality and type of training and experience established for the class; and

3. The applicant's training and experience are directly related to the knowledge, skills and abilities necessary for the successful performance of the duties of the position.

~~(2)(3) Use at least one job-related selection technique to further assess whether or not the AH applicants who appear, after the initial screening, to possess the required minimum qualifications and any required entry-level KSAs necessary to perform the duties and responsibilities of the position, shall be evaluated according to uniform and consistently applied selection techniques established by the employing agency.~~

(a) Selection techniques shall be designed to provide maximum validity, reliability, and objectivity and result in selection from among the applicants who are most qualified for the position.

(b) Examples of acceptable selection techniques include:

1. Application Analysis: A comparison of the applicants' qualifications, as reflected on the application, to the essential required knowledge, skills and abilities of the position. Application analysis is an aid in ranking applicants and helps in determining which applicants shall be interviewed or otherwise further assessed in the selection process.

2. Oral Interview: A series of job-related questions that are consistently asked of all applicants chosen to be interviewed for a particular position, with responses being noted and evaluated, in order to identify applicants' relative qualifications for the position.

3. Supplemental Application: A written document, used in addition to the state employment application, requiring applicants to provide specific structured responses reflecting their qualifications, KSAs or both as required for the position.

4. Willingness Questionnaire: A survey containing questions which address the applicants' willingness to perform certain aspects of a position.

5. Work Sample: A task, representative of work actually done on the job, that is assigned to applicants to identify those who already possess the ability to perform that task.

6. Test: A written or proficiency assessment, or both, of an applicant's knowledge, skills and abilities.

7. Assessment Center: A selection technique using several assessment methods (e.g., role playing, in-basket exercises and other situational exercises), several trained raters and measuring as many knowledge, skills and abilities as possible. The final results are based on pooling the information obtained from all these assessment methods and raters.

~~(4) An employing agency shall ensure that its selection practices meet federal and state laws and regulations.~~

~~(5) Selection shall be made in accordance with applicable rules.~~

~~(3)(6) Conduct An eligibility determination as defined in Section 60K-3.0091, F.A.C., and a reference check(s) on the top applicant(s) are required and must be conducted prior to the filling of any position. In cases where reference checks are unattainable, documentation of unsuccessful reference check attempts is required. An oral interview or another acceptable selection technique is also required. Additional selection techniques may be used as appropriate.~~

~~(4) Confirm that the selected applicant met the MQs and required KSAs at the time the application was signed by verifying the education, experience, certification, licensure and any other requirements necessary to meet the minimum qualifications and any required entry-level KSAs not confirmed during the selection process. Verification should be conducted at the time of eligibility determination or at the time of the reference check but no later than 120 days following the employment date of the applicant.~~

~~(7) Examples of acceptable selection techniques include:~~

~~(a) Application Analysis: A comparison of the applicants' qualifications as reflected on the application to the essential knowledge, skills, and abilities of the position. Application Analysis is an aid in ranking applicants and helps in determining which applicants shall be interviewed or otherwise further assessed in the selection process.~~

~~(b) Reference Check: The gathering and use, at one or more stages of the selection process, of job related information about applicants from people who have knowledge of their work experience or educational background.~~

~~(c) Oral Interview: A series of job-related questions that are consistently asked of all applicants chosen to be interviewed for a particular position with responses being noted and evaluated in order to identify applicants' relative qualifications for the position.~~

~~(d) Supplemental Application: A form completed by applicants on which they include educational, work, or life experiences related to the identified essential knowledge, skills, and abilities or tasks of the position.~~

~~(e) Willingness Questionnaire: A survey form containing questions which address the applicants' willingness to perform certain aspects of a position.~~

~~(f) Work Sample: A task that is representative of work actually done on the job, assigned to applicants to identify those who already possess the ability to perform that task.~~

~~(g) Test: A written and/or proficiency assessment of an applicant's knowledge, skills, and abilities.~~

~~(h) Assessment Center: A selection technique using several assessment methods, (e.g., role playing, in-basket exercises, and other situational exercises), several trained raters, and measuring as many knowledge, skills, and abilities~~

~~as possible. The final results are based on pooling the information obtained from all these assessment methods and raters.~~

~~(5)(8) The employing agency shall notify each applicant of the selection decisions concerning the applicant. Such notification shall be completed within 45 calendar days of the successful applicant's effective date of employment. decision to select the successful applicant.~~

Specific Authority 110.201(1), 110.213(4), 110.217(1),(5)(7) FS. Law Implemented 110.213, 110.217(1),(3),(4) FS. History--New 1-1-85, Formerly 22A-3.09, Amended 1-13-88, 11-9-88, Formerly 22A-3.009, Amended 10-24-94, \_\_\_\_\_.

60K-3.0091 Eligibility Determination.

Specific Authority 110.201(1), 110.213(4), 110.217(5)(7) FS. Law Implemented 110.213(1), 110.217(1),(2) FS. History--New 11-9-88, Subsection (6) of Section 22A-3.0091 was, in part, formerly subsections (1) and (3) of Section 22A-7.0031, Amended 5-30-89, Formerly 22A-3.0091, Amended 10-24-94, Repealed.

60K-3.0092 Documentation.

(1) Each employing agency shall ensure that records are maintained which document the selection process and justify the selection decision.

(2) For each appointment made, a record shall be kept that includes: Records shall consist of the following documents for each appointment made:

(a) Details of the job analysis and identification of the knowledge, skills; and abilities necessary to perform the job;

(b) Demographic data of applicants including but not limited to race, sex, age; and veteran status;

(c) and (d) No change.

(e) Copies of sSelection techniques used, including eligibility determination and other documentation such as interview responses, completed work samples, supplemental applications, etc.;

(f) through (g) No change.

(h) The job opportunity announcement and any other recruitment efforts; and

(i) Other information related to the preceding paragraphs that affects (a) through (h) which affected the selection decisions.

~~(3) Each employing agency shall ensure that records are maintained which document the number of Project Independence Program Participants hired each year in the Career Service.~~

~~(3)(4) Each agency shall retain records for a minimum of two years from the creation date of the record or personnel action, whichever is latest. Pending litigation or unresolved personnel issues may require longer retention. Documentation records shall be retained for two years from the date of the making of the record or personnel action, whichever occurs later.~~

Specific Authority 110.201(1) FS. Law Implemented 110.201(1), ~~409.029(4)~~ FS. History--New 11-9-88, Section 22A-3.0092 was, in part, formerly Subsection (3) of Section 22A-3.009, Formerly 22A-3.0092, Amended 10-24-94, \_\_\_\_\_.

60K-3.0094 Eligibility Verification.

Specific Authority 110.201(1), 110.213(4), 110.217(5)(6) FS. Law Implemented 110.213(4), 110.217(2),(3) FS. History--New 10-24-94, Repealed.

60K-3.011 Technical Assistance; Post Audit.

Specific Authority 110.201(1) FS. Law Implemented 110.109(2), 110.109(3), 110.217(4), 110.217(5) FS. History--New 11-9-88, Formerly 22A-3.011, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Sharon D. Larson, Director, Human Resource Management,  
Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Michael Cochran, Deputy Secretary,  
Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: October 26, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: April 9, 1999

**DEPARTMENT OF MANAGEMENT SERVICES**

**Career Service System**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Appointments, Status, Transfers and Separations	60K-4
RULE TITLES:	RULE NOS.:
Scope and Purpose	60K-4.001
Statements of Policy	60K-4.002
Definitions	60K-4.0021
Original Appointments	60K-4.003
Appointment of Disabled Veterans	60K-4.00311
Procedures for Approval of Appointments with Trainee Status in a Recruitment Trainee Program	60K-4.0032
Procedures for Approval of Appointments with Trainee Status in the Cooperative Education, Vocational Rehabilitation, Blind Services, Return-to-Work and Agency Trainee Programs	60K-4.00321
Shared Employment	60K-4.0034
Permanent Status	60K-4.004
Promotion Appointments	60K-4.006
Demotion Appointments	60K-4.007
Reassignment Appointments	60K-4.008
Reinstatement Appointment	60K-4.0081
Transfers	60K-4.009
Separations	60K-4.010

PURPOSE AND EFFECT: The rule amendments change the provisions for original and promotional appointment from model rules to uniform rules; streamline the types of status that

are awarded to employees upon appointment by renaming substitute status to overlap status incorporating provisions of 60L-7, F.A.C., merging the provisions of emergency and temporary status into one; create the provisions for reinstatement appointments; allow employees in Return to Work Programs to be appointed with trainee status; define separations from Career Service and reference the Drug-Free Workplace Act rather than the 1973 Department of Administration memorandum for handling dismissals for drug and alcohol abuse. The rule amendments repeal language regarding separations due to unauthorized holding or seeking of public office which is covered in 60K-13, F.A.C.

SUMMARY: The rule amendments outline the provisions dealing with the types of appointments into the Career Service; the types of status provided the Career Service employee and define the types of separations from Career Service.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 110.217(5), 110.201(1) FS.

LAW IMPLEMENTED: 110.213, 110.217, 295.08, 295.085 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: 2:00 p.m., November 30, 1999

PLACE: Room 301, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Phil Spooner, Human Resource Consultant, Human Resource Management, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULES IS:

60K-4.001 Scope and Purpose.

This chapter establishes uniform policies and sets forth the rules for appointments, status separations and transfers within from positions in the Career Service and separations from the model rule for appointments in the Career Service.

Specific Authority ~~440.213(6)~~, 110.217(5)(7), 110.201(1) FS. Law Implemented ~~440.213~~, 110.217, 110.201, 295.08, 295.085 FS. History—New 7-1-68, Revised 6-10-70, 7-1-73, Amended 7-1-80, Formerly 22A-7.01, 22A-7.001, Amended 10-24-94, \_\_\_\_\_.

60K-4.002 Statements of Policy.

(1) Appointments shall be made only to positions that have been established in accordance with the provisions of Chapter 60K-1, F.A.C. ~~An agency shall first consider any~~

~~Career Service employee who has been laid off pursuant to Rule 60K-17.004, F.A.C., before an original appointment can be made to that class.~~

(2) An agency shall first consider any Career Service employee who has been laid off pursuant to Rule 60K-17.004, F.A.C., before an original appointment can be made to that class. ~~Appointments shall be made only to positions that have been established in accordance with the provisions of Chapter 60K-1 of these rules.~~

(3) An established position shall be filled with one of the following types of appointments and the employee paid in accordance with the provisions of Chapter 60K-2, F.A.C. ~~of these rules:~~

(a) through (d) No change.

(e) Reinstatement

(4) Upon appointment to an established position, an employee shall be given one of the following types of status:

(b) Overlap Substitute

(c) No change.

~~(d) Emergency~~

~~(d)(e)~~ Trainee

~~(e)(f)~~ Permanent

(5) through (6) No change.

~~(7) Applicants with qualifying disabilities as defined by the Americans with Disabilities Act (ADA) shall not be denied employment solely because of the existence of a qualifying disability, unless the disability is of the nature that would prohibit the applicant from performing the essential functions of the position with reasonable accommodation.~~

~~(7)(8) No person shall be appointed to, or separated from, a position because of age, race, color, sex, religion, creed, national origin, disability or political affiliation except when such a requirement constitutes a bona fide occupational qualification necessary to perform the tasks associated with the position.~~

~~(8)(9) Any person appointed to a position in the Career Service must meet the minimum qualifications established for the class and any required entry-level knowledge, skills, and abilities for the position to which appointed, unless:~~

(a) The employee is given an appointment with trainee or temporary emergency status in accordance with Rule 60K-4.003(2)(3)(c)(d), F.A.C.; ~~or~~

(b) The applicant's qualifications are determined to be equivalent to the required minimum qualifications. Such determination shall be in accordance with Rule 60K-3.009(1)(9)(e), F.A.C.

(9) Employees given reinstatement appointments are treated, for the purposes of status, pay and benefits, as if they have been continuously employed.

(10) Employees on military leave are considered to be on an authorized leave of absence and are treated for purposes of seniority, status, pay, and other benefits as if they had been continuously employed.

(11) No change.

(12) For the purpose of this chapter, promotion, demotion and reassignment appointments to a Career Service position shall include any action within and between agencies that occurs without a break-in-service.

(13) Resignation from one agency to accept a position with another agency shall not constitute a separation from the Career Service, provided there is no break in service of more than 31 calendar days between the last day on the payroll of the separating agency and the first day on the payroll of the receiving agency as prescribed in Section 60K-5.022(1), F.A.C.

(14) Intra-agency and inter-agency time limited rotation of employees may be utilized to encourage economical and effective utilization of public employees in the interchange of personnel agreements pursuant to Section 112.24, Florida Statutes.

Specific Authority 110.213(4), 110.217(5)(7), 110.201(1) FS. Law Implemented 110.2135, 110.213, 110.217, 110.201 FS. History—New 7-1-68, Revised 6-10-70, 7-1-73, Amended 7-1-80, 1-1-86, Formerly 22A-7.02, Amended 3-30-88, 11-9-88, Formerly 22A-7.002, Amended 10-24-94,\_\_\_\_\_.

60K-4.0021 Definitions.

~~These definitions are defined only for the purpose of this chapter.~~ For the purpose of administering these rules, the following definitions shall apply:

(2) Break-in-Service – An employee shall be considered to have a break-in-service when the employee separates, and is not on any state payroll for at least 31 calendar days following the separation.

(3)(2) Career Service Status – Successful completion of the required probationary period and attainment of permanent status in any class.

(4) Class series – A group of classes which are sufficiently similar in kind of work performed to warrant similar titles but sufficiently different in level of responsibility to warrant different levels of pay.

(5) Department – The Department of Management Services.

(3) Higher Class – A class having a greater degree of responsibility than the class in which the employee is serving. For purposes of this rule, higher class shall also be determined by pay range assignment and/or the essential functions of the positions.

(4) Lower Class – A class having a lesser degree of responsibility than the class in which the employee is serving. For purposes of this rule, lower class shall also be determined by pay range assignment and/or the essential functions of the position.

~~(5) Permanent Status – The status attained by an employee upon successful completion of the probationary period designated for the class.~~

~~(6) Promotion – The changing of the classification of an employee to a class having a higher maximum salary; or the changing of the classification of an employee to a class having the same or lower maximum salary but a higher level of responsibility as determined by the Department of Management Services.~~

~~(7) Demotion – The changing of the classification of an employee to a class having a lower maximum salary; or the changing of the classification of an employee to a class having the same or a higher maximum salary but a lower level of responsibility as determined by the Department of Management Services.~~

~~(8) Reassignment – Moving an employee from a position in one class to a different position in the same class or a different class having the same degree of responsibility. For purposes of this rule, the same degree of responsibility shall be determined by pay range assignment and/or the essential functions of the position.~~

~~(9) Dismissal – Disciplinary action taken by an agency against an employee resulting in termination of employment for a violation of agency standards or for cause pursuant to Section 110.227, F.S.~~

~~(10) Separation – The act of removing an employee from the Career Service.~~

~~(11) Shared employment – Part-time career employment whereby the duties and responsibilities of a full-time position in the career service are divided among part-time employees who are eligible for the position and who receive career service benefits and wages pro rata. In no case shall “shared employment” include the employment of persons paid from other personal services funds.~~

Specific Authority 110.201(1) FS. Law Implemented 110.201 FS. History—New 1-1-86, Formerly 22A-7.0021, Amended 10-24-94,\_\_\_\_\_.

60K-4.003 Original Appointments. ~~(Model Rule)~~

~~(1) No original appointment shall be made by any agency to a class until all Career Service employees who have been laid off pursuant to Rule 60K-17, F.A.C., have been considered for reemployment.~~

~~(1)(2) Except for a promotion, demotion, reinstatement or reassignment appointment made in accordance with the provisions of this chapter, all appointments to established positions shall be considered original appointments.~~

~~(2)(3) Upon original appointment to a class, an employee shall be given status in that class in accordance with the following:~~

~~(a) Probationary Status – An employee appointed to fill an established position shall be given probationary status for a period designated for the class, provided the employee has been determined eligible for the class, except for an employee~~

appointed in accordance with Rule 60K-4.00311, F.A.C., ~~who serves a probationary period of one year regardless of the period designated for the class.~~ To be given probationary status, an employee must meet the minimum qualifications for the class and must possess any required entry-level knowledge, skills; and abilities established for the position.

(b) ~~Overlap Substitute Status~~ – An employee ~~is~~ ~~may be~~ given ~~overlap substitute~~ status ~~in accordance with the following:~~

~~1. When appointed employed to perform the duties of an employee in a filled, an established position for the purpose of: of an employee who has been granted a leave of absence with or without pay.~~

~~a. training one employee to take over the duties of another employee. The overlap period will be for a reasonable amount of time to accomplish the required training, but no longer than 60 calendar days; or~~

~~b. performing the duties of an employee who has been placed on educational leave with pay in conformance with an educational leave program adopted by the agency and approved by the Secretary of Management Services pursuant to Chapter 60K-7, F.A.C. The overlap period will not be longer than a 12-month period; or~~

~~c. performing the duties of an employee who has been placed on a leave of absence with or without pay for a period of up to one year; or~~

~~d. performing the duties of an employee for reasons not stated in Section 60K-4.003(2)(b)1.a., b. or c., F.A.C., and which can be justified as in the best interest of the state. A request shall be submitted by the agency with supporting documentation to the Department in advance of the overlap appointment. Supporting documentation shall include the identity of the overlapped employee, the salary of the overlapped employee, the name of the incumbent, the period of the overlap and justification for such action.~~

~~2. The employee must possess the minimum qualifications and the required entry-level knowledge, skills and abilities established for the position and may be appointed in substitute status for up to one year.~~

~~3. Extensions of overlap may be granted with Department approval except for employees on military or disability leave and or workers' compensation, where Department approval is not required.~~

~~4. The requirements of Rule 60K-3.0071, F.A.C., regarding announcing positions are is optional when filling a position with overlap substitute status. However, eEmployees appointed with overlap substitute status shall not thereafter be appointed with probationary status without competing for the position in accordance with the requirements of Rule 60K-3.009, F.A.C. At the time employees are appointed with probationary status in the same position, the agency head or~~

~~designee shall determine whether the time spent in overlap a substitute status will counts towards completiong of the their probationary period.~~

(c) Temporary Status – An employee ~~is given temporary status in accordance with the following:~~

~~1. When appointed to fill an vacant established position on a full-time or part-time basis for the purpose of: shall be given temporary status~~

~~a. performing seasonal or intermittent work;~~

~~b. filling a position immediately to prevent an undue hardship on an agency which will hinder the normal operations of the agency;~~

~~c. performing services when the agency head determines there is danger or potential danger to life, physical or mental health or well-being of employees, the public, clients or other recipients of services required to be provided by the agency; or~~

~~d. filling positions which are limited to a definite period of time.~~

~~2. Wwhen the appointment is to a position requiring seasonal or intermittent work for no more than 1040 hours during any 12-month period. Extension of a temporary appointment may be granted by the Department upon receipt of justification by the employing agency.~~

~~3. The employee is not required to possess the minimum qualifications for the class.~~

~~4. Appointments with temporary status may be made without regard to the requirements of Rule 60K-3.0071, F.A.C., regarding announcing positions and shall be justified in writing and approved by the agency head or designee. Employees appointed with temporary status shall not be appointed thereafter with probationary status without competing for the position in accordance with the requirements of Rules 60K-3.0071 and 60K-3.009, F.A.C.~~

(d) Emergency Status – An employee may be appointed in emergency status to fill an established position when an emergency exists and a position must be filled immediately. Emergency appointments may be full-time or part-time and shall not exceed 12 calendar weeks during any 12-month period. Emergency status should be used only in situations where positions which, if not filled immediately, will result in an undue hardship which will hinder the normal operations of the agency as determined by the agency head or when the agency head determines there is danger or potential danger to life, physical or mental health or well-being of employees, the public, clients, or other recipients of services required to be provided by the agency. Appointments with emergency status may be made without regard to the requirements of Rule 60K-3.0071, F.A.C., regarding announcing positions and shall be justified in writing and approved by the agency head. Employees appointed with emergency status shall not be appointed with probationary status without competing for the position in accordance with the requirements of Rule 60K-3.009, F.A.C.

(d)(e) Trainee Status –

1. An employee appointed to fill an established position with trainee status may be placed into one of four training programs: recruitment trainee; cooperative education; vocational rehabilitation; return-to-work program; blind services or an agency trainee program. Entry into any of these programs shall be in accordance with an established training schedule approved pursuant to Rules 60K-4.0032 or 60K-4.00321, F.A.C.

2. No change.

3. Upon successful completion of the training program, the employee may be appointed to a position in the same class requiring the same entry-level knowledge, skills and abilities (KSAs) without further competition. The appointment shall be with probationary status.

(3)(4) An employee appointed under Sections 60K-4.0032(2)(3)(a), (b), (c), or (d), or (e), F.A.C. does not have Career Service status and may be terminated at any time in accordance with Chapter 60K-9, F.A.C., without the right to appeal such action to the Public Employees Relations Commission.

Specific Authority ~~110.213(4), 110.217(5)(7), 110.201(1)~~ FS. Law Implemented 110.2135, ~~110.213~~, 110.217, 110.227, 110.201 FS History–New 7-1-68, Revised 6-10-70, 7-1-73, Amended 7-1-80, 1-9-83, 6-25-84, 1-1-86, Formerly 22A-7.03, Amended 4-30-86, 10-12-86, 3-30-88, 11-9-88, Formerly 22A-7.003, Amended 10-24-94,\_\_\_\_\_.

60K-4.00311 Appointment of Disabled Veterans.

An honorably discharged veteran with a service-connected disability rating of 30 percent or more may be appointed to a position in accordance with Sections 295.08 and 295.085, Florida Statutes. Appointment shall be for a probationary period of one year, regardless of the probationary period designated for the class. At the time of application, the disabled veteran must furnish a State of Florida Employment Application and the following documentation:

(1) A document from the Department of Defense, commonly known as Form DD-214 or military discharge papers, or equivalent certification from the U. S. Department of Veterans' Affairs Administration, listing military status, dates of service and discharge type;

(2) Certification from the U. S. Department of Veterans' Affairs Administration or Armed Services that the applicant has a service-connected disability of 30 percent or more;

(3) Proof of residence in this state; and

(4) Possession of the minimum qualifications and any required entry-level knowledge, skills and abilities established for the position as indicated on the position description.

Specific Authority 110.213(6), 110.217(5)(7), 110.201(1) FS. Law Implemented 110.2135 FS. History–New 3-30-88, Formerly 22A-7.00311, Amended 10-24-94,\_\_\_\_\_.

60K-4.0032 Procedures for Approval of Appointments with Trainee Status in a Recruitment Trainee Program.

Appointments with trainee status in a recruitment trainee program may be approved by the agency provided:

(1) The appointee has some of the education and experience required but does not possess all the required entry-level knowledge, skills, and abilities established for the position.

(2) There are fewer than three available applicants who meet the minimum qualifications of the class and possess the required entry-level knowledge, skills, and abilities established for the position, or the candidate pool does not enable the agency to fulfill its affirmative action plan.

(3) through (5) No change.

Specific Authority 110.213(4), 110.217(5)(7), 110.201(1) FS. Law Implemented 110.213, 110.217, 110.201 FS. History–New 7-1-80, Revised 1-9-83, 6-25-84, 1-1-86, Formerly 22A-7.032, Amended 11-9-88, Formerly 22A-7.0032, Amended 10-24-94,\_\_\_\_\_.

60K-4.00321 Procedures for Approval of Appointments with Trainee Status in the Cooperative Education, Vocational Rehabilitation, Blind Services, Return-to-Work and Agency Trainee Programs.

(1) Cooperative Education Program. Appointments with trainee status in a cooperative education program may be approved by the agency provided:

(a) No change.

(b) That the student is enrolled in the cooperative education program of an eligible post-secondary educational institution, as listed in the Accredited Institutions of Post-Secondary Education publication;

(c) No change.

(d) An outline of the proposed pay schedule for the training period, including justification for the proposed schedule, is maintained by the agency.

(2) Vocational Rehabilitation or Blind Services Program. Appointments with trainee status in a vocational rehabilitation or blind services program may be approved by the agency provided:

(a) The employee has been referred to the employing agency by ~~either the department and division responsible for vocational rehabilitation or the blind services program Division of Vocational Rehabilitation, Department of Labor and Employment Security, or the Division of Blind Services, Department of Education;~~ and

(b) There is on file with the employing agency, an agreement between the agency and either the department and division responsible for vocational rehabilitation or the blind services program ~~Division of Vocational Rehabilitation, Department of Labor and Employment Security, or the Division of Blind Services, Department of Education;~~ and

(c) No change.

(3) Agency Trainee Program. Appointments with trainee status in an agency trainee program may be approved by the agency provided:

(a) The appointee meets some, ~~but not all,~~ of the minimum qualifications and required entry-level knowledge, skills, and abilities, ~~but does not possess all the entry level knowledge, skills, and abilities established for the position.~~

(b) No change.

(4) Return-to-Work Program. Appointments with trainee status in a return to work program may be approved by the agency provided:

(a) The employee is participating in the return-to-work program based on his or her inability to perform the current or previous state position based on an injury covered by workers' compensation;

(b) The employee has been referred by the department and division responsible for the return-to-work program;

(c) There is on file with the employing agency, an agreement between the agency and the department and division responsible for the return-to-work program; and

(d) An outline of the proposed pay schedule for the training period including justification for the proposed schedule is maintained by the agency.

~~(4) Intra-agency and inter-agency time limited rotation of employees may be utilized to encourage economical and effective utilization of public employees in the interchange of personnel agreements pursuant to Section 112.24, Florida Statutes.~~

~~(5) Project Independence. Appointment with trainee status in an agency trainee program may be approved by the agency provided the appointee comes from a list of Project Independence clients.~~

Specific Authority 110.213(6), 110.217(~~5~~7), 110.201(1) FS. Law Implemented 110.213, 110.217, 110.201 FS. History--New (Subsections (1) and (2) were formerly subsections (2) and (3) of Section 22A-7.032.) 1-1-86, Amended 10-12-86, Formerly 22A-7.00321, Amended 10-24-94,\_\_\_\_\_.

60K-4.0034 Shared Employment ~~Appointments~~.

(1) Shared employment is defined as part-time Career Service employment whereby the duties and responsibilities of an established full-time position are divided among part-time employees who are eligible for the position and who receive prorated Career Service benefits and wages.

~~(2)~~(1) An agency may designate up to 10 percent of its full-time ~~C~~career ~~S~~service positions as shared employment positions.

~~(3)~~(\*) A shared employment position shall be identified as a single position and will retain its unity for purposes of classification, assignment to a pay grade, and other personnel transactions that apply to the position.

(4) An agency may designate a position for shared employment:

~~(a)~~(b) When a new position is established or an existing position becomes vacant, ~~T~~the position shall be reviewed to determine whether the duties and responsibilities of the position may be performed by two or more employees as adequately or more adequately than by a single employee. ~~Upon a finding that the best interests of the state would be served, and that less than 10 percent of its Career Service positions are designated as shared employment, the position should be designated for shared employment appointments.~~

~~(b)~~(e) ~~No agency shall abolish or convert a position occupied by an employee to a shared employment position unless such action is agreed to by the employee. However, u~~Upon the written request or consent of an incumbent, Tthe agency may evaluate the incumbent's position for suitability for shared employment in the same manner as for a vacant position and, upon a favorable evaluation ~~and with the incumbent's written consent,~~ the agency may appoint the incumbent to the shared employment position with the same status as was held in the full-time position. Recruitment and reeruit for appointment of the additional employee(s) in the position will be handled in accordance with Rule 60K-3.0071, F.A.C. the same manner as for a vacant position.

~~(5)~~(\*) Once a position is designated as a shared position, the position cannot be designated as full-time unless it becomes vacant, the incumbent(s) is given a minimum of 90 calendar days six months notice, or the incumbent(s) agrees to the action in writing.

~~(6)~~(2) Employees filling shared employment positions are ~~part-time employees and will be~~ subject to the provisions of the personnel rules governing part-time employees.

~~(7)~~(3) Shared employment positions shall be identified as such according to Rule 60K-1.002(6), F.A.C., and shall be reviewed by the ~~D~~department in a post audit capacity.

Specific Authority 110.201(1), 110.201 FS. Law Implemented 110.201, 110.203(26), ~~110.21~~ FS. History--New 6-29-82, Amended 1-1-86, Formerly 22A-7.034, 22A-7.0034, Amended 10-24-94,\_\_\_\_\_.

60K-4.004 Permanent Status.

(3) An employee shall not attain permanent status in a class while serving with overlap ~~substitute~~, temporary ~~emergency~~, or trainee status.

(4) When an employee who has not attained permanent status in the class is granted a leave of absence with or without pay in excess of five consecutive workdays ~~during any month~~, the time spent on such leave shall not count toward completion of the employee's probationary period for that class. The time spent on military leave, however, shall count toward completion of the employee's probationary period.

(5) All successful performance in a ~~the next~~ higher-level class in the same class series shall be counted toward the completion of the probationary period for a lower class in the same series. the class from which the employee was promoted. In order to use any time toward completion of the probationary



period for the lower class, the employee's satisfactory performance in the higher class must be documented in writing.

(6) No change.

~~(7) A disabled veteran applicant appointed pursuant to Rule 60K-4.00311, F.A.C., shall be appointed for a probationary period of one year, notwithstanding the probationary period designated for the class.~~

Specific Authority 110.213(4), 110.217(5)(7), 110.201(1) FS. Law Implemented ~~110.213, 110.217, 110.201~~ FS. History-New 7-1-68, Revised 6-10-70, 7-1-73, Amended 7-1-80, Formerly 22A-7.04, Amended 1-1-86, 10-12-86, 3-30-88, 11-9-88, Formerly 22A-7.004, Amended 10-24-94, \_\_\_\_\_.

60K-4.006 Promotion Appointments. ~~(Model Rule)~~

(1) An employee shall be given a promotion appointment when:

(a) the employee is moved from one class to another class having a higher maximum salary; or

(b) the employee is moved from one class to another class having the same or lower maximum salary but a higher level of responsibility as determined by the Department of Management Services. Under such circumstances, the agency must request that the Department review the duties and responsibilities of the position to determine if they are at a higher level.

(2) Upon promotion, an employee shall be given probationary status, unless:

~~(a) the appointment is with overlap substitute, temporary, emergency, or trainee status; or~~

(b) the employee previously held permanent status in the class and the employee has not had a subsequent break-in-service, then the promotion will be with permanent status.

~~(3) An employee shall not attain permanent status in a class while serving with substitute, temporary, emergency, or trainee status.~~

~~(4) An employee who is promoted shall be required to serve the probationary period designated for the class.~~

~~(a) The probationary period may be extended for up to a total of 60 calendar days by the agency head provided there is written justification from the supervisor. Military leave shall not be used as justification for extending a probationary period.~~

~~(b) The probationary period shall also be extended if the employee has been granted a leave of absence in accordance with Rule 60K-4.004(4) of this chapter.~~

Specific Authority 110.213(4), 110.217(5)(7), 110.201(1) FS. Law Implemented 110.213, 110.217, 110.227, 110.201 FS. History-New 7-1-68, Revised 6-10-70, 7-1-73, Amended 7-1-80, Formerly 22A-7.06, Amended 1-1-86, 10-12-86, 11-9-88, Formerly 22A-7.006, Amended 10-24-94, \_\_\_\_\_.

60K-4.007 Demotion Appointments.

(1) An employee shall be given a demotion appointment when:

(a) the employee is moved from one class to another class having a lower maximum salary; or

(b) the employee moves from one class to another class having the same or higher maximum salary but a lower level of responsibility, as determined by the Department of Management Services. Under such circumstances, the agency must request that the Department review the duties and responsibilities of the position to determine if they are at a lower level.

(2) Upon demotion, an employee shall be given probationary status, unless:

~~(a) the appointment is with overlap substitute, temporary emergency, or trainee status;~~

~~(b) However, if the employee previously held permanent status in the class to which demoted and has not had a subsequent break-in-service or has completed the probationary period for the lower class in accordance with Rule 60K-4.004(5), F.A.C., in which case, the demotion shall be with permanent status;~~

(c) the employee previously held permanent status in a higher-level class in the same class series without a break-in-service, the employee shall be given permanent status in the lower class in the same series;

~~(d)(3) the demotion is a result of workforce reduction. An employee with permanent status in the class who is demoted as a result of a workforce reduction to a lower class in the same series and who has not previously attained permanent status in the lower class shall be given permanent status in the lower class. required to serve the probationary period designated for the class.~~

Specific Authority 110.213(4), 110.217(5)(7), 110.201(1) FS. Law Implemented 110.213, 110.217, 110.227, 110.201 FS. History-New 7-1-68, Revised 6-10-70, 7-1-73, Amended 4-30-79, 7-1-80, Formerly 22A-7.07, Amended 1-1-86, 10-12-86, 11-9-88, Formerly 22A-7.007, Amended 10-24-94, \_\_\_\_\_.

60K-4.008 Reassignment Appointments.

(1) An employee shall be given a reassignment appointment when:

(a) the employee is moved from a position in one class to another class having the same maximum salary or a different position in the same class; or

(b) the employee is moved from one class to another class having a higher or lower maximum salary but a different class having the same degree of responsibility. Under such circumstances, the agency must request that the Department review the duties and responsibilities of the position to determine if they have the same degree of responsibility. For the purpose of this rule, the same degree of responsibility shall be determined by pay range assignment and/or the essential functions of the position.

(2) through (3) No change.

(4) An employee with Career Service status who is given a reassignment appointment to a different position in a different class shall be given probationary status and be required to serve the probationary period designated for the class, provided the employee meets the minimum qualifications for the class and possesses the entry-level knowledge, skills, and abilities established for the position. The probationary period may be extended for up to a total of 60 calendar days by the agency head provided there is written justification from the supervisor. The probationary period may be extended for a longer period of time if the employee has been granted a leave of absence in accordance with Rule 60K-4.004(4) of this chapter which resulted in an extension of the probationary period. If, however, the employee previously held permanent status in the class to which reassigned and has not had a subsequent break-in-service, the reassignment shall be with permanent status. If, and if an employee is on military leave such time shall be counted towards attaining he can attain permanent status while on such leave.

Specific Authority 110.213(6), 110.217(5)(7), 110.201(1) FS. Law Implemented 110.213, 110.217, 110.227, 110.201 FS. History—New 7-1-68, Revised 6-10-70, 7-1-73, Amended 7-1-80, Formerly 22A-7.08, Amended 1-1-86, 10-12-86, Formerly 22A-7.008, Amended 10-24-94, \_\_\_\_\_.

60K-4.0081 Reinstatement Appointment.

(1) An employee may be given a reinstatement appointment when the employee returns to the same position and class within the same agency within 31 calendar days from the effective date of the resignation from employment in a career service position.

(2) Upon reinstatement, an employee will be appointed with the same status, pay and benefits of the employee's career service position held at the time of resignation from the agency.

Specific Authority 110.213(6), 110.217(5), 110.201(1) FS. Law Implemented 110.213, 110.217, 110.227, 110.201 FS. History—New \_\_\_\_\_.

60K-4.009 Transfers.

(1) A transfer is defined as moving an employee from one geographic location of the state to a different geographic location in excess of 50 miles from the employee's current work location. In determining whether or not the move is in excess of 50 miles, the distance of the move shall be the shortest route by a state secondary highway or better.

(2) Transfers shall be made in conjunction with one of the types of appointments prescribed in this chapter.

Specific Authority 110.213(6), 110.217(5)(7), 110.201(1) FS. Law Implemented 110.213, 110.217, 110.201, 110.227 FS. History—New 7-1-68, Revised 6-10-70, 7-1-73, Amended 7-1-80, Formerly 22A-7.09, Amended 1-1-86, 10-12-86, Formerly 22A-7.009, Amended 10-24-94, \_\_\_\_\_.

60K-4.010 Separations.

(1) A separation from Career Service is defined as one of the following: Resignations

(a) When an employee resigns from a Career Service position and is not employed in any Career Service position for at least 31 calendar days. An employee shall not be separated from state government on the day a holiday is observed unless the employer requires the employee to work on the holiday. In such circumstances, the employee will be compensated for the holiday in accordance with Chapter 60K-5, F.A.C. who resigns should present the reasons therefore in writing to the agency. A verbal or written resignations from an employee shall be accepted in writing, by the employee's immediate supervisor or higher level employee as designated by the agency. Resignation from one agency to accept a position with another agency shall not constitute a separation from the Career Service, provided there is no break in service of more than 31 calendar days between the last day on the payroll of the separating agency and the first day on the payroll of the receiving agency as prescribed in Section 60K-5.022(1).

(2) Abandonment of Position.

(b)(a) "Abandonment of position" is defined as When an employee's voluntary absence from the job is without approved leave and the employee's conduct implies with no intention not to return. This It is deemed to be an "abandonment of position" and an unwritten resignation.

(b) When an employee's conduct implies the employee has abandoned the position, the agency shall initiate a predetermination proceeding pursuant to Rules 60K-9.0041 through 60K-9.0046. The employee shall have all of the rights prescribed by those rules.

(3) Unauthorized Seeking or Holding of Public and Local Public Office.

(a) An employee who seeks or holds office contrary to or without complying with the provisions of Section 110.233(4), Florida Statutes, shall be presumed to have become ineligible for continuation of employment and shall be deemed to have resigned from the Career Service.

(b) An employee who becomes ineligible for continued employment pursuant to Section 110.233(4), Florida Statutes, shall be entitled to review in accordance with Section 120.57, Florida Statutes, or Section 60K-13.032, F.A.C. If the office is a local public office, the employee shall be notified in writing by certified mail, return receipt requested, and such notification shall include a statement as to the employee's right to review under Chapter 60K-13, F.A.C.

(4) Dismissals.

(c)(a) A dismissal is defined When an agency the takes action taken by an agency to dismiss against an employee for: to separate the employee from the Career Service.

(b) An agency head may dismiss any employee for just cause: which Just cause shall include, but not be limited to, negligence, inefficiency, or inability to perform assigned duties; repeated and/or gross substandard performance of assigned duties or both; insubordination; willful violation of

the provisions of law or agency rules; conduct unbecoming a public employee; misconduct; habitual drug abuse or conviction of a crime involving moral turpitude; or-

~~2.(e) A dismissal action taken against an employee for job-related drug or alcohol abuse shall be in accordance with the Section 112.0455, Florida Statutes, Drug Free Workplace Act; or State Policy on Alcoholism as adopted by the Administration Commission and the guidelines issued by the Secretary of Management Services as Personnel Policy and Procedure Memorandum 73-20, dated September 1, 1973, which is hereby incorporated by reference.~~

~~3.(d) Termination during probationary period — an employee, without Career Service status, may be terminated at any time failure to successfully complete during the probationary period in accordance with Rule 60K-4.003(4), F.A.C.~~

~~(2) An employee who has Career Service status have the right to appeal a dismissal in accordance with Rule 60K-9.005, F.A.C. Prior to dismissing or processing an “abandonment of position” for any employee who has attained permanent Career Service employee status, the employing agency shall comply with the predetermination procedures in accordance with Rules 60K-9.0041 through 60K-9.0046, F.A.C.~~

Specific Authority 110.217(5)(7), 110.227(2), 110.201(1) FS. Law Implemented 110.217, 110.201, 110.227, 110.124, 112.0455 FS. History—New 7-1-68, Revised 6-10-70, 7-1-73, Amended 9-27-76, 4-30-79, 7-1-80, 1-9-83, Formerly 22A-7.10, Amended 1-1-86, 10-12-86, Formerly 22A-7.010, Amended 10-24-94.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon D. Larson, Director, Human Resource Management, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Cochran, Deputy Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 1999

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors’ Licensing Board**

RULE TITLE: Certification of Registered Contractors

RULE NO.: 61G6-5.0035

PURPOSE AND EFFECT: The Board determined that it is necessary to implement a new rule which will provide language for registered contractors to become certified and certain qualifications which contractors should meet.

SUMMARY: Certification of Registered Contractors.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 489.507, 489.514 FS.

LAW IMPLEMENTED: 489.514 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: George Ayrish, Executive Director, Electrical Contractors’ Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-5.0035 Certification of Registered Contractors.

(1) Any registered contractor, building code administrator, or inspector licensed in the residential and commercial electrical inspector categories who wish to become a certified registered contractor in the appropriate category pursuant to the “grandfathering” provisions of Section 489.514, F.S., shall meet the following requirements:

(a) Submit a completed “Application for Certification of a Registered License” on Form BPR/ECLB-REG.TO.CERT.9/99, which is hereby incorporated by reference, effective \_\_\_\_\_, copy of which may be obtained from the Board office.

(b) Submit proof of continuing education pursuant to Rule 61G6-9.001, F.A.C. for the latest renewal cycle prior to application.

(c) A registered contractor who was not required to pass a written, proctored examination to receive the registered license, may be considered for certification under this rule if he or she passes an examination that is substantially similar to the examination produced by the National Assessment Institute, Block and Associates or NAI/Block prior to application.

(d) For purposes of implementing s. 489.514, F.S., the registered contractor must show at least 5 years experience obtained after the issuance of the registered license in the category sought. The registered contractor must have held an active license in the category sought for a period of at least 5 years, but the 5 year period is not required to be consecutive. Any time periods when the license was placed on inactive or probation status shall not count toward the 5 years’ required experience; or

(e) For purposes of implementing s. 489.514, a building code administrator who is licensed pursuant to Chapter 468, Part XII, F.S., for at least five years, and has oversight responsibility in permitting inspection, and enforcement of electrical and alarm codes, or a combination of 5 years as an active registered electrical, specialty electrical, or alarm

contractor or licensed as a building code administrator pursuant to Chapter 468, Part XII, F.S., with oversight responsibility in permitting, inspection, and enforcement of electrical and alarm codes, and holds a valid registered local license in a category of electrical or alarm system contracting, and who has passed the examination required in Section 489.514(2), F.S. meets the experience requirements for a certified registered license in the appropriate category.

(f) For purposes of implementing s. 489.514, F.S., an inspector who is licensed in both residential electrical and commercial electrical inspector categories pursuant to Chapter 468, Part XII, F.S., for at least 5 years, with oversight responsibility over the licensing categories, or a combination of at least 5 years as an active registered electrical and/or alarm contractor or inspector who is licensed in the residential electrical and commercial electrical inspector categories pursuant to Chapter 468, Part XII, F.S., with oversight responsibility over the licensing categories, and holds a valid registered local license in a category of electrical or alarm system contracting, and who has passed the examination required in Section 489.514(2), F.S. meets the experience requirements for a certified registered license in the appropriate category. A residential electrical inspector license is required for the certified registered residential electrical specialty license.

(g) A registered contractor who becomes a certified registered contractor under s. 489.514, F.S., does not qualify for certification by endorsement in the states who have entered into endorsement agreements with the Florida Electrical Contractors' Licensing Board based upon substantially equivalent examinations.

(2) Specialty Electrical Categories – Registered to Certified.

(a) Certified Registered Electrical Contractor permits a contractor with a registered electrical and registered alarm system contractor I license who has met the requirements outlined in Section 489.514, F.S., and 61G6-5.0035, F.A.C., to contract throughout the state for any electrical system, including any alarm system and all specialty categories.

(b) Limited Certified Registered Electrical Contractor permits a registered contractor who has met the requirements outlined in Section 489.514, F.S., and 61G6-5.0035, F.A.C., to contract throughout the state for any electrical system, including all specialties. A limited certified electrical contractor may bid on electrical contracts which include alarm systems contracting as part of the contract, but all portions of the alarm systems, except raceway systems, must be subcontracted to a certified or registered alarm system contractor.

(c) Limited Certified Registered Electrical/Burglar Alarm System Contractor permits a contractor with a registered electrical and registered burglar alarm license who has met the requirements outlined in Section 489.514, F.S., and 61G6-5.0035, F.A.C., to contract throughout the state for any burglar alarm system and/or electrical system, including all specialties. A limited certified electrical/burglar alarm contractor may bid on all electrical and burglar alarm contracts, but all portions of a fire alarm systems, except raceway systems, must be subcontracted to a certified or registered Alarm Systems Contractor I.

(d) Certified Registered Alarm System Contractor I permits a contractor with a registered alarm system contractor I license who has met the requirements outlined in Section 489.514, F.S., and 61G6-5.0035, F.A.C. to contract throughout the state for any alarm or limited energy system.

(e) Certified Registered Alarm System contractor II permits a contractor with a registered alarm system contractor II license who has met the requirements outlined in Section 489.514, F.S., and 61G6-5.0035, F.A.C., to contract throughout the state for any alarm system or limited energy system, excluding fire alarm systems.

(f) All Specialty Electrical contractors set out in Rule 61G6-7.001(1),(2),(3),(4),(5), F.A.C. who hold a valid local registered license in one of these categories and who comply with subparagraphs (a) through (d) of this rule is eligible to apply to become a certified registered contractor in that category.

Specific Authority 489.507, 489.514 FS. Law Implemented 489.514 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Electrical Contractors' Licensing Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 1999

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Division of State Lands**  
DOCKET NO: 99-40R  
RULE CHAPTER TITLE: Adoption of Rules of the Green Swamp Land Authority  
RULE CHAPTER NO.: 62Q-16

**RULE TITLES:**  
**PART I: Organization, Practice and Procedure**  
 Purpose  
 Definitions  
 Officers and Employees  
 Meetings, Quorum and Voting of the Authority  
 Notice of Meeting  
 Communications Media Technology  
 Records; Public Information  
 Business Address and Hours  
**PART IV: Acquisitions of Land Protection**

**RULE NOS.:**  
 62Q-16.001  
 62Q-16.002  
 62Q-16.004  
 62Q-16.005  
 62Q-16.006  
 62Q-16.007  
 62Q-16.009  
 62Q-16.010

Agreements  
 Acquisitions of Land Protection Agreements  
**PURPOSE, EFFECT AND SUMMARY:** The duties of the Green Swamp Land Authority were transferred to the Department of Environmental Protection by Section 51, 99-247, Laws of Florida (1999), and the Department requested transfer of the rules to Chapter 62, F.A.C., on October 6, 1999. The Department has determined that Part I has been superseded by the Uniform Rules or is obsolete and Part IV is obsolete. Therefore, all rules formerly used by the Green Swamp Land Authority will be repealed.

**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:** 380.0677 FS.  
**LAW IMPLEMENTED:** 120.53(1), 380.0677 FS., s. 51, 99-247, Laws of Florida.

**IF REQUESTED WITHIN 21 DAYS OF DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Suzanne B. Brantley, Senior Assistant General Counsel, 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399-3000

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

62Q-16.001 Purpose.

Specific Authority 380.0677 FS. Law Implemented 120.53(1), 380.0677 FS. History–New 3-8-95, Formerly 9J-41.001, Repealed.

62Q-16.002 Definitions.

Specific Authority 380.0677 FS. Law Implemented 380.0677 FS. History–New 3-8-95, Formerly 9J-41.002, Repealed.

62Q-16.004 Officers and Employees.

Specific Authority 380.0677 FS. Law Implemented 380.0677 FS. History–New 3-8-95, Formerly 9J-41.004, Repealed.

62Q-16.005 Meetings, Quorum and Voting of the Authority.

Specific Authority 380.0677 FS. Law Implemented 380.0677 FS. History–New 3-8-95, Formerly 9J-41.005, Repealed.

62Q-16.006 Notice of Meeting.

Specific Authority 380.0677 FS. Law Implemented 380.0677 FS. History–New 3-8-95, Formerly 9J-41.006, Repealed.

62Q-16.007 Communications Media Technology.

Specific Authority 380.0677 FS. Law Implemented 380.0677 FS. History–New 3-8-95, Formerly 9J-41.007, Repealed.

62Q-16.009 Records; Public Information.

Specific Authority 380.0677 FS. Law Implemented 380.0677 FS. History–New 3-8-95, Formerly 9J-41.009, Repealed.

62Q-16.010 Business Address and Hours.

Specific Authority 380.0677 FS. Law Implemented 380.0677 FS. History–New 3-8-95, Formerly 9J-41.010, Repealed.

62Q-16.301 Acquisitions of Land Protection Agreements.

Specific Authority 380.0677 FS. Law Implemented 380.0677 FS. History–New 3-8-95, Formerly 9J-41.301, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Eva Armstrong, Director, Division of State Lands, 3900 Commonwealth Blvd., MS 100, Tallahassee, FL 32399-3000  
**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Eva Armstrong, Director, Division of State Lands

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** August 31, 1999

**DEPARTMENT OF HEALTH**

**Division of Environmental Health and Statewide Programs**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	64E-2.001
Advanced Life Support Service License – Ground	64E-2.003
Medical Direction	64E-2.004
Records and Reports	64E-2.013
Prehospital Requirements for Trauma Care	64E-2.015
Adult Trauma Scorecard Methodology	64E-2.017
Pediatric Trauma Scorecard Methodology	64E-2.0175
SATC and SAPTRC Requirements	64E-2.023
Process for the Approval of SATCs and SAPTRCs	64E-2.024
Extension of Application Period	64E-2.025
Certificate of State – Approval	64E-2.026
Process for Renewal of SATCs and SAPTRCs	64E-2.027
Site Visits and Approval	64E-2.028
Application of Hospital Denied Approval	64E-2.029
Do Not Resuscitate Order (DNRO) Form and Patient Identification Device	64E-2.031
Inspections	64E-2.034

**PURPOSE AND EFFECT:** Trauma Standards – To revise and improve the State-Approved Trauma Center and State-Approved Pediatric Trauma Referral Center approval standards to reflect national standards and improve the site survey process.

**Inspections** – To establish rules for the periodic and random inspection of emergency medical service providers. This rule will satisfy the requirement of section 401.31(4), Florida Statutes.

**Run Report** – To: 1) strike the term “run report” and all related references through out 64E-2 and replace with the term “patient care record” where appropriate; 2) create a definition for a patient care record; 3) establish which providers must maintain patient care records and what information these records must contain; 4) establish what patient information must be left at the emergency department by the EMS provider; 5) change the requirement for submission of records to the Department to quarterly aggregate profile information.

**Do Not Resuscitate Orders** – To revise the rules and related forms to grant immunity from civil liability and criminal prosecution to certain health care facilities and personnel for withdrawing or withholding cardiopulmonary resuscitation if presented with an order or device not to resuscitate (the Do Not Resuscitate Order Form and Devices shall be developed by the Department). These health care facilities and personnel include: hospital emergency departments, nursing homes, assisted living facilities, hospices, home health agencies and adult family care homes. Note: this immunity already exists for emergency medical service systems and personnel.

**SUMMARY:** Trauma Standards – This rule outlines the requirements to qualify as a Level I or Level II State-Approved Trauma Center or a State-Approved Pediatric Trauma Referral Center and updates the application for each.

**Inspections** – This rule will identify the categories of violations, type of violation in each category, and time frame for responding to corrective action statements.

**Run Report** – The proposed rule amendment would enable ambulance services to design a run report to meet local needs, reduce workload related to completing the current form, and allow purchase of less expensive forms while providing the Bureau of EMS with information relative to EMS in Florida.

**Do Not Resuscitate Orders** – See Purpose and Effect.

**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.

(a) Up to 248 EMS providers may incur the cost of training and providing staff to collect, compile and aggregate information as described in DHP 150-445 on a quarterly basis. Providers with automated data systems may incur costs for altering existing software. This proposed rule change should result in

substantial savings for providers using paper forms since the Department will no longer require providers to provide information on a scan ready form for every single EMS response monthly.

(b) The Department will substantially reduce costs related to pre-hospital data collection. The workload will be reduced from processing approximately 1.5 million two-sided forms with up to 64 data elements per form to quarterly processing 248 one-page forms with 10 data elements. The savings should off set any cost associated with the project.

(c) No new regulatory fees will be imposed on individuals or local governments other than EMS providers. If a county supports a centralized data collection system, the local government may incur additional system alteration costs.

(d) Small businesses may be indirectly impacted through required alterations to existing software or paper forms to accommodate the rule requirements.

**SPECIFIC AUTHORITY:** 381.0011, 395.401(3), 395.4025, 395.405, 401.121, 401.272, 401.30, 401.31, 401.35, 401.45, 499.05 FS.

**LAW IMPLEMENTED:** 381.0011, 381.0205, 395.401(3), 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.121, 401.211, 401.23, 401.24, 401.25, 401.26, 401.265, 401.27, 401.281, 401.2915, 401.30, 401.31, 401.321, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421, 401.435, 401.45, 499.005, 765 FS.

**A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 10:00 a.m., November 29, 1999

**PLACE:** Bureau of Emergency Medical Services, 4025 Esplanade Way, Building 3916, Room 301 A & B, Tallahassee, Florida 32301-4881

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Pam Lesley, Senior Management Analyst, Bureau of Emergency Medical Services, 2002 Old St. Augustine Road, Building D, Tallahassee, Florida 32301. Effective November 9, the mailing address is 2020 Capital Circle, S. E., Bin #C18, Tallahassee, Florida 32399-1738, (850)487-1911, or FAX (850)487-2911

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

64E-2.001 Definitions.

(9) ICD-9-CM – means the “International Classification of Disease, 9th Revision, Clinical Modification”, March, 1989, U.S. Department of Health and Human Services Publication No. (PHS) 89-1260; an internationally applied method by which diseases or groups of medical conditions or injuries are coded for the purpose of statistical analyses. This book is incorporated by reference and available for purchase from the American Hospital Association, Central Office on ICD-9-DM, 1-800-242-2626, AHA, Post Office Box 92683, Chicago, IL 60675-2683.

(15) Patient Care Record – means the record used by each EMS provider to document patient care, treatment and transport activities that at a minimum includes the information required under sections 64E-2.003(8)(a)(b), 64E-2.004(4)(c), 64E-2.013, 64E-2.015(5), 64E-2.015(7)(b)3, 64E-2.017(5),(6),(7); 64E-2.0175(4), 64E-2.018, F.A.C.

~~(16)~~(15) Pediatric Trauma Patient – means a trauma patient with anatomical and physical characteristics of a person 15 years of age or younger.

~~(17)~~(16) Provisional State-Approved Pediatric Trauma Referral Center (SAPTRC) – means a hospital licensed under chapter 395, FS., which submits an application indicating that the hospital meets the requirements provided in DHP 150-9 and is approved by the department to provide pediatric trauma care services until approval or denial as a SAPTRC.

~~(18)~~(17) Provisional State-Approved Trauma Center (SATC) – means a hospital licensed under chapter 395, F.S., which submits an application indicating that the hospital meets the requirements provided in DHP 150-9 and is approved by the department to provide trauma care services until approval or denial as a SATC.

~~(18) Run Report~~ – means the written record described in section 64E-2.013, F.A.C.

Specific Authority 381.0011(13), 395.4025(13), 395.405, 401.121, 401.35 FS. Law Implemented 381.0011, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.121, 401.211, 401.23, 401.25, 401.35, 401.435 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, 11-2-86, 4-12-88, 8-3-88, 8-7-89, 6-6-90, Formerly 10D-66.485, Amended 12-10-92, 11-30-93, 10-2-94, 1-26-97, Formerly 10D-66.0485, Amended 8-4-98, 7-14-99,\_\_\_\_\_.

64E-2.003 Advanced Life Support Service License – Ground.

(8)(a) The medical director determines what type of BLS patient may be attended by an EMT and develops standing orders for use by the EMT when attending the type of BLS patients identified. The onscene paramedic shall conduct the primary patient assessment to determine if the patient's condition meets the criteria in the standing orders for BLS care. This survey shall be documented on the patient care record ~~run report~~ and shall identify the paramedic who conducted the survey.

(b) The patient care record ~~run report~~ for any patient care or transport shall clearly state whenever an EMT attends the patient.

Specific Authority 381.0011, 395.405, 401.121, 401.35 FS. Law Implemented 381.0011, 381.025, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.23, 401.24, 401.25, 401.26, 401.27, 401.281, 401.30, 401.31, 401.321, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.50, Amended 4-12-88, 8-3-88, 8-7-89, 12-10-92, 11-20-93, 1-26-97. Formerly 10D-66.050, Amended 8-4-98, 1-3-99, 7-14-99,\_\_\_\_\_.

64E-2.004 Medical Direction.

(4)(c) Develop and maintain a patient care quality assurance system to assess the medical performance of paramedics and EMTs. The medical director shall audit the

performance of system personnel by use of a quality assurance program to include but not limited to a prompt review of patient care records, ~~run reports~~, direct observation, and comparison of performance standards for drugs, equipment, system protocols and procedures. The medical director shall be responsible for participating in quality assurance programs developed by the department.

Specific Authority 381.0011, 395.405, 401.272, 401.35, 499.05 FS. Law Implemented 401.23, 401.24, 401.25, 401.26, 401.265, 401.27, 401.281, 401.2915, 401.30, 401.34, 401.35, 401.41, 401.411, 499.005 FS. History–New 8-7-89, Amended 6-6-90, 12-10-92, 3-19-95, 1-26-97, Formerly 10D-66.0505, Amended 8-4-98, 1-3-99,\_\_\_\_\_.

64E-2.013 Records and Reports.

(2) Each EMS provider shall ensure that an accurate and complete patient care record ~~run report~~ was prepared for each instance in which a patient was transported to a hospital. The transporting EMS provider shall have the complete and accurate patient care record as defined in section 64E-2.001(15), F.A.C., and required in section 64E-2.013, F.A.C., available upon request within 24 hours of the time the vehicle was originally dispatched in response to the request for emergency medical assistance. ~~assessed, medical care was rendered, a patient was transported, patient was pronounced dead at the scene, patient was transferred to another licensed service, patient was transferred from one medical facility to another and for instances when the person or persons for whom EMS was dispatched refused treatment, transport or both.~~

(3) The accurate and complete patient care record shall include all known information listed below and the known information defined under section 64E-2.001(15), F.A.C.;

(a) Date of call;

(b) Time of call;

(c) The service name;

(d) Incident ID number;

(e) Lead crew signature;

(f) Service name for any other licensed service providing care;

(g) Name for first responder agency;

(h) The patient's full name or unique identification number if the name is unknown;

(i) The patient's age;

(j) Patient assessment information (e.g., airway, breathing, circulation, pupils, skin and vitals) taken on scene and en route with times taken for vitals;

(k) The initial vitals taken by a non-transport service before the arrival of the transport unit;

(l) The patient's medical history, current medications; allergies, and chief complaint;

(m) Interventions attempted (e.g., airway, breathing, circulation, and secondary interventions) and

(n) Medication(s) administered including the time, medication, dose and route.

~~(3) Each provider shall document on DOH Form 1894 or 1895, October 93, Florida EMS Report each instance as described in section 64E-2.013(2), F.A.C.~~

~~(4) Non-transporting vehicle personnel shall provide information pertinent to the patient's identification, patient assessment and care provided to the patient to the transporting vehicle personnel at the time the responsibility of the patient is transferred to the transporting service. The non-transporting EMS provide shall have the complete and accurate run report, as required in sections 64E-2.013(2) and (3), F.A.C., within 24 hours of the time the vehicle was originally dispatched in response to the request for emergency medical assistance.~~

~~(5) Transporting vehicle personnel shall provide information pertinent to the patient's identification, patient assessment and care provided to the receiving hospital personnel at the time the responsibility of the patient is transferred to the receiving hospital.~~

~~(6)(5) Each provider shall maintain a the second copy of the patient care record as defined in section 64E-2.001(15), F.A.C., DOH Form 1894 or 1895, October 93, Florida EMS Report for a period of at least 5 years. This copy is considered to be the copy of record, shall contain an original signature by the lead crew member and is certifiable as a true copy.~~

~~(7)(6) Each licensed EMS provider is responsible for quality review for completeness and accuracy of their own patient care records, run reports. Each quarter, the Office of EMS will notify licensed providers by exception reports of incompleteness or inaccuracy of submitted run reports. It is the provider's responsibility to prospectively correct procedure and performance so that the types of errors identified in the department's exception report do not reoccur. The exception reports will be reviewed by the Office of EMS staff in conjunction with routine inspections and serve as the basis for a determination of reporting deficiencies which will require corrective action.~~

~~(7) Any EMS provider who desires to provide run report data in a manner other than prescribed in this section shall submit a variance to collect and provide the data by an alternative method to the Office of EMS. Any variance request shall be in accordance with the intent of this section.~~

~~(13) A fixed wing air ambulance provider shall have an air medical crew member document the cabin altitude hourly. The cabin pressure shall be documented on the patient care record, patient record.~~

~~(14) Each provider shall document and submit to the department, the information contained on DH Form 1304, September 99, "EMS Aggregate Prehospital Report and Provider Profile Information Form", which is incorporated by reference and available from the department as defined and required in DHP 150-445, September 99, "Department of Health, Bureau of Emergency Medical Services (EMS)~~

Instruction Manual for the: EMS Aggregate Pre-hospital and Provider Profile Information Form (DH 1304)", which is incorporated by reference and available from the department.

(a) Reports shall be submitted in accordance with the format and time frame specified in DHP 150-445. Reports received after the due date(s) specified in DHP 150-445 or not in the format specified in DHP 150-445, may not be included in reports published by the department.

(b) The non-transporting unit is responsible for providing critical treatment and intervention information as defined in DHP 150-445 to the transporting unit at the time that the responsibility for the patient's care is transferred to the transporting unit. The transporting unit is required to include counts of all known critical treatments and interventions that were administered or attempted to be administered to the patient prior to their arrival as defined and required in DHP 150-445 as part of their required quarterly submission of DH Form 1304 to the department.

(c) Section 64E-2.103(14)(a) through (c), F.A.C., shall become effective 24 months from the effective date of this rule.

Specific Authority 381.0011, 395.405, 401.30, 401.35 FS. Law Implemented 381.001, 381.0205, 395.401-395.405, 401.23, 401.25, 401.27, 401.30, 401.35, 401.411 FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.60, Amended 11-2-86, 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.060, Amended 7-14-99, \_\_\_\_\_.

64E-2.015 Prehospital Requirements for Trauma Care.

(5) The EMS provider responsible for the patient shall ensure that a prehospital trauma alert is issued upon determining that a trauma patient meets the requirements of sections 64E-2.017, and 64E-2.0175, F.A.C. The words "trauma alert" shall be used when notifying the SATC, or SAPTRC, or hospital that EMS is en route with a trauma alert patient. The EMS provider issuing the trauma alert shall also provide the SATC, or SAPTRC, or hospital with the information required under section 64E-2.013(5), F.A.C., and the information listed below at the time the patient is transferred to the personnel of the receiving SATC, SAPTRC or hospital: from the patient assessment and trauma information sections of the run report:

- (a) Time of injury if different from the time of the call;
- (b) Date of injury if different from day of call;
- (c) County of injury;
- (d) County of residence of patient;
- (e) Cause of injury;
- (f) Injury site/type;
- (g) Trauma alert criteria if met as defined in section 64E-2.017 or 64E-2.0175, F.A.C., and
- (h) Protective devices if motor vehicle crash, bicycle or marine crash.



The information listed above shall be documented on the patient care record of the transporting unit that delivered the patient in accordance with the requirements of section 64E-2.013, F.A.C.

(7)(b)3. Procedure to be followed by EMTs and paramedics for completion of the patient care record as defined under section 64E-2.001(15), F.A.C., and required under section 64E-2.013, F.A.C., and the run report with trauma information as required under section 64E-2.015(5), F.A.C., and the delivery of such information ~~the form~~ with the trauma patient to a SATC, SAPTRC, or hospital;

Specific Authority 395.405, 401.35 FS. Law Implemented 395.401-395.403, 395.404-395.405, 401.30, 401.35 FS. History—New 8-3-88, Amended 12-10-92, 11-30-93, Formerly 10D-66.100, Amended 8-4-98, 7-14-99, \_\_\_\_\_.

#### 64E-2.017 Adult Trauma Scorecard Methodology.

(5) Where additional local trauma alert criteria has been approved by the medical director of the EMS service and presented as part of the state TTP approval process, the use of local trauma alert criteria as the basis for calling a trauma alert shall be documented in the patient care record in accordance with the requirements of as required in section 64E-2.013, F.A.C. Local trauma assessment criteria can only be applied after the patient has been assessed as provided in (2)(3), and (4) of this section.

(6) In the event that none of the conditions are identified using the criteria in (2),(3),(4), or (5) of this section in the assessment of the adult trauma patient, the EMT or paramedic can call a trauma alert if, in his or her judgment, the patient's condition warrants such action. Where EMT or paramedic judgment is used as the basis for calling a trauma alert, it shall be documented in the patient care record in accordance with the requirements of section 64E-2.013, F.A.C. as required in section 64E-2.013, F.A.C.

(7) The results of the patient assessment shall be recorded and reported in the patient care record in accordance with the requirements of section 64E-2.013, F.A.C.

Specific Authority 395.405, 401.35 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.4045, 395.405, 401.30, 401.35 FS. History—New 8-3-88, Amended 12-10-92, 11-30-93, Formerly 10D-66.102, Amended 8-4-98, \_\_\_\_\_.

#### 64E-2.0175 Pediatric Trauma Scorecard Methodology.

(4) In the event that none of the criteria in (2) or (3) of this section are identified in the assessment of the pediatric patient, the EMT or paramedic can call a "Trauma Alert" if, in his or her judgment, the trauma patient's condition warrants such action. Where EMT or paramedic judgment is used as the basis for calling a trauma alert, it shall be documented in the patient care record in accordance with as required in section 64E-2.013, F.A.C.

Specific Authority 395.405, 401.35 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.4045, 395.405, 401.30, 401.35 FS. History—New 8-4-98, Amended \_\_\_\_\_.

64E-2.023 SATC and SAPTRC Requirements.

(1) The standards for Level I and Level II SATCs, and SAPTRCs, are published in DH Pamphlet (DHP) 150-9, January 2000, March 98; State-Approved Trauma Center and State-Approved Pediatric Trauma Referral Center Approval Standards, which is incorporated by reference and available from the department. Trauma Centers must be in full compliance with these standards by July 1, 2000.

(2)(a) Meet and maintain after receiving provisional status and during the 7 year state-approval period the standards for a Level I SATC and the standards for a SAPTRC as provided in DHP 150-9, January 2000;

(3)(a) Meet and maintain after receiving provisional status and during the 7 year state-approval period the standards for a Level II SATC as provided in DHP 150-9, January 2000; March 98;

(4)(a) Meet and maintain after receiving provisional status and during the 7 year state-approval period the standards for a SAPTRC as provided in DHP 150-9, January 2000; March 98;

(5) The standards published in DHP 150-9, January 2000, March 98, are subject to revision at any time through rule promulgation. Any hospital that has been granted Provisional SATC or Provisional SAPTRC status or has been granted a 7 year Certificate of State Approval as a SATC or SAPTRC shall comply with all revisions to the standards published in DHP 150-9, beginning on the date the amended rule becomes effective.

Specific Authority 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 8-3-88, Amended 12-10-92, 12-10-95, Formerly 10D-66.108, Amended 8-4-98, \_\_\_\_\_.

64E-2.024 Process for the Approval of SATCs and SAPTRCs.

(1)(a) The department shall accept a letter of intent, DH DOH Form 1840, January 2000, July 95; "State-Approved Trauma Center Letter of Intent", which is incorporated by reference and available from the department, postmarked no earlier than September 1 and no later than midnight, October 1, from any acute care general or pediatric hospital. The letter of intent is non-binding, but preserves the hospital's right to submit an application by the required due date if an available position, as provided in section 64E-2.022, F.A.C., exists in the hospital's TSA. If the hospital does not submit an application by April 1 of the following year, the hospital's letter of intent is void;

(b) By October 15, the department shall send to those hospitals submitting a letter of intent an application package which will include, as a minimum, instructions for submitting information to the department for selection as a SATC or SAPTRC, DHP 150-9, January 2000, March 98; State-Approved Trauma Center and State-Approved Pediatric

Trauma Referral Center Approval Standards, which is incorporated by reference in section 64E-2.023, F.A.C., and the requested application(s);

(c) No later than April 1 of the calendar year following the submission of a letter of intent, a hospital seeking approval as a SATC or SAPTRC shall submit to the department an original and 3 copies of the respective application as indicated below. DOH H Form 2032, July 95, Application for Level I State-Approved Trauma Center, or DOH H Form 2043, July 95, Application for Level II State-Approved Trauma Center, or DOH Form 1721, July 95, Application for State-Approved Pediatric Trauma Referral Center, which are incorporated by reference and available from the department. Each hospital in a TSA with a department-approved local or regional trauma agency shall, at the time a SATC or SAPTRC application is submitted to the department, submit a duplicate of the application to the trauma agency for review. Recommendations from the trauma agency shall be submitted to the department no later than April 7, as provided in section 64E-2.021, F.A.C.

1. To apply for approval as a Level I State-Approved Trauma Center, applicants must submit all forms contained in the Level I State-Approved Trauma Center Application Manual, January 2000. The manual and the forms contained therein are incorporated by reference and available from the department. The manual contains the following forms: DH Form 2032, January 2000, General Information for Level I State-Approved Trauma Center Application; DH Form 2032-A, January 2000, Level I Trauma Center Approval Standards Summary Chart; DH Form 2032-B, January 2000, Application for Level I State-Approved Trauma Center Approval Letter of Certification; DH Form 2032-C, January 2000, Level I State-Approved Trauma Center Surgical Specialties Certifications; DH Form 2032-D, January 2000, Level I State-Approved Trauma Center Non-Surgical Specialties Certifications; DH Form 2032-E, January 2000, Level I State-Approved Trauma Center General Surgeons Commitment Statement; DH Form 2032-F, January 2000, Level I State-Approved Trauma Center General Surgeons Available for Trauma Surgical Call; DH Form 2032-G, January 2000, Level I State-Approved Trauma Center Neurosurgeons Available for Trauma Surgical Call; DH Form 2032-H, January 2000, Level I State-Approved Trauma Center Neurological, Pediatric Trauma and Neurological, and Neuroradiology Statements; DH Form 2032-I, January 2000, Level I State-Approved Trauma Center Surgical Specialists On Call and Promptly Available; DH Form 2032-J, January 2000, Level I State-Approved Trauma Center Emergency Department Physicians; DH Form 2032-K, January 2000, Level I State-Approved Trauma Center Anesthesiologists Available for Trauma Call; DH Form 2032-L, January 2000, Level I State-Approved Trauma Center C.R.N.A.s Available for Trauma Call; and DH Form 2032-M, January 2000, Level I State-Approved Trauma Center Non-Surgical Specialists On Call and Promptly Available.

(2) To apply for approval as a Level II State-Approved Trauma Center, applicants must submit all forms contained in the Level II State-Approved Trauma Center Application Manual, January 2000. The manual and the forms contained therein are incorporated by reference and available from the department. The manual contains the following forms: DH Form 2043, January 2000, General Information for Level II State-Approved Trauma Center Application; DH Form 2043-A, January 2000, Level II Trauma Center Approval Standards Summary Chart; DH Form 2043-B, January 2000, Application for Level II State-Approved Trauma Center Approval Letter of Certification; DH Form 2043-C, January 2000, Level II State-Approved Trauma Center Surgical Specialties Certifications; DH Form 2043-D, January 2000, Level II State-Approved Trauma Center Non-Surgical Specialties Certifications; DH Form 2043-E, January 2000, Level II State-Approved Trauma Center General Surgeons Commitment Statement; DH Form 2043-F, January 2000, Level II State-Approved Trauma Center General Surgeons Available for Trauma Surgical Call; DH Form 2043-G, January 2000, Level II State-Approved Trauma Center Neurosurgeons Available for Trauma Surgical Call; DH Form 2043-H, January 2000, Level II State-Approved Trauma Center Neurological, Pediatric Trauma and Neurological, and Neuroradiology Statements; DH Form 2043-I, January 2000, Level II State-Approved Trauma Center Surgical Specialists On Call and Promptly Available; DH Form 2043-J, January 2000, Level II State-Approved Trauma Center Emergency Department Physicians; DH Form 2043-K, January 2000, Level II State-Approved Trauma Center Anesthesiologists Available for Trauma Call; DH Form 2043-L, January 2000, Level II State-Approved Trauma Center C.R.N.A.s Available for Trauma Call; and DH Form 2043-M, January 2000, Level II State-Approved Trauma Center Non-Surgical Specialists On Call and Promptly Available.

(3) To apply for approval as a State-Approved Pediatric Trauma Referral Center, applicants must submit all forms contained in the State-Approved Pediatric Trauma Referral Center Application Manual, January 2000. The manual and the forms contained therein are incorporated by reference and available from the department. The manual contains the following forms: DH Form 1721, January 2000, General Information for State-Approved Pediatric Trauma Referral Center Application; DH Form 1721-A, January 2000, Pediatric Trauma Referral Center Approval Standards Summary Chart; DH Form 1721-B, January 2000, Application for State-Approved Pediatric Trauma Referral Center Letter of Certification; DH Form 1721-C, January 2000, State-Approved Pediatric Trauma Referral Center Surgical Specialties Certifications; DH Form 1721-D, January 2000, State-Approved Pediatric Trauma Referral Center Non-Surgical Specialties Certifications; DH Form 1721-E, January 2000, State-Approved Pediatric Trauma Referral Center General Surgeons Commitment Statement; DH Form

1721-F, January 2000, State-Approved Pediatric Trauma Referral Center General Surgeons Available for Trauma Surgical Call; DH Form 1721-G, January 2000, State-Approved Pediatric Trauma Referral Center Neurosurgeons Available for Trauma Surgical Call; DH Form 1721-H, January 2000, State-Approved Pediatric Trauma Referral Center Neurological, Pediatric Trauma and Neurological, and Neuroradiology Statements; DH Form 1721-I, January 2000, State-Approved Pediatric Trauma Referral Center Surgical Specialists On Call and Promptly Available; DH Form 1721-J, January 2000, State-Approved Pediatric Trauma Referral Center Emergency Department Physicians; DH Form 1721-K, January 2000, State-Approved Pediatric Trauma Referral Center Anesthesiologists Available for Trauma Call; DH Form 1721-L, January 2000, State-Approved Pediatric Trauma Referral Center C.R.N.A.s Available for Trauma Call; and DH Form 1721-M, January 2000, State-Approved Pediatric Trauma Referral Center Non-Surgical Specialists On Call and Promptly Available.

(d)1. The critical standards for provisional review for Level I and Level II SATC applications are specified in DHP 150-9, January 2000, ~~March 98~~, as follows:

Level I

STANDARD

I. Administrative: A, E, and F; Commitment: A, B & C 1, 3 & 4;

II. Trauma Service: A, B.1, 5, 6, and 9, C, and D;

III. Surgical Services: A, B, C, and D;

IV. Non-Surgical Services: A, B, and C; Surgical Specialties Availabilities: A(1) a & b, (2)a, b, B(7);

V. Emergency Department: A, B, C.1, D, and E.4, Non-Surgical Specialties Availabilities: A;

VI. Operating Room and Post-Anesthesia Recovery Area: A.1, 2, and 3 and B.1 and 2; Emergency Department; Division; Service; Section: A, B(1)f, (2)f, (3)a, b, e, & f, C 5, 6 & 7;

VII. Intensive Care Unit and Pediatric Intensive Care Unit: B, C, D, and E; Operating Suite Special Requirement: A 1 & 3;

VIII. Training and Continuing Education Programs: A, B, and C;

IX. Equipment: A, B, C, D, and E; Intensive Care Unit: A(1)a, b, & e;

X. Laboratory Services: A and B;

XII. Radiological Services: A, B, and C;

XIII. Organized Burn Care: A;

XIII. Radiological Capabilities: C; and

XIV. Acute Spinal Cord and Brain Injury Management Capability: A;

XV. Acute Rehabilitative Services: B;

XVI. Psychosocial Support Services: A; Quality Management: A, B, C, D & E;

XVII. Outreach Programs: B, C, and E;

XVIII. Quality Management: A through H;

XIX. Trauma Research: B;

Level II

STANDARD

I. Administrative: A, E, and F;

II. Trauma Service: A, B.1, 5, and 6, C, and D;

III. Surgical Services: A, B, C, and D;

IV. Non-Surgical Services: A, B, and C;

V. Emergency Department: A, B, C.1, D, and E.4;

VI. Operating Room and Post-Anesthesia Recovery Area: A.1, 2, and 3 and B.1 and 2;

VII. Intensive Care Unit: A, B, C, and D;

VIII. Training and Continuing Education Programs: A, B, and C;

IX. Equipment: A, B, C, D, and E;

X. Laboratory Services: A and B;

XII. Radiological Services: A, B, and C;

XIII. Organized Burn Care: A;

XIV. Acute Spinal Cord and Brain Injury Management Capability: A;

XV. Acute Rehabilitative Services: B;

XVI. Psychosocial Support Services: A;

XVII. Outreach Programs: B, C, and E;

XVIII. Quality Management: A through H;

SAPTRC

STANDARD

I. Administrative: A, E, and F;

II. Trauma Service: A, B.1, 5, 6, and 9, C, and D;

III. Surgical Services: A, B, C, and D;

IV. Non-Surgical Services: A, B, and C;

V. Emergency Department: A, B, C.1, D, and E.4;

VI. Operating Room and Post-Anesthesia Recovery Area: A.1, 2, and 3 and B.1 and 2;

VII. Pediatric Intensive Care Unit: A, B, C, and D;

VIII. Training and Continuing Education Programs: A, B, and C;

IX. Equipment: A, B, C, D, and E;

X. Laboratory Services: A and B;

XII. Radiological Services: A, B, and C;

XIII. Organized Burn Care: A;

XIV. Acute Spinal Cord and Brain Injury Management Capability: A;

XV. Acute Rehabilitative Services: B;

XVI. Psychosocial Support Services: A;

XVII. Outreach Programs: B, C, and E;

XVIII. Quality Management: A through H;

2. The minimum standards for review for Provisional SAPTRCs are the following portions of DHP 150-9, March 98;

**STANDARD**

- I. Type of Hospital;
- II. Surgery Department; Division; Services; Sections: A;
- III. Surgical Specialties Availabilities: A 1, 2, 3 & 4;
- V. Non-Surgical Specialties Availabilities: 1, 8, & 13;
- VI. Emergency Department (ED): A, B, D, & H;
- VII. Operating Suite Special Requirements: A;
- IX. Pediatric Intensive Care (P-ICU): A, C, I;
- XVI. Quality Management: A, B, C, D, & E;

Specific Authority 395.405 FS. Law Implemented 395.031, 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 8-3-88, Amended 12-10-92, 12-10-95, Formerly 10D-66.109, Amended 8-4-98,\_\_\_\_\_.

64E-2.025 Extension of Application Period.

(2)(b) a reference to each standard, or specific part of a standard, in DHP 150-9, January 2000, ~~March 98~~, State-Approved Trauma Center and State-Approved Pediatric Trauma Referral Center Approval Standards which is incorporated by reference in section 64E-2.023, F.A.C., that the hospital is unable to meet;

Specific Authority 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 12-10-92, 12-10-95, Formerly 10D-66.1095, Amended 8-4-98,\_\_\_\_\_.

64E-2.026 Certificate of State-Approval.

(1) Each hospital approved as a SATC or SAPTRC shall be issued a ~~DH DOH-H~~ Form 2032-Z, 2032A, January 2000, ~~October 91, State-Approved Level I Trauma Center Certificate of Approval, DH DOH-H Form 2043-Z, 2043A, January 2000, October 91, State-Approved Level II Trauma Center Certificate of Approval, or DH DOH Form 1721-Z, 1721A, January 2000, October 91, State-Approved Pediatric Trauma Referral Center Certificate of Approval, which are incorporated by reference and available from the department. The certificates shall include:~~

Specific Authority 395.4025, 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 8-3-88, Amended 12-10-92, Formerly 10D-66.110, Amended \_\_\_\_\_.

64E-2.027 Process for Renewal of SATCs and SAPTRCs.

(1) At least 14 months prior to the expiration of the SATC or SAPTRC certification, the department shall send, to each SATC or SAPTRC that is eligible to renew, a blank DH Form 2032R, January 2000, ~~Dec. 97~~, State-Approved Trauma Center Application to Renew, which is incorporated by reference and available from the department, in accordance with the provisions of this section. Within 15 calendar days after receipt, the SATC or SAPTRC choosing to renew its certification shall submit to the department the completed DH Form 2032R, January 2000, ~~Dec. 97~~.

(2) All renewing SATCs or SAPTRCs shall receive an on-site survey after the department’s receipt of the completed DH Form 2032R, January 2000, ~~Dec. 97~~. The department shall notify each SATC or SAPTRC of the results of the site survey

within 15 working days from completion of the site survey. If the SATC or SAPTRC desires to provide additional information regarding the results of the site survey to the department to be considered, the information must be provided in writing and be received by the department within 30 calendar days of the hospital’s receipt of the department’s notice. If the SATC or SAPTRC elects not to respond to the department’s notice within 30 calendar days, the department shall make the final determination of approval or denial based solely on information collected during the applicant’s site survey.

Specific Authority 395.4025, 395.405 FS. Law Implemented 395.401, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 8-3-88, Amended 12-10-92, 1-23-96, Formerly 10D-66.111, Amended 3-15-98, \_\_\_\_\_.

64E-2.028 Site Visits and Approval.

(1) Each Provisional SATC and Provisional SAPTRC shall receive an on-site evaluation to determine whether the hospital is in substantial compliance with standards published in DHP 150-9, January 2000, ~~March 98~~, State-Approved Trauma Center and State-Approved Pediatric Trauma Referral Center Approval Standards, which is incorporated by reference in section 64E-2.023, F.A.C., and to determine the quality of trauma care provided by the hospital.

(4) The reviewers shall assess each applicant hospital’s compliance with the standards published in DHP 150-9, January 2000, ~~March 98~~, by means of direct observation, review of call schedules, and review of patient charts. Reviewers also shall assess the quality of trauma patient care and trauma patient management by reviewing facility trauma mortality data, by reviewing patient charts and by reviewing trauma case summaries and minutes of trauma quality management committee meetings pursuant to Standard ~~XVIII XVI~~ of DHP 150-9, January 2000, ~~March 98~~.

(5)(c) Patient charts to be reviewed shall be selected by the department from cases meeting the criteria listed in Standard ~~XVIII B.2, XVI C.2.a-e~~, published in DHP 150-9, January 2000, ~~March 98~~. A minimum of 75 cases shall be selected for review in each facility. If the cases total less than 75, then all cases are subject to review.

(6) The reviewers shall rate a Provisional SATC and Provisional SAPTRC which they have reviewed as either acceptable, acceptable with corrections, or unacceptable. The rating shall be based on each facility’s substantial compliance with the standards published in DHP 150-9, January 2000, ~~March 98~~, and upon the performance of each Provisional SATC or Provisional SAPTRC in providing acceptable trauma patient care and trauma patient management which resulted in acceptable patient outcomes.

Specific Authority 395.4025, 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 8-3-88, Amended 12-10-92, 10-2-94, 12-10-95, Formerly 10D-66.112, Amended 8-4-98,\_\_\_\_\_.

## 64E-2.029 Application by Hospital Denied Approval.

Any hospital that was not approved as a SATC or SAPTRC based on the application of criteria in section 64E-2.028, F.A.C., may submit a completed Letter of Intent ~~DH DOH~~ Form 1840, ~~January 2000, July 95~~, postmarked no earlier than September 1 and no later than midnight October 1 of the following year.

Specific Authority 395.4025, 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 8-3-88, Amended 12-10-92, 12-10-95, Formerly 10D-66.113, Amended

(Substantial rewording of Rule 64E-2.031 follows. See Florida Administrative Code for present text.)

64E-2.031 Do Not Resuscitate Order (DNRO) Form and Patient Identification Device. ~~Prehospital Do Not Resuscitate Order (DNRO).~~

(1) An emergency medical technician or paramedic shall withhold or withdraw cardiopulmonary resuscitation:

(a) upon the presentation of an original or a completed copy of DH Form 1896, Florida Do Not Resuscitate Order Form, October 1999, which is incorporated by reference and available from the department at no cost, or, any previous edition of DH Form 1896; or

(b) upon the presentation or observation, on the patient, of a Do Not Resuscitate Order patient identification device.

(2) The Do Not Resuscitate Order:

(a) form shall be printed on yellow paper and have the words "DO NOT RESUSCITATE ORDER" printed in black and displayed across the top of the form. DH Form 1896 may be duplicated, provided that the content of the form is unaltered, the reproduction is of good quality, and it is duplicated on yellow paper. The shade of yellow does not have to be an exact duplicate;

(b) patient identification device is a miniature version of DH Form 1896 and is incorporated by reference as part of the DNRO form. Use of the patient identification device is voluntary and is intended to provide a convenient and portable DNRO which travels with the patient. The device is perforated so that it can be separated from the DNRO form. It can also be hole-punched, attached to a chain in some fashion and visibly displayed on the patient. In order to protect this device from hazardous conditions, it shall be laminated after completing it. Failure to laminate the device shall not be grounds for not honoring a patient's DNRO order, if the device is otherwise properly completed.

(3) The DNRO form and patient identification device must be signed by the patient's physician. In addition, the patient, or, if the patient is incapable of providing informed consent, the patient's health care surrogate or proxy or court appointed guardian must sign the form and the patient identification device in order for them to be valid.

(4) An emergency medical technician or paramedic shall verify the identity of the patient who is the subject of the DNRO form or patient identification device. Verification shall be obtained from the patient's driver license, other photo identification, or from a witness in the presence of the patient.

(5) During each transport, the EMS provider shall ensure that a copy of the DNRO form or the patient identification device accompanies the live patient. The EMS provider shall provide comforting, pain-relieving and any other medically indicated care, short of respiratory or cardiac resuscitation.

(6) A DNRO may be revoked at any time by the patient, if signed by the patient, or the patient's health care surrogate, or proxy or court appointed guardian. The revocation may be in writing, by physical destruction, by failure to present it, or by orally expressing a contrary intent.

Specific Authority 381.0011, 401.45(3) FS. Law Implemented 381.0205, 401.45 FS. History—New 11-30-93, Amended 3-19-95, 1-26-97, Formerly 10D-66.325, Amended

## 64E-2.034 Inspections.

(1) Inspections of Emergency Services Providers shall be documented on DH Form 1579, June 99, Service Records and Facilities Inspection Form; DH Form 627, June 99, Basic Life Support Vehicle Inspection Form; DH Form 1039, June 99, Advanced Life Support Vehicle Inspection Form; DH Form 629, June 99, Air Ambulance Inspection Form; DH Form 1831, June 99, Inspection Corrective Action Statement; DH Form 1264, September 99, Personnel Records Inspection Form; DH Form 1265, June 99, Supplemental Inspection Form and DH Form 1266, June 99, Equipment Test Results Inspection Form. These forms are incorporated by reference and available from the department.

(2) Completion of Inspection Forms:

(a) Inspection Codes – Inspection Forms DH Form 1579, June 99; DH Form 627, June 99; DH Form 1039, June 99; and DH Form 629, June 99, shall be completed by the department with the following codes:

1 – Item meets inspection criteria.

1A – Item corrected during inspection to meet inspection criteria. This indicates that equipment or supplies were not present or not working properly or proper documentation of records or procedures were not available when initially inspected but prior to the completion of the inspection, the item out of compliance was corrected.

2 – Item not in compliance with inspection criteria. A code "2" represents a deficiency that is not in compliance with statute or rule and was not corrected during the inspection.

(b) Violation categories – All equipment, medical supplies, records and procedures required by Florida Statutes and rules are placed in one of three violation categories:

Category 1 – life-saving equipment, medical supplies, drugs, records, or procedures;

Category 2 – intermediate support equipment, medical supplies, drugs, records or procedures;

Category 3 – minimal support equipment, medical supplies records or procedures.

These categories shall be used to determine corrective action time frames for deficiencies noted during inspections. The violation categories for each required item are noted on the inspection forms.

(3) Corrective Action:

(a) Corrective Action Time Frames – Based on the violation category definitions listed above, the following corrective action time frames and administrative action guidelines shall apply:

Category 1 – any item in this category found deficient shall require action by the service provider within 24 hours of the inspection to replace or correct the deficiency noted to avoid administrative action by the department;

Category 2 – any item in this category found deficient shall require action by the service provider within 5 working days (Monday – Friday) of the inspection to replace or correct the deficiency noted to avoid administrative action by the department;

Category 3 – any item in this category found deficient shall require action by the service provider within 10 working days (Monday – Friday) of the inspection to avoid administrative action by the department.

(b) Inspection Corrective Action statement – Upon completion of an inspection in which deficiencies were noted, the EMS provider shall be given DH Form 1831, June 99 Inspection Corrective Action Statement, which is incorporated by reference and available from the department. This form documents the corrective action that must be taken by the EMS provider to correct the inspection deficiencies and the time frames within which the corrective action must be taken. The completed DH form 1831, June 99, and documentation of the corrective action taken, must be received by the department within 14 working days (Monday – Friday) of the inspection. Failure of the EMS provider to submit the corrective action statement or correct identified deficiencies within the required time frames is grounds for disciplinary action under chapter 401, F.S.

(4) A copy of the inspection forms and Inspection Corrective Action Statement shall be maintained by the provider for a period of 3 years.

Specific Authority 401.31, 401.35 FS. Law Implemented 401.31 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Pam Lesley, Senior Management Analyst

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dino J. Villani, Chief

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 27, 1998, December 24, 1998, June 4, 1999, July 2, 1999

P. O. X00699

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Divivison of Marine Fisheries**

RULE CHAPTER TITLE: Reef Fish

RULE TITLE: RULE NO.:

Recreational Red Snapper Season Closure 68B-14.0038

PURPOSE AND EFFECT: In 1996, when the U.S. Congress reauthorized the Magnuson-Stevenson Act, a new provision was added requiring the closure of the red snapper recreational fishery in the Gulf of Mexico once the recreational quota was reached. In the past, the National Marine Fisheries Service (NMFS) has asked Florida to comply with the quota to help achieve the goal of rebuilding the severely overfished red snapper stocks. The State of Florida has long disagreed with the NMFS, believing that quotas are not an appropriate method for managing a recreational fishery. Since the 1996 change in the law, the federal recreational red snapper fishery has closed each year on consecutively earlier dates (November 27, 1997; September 30, 1998; and August 29, 1999), creating significant unpredictability for recreational fishers and support industry. With the closure date for the recreational fishery being at best approximated, future fishing trips become impossible to plan causing a severe economic impact on the for-hire industry, and extreme inconvenience for recreational harvesters.

Seeking to aid in the recovery of the red snapper fishery while simultaneously providing a predictable fishing season for the recreational sector, the Fish and Wildlife Conservation Commission is proposing to establish a predetermined open season for the recreational harvest of red snapper. The best available science suggests that a fixed open season coupled with already existing bag limits and size limits should result in a red snapper recreational catch that sufficiently approximates the quota.

Accordingly, the purpose of this rulemaking is to establish an open season for the recreational red snapper fishery in state waters of the Gulf of Mexico. The effect will be to create stability for the recreational sector and associated industry while aiding in the rebuilding of the red snapper stocks, thus promoting the health and abundance of this fishery.

SUMMARY: Rule 68B-14.0038, F.A.C., is substantially revised to establish a fixed open season for the recreational harvest and possession of red snapper in state waters of the Gulf of Mexico.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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:** Article IV, Section 9, Florida Constitution.

**LAW IMPLEMENTED:** Article IV, Section 9, Florida Constitution.

**THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES AT THE TIME, DATE, AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.**

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting, is asked to advise the agency at least 5 calendar days before the meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, THEY WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-14.0038 Recreational Red Snapper Season ~~Closure.~~

In all state waters of the Gulf of Mexico, the season for the recreational harvest and possession of red snapper shall be from April 15 through October 31, each year. Except for persons harvesting red snapper for commercial purposes pursuant to Rule 68B-14.0045, F.A.C., from November 1 through April 14, no person shall harvest in or from state waters of the Gulf of Mexico, nor possess while in or on state waters of the Gulf of Mexico, any red snapper. Beginning November 1, 1998, if at any time adjacent federal Exclusive Economic Zone (EEZ) waters are closed to the recreational harvest of red snapper, corresponding state waters shall also be closed from the date federal waters are closed until federal waters are reopened to the recreational harvest of red snapper. Notice of the closure for state waters shall be given by the

~~Executive Director of the Fish and Wildlife Conservation Commission in the manner provided in s. 120.81(5), Florida Statutes.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-20-98, Formerly 46-14.0038, Amended

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Dr. Russell Nelson, Division Director, Division of Marine Fisheries, 620 South Meridian Street, Tallahassee, Florida 32399-1600

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** October 8, 1999

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW:** October 29, 1999

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

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Finance**

**RULE NO.:** 3D-20.0021  
**RULE TITLE:** Procedures for Filing Claim  
**NOTICE OF WITHDRAWAL**

Notice is hereby given that the Department is withdrawing the proposed amendments to the above referenced rule, which was published in the Vol. 25, No. 39, October 1, 1999, issue of the Florida Administrative Weekly.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NO.:** 6A-10.024  
**RULE TITLE:** Articulation Between Universities, Community Colleges, and School Districts  
**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 38, September 24, 1999, Florida Administrative Weekly has been continued from October 26, 1999, to November 9, 1999.

**DEPARTMENT OF REVENUE**

**NOTICE OF CABINET AGENDA  
ON NOVEMBER 23, 1999**

The Governor and Cabinet, on November 23, 1999, sitting as head of the Department of Revenue will consider approving the proposed amendments to Rule 12B-12.0031 (Imposition of Tax), FAC. These proposed amendments eliminate a provision