

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE NOS.:	RULE TITLES:
3D-30.025	Defaults on Sold or Discounted Installment Sales Contracts or Promissory Notes
3D-30.026	Charge for Installation and Maintenance of Marker or Monument

NOTICE OF WITHDRAWAL

Notice is hereby given that the Department is withdrawing the proposed repeal of the above referenced rules, which were published in the Vol. 25, No. 12, March 26, 1999, issue of the Florida Administrative Weekly.

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-190.030	Definitions
4-190.031	Servicing for Self-Insurers
4-190.035	Acceptable Contracts for Excess Insurance
4-190.036	Required Policy Form and Endorsements for excess Contracts
4-190.037	Reports: General Requirements
4-190.038	Late Reports: Penalties
4-190.039	Revocation, Termination, or Withdrawal of the Self Insurance Privilege
4-190.056	Application for Self-Insurers Fund
4-190.057	Evaluation of Application for Self-Insurers Fund
4-190.058	Conditions for Retaining the Self-Insurance Privilege of Self-Insurers Funds
4-190.059	Financial and Actuarial Reports for Self-Insurers Funds
4-190.0591	Independent Certified Public Accountants
4-190.060	Security Deposits or Bonds for Self-Insurers Fund
4-190.061	Excess Insurance Requirements – Self-Insurers Funds
4-190.062	Filing Reports – Self-Insurers Funds
4-190.063	Annual Review and Examination – Self-Insurers Funds
4-190.064	Trustees' Responsibilities

4-190.065	Distribution of Surplus Monies by Self-Insurers Funds
4-190.066	Premium Billing and Collection
4-190.067	Member's Qualifications and Responsibilities
4-190.068	Indemnity Agreement
4-190.069	Self-Insurers Fund Member Experience Records
4-190.071	Authorized Investments for Self-Insurers Funds
4-190.072	Miscellaneous Income of a Self-Insurers Fund
4-190.073	Premium Audit
4-190.074	Forms, Manuals and Instructions Adopted

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule(s), as noticed in Vol. 24, No. 44, October 30, 1998, of the Florida Administrative Weekly, have been withdrawn.

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-203.201	Inmate Bank Trust Fund

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 1, January 7, 2000, issue of the Florida Administrative Weekly:

33-203.201 Inmate Bank Trust Fund.

(1) The following are the policies of the Department with respect to money received for the personal use or benefit of inmates:

(a) No change.

(b) In the case of probation and restitution center offenders who violate the conditions of probation and owe fees for room and board, a staff member of the probation and restitution center may file a claim for a cost judgment in conjunction with the violation report. The staff member shall file with the Bureau of Sentence Structure and Transportation Admission and Release, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, a true copy of the judgment or other monetary order or sanction which has been entered by the appropriate court, together with a cover letter stating the date and amount of the judgment, money order or sanction, or the balance remaining if less than the face amount thereof.

(c) through (f) No change.

(2)(a) All monies (cashiers checks, money orders, or certified bank drafts only; no cash allowed) that are mailed to a service center for an inmate shall be initially deposited in the Inmate Bank Trust Fund. Deposits mailed to institutional or other department addresses other than the service centers will be forwarded to the service center, but this process will result in delay in deposit of the funds. In order to deposit the funds

the sender must complete Form DC2-303, Inmate Trust Fund Deposit Form. Form DC2-303 is hereby incorporated by reference. A copy of this form may be obtained from any institution, facility, service center, or the Forms Control Administrator, Office of the General Counsel, 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 _____.

(b) Attempts will be made to process deposits sent without the accompanying form, but the absence of the form may result in delays. If staff are unable to determine to which inmate the money is being sent, the money will be returned to the sender with a request for additional information necessary to process the deposit. If staff are unable to determine to which inmate the money is being sent and are unable to return the money because the sender did not provide a valid return address, the money will be held in a clearing account until the sender or receiving inmate is identified. If the inmate remains unidentified for 5 years the funds shall escheat to the state as unclaimed funds held by fiduciaries.

~~(c) An inmate may, however, withdraw his funds from the Inmate Bank Trust Fund for deposit into a savings account with a private financial institution. If an inmate does not wish his monies to be deposited into the Inmate Bank Trust Fund, he must advise the donor of the funds to send them directly to the savings institution of his choice. This option shall not be available when an inmate is on work release or a similar paid work program. In this case, the provisions of rule 33-601.602, disbursement of earnings shall apply. All inmates on work release shall submit their full pay for deposit in the Inmate Bank Trust Fund so that subsistence and transportation costs, restitution, 10% savings hold, and court ordered payments, if applicable, may be deducted. The inmate may transfer any excess funds to a private account as defined in paragraph (1)(b) in accordance with the personalized program plan after complying with the Letter of Notice, DC6-102. Form DC6-102 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is:~~

(3) through (5) No change.

(6) When an inmate is released from the control of the department, the inmate's balance in the inmate bank trust fund at the time of discharge shall be mailed by the service center to an address of the inmate's choice ~~the inmate~~. However, if deposits of checks, money orders or other negotiable instruments have been made to the inmate's account but have not cleared the account of the payor by the time the inmate is discharged, funds equal to the amount of the uncleared deposits shall be retained in the inmate's trust fund account. Immediately after the deposits have cleared, the balance due the inmate shall be forwarded by mail to the inmate. Inmates being released will be provided with cash for travel and related

expenses. For inmates who meet eligibility requirements set forth in rule 33-601.502, this money shall be in the form of a discharge gratuity. For inmates who are not eligible for discharge gratuities, the amount will be later deducted from the inmate's trust fund account, with any remaining account balance being forwarded as indicated above.

(7) Upon the death of any inmate affected by the provisions of this section during the period of incarceration, any unclaimed money held for him in trust by the Department or by the State Treasurer shall be applied first to the payment of any unpaid claim against the inmate. Any remaining funds shall be transferred to the inmate's designated beneficiary or to the decedent's estate. In the event that the funds are unclaimed after ~~for~~ a period of 1 year, the balance shall escheat to the state as unclaimed funds held by fiduciaries.

(8) through (13) No change.

Specific Authority 944.09 FS. Law Implemented 944.09, 944.516 FS. History--New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended.

The incorporated document, Form DC2-303, has also been revised to delete the provision requiring inclusion of the sender's social security number, and the form's instructions have been revised for clarity.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.091
 RULE TITLE: Publications Incorporated by Reference

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to Section 4.3 subsections A.-A.1.a.ii(I) of the Basis of Review (incorporated by reference in Rule 40D-2.091) published in Vol.24, No.48, November 25, 1998, issue of Florida Administrative Weekly on pages 6464 through 6467 as changed in Vol. 25, No. 48, December 3, 1999, issue of the Florida Administrative Weekly on pages 5582 through 5585.

WATER USE PERMITTING BASIS OF REVIEW

The following changes are made to Chapter 4.0:

4.0 CONDITIONS FOR ISSUANCE – TECHNICAL CRITERIA

4.3 MINIMUM FLOWS AND LEVELS

The District has adopted Minimum Flows and Levels for certain waters within the District. Those Minimum Flows and Levels are set forth in Chapter 40D-8, Florida Administrative Code (F.A.C.). Through implementation in Rule 40D-2.301(1)(d), F.A.C., and this Section 4.3, those Minimum Flows and Levels are one criterion used by the District in evaluating applications for water use permits under Chapter 40D-2, F.A.C. Rule 40D-2.301(1)(d), F.A.C., this Section 4.3 and Chapter 40D-80, F.A.C. govern the manner in which this one criterion is utilized in evaluating a water use permit application. Accordingly, applicants shall demonstrate

compliance with established Minimum Flows, Minimum Wetland Levels, Minimum Lake Levels and Salt Water Intrusion Minimum Aquifer Levels (hereinafter sometimes collectively called Minimum Flows and Levels) set forth in Chapter 40D-8, F.A.C., as follows:

A. Withdrawals That Affect Water Bodies for Which Minimum Flows and Levels Have Been Adopted Within Those Portions of Hillsborough County north of State Road 60, and Pasco and Pinellas Counties (Hereinafter the "Area")

In establishing Minimum Flows and Levels, the District has determined that the actual water levels in many of the water bodies for which Minimum Flows and Levels have been established are below the Minimum Flow and Level. The District is expeditiously implementing a recovery strategy for the Area in keeping with the District's legislative mandate pursuant to Sections 373.036, 373.0361, 373.0421, 373.0831, 373.1962 and 373.1963, F.S., to resolve the water supply and water resource impact concerns of the Northern Tampa Bay Area in a cooperative manner with the water suppliers and interested parties. This Section 4.3 A. and Chapter 40D-80, F.A.C., set forth the regulatory portion of the first phase (through December 31, 2010) of the recovery strategy for the Area. The following requirements of this Section 4.3 A. effectuate that recovery strategy and shall be effective only through December 31, 2010. The District will evaluate the state of knowledge of these matters in 2010. Compliance with Section 4.3 A does not, by itself, satisfy the requirements of Chapter 40D-2 for new withdrawals proposed after [effective date of rule]. Based on that evaluation, the District may revise this Section 4.3 A. as appropriate.

1. For New Withdrawals Proposed After [effective date of rule]

a. Where above Minimum Flow or Level - For water bodies that are predicted to be impacted by the proposed withdrawal and where the actual flow or level is at or above a Minimum Flow or Level, withdrawals shall be limited to that quantity, as may be further limited by other provisions of 40D-2.301, F.A.C. and this Basis of Review, that does not cause the actual flow to fall below the Minimum Flow, nor cause the actual level to fall below the Minimum Level on a Long-term average basis (the "Baseline Quantity"). For purposes of this Section 4.3 A., "Long-term" means a period which spans the range of hydrologic conditions which can be expected to occur based upon historical records, ranging from high water levels to low water levels. In the context of a predictive model simulation, a Long-term simulation will be insensitive to temporal fluctuations in withdrawal rates and hydrologic conditions, so as to simulate steady-state average conditions. In the context of an average water level, the average will reflect the expected range and frequency of levels based upon historic conditions. This period will vary because reasonable scientific judgement is necessary to establish the factors to be used in the assessment of each application

depending on the geology and climate of the area of withdrawal, the depth of and number of wells and the quantity to be withdrawn.

i. If the withdrawal of the requested quantity of water does not meet the condition in 4.3 A.1.a. above, the applicant shall identify the Baseline Quantity, and the District shall consider, as may be further limited by other provisions of 40D-2.301, F.A.C. and this Basis of Review, the authorization of the additional quantity of water to be withdrawn where the applicant:

(1) Demonstrates that there ~~are~~ is no reasonable practical means to modify the proposed withdrawal to meet the conditions in 4.3 A.1.a., including the use of alternative supplies, or to reduce or replace the amount of the requested quantity exceeding the Baseline Quantity. Cost shall not be the sole basis for determining whether the means are reasonable; and

(2) Provides reasonable assurance that significant harm will be prevented to the wetlands and surface water bodies that could be affected by the proposed withdrawal if the requested quantity is withdrawn; and ~~water body that the Minimum Flow or Level has been established to protect; and~~

(3) Demonstrates that any measures used to provide the reasonable assurance specified in 4.3 A.1.a.i(2) above will not cause a violation of any of the criteria listed in 40D-2.301(1)(a)-(n), 40D-4.301, or 40D-4.302, F.A.C., as applicable.

ii. To support ~~In determining~~ whether the applicant has provided reasonable assurance pursuant to 4.3 A.1.a.i(2) above, the applicant must submit an environmental management plan ("EMP") for approval by the District describing the measures to be used to prevent significant harm from withdrawal of the requested quantity. ~~The EMP plan~~ must include a monitoring program for early detection of impacts to wetlands and surface water bodies that could be affected by the proposed withdrawal ~~unacceptable~~ adverse and an implementation scheme for corrective actions to prevent unacceptable adverse impacts ~~these impacts.~~ The EMP shall include provisions to evaluate changes in water quality, water levels, vegetation, and fish and wildlife. The EMP shall also include clear thresholds as to when the implementation scheme will be initiated. The implementation scheme shall include details as to how the proposed measures will be effected, the methods to be followed in order to functionally replicate the natural hydrologic regime of affected water bodies, and efforts to be undertaken to minimize the effects of changes in water chemistry. The implementation scheme shall also require reduction of pumping to the Baseline Quantity as a corrective action if no other measures, including supplemental hydration, are successful in preventing unacceptable adverse impacts to wetlands and surface water bodies due to withdrawals. An approved EMP shall be incorporated as a special condition to any permit issued.

(1) The measures proposed may include hydration of the affected water ~~bodies~~ ~~body~~ or modification of existing drainage structures to prevent significant harm to the affected water ~~bodies~~, provided that the measures within the EMP minimize the need for supplemental hydration to the greatest extent practical ~~body~~.

(2) If supplemental hydration ~~with ground water~~ is proposed, the applicant will be required to identify in the application and monitor a representative number of wetlands in the vicinity of the withdrawal. The monitored wetlands shall include a representative number of MFL or MFL surrogate wetlands not receiving supplemental hydration. An MFL surrogate wetland is the nearest wetland site of the same type and condition to the proposed withdrawal that is not anticipated to require supplemental hydration. The monitored wetlands shall also include, where available, non-MFL wetlands not receiving hydration as well as MFL and non-MFL wetlands proposed for supplemental hydration.

(3) A representative number of wetlands is a number of a particular type or types of wetlands, in the vicinity of the withdrawal, sufficient to adequately determine the hydrologic response of the wetlands and surface water bodies that could be affected by the proposed withdrawal to rainfall and water withdrawals.

(4) If supplemental hydration ~~with ground water~~ is proposed to rehydrate lakes or wetlands, in order for a water use permit authorizing the Requested Quantity ~~such hydration~~ to be issued, it must be issued by the Governing Board must determine whether: and the following factors shall be considered by the Governing Board:

(A) The measures within the proposed EMP minimize the quantity of water required for supplemental hydration by ~~The feasibility of raising water levels by filling or blocking ditches, removing culverts or outflows, or other alterations, where practical and- feasible, and whether such alterations will achieve the applicable minimum level (where the measures proposed by the applicant identify the need for specific Environmental Resource Permits, such permits must be obtained prior to withdrawal of the requested quantities;~~

(B) The applicant has proposed use of the lowest quality availability of water other sources for rehydration which is scientifically, technically and environmentally feasible to prevent unacceptable adverse impacts;

(C) Measures within the proposed EMP ~~The applicant's efforts to minimize the need for ground water hydration to the greatest extent practical~~ based on considering the quantity, frequency and duration of the anticipated use;

(D) The measures within the proposed EMP minimize or avoid the potential for unacceptable adverse impacts to water quality or fish and wildlife in the receiving wetland or surface water body receiving supplemental hydration, and, if such a potential exists, the EMP contains adequate measures to detect

~~whether impacts at an early stage can be detected and to prevent unacceptable adverse impacts in an expeditious manner corrected;~~

(E) The measures within the proposed EMP minimize or avoid the potential for the establishment or spread of undesirable aquatic vegetation in the receiving wetland or surface water body receiving supplemental hydration and, if such a potential exists, the EMP contains adequate measures to detect vegetative changes at an early stage and to prevent undesirable vegetative changes in an expeditious manner; and the applicant's ability to prevent this;

(F) The quantity of water needed for supplemental hydration is outweighed by ~~compared to~~ the quantity of water made available for other uses;

(G) The quantity of water needed for supplemental hydration is reasonable compared to the unacceptable adverse impacts to be prevented; ~~achieved; environmental benefit~~

(H) The unacceptable adverse impact to be prevented by ~~The environmental benefits of supplemental hydration~~ results in benefits that outweigh ~~compared to~~ the potential for impacts caused by the additional withdrawal; and,

(I) The quantity of the water used for supplemental hydration is reasonable considering ~~compared to~~ the proportion expected to percolate into ~~return to~~ the aquifer through recharge.

DEPARTMENT OF MANAGEMENT SERVICES

Career Service System

RULE NOS.:	RULE TITLES:
60K-3.004	Purpose
60K-3.005	Definitions
60K-3.006	Statements of Policy
60K-3.007	Recruitment (Model Rule)
60K-3.0071	Job Opportunity Announcements
60K-3.0072	Accepting Employment Applications
60K-3.009	Selection Process (Model Rule)
60K-3.0091	Eligibility Determination
60K-3.0092	Documentation
60K-3.0094	Eligibility Verification
60K-3.011	Technical Assistance; Post Audit

NOTICE OF ADDITIONAL PUBLIC HEARING

The Department of Management Services announces a public hearing to which all persons are invited.

TIME AND DATE: 2:00 p.m., April 12, 2000

PLACE: Room 301, 4040 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Chapter 60K-3, Recruitment and Selection, amendments to the following rules:

The original notice of proposed rule adoption was published in the Florida Administrative Weekly in Vol. 25, No. 44, on November 5, 1999. A notice of change was published in the

Weekly in Vol. 26, No. 4, on January 28, 2000. A hearing before the Administration Commission is scheduled for 9:00 a.m. on April 11, 2000 in the Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The hearing before the Department of Management Services is for consideration of action taken by the Administration Commission and final consideration of the rules before filing for adoption.

If the Administration Commission hearing is postponed, the Department of Management Services hearing will be postponed.

DEPARTMENT OF MANAGEMENT SERVICES

Career Service System

RULE NOS.:	RULE TITLES:
60K-4.001	Scope and Purpose
60K-4.002	Statements of Policy
60K-4.0021	Definitions
60K-4.003	Original Appointments
60K-4.00311	Appointment of Disabled Veterans
60K-4.0032	Procedures for Approval of Appointments with Trainee Status in a Recruitment Trainee Program
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
60K-4.0034	Shared Employment
60K-4.004	Permanent Status
60K-4.006	Promotion Appointments
60K-4.007	Demotion Appointments
60K-4.008	Reassignment Appointments
60K-4.0081	Reinstatement Appointment
60K-4.009	Transfers
60K-4.010	Separations

NOTICE OF ADDITIONAL PUBLIC HEARING

The Department of Management Services announces a public hearing to which all persons are invited.

TIME AND DATE: 2:00 p.m., April 12, 2000

PLACE: Room 301, 4040 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Chapter 60K-4, Appointments, Status, Transfers and Separations, amendments to the following rules in:

The original notice of proposed rule adoption was published in the Florida Administrative Weekly in Vol. 25, No. 44, on November 5, 1999. A hearing before the Administration Commission is scheduled for 9:00 a.m. on April 11, 2000 in the Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The hearing before the Department of

Management Services is for consideration of action taken by the Administration Commission and final consideration of the rules before filing for adoption.

If the Administration Commission hearing is postponed, the Department of Management Services hearing will be postponed.

**Section IV
Emergency Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE TITLES:	RULE NOS.:
Definitions	5CER00-1
Additional Testing and Culture Requirements	5CER00-2
SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE: Contagious equine metritis (CEM) is a highly contagious venereal disease that can affect all equid (horses, donkeys, mules, etc.) and is caused by the bacterium <i>Taylorella equigenitalis</i> . The infection can result in short term infertility in mares that is sometimes associated with a vaginal discharge and rarely abortion. Mares can become inapparent carriers of the bacterium in their reproductive tracts and can shed the organism into the environment and transmit it through subsequent breeding. Stallions do not develop clinical signs but can carry the organism on their genitalia for years and spread the disease by breeding susceptible mares.	

CEM is considered an exotic disease in the United States, which means it isn't found in the native horse population. However, there are at least 25 countries and/or territories where CEM exists, including a number of the member states of the European Union. CEM is a serious venereal disease because it is highly contagious. CEM, if it becomes established in the United States, would have a devastating economic impact on the horse industry. While there is no vaccine against CEM, there are ways to detect infected horses and to rid infected stallions and mares of the bacterium via treatment and testing protocols.

The February 11, 2000 detection of CEM cases in the United States from imported stallions has caused concern among state health officials about the effectiveness of the current USDA required protocol for testing imported animals in 9 CFR §§ 93.301 (1999). These recent cases have prompted some state officials, including Florida, to recommend that USDA/APHIS strengthen its federal testing procedures for importing horses from known CEM affected countries. The recommended changes include: