

**Section I**  
**Notices of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

RULE TITLE: Definitions; Farm Outbuildings  
 RULE NO.: 4A-3.009

PURPOSE AND EFFECT: The proposed rule will adopt a uniform definition for the term "farm outbuildings" as it appears in Section 633.557(1), Florida Statutes, so the public will be placed on notice of what constitutes a "farm outbuilding".

SUBJECT AREA TO BE ADDRESSED: The definition of "Farm Outbuildings".

SPECIFIC AUTHORITY: 633.557 FS.

LAW IMPLEMENTED: 633.557 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., June 19, 2000

PLACE: Clayton Hutchenson Building (behind the Mounts Botanical Garden), 559 N. Military Trail, West Palm Beach, Florida

TIME AND DATE: 9:00 a.m., June 20, 2000

PLACE: Steward Conference Center (Part of Polk County Agriculture Center), 1710 US 17, Bartow, Florida

TIME AND DATE: 9:00 a.m., June 22, 2000

PLACE: Florida Dept. of Agriculture and Consumer Services (Doyle Conner Building), Room N100, 1911 S. W. 34th Street, Gainesville, Florida

TIME AND DATE: 9:00 a.m. (Central Time), June 23, 2000

PLACE: Holmes County Agriculture Center, 1701 East Highway 90, Bonifay, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, phone (850)413-3620  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting James Goodloe, (850)413-3620.

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Animal Industry**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Contagious Equine Metritis	5C-22

RULE TITLES:	RULE NOS.:
Definitions	5C-22.002

Procedures, General	5C-22.003
Approval of Quarantine Facilities	5C-22.004

Quarantine and Release from Quarantine for Contagious Equine Metritis	5C-22.005
---	-----------

Disposition of Horses Which Fail to Qualify for Release from Quarantine	5C-22.009
---	-----------

PURPOSE AND EFFECT: The purpose of these rules is to place added testing and culturing requirements on stallion and mares imported into Florida from Contagious Equine Metritis (CEM) affected countries with the effect of insuring that CEM does not become established in the State's equine population.

SUBJECT AREA TO BE ADDRESSED: Testing and culturing requirements of equidae from CEM affected countries.

SPECIFIC AUTHORITY: 585.002(3),(4), 585.08(2)(a) FS.

LAW IMPLEMENTED: 585.001, 585.003, 585.08(1),(2)(b), 585.11(1), 585.145(1), 585.16, 585.17, 585.18, 585.19, 585.23 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., June 2, 2000

PLACE: Department of Agriculture and Consumer Services, Conference Room, 407 S. Calhoun Street, Room 316, Tallahassee, Florida 32399-0800

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe W. Kight, Assistant Director, Division of Animal Industry, 407 S. Calhoun Street, Room 321, Tallahassee, Florida 32399-0800, (850)410-0900

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5C-22.002 Definitions.

The definitions contained in Section 585.001, Florida Statutes, and the following shall apply in this rule Chapter:

(1) through (3) No change.

(4) Test Mare. A mare that would qualify under 9 C.F.R. § 93.301(e)(4), (1999).

(5) Import Stallion. Any stallion released from an official USDA APHIS VS Import/Export station into Florida.

(6) Stabled. Any Equidae that is confined, sheltered, or cared for, for a period of more than 48 hours within the State of Florida.

(7) Materials. Title 9 C.F.R. § 93.301(e)(4), (1999), is hereby adopted and incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(3),(4), 585.08(2)(a) FS. Law Implemented 585.001, 585.003, 585.08(1),(2)(b), 585.11(1), 585.145(1), 585.16, 585.17, 585.18, 585.19, 585.23 FS. History—New 6-3-93, Amended 7-3-95, \_\_\_\_\_.

5C-22.003 Procedures, General.

(1) No change.

(2) The owner must enter into a quarantine agreement which includes reference to the appropriate federal requirements for quarantine release as stated in 9 C.F.R. §§ 93.301(e)(1),(2),(3), and (5), (1999) ~~92.304(a)(5) or 92.304(a)(8) (1994).~~

(3) through (4) No change.

(5) Materials. Title 9 C.F.R. §§ 93.301(e)(1),(2),(3), and (5), (1999), 92.304 (1994) are hereby adopted and incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(3),(4), 585.08(2)(a) FS. Law Implemented 585.001, 585.003, 585.08(1),(2)(b), 585.11(1), 585.145(1), 585.16, 585.17, 585.18, 585.19, 585.23 FS. History—New 6-3-93, Amended 7-3-95, \_\_\_\_\_.

5C-22.004 Approval of Quarantine Facilities.

(1) No change.

(2) The facility must be a separate enclosed building of sound permanent construction capable of being effectively cleaned and disinfected ~~The facilities to be used must be located so that a distance of not less than 30 feet will be maintained between horses under quarantine and any other animals which may be on the premises. Fencing adequate to maintain this separation must be present. Paddocks or pastures used by horses under quarantine must be fenced to preclude any across-fence contact with other horses.~~

(3) Before the quarantine facility can be used, a disinfectant approved in 9 C.F.R. § 71.10 (1999), must be applied to all fixed and movable surfaces and equipment ~~Walls, floors and ceilings must be constructed of impervious materials which can withstand continued cleaning and disinfection.~~

(4) The facilities must be located so that a distance of not less than 30 feet will be maintained between horses under quarantine and any other animals which may be on the premises. Fencing must be adequate to maintain this separation. Paddocks or pastures used by horses under quarantine must be fenced to preclude any across-fence contact with other horses ~~All openings to the outside must be double-screened with material of not less than 14 × 16 mesh and must be kept adequately secured. Exterior gates must be kept padlocked to prevent unauthorized removal of the horses and entry of unauthorized individuals.~~

(5) All doors and exterior gates must be kept padlocked at all times, except for necessary handling of horses, to prevent unauthorized removal of quarantined horses and entry of unauthorized persons individuals. ~~All equipment needed to maintain the facility in a clean and sanitary condition, including that needed for insect and pest control, must be present.~~

(6) During the quarantine period all equipment and utensils used for feeding, watering, grooming, cleaning and disinfecting and pest control must remain in the quarantine area ~~Equipment used in the quarantine area must remain in the quarantine area.~~

(7) No change.

(8) All drainage must be directed away from the facility. ~~Surface runoff must be retained on site or must be adequately treated so as to prevent any disease agent from entering or leaving the facility.~~

(9) No change.

~~(10) Ventilation must be sufficient to prevent the accumulation of noxious gases and odors.~~

~~(11) Sufficient labor must be available so that those individuals working with horses in the quarantine facility will not come into direct contact with horses outside the facility during the quarantine period.~~

~~(10)(12) No change.~~

~~(11)(13) Entrances must have signs posted advising that the area is a quarantined area and that no visitors are allowed to enter the area.~~ The signs will be a minimum of 10 inches by 12 inches.

~~(12)(14) All waste materials, including bedding and fecal matter, must be disposed of by incineration or by other means which have been specifically approved by a representative of the Department.~~

(13) All gloves, sleeves, speculums and other disposable materials after each culture or treatment will be placed in double bagged plastic garbage bags and disposed of by incineration or by other means approved by the Department.

(14) Equine in the quarantine facility must have no contact with other equine during the quarantine period. Such separation may be attained by:

(a) providing an open stall between each horse, or

(b) by constructing a solid partition between stalls that is at least eight feet high.

(15) A written approval will be issued by the Department after inspection by a Department representative has verified that all of the above requirements have been met.

(16) Materials. Title 9 C.F.R. § 71.10 (1999), is hereby adopted and incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(3),(4), 585.08(2)(a) FS. Law Implemented 585.001, 585.003, 585.08(1),(2)(b), 585.11(1), 585.145(1), 585.16, 585.17, 585.18, 585.19, 585.23 FS. History—New 6-3-93, Amended 11-22-93, \_\_\_\_\_.

5C-22.005 Quarantine and Release from Quarantine for Contagious Equine Metritis.

(1) through (2) No change.

(3) Inspection, treatment, and testing requirements for imported stallions and mares are provided in 9 C.F.R. §§ 93.301(e)(1),(2),(3), and (5), (1999) 92.304(a)(5) and (8), (1994). In addition to these requirements, the following additional testing and culture requirements must be met:

(a) All imported mares shall have blood collected for a Complement Fixation (CF) test for CEM upon arrival at the Approved CEM Quarantine Facility and shall have endometrial and/or cervical cultures taken for testing.

(b) All test mares bred to import stallions shall have endometrial and/or cervical cultures taken post breeding, in addition to the clitoral fossa and sinus sites specified in the USDA/APHIS protocol. Also all test mares bred to import stallions shall have a CF test for CEM conducted at a minimum of 21 days post breeding, instead of the 15 days specified in the USDA/APHIS protocol.

(c) All owners of stallions which are stabled in Florida following release from an Approved CEM Quarantine Facility, shall be required to provide the Department with a CF test for CEM results no less than 21 days post breeding on the first three mares bred.

(4) Forms and Materials. Forms AI-75, DACS-09075, Official Notice of Quarantine for Contagious Equine Metritis, revised 07/99 2-93 and AI-76, Release from Quarantine for Contagious Equine Metritis (Rev. 2-93), are hereby incorporated by reference. Copies may be obtained from the Division of Animal Industry, Bureau of Animal Animal Disease Control Health Compliance and Support, 407 South Calhoun Street, Room 33322 Mayo Building, Tallahassee, Florida 32399-0800, (850)410-0900 (904)488-8280. Title 9 C.F.R. §§ 93.301(e)(1),(2),(3) and (5), (1999), are hereby adopted and incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(3),(4), 585.08(2)(a) FS. Law Implemented 585.001, 585.003, 585.08(1),(2)(b), 585.11(1), 585.145(1), 585.16, 585.17, 585.18, 585.19, 585.23 FS. History—New 6-3-93, Amended 7-3-95, \_\_\_\_\_.

5C-22.009 Disposition of Horses Which Fail to Qualify for Release from Quarantine.

In the event that an imported horse or test mare fails, for whatever reason, to qualify for release from quarantine within eighteen (18) months of initiation of testing and treatment, the procedure shall be declared a failure. In such an event, the horse must be:

(1) Moved under official permit directly to slaughter without unloading enroute; or

(2) Humanely euthanized and the carcass destroyed under Department supervision by burial or incineration, or

(3) If an imported horse, returned to the country of origin.

Specific Authority 585.002(3),(4), 585.08(2)(a) FS. Law Implemented 585.001, 585.003, 585.08(1),(2)(b), 585.11(1), 585.145(1), 585.16, 585.17, 585.18, 585.19, 585.23 FS. History—New 6-3-93, Amended.

**PUBLIC SERVICE COMMISSION**

DOCKET NO: 000543-EI

RULE TITLE:

RULE NO.:

Nuclear Decommissioning

25-6.04365

PURPOSE AND EFFECT: To codify requirements for an external funded reserve for the accumulation of decommissioning accruals, for filing nuclear decommissioning studies, for information to be included in the studies, and for the determination of the annual decommissioning accrual.

SUBJECT AREA TO BE ADDRESSED: Decommissioning of nuclear generating plants by electric investor-owned utilities.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 366.041, 366.06(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., June 7, 2000

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE COMMISSION'S DIVISION OF RECORDS AND REPORTING, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pat Lee, Division of Auditing and Financial Analysis, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

## THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.04365 Nuclear Decommissioning.

(1) Purpose. The purpose of this rule is to codify the Commission's policy of requiring each utility that owns a nuclear generating plant to maintain a nuclear decommissioning trust fund to ensure there are sufficient funds on hand at the time of decommissioning to meet all required expenses at the lowest cost to the utility's ratepayers. This rule requires each utility to file a Nuclear Decommissioning Study on a regular basis, the purpose of which is to obtain sufficient information to update cost estimates based on new developments, additional information, technological improvements, and forecasts; to reevaluate alternative methodologies; and to revise the annual accrual needed to recover the costs.

(2) Definitions. For the purpose of this rule, the following definitions shall apply:

(a) "Contingency." A specific provision for unforeseeable elements of cost within the defined project scope, which is particularly important where previous experience relating estimates and actual costs have shown that unforeseeable events which will increase costs are likely to occur.

(b) "Decommissioning." The process of dismantling and removing materials and equipment that remain at the nuclear generating unit following its retirement and are no longer used and useful.

(3) Nuclear Decommissioning Study. Each utility shall file a site-specific nuclear decommissioning study at least once every five years from the submission date of the previous study unless otherwise required by the Commission. At a minimum, each utility's nuclear decommissioning study shall include:

(a) A narrative describing each nuclear unit, including the in-service date and the date of operating license expiration.

(b) A list of all entities owning an interest in each nuclear unit, the percent ownership of each entity, and documentation showing that each entity is providing its share of the total decommissioning costs.

(c) A narrative explaining plans for spent nuclear fuel storage and removal at each nuclear unit, including, at a minimum, the date on-site spent fuel pool storage capacity will be lost, the date spent nuclear fuel is expected to be removed from the plant site, and the estimated costs for on-site dry storage to accommodate the decommissioning of the unit.

(d) The decommissioning study methodology.

(e) A summary of the major assumptions used in the study.

(f) The methodology selected to decommission each nuclear unit and support for the selection.

(g) The method of funding selected for each year since the prior study, and also the method assumed in the calculation of the proposed annual accrual.

(h) The total utility and jurisdictional decommissioning cost estimates in current dollars for each unit.

(i) The total utility and jurisdictional decommissioning cost estimates in future dollars for each unit.

(j) For each year, the estimated amount of the nuclear trust fund to be expended.

(k) The projected date each nuclear unit will no longer be included in rate base for ratemaking purposes.

(l) For each nuclear unit, a comparison of the current approved annual decommissioning accruals with those proposed. Current accruals shall be identified as to the effective date and proposed accruals to the proposed effective date.

(m) The assumed fund earnings rate, net of tax, used in the calculation of the decommissioning accrual and supporting documentation for the rate proposed by the utility. The rate shall be at least the rate of inflation measured by the long-term average Consumer Price Index at the time of the decommissioning study.

(n) The methodology and escalation rate used in converting the current estimated decommissioning costs to future estimated decommissioning costs and supporting documentation and analyses.

(o) The annual revenue requirement of the proposed decommissioning cost estimates.

(p) A reconciliation of the decommissioning fund balance and the decommissioning reserve balance as of the effective date of the revised decommissioning accruals proposed by the utility. The reconciliation shall show the fund balances for the qualified fund, the nonqualified fund, and the total fund. The fund balance may involve estimates.

(q) A summary and explanation of all differences between the current study and the utility's last filed study.

(r) All supporting schedules, analyses, and data used in developing the decommissioning cost estimates and annual accrual proposed by the utility. Supporting schedules shall include the inflation and funding analyses.

(4) Accumulation of Annual Accruals.

(a) The decommissioning annual accrual shall be calculated using the external sinking fund method. In determining the annual decommissioning accrual, the current cost estimate is escalated to the expected dates of actual decommissioning. A sinking fund annuity is then calculated to determine the annual accrual. The annual accrual plus the earnings on the annuities, net of taxes, will grow to the escalated decommissioning amount.

(b) Decommissioning annual accruals shall be accumulated in an externally funded reserve to assure that the costs for decommissioning are available at the expiration of the nuclear unit's operating license. Contributions to the decommissioning trust fund shall be made on a monthly basis.

(c) A utility shall not change its annual nuclear decommissioning accruals without prior Commission approval.

(5) Nuclear Decommissioning Fund Performance. The Commission will review and evaluate each utility's investment performance to determine whether the decommissioning fund earned at least the rate of inflation.

(6) License Renewal. Each utility shall provide the Director of the Division of Auditing and Financial Analysis with a copy of any written communication between the Nuclear Regulatory Commission and the utility concerning license renewal within 15 days of receipt or mailing. Written communications include correspondence, petitions, pleadings, and electronic filings.

Specific Authority 350.127(2) FS. Law Implemented 366.041, 366.06(1) FS. History--New.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Administrative Confinement

RULE NO.: 33-602.220

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify terms and conditions relating to administrative confinement and to establish procedures relating thereto. The effect is to clarify: procedures for placement in administrative confinement, reasons authorizing placement, review of placement, administrative confinement facilities, conditions and privileges of inmates, restraint and escort requirements, administrative confinement records, and staffing issues.

SUBJECT AREA TO BE ADDRESSED: Administrative Confinement.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.04 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., June 6, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Giselle Lylen Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 33-602.220 follows. See Florida Administrative Code for present text.)

33-602.220 Administrative Confinement.

(1) Definitions.

(a) Administrative Confinement – the temporary removal of an inmate from the general inmate population in order to provide for security and safety until such time as more permanent inmate management processes can be concluded.

(b) Area housing supervisor – the correctional officer sergeant, or above, who is in charge of the confinement unit for a particular shift.

(c) Clinical health care personnel – physician, clinical associate, nurse, Correctional Medical Technician Certified (CMTc), psychologist or psychological specialist.

(d) Institutional Classification Team (ICT) – refers to the committee consisting of the Warden or Assistant Warden, Classification Supervisor, and Chief of Security, that is responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification Office (SCO).

(e) State Classification Office (SCO) – refers to a staff member at the Central Office level who is responsible for the review of inmate classification decisions. Duties include approving or rejecting ICT recommendations.

(f) Senior correctional officer – a correctional officer lieutenant or above.

(g) Special risk inmate – any inmate who has demonstrated behavior that is or could be harmful to himself or herself.

(h) Institutional Classification Team Docket – refers to the official record of an Institutional Classification Team hearing.

(2) Procedures for Placement in Administrative Confinement.

(a) Administrative confinement is a temporary confinement status that may limit conditions and privileges as provided in subsection (5) as a means of promoting the security, order and effective management of the institution. Otherwise the treatment of inmates in administrative confinement shall be as near to that of the general population as assignment to administrative confinement shall permit. Any deviations shall be fully documented as set forth in the provisions of this rule.

(b) When a decision is made to place an inmate in administrative confinement, the reason for such placement shall be explained to the inmate and the inmate shall be given an opportunity to present verbal comments on the matter. The inmate shall also be allowed to submit a written statement. Prior to placing the inmate in administrative confinement, the inmate shall be given a pre-confinement health assessment to include a physical and mental health evaluation that shall be documented in the health care record. When an official places an inmate in administrative confinement, this action shall be documented on a Report of Administrative Confinement, Form DC6-233a, including the reasons for the action and a summary of the inmate's comments. Form DC6-233a is incorporated by reference in (10) of this rule. The heading and Section I shall be completed by the official who placed the inmate in

administrative confinement. Inmates shall be weighed upon admission to the confinement unit. Inmates confined for 30 days or more shall be weighed after 30 days and weekly thereafter. The weight of the inmate shall be recorded on Form DC6-229, Daily Record of Segregation. This section shall fully state the circumstances surrounding and reasons for placing the inmate in administrative confinement. The reason shall correspond with one of the reasons for placement stated in subsection (3) of this rule. Once Section I has been completed, the official who placed the inmate in administrative confinement shall sign Section I and forward the report to classification prior to the end of his or her shift or workday. Any written statements provided by the inmate shall be attached to the form.

(c) The Institutional Classification Team shall review inmates in administrative confinement within 72 hours. The only exception to being seen within 72 hours is when the ICT cannot complete its review within the allotted timeframe due to a holiday. If the review cannot be completed within 72 hours, the action of the senior correctional officer shall be reviewed within 72 hours by the duty warden, documented on the DC6-229, Daily Record of Segregation, and evaluated within 5 days by the ICT. Inmates placed into administrative confinement shall not be released from this status until approved by the ICT. The classification supervisor shall be responsible for ensuring that the ICT docket is prepared. The ICT Chairperson is responsible for scheduling the ICT hearing date and time. All Reports of Administrative Confinement, DC6-233, shall be completed the same day an inmate is placed into confinement and forwarded to the institutional classification unit for placement on the docket for review by the ICT. It shall be the responsibility of the classification officer to place the inmate on the docket so the ICT can review the inmate for release. In the event it is necessary to release an inmate from administrative confinement during weekends or holidays the duty warden is authorized to approve the release immediately.

(3) Reasons for Placement in Administrative Confinement with time limits. Placement of an inmate in administrative confinement is authorized for the following reasons:

(a) Disciplinary charges are pending and the inmate needs to be temporarily removed from the general inmate population in order to provide for security or safety until such time as the disciplinary hearing is held. A senior correctional officer or above shall have the authority to place an inmate in administrative confinement for this reason. The length of time spent in administrative confinement for this reason shall not exceed seven working days unless the ICT authorizes an extension. This extension shall be documented on Form DC6-229, Daily Record of Segregation.

(b) Outside charges are pending against the inmate and the presence of the inmate in the general population would present a danger to the security or order of the institution. A senior

correctional officer or above shall have the authority to place an inmate in administrative confinement for this reason. The length of time spent in administrative confinement for this reason shall not exceed 20 working days. If it appears that an inmate should continue to be segregated from the general population beyond 20 working days, close management procedures can be initiated pursuant to rules 33-601.801 through 33-601.813.

(c) Inmates shall be placed in administrative confinement pending review of the inmate's request for protection from other inmates, (33-602.221). The inmate shall be placed in administrative confinement by a senior correctional officer when the inmate presents a signed written statement alleging that the inmate fears for his safety from other inmates, and that the inmate feels there is no other reasonable alternative open to him. A senior correctional officer shall also place an inmate in administrative confinement, pending review for protective management, based on evidence that such a review is necessary. The inmate shall be encouraged to provide information and otherwise cooperate with the investigation of the matter. The protective management, process including the ICT's action, shall be completed within 15 working days from the initial confinement of the inmate. Inmates who allege that they are in fear of staff shall also be placed in administrative confinement. These cases shall be turned over to the Office of the Inspector General for investigation.

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

2. If the inmate submits a request for release in writing at any time during the ICT review process, the area housing supervisor shall provide the inmate with a Form DC6-203, Protection Waiver/Appeal Decision Form. Form DC6-203 is incorporated by reference in (10) of this rule. The inmate shall complete Form DC6-203 and return it to the area housing supervisor for submission to the ICT along with the inmates written request. The ICT shall review the inmate's request and place the inmate on the docket. The ICT shall interview the inmate and submit their recommendation along with the DC6-203 and any other documentation to the SCO for final consideration. The SCO review and decision shall be conducted during the next routine on-site visit.

3. Once the investigation is complete, the ICT shall interview the inmate to determine whether the inmate has a legitimate, verifiable need for protection. The ICT shall review

all documentation available concerning the need for protection to include any written statements submitted by the inmate. The ICT shall document its findings and recommendations on the Report of Protective Management, Form DC6-234. The following elements shall be considered in determining whether protective management is necessary:

- a. A record of having been assaulted;
- b. A reputation among the inmate population, attested to in writing by staff, as an informant or trial witness;
- c. Verified threats, verbal abuse, or harassment;
- d. A former criminal justice activity resulting in verified threats, verbal abuse, or harassment;
- e. A conviction of a crime repugnant to the inmate population;
- f. Reliable, confirmed evidence of sexual harassment;
- g. Other factors such as physical size, build and age producing a risk from the general inmate population.

4. The ICT shall make recommendations concerning protective management based on the facts within 15 working days from the date of initial confinement. If the ICT determines that protection is necessary, the inmate shall remain in administrative confinement at that facility pending review by the SCO. The review action shall be documented on the Report of Protective Management, DC6-234. In the event the ICT determines that protection is not appropriate, the inmate shall remain in administrative confinement and the DC6-234 shall be forwarded to the State Classification Office along with team findings and recommendations. The State Classification Office shall approve, disapprove or return for additional information the recommendation of the Institutional Classification Team.

5. The State Classification Office (SCO) shall determine within five working days whether protection is necessary based upon the investigation and any follow-up he deems appropriate. The SCO shall approve or disapprove placement of the inmate in protective management. The SCO's decision shall also be documented on the Report of Protective Management and this report shall be returned to the institution. If the SCO determines that a need for protection exists, he shall indicate in the Report of Protective Management that the inmate shall be placed in a protective management unit or transferred, whichever is appropriate. If a decision is made to transfer the inmate, the inmate shall be kept in administrative confinement until the transfer is completed. Transfers for protection needs shall be effected within five working days. SCO members are authorized to make transfers. If the SCO determines that protective management is not necessary, the inmate may appeal this decision directly to the Office of the Secretary pursuant to 33-103.007 and 33-103.011. The inmate shall be notified of the SCO's decision and this notification shall be documented on the Report of Protective Management, DC6-234. At the time of notification, the inmate shall be asked if he wants to appeal the decision. The inmate's decision on

whether or not to appeal shall be documented on DC6-203, Protection Waiver/Appeal Decision Form. The inmate shall remain in administrative confinement until the appeal process is complete.

6. Within three working days after an inmate has been approved for protective management by the SCO, a determination shall be made by the ICT as to appropriate housing. The inmate shall remain in administrative confinement until this decision is made.

(d) An investigation, evaluation for change of status or transfer is pending and the presence of the inmate in the general population might interfere with that investigation or present a danger to the inmate, other inmates, or to the security and order of the institution. An investigating officer shall have the authority to request that the senior correctional officer place the inmate in administrative confinement for this reason and the length of time spent in this status shall not exceed 15 working days unless one 10 day extension is granted by the ICT. This extension shall be documented on the Daily Record of Segregation, DC6-229. If it is necessary to continue the inmate's confinement beyond this first extension, written authorization must be obtained from the SCO for a 30 day extension. This authorization shall be attached to the DC6-229. The SCO shall have the authority to authorize additional 30 day extensions as necessary. Examples of circumstances for placing an inmate in administrative confinement for this reason include:

1. Pending an evaluation for placement in close management.
2. Special review against other inmates, disciplinary, or management transfer. Transfers for this reason shall be given priority.
3. Pending an investigation into allegations that the inmate is in fear of a staff member. The protection process outlined in subsection (c) above shall not be utilized for this purpose.
4. Any other reason when the facts indicate that the inmate must be removed from the general inmate population for the safety of any inmate or group of inmates or for the security of the institution.

(e) Mental health reasons. Clinical health care personnel shall have the authority to place an inmate in administrative confinement for this reason and the length of time spent in this status shall not exceed five calendar days.

(f) When an inmate is received on transfer from another institution and there is not sufficient time to review the inmate file and classify the inmate into general population. A senior correctional officer or above has the authority to place an inmate into administrative confinement for this reason. The length of time spent in administrative confinement for this reason shall not exceed two working days. If the initial review suggests that a further investigation is necessary prior to release, the inmate's status can be changed to pending investigation.

(4) Administrative Confinement Facilities.

(a) The number of inmates housed in an administrative confinement cell shall not exceed the number of bunks in the cell. Exceptions may be made during an emergency situation as approved by the warden or the ICT, but such exceptions shall not continue for more than 24 hours without the specific authorization of the regional director. Prior to placing inmates in the same cell, a determination shall be made that none of the inmates constitute a threat to any of the others.

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

(c) Prior to placement of an individual in an administrative confinement cell, it shall be thoroughly inspected to ensure that it is in proper order and the inmate housed in that cell shall then be held responsible for the condition of the cell.

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

(5) Conditions and Privileges.

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

(b) Bedding and linen – Bedding and linen for those in administrative confinement shall be issued and exchanged the same as is provided to the general inmate population. Any exceptions shall be based on potential harm to individuals or a

threat to the security of the institution. The shift officer in charge or the confinement lieutenant must approve the action initially. Such exceptions shall be documented on Form DC6-229 and the Chief of Security shall make the final decision in regard to the appropriateness of the action no later than the next working day following the action.

(c) Personal Property – Inmates shall be allowed to retain Personal Property including stamps, watches, rings and health and comfort items unless there is a indication of a security problem, in which case removal of any item shall be documented on Form DC6-229 and a property receipt issued.

(d) Comfort Items – Inmates in administrative confinement shall be permitted personal hygiene items and other medically needed or prescribed items such as eye glasses or hearing aids, except when security requirements dictate otherwise. Inmates in administrative confinement shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol. In the event certain items that inmates in administrative confinement are not normally prohibited from possessing are removed, the senior correctional officer shall be notified and must approve the action taken, or the item must be returned to the inmate. Action taken shall be recorded on the Daily Record of Segregation, Form DC6-229, which must be reviewed by the Chief of Security. Property receipts shall be given for any personal property removed. The following comfort items shall be provided as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, and feminine hygiene products for women, and toilet tissue.

(e) Personal Hygiene – Inmates in administrative confinement shall meet the same standards in regard to personal hygiene as required of the general inmate population.

1. At a minimum each inmate in confinement shall shower three times per week and on days that an inmate works.

2. Male inmates shall be required to shave at least three times per week. Hair care shall be the same as that provided to and required of the general population inmates.

(f) Diet and Meals – All inmates in administrative confinement shall receive normal institutional meals as are available to the general inmate population except that if any item on the normal menu might create a security problem in the confinement area, then another item of comparable quality shall be substituted. Substitutions shall be documented on the Daily Record of Segregation, Form DC6-229.

(g) Canteen Items – Inmates in administrative confinement shall be allowed to make canteen purchases once every other week. Items sold to administrative confinement inmates shall be restricted when reasonably necessary for institutional safety and security.

1. Inmates in administrative confinement shall be allowed to purchase a maximum of four canteen food items. In making this determination, it is the number of food items that is counted, not the type of item. For example, three packages of cookies count as three items, not one item.



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

(h) Counseling Interviews – Inmates in administrative confinement may be removed from their cells to attend any counseling session when there is no security problem involved.

(i) Visiting – All visits for inmates in administrative confinement must be approved in advance by the ICT or warden. Requests for inmates in administrative confinement to visit shall be in writing to the ICT. Those inmates who are a threat to the security of the institution shall be denied visiting privileges. Attorney-client visits shall not be restricted except on evidence that the visit would be a threat to security or order.

(j) Telephone – Telephone privileges are allowed for emergency situations, when necessary to ensure the inmate's access to courts, or in any other circumstance when a call is authorized by the ICT or warden.

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

(l) Correspondence – Inmates in administrative confinement shall have the same opportunities for correspondence that are available to the general inmate population.

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

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

(n) Reading materials – Reading materials and other privileges shall be permitted on an individual basis for those inmates in administrative confinement. Safety, sanitation and security factors shall be considered when making such decisions.

(o) Library Services – Only one book at a time may be checked out. Books may be checked out once weekly.

(p) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. However, if confinement extends beyond a 30-day period, an exercise schedule shall be implemented to ensure a minimum of three hours per week of exercise out of doors. Such exercise periods shall be documented on Form DC6-229. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation. In this instance, a major rule violation is defined as: any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; escape or escape attempt. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. If the inmate requests a physical fitness program handout, the wellness specialist or the confinement officer shall provide the inmate with an in-cell exercise guide and document such on the Daily Record of Segregation. Medical restrictions can also place limitations on the exercise periods. Recreational equipment may be available for the exercise period provided such equipment does not compromise the safety or security of the institution.

(6) Restraint and Escort Requirements.

(a) Prior to opening any cell for any purpose, including exercise, medical or disciplinary call-outs, telephone calls, recreation, and visits, all inmates in the cell shall be handcuffed behind their backs, unless documented medical conditions require that an inmate be handcuffed in front. In such cases, escort officers shall be particularly vigilant.

(b) A minimum of two officers shall be physically present at the cell whenever the cell door is opened.

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

(d) After the required restraints are applied, the inmate has been thoroughly searched, and the cell door has been secured, the second officer is authorized to leave the area.

(e) If two inmates are being escorted from the same cell, both inmates can be escorted at the same time provided that the second officer remains to escort the second inmate and no other movement is occurring on the wing. During all other situations, only one inmate at a time shall be escorted on each confinement wing.

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

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

2. Daily by the area housing supervisor.

3. Daily by the officer-in-charge on duty for all shifts except in case of riot or other institutional emergency.

4. Daily by the Chief of Security (when on duty at the facility) except in case of riot or other institutional emergency.

5. Daily by a clinical health care person.

6. Weekly by the chaplain. More frequent visits shall be made upon request of the inmate if the chaplain's schedule permits.

7. Weekly by the warden and assistant wardens.

8. At least once a week by a classification officer.

9. At least once a month by a member of the Institutional Classification Team to ensure that the inmate's welfare is properly provided for, and to determine the time and method of release or any program changes.

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

(7) Review of Administrative Confinement.

(a) A classification officer shall review inmates in administrative confinement at least once every week. The Institutional Classification Team shall also review inmates in administrative confinement every week. The goal shall be toward returning the inmate to open population as soon as the facts of the case indicate that this can be done safely.

(b) Any inmate assigned to administrative confinement for more than 30 days shall be given a psychological assessment by mental health professional, staff to determine his or her mental condition. The assessment shall include a personal interview. The psychologist or psychological specialist shall

prepare a report to the ICT with the facts of the case. The ICT shall then make a decision regarding continuation of confinement. Any recommendations by the psychologist or psychologist specialist that the inmate be released from administrative confinement shall be forwarded by the ICT to the SCO. All such assessments shall be documented in the mental health record. If the decision is to continue confinement and that confinement extends beyond 90 days, a new psychological assessment shall be completed each 90-day period.

(c) If an inmate is confined for more than 30 days, the ICT shall interview the inmate and shall prepare a formal assessment and evaluation report. Such reports may be in a brief paragraph form detailing the basis for confinement, what has transpired since the last report, the decision concerning continued confinement and the basis for that decision.

(d) The State Classification Office (SCO) at the next onsite visit shall review such reports and may interview the inmate before determining the final disposition of the inmate's administrative confinement status.

(8) Administrative Confinement Records.

(a) A Report of Administrative Confinement, Form DC6-233a, shall be kept for each inmate placed in administrative confinement. A photocopy of the DC6-233a, with section I completed, shall be kept in administrative confinement with the other confinement records for each inmate. Upon completion of the DC6-233a, the white copy of the form shall be mailed to central office to be filed in the central office inmate record and the yellow copy shall be filed in the institutional inmate record.

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

(c) An Inspection of Special Housing Record, Form DC6-228, shall be maintained in each administrative confinement area. Each staff person shall sign such record

when entering and leaving the confinement area. Prior to leaving the confinement area, each staff member shall indicate any specific problems including any inmate who requires special attention. Upon completion, the DC6-228 shall be maintained in the housing area and forwarded to the Chief of Security on a weekly basis where it shall be maintained on file pursuant to the current retention schedule. Form DC6-228 is incorporated by reference in (10) of this rule.

(9) Staffing Issues.

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

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

(10) Forms. The following forms referenced in this rule are hereby incorporated by reference. A copy of any of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

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

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

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

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

(e) Form DC6-234, Report of Protective Management, effective date \_\_\_\_\_.

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

(g) Form DC6-203, Protection Waiver/Appeal Decision Form, and effective date \_\_\_\_\_.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 4-7-81, Amended 6-23-83, 3-12-84, Formerly 33-3.081, Amended 4-22-87, 8-27-87, 7-10-90, 12-4-90, 3-24-97, 4-26-98, 10-5-98, Formerly, Amended \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Protective Management

RULE NO.: 33-602.221

PURPOSE AND EFFECT: The proposed rule substantially rewords the existing rule; its purpose is to provide definitions of terms, clarify titles and applicable forms; and to provide clarification as to procedures relating to, placement in, and conditions of, protective management. The effect is to clarify: procedures for placement in protective management; restrictions on canteen items; exercise restrictions and fitness programs; increase the minimum number of hours for exercise; staff contacts; provisions relating to special risk inmates;

review of and release from protective management; and, procedures relating to maintenance of records relating to protective management.

SUBJECT AREA TO BE ADDRESSED: Protective Management.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.34, 945.04 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., June 7, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.221 Protective Management.

(1) Definitions.

(a) Administrative Confinement refers to a special management status which segregates inmates from the general population usually pending other formal decisions such as disciplinary confinement, close management, protective management or transfer.

(b) Classification refers to the system of processes which divides inmates into groups for a variety of purposes including facility placement, custody assessment, work and program assessment and placement, housing assessment and placement, periodic reviews, and community, transition, and special needs assessments.

(c) Classification – External, refers to processes related to decisions regarding the custody and facility – placement of an inmate outside the secure perimeter of a facility.

(d) Classification – Internal, refers to processes related to decisions regarding housing, work, and program- placement of an inmate within the secure perimeter of a facility.

(e) Area Housing Supervisor refers to the Correctional Officer Sergeant or above in charge of the confinement unit for a particular shift.

(f) Clinical Health Care Personnel refers to a Physician, Clinical Associate, Nurse, Correctional Medical Technician Certified (CMTCC), Psychologist, or Psychologist Specialist.

(g) Institution Classification Team (ICT) refers to the committee consisting of the Warden or Assistant Warden, Classification Supervisor, and Chief of Security that is

responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification Office (SCO).

(h) Investigating Official, where used herein, refers to the person in charge of the investigation of the circumstances involving an inmate's confinement. This person must be a Shift Supervisor, Institutional Inspector, Classification Supervisor, or above. The investigating official is authorized to assign others of lesser rank to conduct the investigation.

(i) Protective Management refers to a special management status for the protection of inmates from other inmates in an environment as representative of that of the general population as is safely possible.

(j) Senior Correctional Officer refers to a Correctional Officer Lieutenant or above.

(k) Special Management refers to the separation of an inmate from the general population in a structured environment for purposes of safety, security, and order of the facility. Statuses for inmates requiring specialized housing and supervision are administrative confinement and protective management.

(l) Special Risk Inmate refers to any inmate who has demonstrated behavior that is or could be harmful to himself.

(m) State Classification Office (SCO) refers to a staff member at the Central Office level who is responsible for the review of inmate classification decisions. Duties include the approval or rejection of Institutional Classification Team recommendations.

#### (2) Procedures for placement in Protective Management.

(a) Protective management is not disciplinary in nature and inmates in protective management are not being punished and are not in confinement. The treatment of inmates in protective management shall be as near that of the general population as the individual inmate's safety and security concerns permit.

(b) Inmates on death row, in close management or disciplinary confinement are not eligible for placement in protective management. However, if an inmate in one of these statuses requests protection, procedures outlined in 33-602.220 shall begin.

(c) If it is determined that the inmate needs protection, the inmate will be afforded such protection in his or her current status. Upon completion of that special status, the institutional classification team (ICT) shall make recommendations to the state classification office (SCO), who shall determine the appropriate action to resolve the inmate's protection needs.

(d) The inmate shall be interviewed by the housing supervisor and a review shall be initiated to determine if any of the inmates in the protective management unit are a threat to the inmate being placed or if the inmate being placed is a threat to other inmates in the unit. If the inmate can not be placed for these reasons the housing supervisor shall place or maintain the inmate in administrative confinement until the issue can be

expeditiously resolved. The case shall be immediately forwarded to the ICT for review. The ICT shall review the case and interview the inmate and forward recommendations to the SCO. The SCO shall review the case and may interview the inmate and make a final decision to resolve protection.

#### (3) Protective Management Facilities.

(a) The number of inmates housed in protective management housing units shall not exceed the number of bunks in the cell. Exceptions may be made during an emergency situation as approved by the warden or the ICT, but such exceptions shall not continue for more than 24 hours without the specific authorization of the regional director. Prior to placing inmates in the same cell, a determination shall be made that none of the inmates constitute a threat to any of the others.

(b) All protective management housing units shall be equipped with toilet facilities and running water for drinking and other sanitary purposes and other furnishings as are provided to comparable housing units for general population inmates at the particular institution.

(c) Prior to placement of an individual in a protective management housing unit, it shall be thoroughly inspected to ensure that it is in proper order and the inmate housed in that cell shall then be held responsible for the condition of the cell.

(d) The protective management housing units shall be physically separate from other housing units, whenever possible given the physical design of the facility and the number of inmates housed in protective management shall not exceed the number of bunks in the protective housing unit. Whenever such location is not possible, physical barriers shall preclude the cross association of those in protective management with those in other statuses. Protective management housing units shall be built to permit verbal communication and unobstructed observation by the staff.

#### (4) Conditions and Privileges.

(a) Clothing – Inmates may wear shower slides or personal canvas shoes while in their housing units, but regulation shoes shall be required for work assignments. Otherwise the clothing for inmates in protective management shall be the same as that issued and exchanged to the general inmate population except when there is an indication of a security or health problem or when additional clothing is required for a work assignment. In such cases, when clothing is denied to an inmate it shall be noted on Form DC6-235, Record of Protective Management, stating the reasons for such denial. Form DC6-235 is incorporated by reference in (10) of this rule.

(b) Bedding and linen – Bedding and linen shall be issued and exchanged for protective management inmates the same as for the general inmate population.

(c) Personal Property – Inmates shall be allowed to retain personal property including stamps, a watch, a radio, a ring, authorized self-improvement and reading materials and similar health and comfort items as general population inmates unless

there is an indication of a security problem, in which case removal or denial of any item shall be documented on Form DC6-235, Record of Protective Management, and a property receipt shall be issued. All property retained by inmates must fit into the storage area provided, which shall be the same size as provided for general population inmates.

(d) Comfort Items – Inmates in protective management shall be permitted personal hygiene items and other medically needed or prescribed items such as eye glasses and hearing aids, except when security requirements dictate otherwise. In the event that comfort items are taken from inmates in protective management, the senior correctional officer on duty shall be notified and must approve or disapprove the action taken. Action taken shall be documented on the Record of Protective Management, Form DC6-235 which must be reviewed by the chief of security. Property receipts shall be given for any personal property removed. The following comfort items shall be provided as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, toilet tissue, and feminine hygiene products for women. Comfort items shall be the same as those provided general population inmates.

(e) Personal Hygiene – Inmates in protective management shall meet the same standards in regard to personal hygiene as required of the general inmate population.

1. As a minimum each inmate in protective management shall shower at least three times per week or every day that an inmate works.

2. Male inmates shall be required to shave at least three times per week. Hair care shall be the same as that provided to and required of the general population inmates.

(f) Diet and Meals – Inmates in protective management shall be fed in the dining room unless individual circumstances adversely affecting the safety of a particular inmate preclude dining room feeding for the inmate. If particular security reasons as determined by institution staff prevent dining room feeding, the inmate's meal shall be served in the day room or the inmate's housing unit. Inmates in protective management shall receive normal institutional meals as are available to the general population, except that if any item on the normal menu might create a security problem for a particular inmate, then another item of comparable quality shall be substituted. Substitutions shall be documented on the Record of Protective Management, Form DC6-235.

(g) Canteen Items – Inmates in protective management shall be allowed to make canteen purchases the same as general population inmates. Items sold to protective management inmates shall be restricted only when reasonably necessary for institutional safety and security.

(h) Counseling Interviews – Inmates in protective management may be removed from their housing units to attend interviews when there is no security problem involved in such removal.

(i) Visiting – A visiting schedule shall be implemented to ensure a minimum of two hours a week for inmates to receive visits. A visiting time for protective management inmates shall be set aside in the visiting park either before or after visiting hours for general population inmates, during visiting hours if separate facilities for visitation are available, or on different days from the general population. Visiting shall be limited by the warden or his or her designee when it is concluded that a threat to the inmate exists by allowing visitation in the visiting area or when supervision is limited. The warden or ICT is authorized to make exceptions for visitors who have traveled a great distance. Attorney-client visits shall be in accordance with rule 33-601.711 and shall not be restricted except on evidence that the visit would be a threat to security and order. The warden or his or her designee must approve all visits in advance.

(j) Telephone – Inmates in protective management shall be allowed to make one call per week of at least 10 minutes, except at Florida State Prison. However, if telephones are available in the dayroom, protective management inmates shall be allowed to make calls in the same manner as general population inmates.

(k) Legal Access – inmates in protective management shall have access to the law library during evening or other hours when general population inmates are not present. If security reasons prevent a visit, access shall be provided through correspondence or visits from the inmate law clerk. All steps shall be taken to ensure the inmate is not denied needed legal access while in protective management. Inmates shall be provided paper and writing utensils in order to prepare legal papers. Typewriters or typing services are not considered required items and will not be permitted in protective management housing units.

(l) Correspondence – Inmates in protective management shall have the same opportunities for correspondence and authorized self-improvement correspondence courses that are available to the general inmate population.

(m) Library – Inmates in protective management shall be allowed to visit the library and check out books at least once weekly, except as provided in rule 33-602.221(7).

(n) Exercise – an exercise schedule shall be implemented to ensure a minimum opportunity of three hours per week of exercise out of doors. The ICT is authorized to restrict exercise for an individual inmate when the inmate continues to pose a serious threat to the safety, security and order of the institution by recent demonstrations of violence, by continuing threats of physical harm, written or spoken, toward staff and other inmates; by involvement in acts which seriously interfere with the staff's daily security functions; or by actions demonstrating an extreme escape risk. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for the shortest length of time to accomplish the goal of safety, security and order within the

institution and shall be documented on Form DC6-235, Record of Protective Management. If the inmate requests a physical fitness program handout, the wellness specialist or the housing officer shall provide the inmate with an in-cell exercise guide and document such on the Daily Record of Segregation, Form DC6-229. Form DC6-229 is incorporated by reference in (10) of this rule. Medical restrictions may also place limitations on exercise periods. Similar recreational equipment shall be available as is available for general population inmates for the exercise period provided that such equipment does not compromise the safety or security of the institution.

(o) Religious activities – Religious activities a weekly non-denominational service shall be held for protective management inmates in the chapel. This service shall be held at the protective management housing unit if security reasons prevent chapel service. The chaplain shall arrange for religious consultations between inmates and outside volunteers, counsel with clergy and the opportunity to receive religious sacraments similar to that afforded to the general population when requested.

(p) Self-improvement programs – Self-improvement programs or leisure activities shall be available in their housing area, or in separate locations within the institution that conform with the need for security. Self-improvement programs include academic education, vocational training, correspondence courses or self-directed study activities, religious activities, television, quiet activities or letter writing.

(q) Any other activities which take place outside the inmate's cell. Inmates may refuse opportunities for out-of-cell activities, however, such refusals shall constitute a portion of the required minimum hours of out-of-cell time. All out-of-cell activities and refusals shall be documented on Form DC6-235, Record of Protective Management.

(5) Work assignments.

(a) Within 10 days of the protective management determination, work opportunities consistent with medical grades shall be available to inmates in protective management during the day, evening or night hours. All inmates shall be provided the opportunity for work assignments regardless of medical grade except when precluded by doctor's orders for medical reasons. Work shall be cancelled for an individual inmate or a work squad when staff concludes the work or work assignment would subject the inmate to danger or if adequate staff protection is not available. Each occurrence of work cancellation will be documented with reasons for the action and shall be reviewed by the warden or ICT the following day. Refusal of a work assignment shall result in disciplinary action pursuant to rules 33-601.301-33-601.314. Inmates who refuse work assignments will not be allowed other housing unit activities. Those who accept work assignments shall be subject to awards of gain time pursuant to rule 33-601.101 in the same manner as general population.

(b) Inmates in protective management who are medically able to work and who work shall be afforded an opportunity for at least an additional 20 hours of out-of-cell time per week for activities. Each protective management unit shall have a day room or common area equipped with a similar equipment, recreational and otherwise, as those for general population provided that such equipment does not compromise the safety or security of the institution.

(c) Other privileges shall be restricted on a daily case-by-case basis when such restrictions are necessary for the security, order or effective management of the institution. All such restrictions shall be documented on Form DC6-234, Report of Protective Management, and reported to the ICT. Form DC6-234 is incorporated by reference in (10) of this rule. The ICT is authorized to restrict privileges on a continuing basis after a determination that such restrictions are necessary for the security, order, or effective management of the institution. The ICT's decision for continuing restriction shall also be documented on Form DC6-235, Record of Protective Management.

(6) Restraint and Escort Requirements.

(a) Protective management inmates shall be handcuffed or otherwise restrained when individual security concerns associated with that inmate require such action.

(b) Protective management inmates shall be subject to searches in the same manner as general population inmates in accordance with rule 33-602.204.

(7) Contact by Staff.

(a) Inmates in protective management shall receive a personal contact a minimum of:

1. At least every hour by a correctional officer, but on an irregular schedule.

2. Daily by the area housing supervisor.

3. Daily by the officer-in-charge on duty for all shifts except in case of riot or other institutional emergency.

4. Daily by the Chief of Security (when on duty at the facility) except in case of riot or other institutional emergency.

5. Daily by a clinical health care person.

6. Weekly by the chaplain. More frequent visits shall be made upon request of the inmate if the chaplain's schedule permits.

7. Weekly by the warden and assistant wardens.

8. At least once a week by a classification officer.

9. At least once a month by a member of the Institutional Classification Team to ensure that the inmate's welfare is properly provided for, and to determine the time and method of release or any program changes.

(b) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if

special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff provides observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist/Restraint Observation Checklist, until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to special risk inmates shall be documented on Form DC6-229, Daily Record of Segregation, and followed with an Incident Report, Form DC6-210. Forms DC4-650 DC6-210 are incorporated by reference in (10) of this rule.

(8) Review of Protective management.

(a) A classification officer shall review inmates in protective management every week. The Institutional Classification Team shall also review inmates in protective management every week. The goal shall be toward returning the inmate to open population as soon as the facts of the case indicate that this can be done safely.

(b) Any inmate assigned to protective management for more than 30 days shall be given a psychological assessment by mental health professional, staff to determine his or her mental condition. The assessment shall include a personal interview. The psychologist or psychological specialist shall prepare a report to the ICT with the facts of the case. The ICT shall then make a decision regarding continuation of the protection needs. Any recommendations by the psychologist or psychologist specialist that the inmate be released from protective management shall be forwarded by the ICT to the SCO. All such assessments shall be documented in the mental health record. If the decision is to continue protective management and that protective status extends beyond 90 days, a new psychological assessment shall be completed each 90-day period.

(c) If an inmate is housed for more than 30 days, the ICT shall interview the inmate and shall prepare a formal assessment and evaluation report. Such reports may be in a brief paragraph form detailing the basis for protection, what has transpired since the last report, the decision concerning continued protection and the basis for that decision.

(d) The State Classification Office (SCO) shall review all reports prepared by the ICT concerning an inmates protective management and may interview the inmate before determining the final disposition of the inmate's protective management status. However, the State Classification Office shall conduct an onsite interview with each inmate at least once every six months or as often as necessary to determine if continuation, modification, or removal from protective management status is appropriate.

(e) If the inmate submits a request for release in writing at any time after being placed in protective management, the area housing supervisor shall provide the inmate with a Form DC6-203, Protection Waiver/Appeal Decision Form. Form

DC6-203 is incorporated by reference in (10) of this rule. The inmate shall complete Form DC6-203 and return it to the area housing supervisor for submission to the ICT along with the inmate's written request. The ICT shall review the inmate's request and place the inmate on the docket. The ICT shall interview the inmate and submit their recommendation along with the DC6-203 and any other documentation to the SCO for final consideration. The SCO review and decision shall be conducted during the next routine on-site visit.

(9) Protective Management Records.

(a) A Report of Protective Management, Form DC6-234 shall be kept for each inmate placed in protective management.

(b) An Inspection of Special Housing Record, Form DC6-228 shall be maintained in each protective management area. Form DC6-228 is incorporated by reference in (10) of this rule. Each staff person shall sign the record when entering and leaving the protective management area. Prior to leaving the protective management area, each staff member will indicate any specific problems including any inmate who requires medical attention.

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

(10) Forms. The following forms referenced in this rule are hereby incorporated by reference. A copy of any of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

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

(b) Form DC6-203, Protection Waiver / Appeal Decision effective date \_\_\_\_\_.

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

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

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

(f) Form DC6-234, Report of Protective Management, effective date \_\_\_\_\_.

(g) Form DC6-235, Record of Protective Management, effective date \_\_\_\_\_.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History--New 6-23-83, Formerly 33-3.082, Amended 3-12-84, 7-10-90, 12-4-90, 4-26-98, Formerly 33-3.0082, Amended \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE: Works of the District Basins  
RULE CHAPTER NO.: 40E-61

PURPOSE AND EFFECT: The purpose is to develop rules to implement the Everglades Forever Act ("EFA"), Section 373.4592(4)(a)8., Florida Statutes (F.S.), which specifies that certain 298 Districts, "shall divert the discharges within the Everglades Construction Project" from Lake Okeechobee so that the primary discharge plan will divert flow south through the Everglades Agricultural Area (EAA). These lake discharges are currently permitted under Chapter 40E-61, FAC. Chapters 40E-61 and 40E-63 will require amendments to effectuate the diversion. The effect of the proposed rule amendments is timely compliance with the EFA.

SUBJECT AREA TO BE ADDRESSED: Rule development for amendments to Chapters 40E-61 and 40E-63, Florida Administrative Code (FAC.), to modify EAA Basin load calculations and EAA permitting provisions to account for the Chapter 298 District diversion project.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.4592 FS.

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

TIME AND DATE: 1:30 p.m. – 3:30 p.m., June 2, 2000

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical questions, Pam Smith, Sr. Supervising Engineer, Everglades Regulation Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6901 or (561)682-6901 (e-mail psmith@sfwmd.gov); or for legal/administrative questions, Julie Jennison, Senior Legal Research Asst., 1(800)432-2045, Extension 6294 or (561)682-6294 (e-mail jjenniso@sfwmd.gov).

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE: Everglades Program  
RULE CHAPTER NO.: 40E-63

PURPOSE AND EFFECT: The purpose is to develop rules to implement the Everglades Forever Act ("EFA"), Section 373.4592(4)., Florida Statutes (F.S.). A component of the EFA Everglades Program is Everglades water supply and hydroperiod improvement and restoration. The Best Management Practice (BMP) replacement water model is being reviewed to determine if updates are necessary to the model based on current data. Updates could affect Rule 40E-63.211.

Additionally, the EFA mandates a 25 percent reduction in the total phosphorus load discharged from the Everglades Agricultural Area (EAA). The District is required to calculate the EAA Basin compliance annually. Chapter 40E-63, FAC., established a formal procedure to calculate phosphorus loads. Amendments to the rule are necessary to modify the basin load calculation procedures to account for the construction of Stormwater Treatment Areas (STAs) and the 298 District Diversion Project. The proposed amendments will reflect adjusted land areas and new monitoring locations associated with the projects.

Other proposed amendments are to clarify the review process for minor modifications to permits and to correct typographical errors in the current rule.

The effect of the proposed rule amendments is timely compliance with the EFA.

SUBJECT AREA TO BE ADDRESSED: Rule development for amendments to Chapter 40E-63, Florida Administrative Code (FAC.), to:

- (1) Modify EAA Basin load calculations to reflect adjusted land areas and new monitoring locations associated with the construction of STAs and the Chapter 298 District Diversion Project;
- (2) Update the BMP replacement water model; and
- (3) Modify typographical errors in the current BMP rule and authorize minor or letter modifications to permits.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.4592 FS.

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

TIME AND DATE: 1:30 p.m. – 3:30 p.m., June 2, 2000



PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical questions, Pam Smith, Sr. Supervising Engineer, Everglades Regulation Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6901 or (561)682-6901 (e-mail psmith@sfwmd.gov); or for legal/administrative questions, Julie Jennison, Senior Legal Research Asst., 1(800)432-2045, Extension 6294 or (561)682-6294 (e-mail jjenniso@sfwmd.gov).

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE: Everglades Program                      RULE CHAPTER NO.: 40E-63

PURPOSE AND EFFECT: The purpose is to develop rules to implement the Everglades Forever Act (“EFA”), Section 373.4592(4)(a)8., Florida Statutes (F.S.), which specifies that certain 298 Districts, “shall divert the discharges within the Everglades Construction Project” from Lake Okeechobee so that the primary discharge plan will divert flow south through the Everglades Agricultural Area (EAA). These lake discharges are currently permitted under Chapter 40E-61, FAC. Chapters 40E-61 and 40E-63 will require amendments to effectuate the diversion. The effect of the proposed rule amendments is timely compliance with the EFA.

SUBJECT AREA TO BE ADDRESSED: Rule development for amendments to Chapters 40E-61 and 40E-63, Florida Administrative Code (FAC.), to modify EAA Basin load calculations and EAA permitting provisions to account for the Chapter 298 District diversion project.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.4592 FS.

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

TIME AND DATE: 1:30 p.m. – 3:30 p.m., June 2, 2000

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical questions, Pam Smith, Sr. Supervising Engineer, Everglades Regulation Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6901 or (561)682-6901 (e-mail psmith@sfwmd.gov); or for legal/administrative questions, Julie Jennison, Senior Legal Research Asst., 1(800)432-2045, Extension 6294 or (561)682-6294 (e-mail jjenniso@sfwmd.gov).

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE: Everglades Program                      RULE CHAPTER NO.: 40E-63

PURPOSE AND EFFECT: The purpose is to develop rules to implement the Everglades Forever Act (“EFA”), Section 373.4592(4)(f)5., Florida Statutes (F.S.), which specifies, “effective immediately, landowners within the C-139 Basin shall not collectively exceed an annual average loading of phosphorus . . . .” The proposed rules will establish the compliance methodology and compliance actions required by C-139 landowners if the phosphorus load limitation for the C-139 Basin is exceeded. The effect of the proposed rule will be potential enhancement of the downstream receiving water quality in accordance with the intent of the EFA.

SUBJECT AREA TO BE ADDRESSED: Rule development to establish a compliance methodology for phosphorus load limitations for the C-139 Basin.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.4592 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 a.m., June 2, 2000

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical questions, Pam Smith, Sr. Supervising Engineer, Everglades Regulation Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6901 or

561-682-6901 (e-mail psmith@sfwmd.gov); or for legal/administrative questions, Julie Jennison, Senior Legal Research Asst., 1(800)432-2045, Extension 6294 or (561)682-6294 (e-mail jjennis@sfwmd.gov).

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Durable Medical Equipment and Supplies  
 RULE NO.: 59G-4.070

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Durable Medical Equipment and Supplies Coverage and Limitations Handbook, October 1999. The handbook contains the 1999 Durable Medical Equipment and Supplies. The effect will be to incorporate by reference in the rule the current Florida Medicaid Durable Medical Equipment and Supply Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Durable Medical Equipment and Supply Fee Schedule.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.907(7) FS.

IF REQUESTED IN WRITING BY AN AFFECTED PERSON AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 9:00 a.m., June 5, 2000

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room E, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Alanna J.Wesley, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7306

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.070 Durable Medical Equipment and Supplies.

(1) This rule applies to all durable medical equipment and supply providers enrolled in the Medicaid program.

(2) All durable medical equipment and supply providers enrolled in the Medicaid program must comply with the Florida Medicaid Durable Medical Equipment and Supply Services Coverage and Limitations Handbook, October 1999 ~~April 1998~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA1500 and Child Health Check-Up EPSDT, 221 incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.907(7) FS. History—New 8-26-92, Formerly 10C-7.070, Amended 5-23-94, 1-7-96, 3-4-99.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Personnel Management System**

RULE TITLES: Purpose  
 Authority  
 Definitions  
 RULE NOS.: 60L-18.001  
 60L-18.002  
 60L-18.003

Non-Recurring Lump-Sum Bonus Payments –  
 Career Service Employees 60L-18.0031  
 Non-Career Service Employees 60L-18.004

PURPOSE AND EFFECT: The Department will review the rules on lump-sum bonus payments to clarify whether lump-sum bonus payments need to be included in the calculation of overtime payments; review the eligibility criteria for awarding the bonuses; and describe the categories under which bonuses may be granted.

SUBJECT AREA TO BE ADDRESSED: Policies regarding the granting of lump-sum bonuses to eligible employees.

SPECIFIC AUTHORITY: 110.1246 FS.

LAW IMPLEMENTED: 110.1246 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 2:00 p.m., June 5, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ms. Carol Culbreth, Human Resource Consultant, Department of Management Services, 4050 Esplanade Way, Building 4040, Suite 360, Tallahassee, Florida 32399-0950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE TITLE: Examination Review Procedure  
 RULE NO.: 61G10-11.003  
 PURPOSE AND EFFECT: The Board proposes the development of an amendment to address examination review procedure.  
 SUBJECT AREA TO BE ADDRESSED: Examination Review Procedure.  
 SPECIFIC AUTHORITY: 455.217(1),(2),(3), 481.306 FS.  
 LAW IMPLEMENTED: 455.217(1),(2),(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherri Landrum, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G10-11.003 Examination Review Procedure.  
 (1) through (4) No change.

(5) Any applicant who takes the professional examination upon payment to the Department of the actual CLARB fee may review Sections C and E of the examination. A review of Section F will be charged at a rate of \$75.00. Reviews are not permitted for Sections A, B, or D in accordance with national guidelines. For a standard review of Sections C, E, and F, the applicant may examine at a mutually convenient time, his answer or questions, papers, grades, and grading key upon such terms and conditions set forth by the Department of Business and Professional Regulation at the office of the Board. Red-line reviews for the graphics sections are available for Sections C and E. Red-line reviews identify generalized errors that the applicant committed on vignettes in these graphics sections. Reviews of either type shall be subject to the national and Department testing security requirements in order to ensure the integrity of the examination.

Specific Authority 455.217(1),(2),(3), 481.306 FS. Law Implemented 455.217(1),(2),(3) FS. History—New 2-4-80, Amended 6-20-85, Formerly 21K-11.03, Amended 3-13-89, 5-30-91, Formerly 21K-11.003, Amended

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE TITLE: Application and Examination Fees  
 RULE NO.: 61G10-12.001  
 PURPOSE AND EFFECT: The Board proposes the development of an amendment to address Application and Examination Fees.  
 SUBJECT AREA TO BE ADDRESSED: Application and Examination Fees.  
 SPECIFIC AUTHORITY: 481.306, 481.307 FS.  
 LAW IMPLEMENTED: 481.307 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherri Landrum, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G10-12.001 Application and Examination Fees.

(1) No change.

(2) The following is the examination fee schedule for the Landscape Architectural Registration Examination and the Florida Section:

(a) If you are a first-time candidate and elect to take all sections of the examination, your examination fee will be \$900.00.

(b) If you are a retake candidate or a first time candidate and elect to only take certain sections, your fee schedule is as follows:

Section A	\$65.00
Section B	\$115.00
Section C	\$230.00
Section D	\$180.00
Section E	\$225.00
Florida Section	\$300.00

The total fee for the Florida Section is \$300.00, of which \$274.00 is payable to the Department and \$26.00 is payable to the approved testing service. The \$274.00 fee payable to the

Department is due at the time of the application. The \$26.00 fee payable to the approved testing service is due at the time of the testing.

Specific Authority 481.306, 481.307 FS. Law Implemented 481.307 FS. History–New 2-4-80, Amended 3-9-84, 7-26-84, Formerly 21K-12.01, Amended 10-7-87, 11-12-89, 3-11-91, Formerly 21K-12.001, Amended 8-7-95, 1-13-99, 8-16-99.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

**RULE TITLES:**

**RULE NOS.:**

Obtaining Inactive Status

61G10-13.005

Reactivation of Inactive License

61G10-13.007

PURPOSE AND EFFECT: The Board proposes the development of these rules to address the manner in which obtaining inactive status and reactivation of inactive status will be reviewed and approved by the Board.

SUBJECT AREA TO BE ADDRESSED: Obtaining Inactive Status; Reactivation of Inactive Status.

SPECIFIC AUTHORITY: 481.306, 481.315, 455.271(4), 455.271(9), 455.271(11) FS.

LAW IMPLEMENTED: 481.315, 455.271(4), 455.271(9), 455.271(11), 481.315(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherri Landrum, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENTS IS:

61G10-13.005 Obtaining Inactive Status: ~~Voluntary;~~ **Involuntary.**

(1) A license to practice landscape architecture which is not renewed ~~before the license expires at the end of the biennium prescribed by the Department~~ shall automatically revert to delinquent inactive status for the next licensure cycle.

(2) No change.

(3) A licensee who changes from inactive to active status is not eligible to return to inactive status until the licensee completes a full licensure cycle on active status after changing his status to inactive status.

~~(4)(3)~~ Pursuant to Section 481.325(1)(i), F.S., it is unlawful to practice landscape architecture with an inactive license.

Specific Authority 481.306, 481.315(2), 481.315, 455.271(5), 455.271(2) FS. Law Implemented 481.315(2), 455.271(5), 455.271(2) FS. History–New 3-13-89, Formerly 21K-13.005, Amended

61G10-13.007 Reactivation of Inactive License.

(1) An inactive license may change to active status at any time, provided the licensee meets all the requirements for active status, pays an additional licensure fees necessary to equal those imposed on an active status licensee, and pays the additional reactivation fee specified in Rule 61G10-12.002, FAC. remain on inactive status for a period not to exceed four (4) years from the commencement of the biennial period that it becomes inactive.

(2) A license which has become inactive for less than two consecutive bienniums may be reactivated upon application to the Department and demonstration of compliance with the following conditions:

(a) Payment of the reactivation fee specified in Rule 61G10-12.002~~(1)(3)~~, FAC.

(b) Proof of completion of 12 classroom hours of continuing education which fulfills the requirements of Rule 61G10-13.003(2), FAC., for each year or part of the year the license was inactive. However, a license which has been inactive for less than one (1) year is not required to satisfy this requirement.

(3) A license which has become inactive for more than two consecutive bienniums may be reactivated upon application to the Department and demonstration of compliance with the following conditions:

(a) Payment of the reactivation fee specified in Rule 61G10-12.002, FAC.

(b) Proof of completion of 12 classroom hours of continuing education which fulfills the requirements of Rule 61G10-13.003(2), FAC., for each year or part of the year the license was inactive.

(c) No more than 48 hours of continuing education as approved by the Board for more than two (2) consecutive bienniums on inactive status.

~~(4)(3)~~ The Department shall not reactivate a license unless the inactive license has paid an inactive application fee, any biennial renewal fee for reactive status not previously paid, and reactivation fee.

(5) The status or change in status of a licensee shall not alter the Board’s right to impose discipline or enforce discipline previously imposed on a licensee for acts or omissions committed by a licensee while holding an active, inactive or delinquent license.

Specific Authority 481.306, 481.315, 455.271(4), 455.271(9), 455.271(11) FS. Law Implemented 481.315, 455.271(4), 455.271(9), 455.271(11) FS. History–New 3-15-89, Formerly 21K-13.007, Amended

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

RULE NO.: 61G10-14.003

**PURPOSE AND EFFECT:** The Board proposes the development of rule amendment to address the range of penalties in the disciplinary guidelines and in citation violations.

**SUBJECT AREA TO BE ADDRESSED:** Disciplinary Guidelines.

**SPECIFIC AUTHORITY:** 481.306, 481.325, 455.227 FS., Ch. 86-90, § 2, Laws of Florida.

**LAW IMPLEMENTED:** 481.323, 481.325, 455.227 FS., Ch. 86-90, § 2, Laws of Florida.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherri Landrum, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 61G10-14.003 follows. See Florida Administrative Weekly for present text.)

61G10-14.003 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) Purpose. The legislature created the Board to assure protection of the public from persons who do not meet minimum requirements for safe practice or who pose a danger to the public. Pursuant to § 455.227, F.S., the Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Part II, Chapter 481, F.S. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons within this rule. Each range includes the lowest and highest penalty and all penalties falling in between. The purposes of the imposition of discipline are to punish the applicants or licensees for violation and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

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

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
<u>(a) Unlicensed practice (481.323(1)(a)-(e), 455.227(1)(j) F.S.)</u>		
<u>First Offense</u>	<u>6 months probation with conditions and \$1000 fine</u>	<u>Denial/revocation and \$1000 fine plus \$50 per day for over 10 worked up to \$5000</u>
<u>Second Offense</u>	<u>Revocation and \$1000 fine plus \$50 per day for over 10 worked up to \$5000</u>	<u>Revocation and \$10,000 fine</u>
<u>(b) Attempting to obtain a license or certificate by bribery, fraud or through an error of the Department or the Board. (481.323(1)(d), 481.325(1)(a),(c), 455.227(1)(h), F.S.)</u>		
<u>First Offense</u>	<u>Denial/revocation, \$1000 fine and referral to State Attorney's Office if not licensed</u>	<u>Denial/revocation \$3000 fine and referral to State Attorney's Office if not licensed.</u>
<u>Second Offense</u>	<u>Revocation and \$3000 fine</u>	<u>Revocation and \$6000 fine</u>
<u>Third Offense</u>	<u>Revocation and \$6000 fine</u>	<u>Revocation and \$10,000 fine</u>
<u>(c) Knowingly conceal violations of Chapter 481 or 455, F.S. (481.323(1)(h), 481.325(1)(a); 455.227(1)(r), F.S.)</u>		
<u>First Offense</u>	<u>Reprimand and \$250 fine</u>	<u>1 year probation with conditions and \$1000 fine</u>
<u>Second Offense</u>	<u>1 year probation with conditions, and \$1000 fine</u>	<u>6 months suspension, 1 year probation with conditions and \$1000 fine</u>
<u>Third Offense</u>	<u>6 months suspension, 1 year probation with conditions and 1000 fine</u>	<u>1 year suspension, 1 year probation with conditions and \$1000 fine</u>
<u>(d) Aiding unlicensed practice (481.325(1)(g),(k), 455.227(1)(j), F.S.)</u>		
<u>First Offense</u>	<u>Reprimand and \$1000 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$1000 fine</u>
<u>Second Offense</u>	<u>1 year suspension, 2 years probation with conditions and 1000 fine</u>	<u>2 years suspension, 2 years probation with conditions and \$3000 fine</u>
<u>Third Offense</u>	<u>2 years suspension, 2 years probation with conditions and \$3000 fine.</u>	<u>Revocation and \$3000 fine.</u>

<u>(e) Action taken against license by another jurisdiction (481.325(1)(d), 455.224(1)(f), F.S.)</u>			<u>Second Offense</u>	<u>1 year probation with conditions and \$1000 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$3000 fine</u>
<u>First Offense</u>	<u>Imposition of discipline which would have been imposed if the substantive violation occurred in Florida and \$1000 fine</u>	<u>Suspension/denial until the license is unencumbered in the jurisdiction in which the disciplinary action was originally taken and \$1000 fine.</u>	<u>(Third Offense)</u>	<u>1 year suspension, 2 years probation with conditions and \$3000 fine</u>	<u>1 year suspension, 2 years probation with conditions \$5000 fine</u>
			<u>(i) Deceptive, untrue, or fraudulent representations in the practice of landscape architecture (481.325(1)(h), 455.227(1)(a), F.S.)</u>		
<u>Second Offense</u>	<u>Imposition of discipline which would have been imposed if the substantive violation occurred in Florida and \$1000 fine</u>	<u>Revocation until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken and \$2000 fine.</u>	<u>First Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$1000 fine</u>	<u>Revocation and \$1000 fine</u>
			<u>Second Offense</u>	<u>2 years suspension, 4 years probation with conditions and \$3000 fine</u>	<u>Revocation and \$3000 fine</u>
<u>(f) Guilt of a crime directly relating to practice or ability to practice (481.325(1)(f), F.S.)</u>			<u>Third Offense</u>	<u>5 years suspension, 10 years probation with conditions and \$5000 fine</u>	<u>Revocation and \$5000 fine</u>
<u>First Offense</u>	<u>Misdemeanor</u>	<u>Misdemeanor</u>	<u>(j) Negligence in the practice of landscape architecture (481.325(1)(h), F.S.)</u>		
	<u>Reprimand</u>	<u>Denial/(1) year suspension, 2 years probation with conditions and \$1000 fine</u>	<u>First Offense</u>	<u>Reprimand, 2 years probation with conditions and \$1000 fine</u>	<u>Denial/Revocation and \$1000 fine</u>
	<u>Felony</u>	<u>Felony</u>	<u>Second Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$3000 fine</u>	<u>Revocation and \$3000 fine</u>
	<u>1 year suspension, 2 years probation with conditions and \$1000 fine</u>	<u>revocation and \$1000 fine</u>	<u>(k) Incompetence in the practice of landscape architecture (481.325(1)(h), F.S.)</u>		
<u>Second Offense</u>	<u>Misdemeanor</u>	<u>Misdemeanor</u>	<u>First Offense</u>	<u>Submit to mental/physical examination and impose conditions on practice</u>	<u>Submit to mental/physical examination and suspension until able to demonstrate ability to practice with reasonable skill and safety</u>
	<u>\$1000 fine</u>	<u>2 years suspension, 2 years probation with conditions and \$3000 fine</u>	<u>Second Offense</u>	<u>Submit to mental/physical examination and suspension until able to demonstrate ability to practice with reasonable skill and safety</u>	<u>Submit to mental/physical examination, suspension until able to practice with reasonable skill and safety and \$3000 fine</u>
	<u>Felony</u>	<u>Felony</u>	<u>Third Offense</u>	<u>Submit to mental/physical examination, suspension until able to demonstrate ability to practice with reasonable skill and safety and \$3000 fine</u>	<u>Renovation and \$5000 fine</u>
	<u>Revocation and \$1000 fine</u>	<u>Revocation and \$5000 fine</u>	<u>(l) Misconduct in the practice of landscape architecture (481.325(1)(h), F.S.)</u>		
<u>Third Offense</u>	<u>Misdemeanor</u>	<u>Misdemeanor</u>	<u>First Offense</u>	<u>Reprimand and \$1000 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$1000 fine</u>
	<u>2 years suspension, 2 years probation with conditions and \$3000 fine</u>	<u>Revocation and \$5000 fine</u>	<u>Second Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$1000 fine</u>	<u>2 years suspension, 4 years probation with conditions and \$3000 fine</u>
<u>(g) Filing a false report or failing to file a report as required. (481.325(1)(f), 455.227(1)(l), 455.227(1)(l), F.S.)</u>					
<u>First Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$100 fine</u>	<u>Revocation and \$1000 fine</u>			
<u>Second Offense</u>	<u>2 years suspension, 2 years probation with conditions and \$3000 fine</u>	<u>Revocation and \$3000 fine</u>			
<u>Third Offense</u>	<u>Revocation and \$3000 fine</u>	<u>Revocation and \$5000 fine</u>			
<u>(h) False, deceptive or misleading advertising (481.325(1)(g), 455.227(1)(a), F.S.)</u>					
<u>First Offense</u>	<u>Reprimand</u>	<u>1 year probation with conditions and \$1000 fine</u>			

<u>Third Offense</u>	<u>2 years suspension, 4 years probation with conditions and \$3000 fine</u>	<u>Revocation and \$3000 fine</u>	<u>(r) Exercising influence on client for financial gain (455.227(1)(n), F.S.)</u>		
<u>(m) Intentionally violating any rule adopted by the Board or the Department as appropriate (455.227(1)(q), F.S.)</u>				<u>First Offense</u>	<u>1 year probation with conditions and \$1000 fine</u>
					<u>1 year suspension, 2 year probation with conditions or denial and \$5000 fine</u>
<u>First Offense</u>	<u>6 months suspension, 1 year probation with conditions and 1000 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$2000 fine</u>		<u>Second Offense</u>	<u>Revocation and \$5000 fine</u>
					<u>Revocation and \$10,000 fine</u>
<u>Second Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$2000 fine</u>	<u>2 years suspension, 4 years probation with conditions and \$4000 fine</u>	<u>(s) Practicing beyond scope permitted (455.227(1)(o), F.S.)</u>		
				<u>First Offense</u>	<u>Reprimand and \$100 fine</u>
<u>Third Offense</u>	<u>2 years suspension, 4 years probation with conditions and \$4000 fine</u>	<u>Revocation and \$10,000 fine</u>			<u>6 months suspension 6 months probation with conditions or denial and \$1500 fine</u>
<u>(n) Practice on revoked license (481.325(1)(j), 455.227(1)(a), 455.227(1)(m), F.S.)</u>				<u>Second Offense</u>	<u>6 months suspension, 6 months probation with conditions and \$1500 fine</u>
					<u>1 year suspension, 1 year probation with conditions and \$3000 fine</u>
<u>First Offense</u>	<u>Refer to state attorney's office and \$1000 fine</u>	<u>Refer to state attorney's office and \$5000 fine</u>		<u>Third Offense</u>	<u>1 year suspension, 1 year probation with conditions and \$3000 fine</u>
					<u>Revocation and \$5000 fine</u>
<u>Second Offense</u>	<u>Refer to state attorney's office and \$5000 fine</u>	<u>Refer to state attorney's office and \$10,000 fine</u>	<u>(t) Delegation of professional responsibilities to unqualified person (455.227(1)(p), F.S.)</u>		
<u>(o) Practice on suspended license (481.325(1)(j), 455.227(1)(a), 455.227(1)(m), F.S.)</u>				<u>First Offense</u>	<u>Reprimand and \$1000 fine</u>
					<u>1 year suspension, 2 years probation with conditions and \$1000 fine</u>
<u>First Offense</u>	<u>Additional suspension and \$1000 fine</u>	<u>Revocation and \$3000 fine</u>		<u>Second Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$1000 fine</u>
					<u>2 years suspension, 4 years probation with conditions and \$3000 fine</u>
<u>Second Offense</u>	<u>Revocation and \$3000 fine</u>	<u>Revocation and \$5000 fine</u>		<u>Third Offense</u>	<u>2 years suspension, 4 years probation with conditions and \$3000 fine</u>
<u>(p) Practice on inactive license (481.325(1)(j), 455.227(1)(a), 455.227(1)(m), F.S.)</u>					<u>Revocation and \$3000 fine</u>
<u>First Offense</u>	<u>\$100 fine per month up to year \$1000</u>	<u>1 year suspension, 1 probation with conditions and \$1000 fine</u>	<u>(u) Violation of law, rule, order, or failure to comply with subpoena (455.227(1)(q), F.S.)</u>		
				<u>First Offense</u>	<u>Suspension until law, rule, order, or subpoena complied with and \$500 fine</u>
<u>Second Offense</u>	<u>1 year suspension, 1 year probation with conditions and \$2000 fine</u>	<u>2 years suspension, 2 probation with conditions and \$3000 fine</u>			<u>Revocation and \$1500 fine</u>
				<u>Second Offense</u>	<u>6 month suspension, 1 year probation with conditions and \$1500 fine</u>
<u>Third Offense</u>	<u>2 years suspension, 2 years probation with conditions and \$5000 fine</u>	<u>Revocation and \$5000 fine</u>	<u>(v) Being convicted or found guilty of or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice a licensee's profession (455.227(1)(c), F.S.)</u>		
<u>(q) Failure to perform legal obligation (455.227(1)(k), F.S.)</u>				<u>First Offense</u>	<u>6 months probation with conditions and \$1000 fine</u>
					<u>Denial/revocation and \$5000 fine</u>
<u>First Offense</u>	<u>Reprimand and \$100 fine</u>	<u>6 months probation with conditions and \$100 fine</u>		<u>Second Offense</u>	<u>1 year suspension and \$5000 fine</u>
					<u>Revocation and \$10,000 fine</u>
<u>Second Offense</u>	<u>6 months probation with conditions and \$100 fine</u>	<u>6 months suspension, 1 year probation with conditions and \$500 fine</u>			
<u>Third Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$500 fine</u>	<u>Revocation and \$1000 fine</u>			

(w) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the Department against another licensee (455.227(1)(g), F.S.)

<u>First Offense</u>	<u>1 year probation with conditions and \$1000 fine</u>	<u>6 months suspension, 1 year probation with conditions and \$2000 fine.</u>
<u>Second Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$2000 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$4000 fine</u>
<u>Third Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$4000 fine</u>	<u>Revocation and \$10,000 fine</u>

(x) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (455.227(1)(m), F.S.)

<u>First Offense</u>	<u>1 year probation with conditions and \$500 fine</u>	<u>1 year suspension, 1 year probation with conditions and \$1500 fine</u>
<u>Second Offense</u>	<u>1 year suspension, 1 year probation with conditions and \$1500 fine</u>	<u>Revocation and \$3000 fine</u>
<u>Third Offense</u>	<u>2 years suspension, 2 years probation with conditions and \$3000 fine</u>	<u>Revocation and \$5000 fine</u>

(y) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. (455.227(1)(r), F.S.)

<u>First Offense</u>	<u>6 months probation with conditions, and \$1000 fine</u>	<u>6 months suspension, 1 year probation with conditions and \$2000 fine</u>
<u>Second Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$2000 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$4000 fine</u>
<u>Third Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$4000 fine</u>	<u>Revocation and \$10,000 fine</u>

(3) The Board shall take into consideration the following factors in determining the appropriate disciplinary action to be imposed and in going outside of the disciplinary guidelines:

- (a) the severity of the offense;
- (b) the danger to the public;
- (c) the number of specific offenses;
- (d) the actual damage, physical or otherwise, to specific patients;
- (e) the length of time since the date of the last violation(s);
- (f) the length of time the licensee has practiced his or her profession;

- (g) prior discipline imposed on the licensee;
- (h) the deterrent effect of the penalty imposed;
- (i) the effect of the penalty upon the licensee;
- (j) efforts by the licensee toward rehabilitation;
- (k) attempts by the licensee to correct or stop violations;
- (l) other conditions as appropriate.

Specific Authority 481.306, 481.325, 455.227 FS., Ch. 86-90, § 2, Laws of Florida. Law Implemented 481.323, 481.325, 455.227 FS., Ch. 86-90, § 2, Laws of Florida. History–New 11-24-86, Formerly 21K-14.003, Amended.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLES:	RULE NOS.:
Education Requirements	61J1-4.001
Continuing Education	61J1-4.003
Notice of Satisfactory Course Completion	61J1-4.005
Renewal of Inactive Registrations,	
Licenses and Certifications	61J1-4.007
Continuing Education for School Instructors	61J1-4.008

**PURPOSE AND EFFECT:** The DBPR is developing procedures to monitor compliance with continuing education requirements and to determine the continuing education status of appraisers, appraisal instructors and appraisal continuing education providers, pursuant to ss. 475.2177 and 475.2178, F.S. Also, the Board is clarifying the circumstances for make-up classes and examinations.

**SUBJECT AREA TO BE ADDRESSED:** The Board will develop rules to implement procedures to monitor continuing education requirements and to determine continuing education status.

**SPECIFIC AUTHORITY:** 475.614, 475.619 FS.

**LAW IMPLEMENTED:** 475.613, 475.615, 475.617, 475.618, 475.619 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 9:00 a.m., June 6, 2000

**PLACE:** Office of Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

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



**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

**RULE TITLE:** Disciplinary Guidelines **RULE NO.:** 61J1-8.002

**PURPOSE AND EFFECT:** The DBPR is developing procedures to monitor compliance with continuing education requirements and to determine the continuing education status of appraisers, appraiser instructors and appraiser continuing education providers, pursuant to ss. 475.2177 and 475.2178, F.S.

**SUBJECT AREA TO BE ADDRESSED:** The Board will develop rules to discipline violators of the new procedures.

**SPECIFIC AUTHORITY:** 455.2273, 475.614 FS.

**LAW IMPLEMENTED:** 455.227, 475.622, 475.624, 475.626 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 9:00 a.m., June 6, 2000

**PLACE:** Office of Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**DOCKET NO.:** 00-13R

<b>RULE CHAPTER TITLE:</b>	<b>RULE CHAPTER NO.:</b>
Used Oil Management	62-710
<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Documents Incorporated by Reference	62-710.210
Registration and Notification	62-710.500
Record Keeping	62-710.510
Certification of Used Oil Transporters	62-710.600
Permits for Used Oil Processing Facilities	62-710.800
Management of Used Oil Filters	62-710.850
Used Oil Processing Permit Application and Instructions, Effective December 23, 1996	62-710.901

**PURPOSE AND EFFECT:** The Department is proposing to amend several sections of Chapter 62-710 relating to used oil management. There are several technical amendments which need to be made to conform the rule to other Department rules and to address concerns raised by JAPC staff. The insurance requirements for certified used oil transporters need to be updated and clarified. The requirements for storage and

process tanks applicable to used oil processors need to be updated to reflect changes in other Department rules. The permitting requirements for used oil processors that also manage other solid waste need to be amended so that facilities can more readily operate under a single Department permit. Finally, the Department anticipates that other amendments may be proposed by the regulated community during the rulemaking process.

**SUBJECT AREA TO BE ADDRESSED:** Used Oil Management.

**SPECIFIC AUTHORITY:** 120.53, 403.061, 403.704, 403.7545, 403.767, 403.8055, 403.814 FS.

**LAW IMPLEMENTED:** 403.704, 403.75-.769, 403.814 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Richard Neves, Department of Environmental Protection, Hazardous Waste Management Section, MS 4555, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850)487-4667

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

If accommodation for a disability is needed to participate in this activity, please notify Richard Neves at (850)487-4667 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Department by using the Florida Relay service at 1(800)955-8771 (TDD).

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Recreation and Parks**

<b>RULE CHAPTER TITLE:</b>	<b>RULE NO.:</b>
Financial Assistance for Outdoor Recreation	62D-5
<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	62D-5.054
Application Requirements and Processing	62D-5.056
Evaluation Criteria	62D-5.057
Grant Administration	62D-5.058

**PURPOSE AND EFFECT:** The proposed rule will define "recreational trail", add evaluation points for trail connectivity and implement 1999 changes to 375.075, F.S.

**SUBJECT AREA TO BE ADDRESSED:** Florida Recreational Development Assistance Program for state grants to local governments for public outdoor recreation.

**SPECIFIC AUTHORITY:** 375.075 FS.

**LAW IMPLEMENTED:** 375.075 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Terri Messler, Division of Recreation and Parks, Department of Environmental Protection, 3900 Commonwealth Blvd., Mail Station 585, Tallahassee, FL 32399-3000, (850)488-7896

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

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE TITLE: Annual Fee for Subscription to Access Authorized Core Credentials Data  
 RULE NO.: 64B-8.006

PURPOSE AND EFFECT: The Department of Health, Division of Medical Quality Assurance, proposed the development of a fee schedule for subscription to Access Authorized Core Credentials Data.

SUBJECT AREA TO BE ADDRESSED: Fee schedule to Access Authorized Core Credentials Data.

SPECIFIC AUTHORITY: 455.557(3)(b)3. FS.

LAW IMPLEMENTED 455.557 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lucy Gee, Chief, Bureau of Operations, 2020 Capital Circle, S. E., Bin #C10, Tallahassee, Florida 32399-3260 and the Credentialing Verification Advisory Council

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B-8.006 Annual Fee for Subscription to Access Authorized Core Credentials Data.

The nonrefundable annual fee for a subscription to access authorized core credentials data is charged at a flat scalable rate as follows:

<u>Organization Size</u>	<u>Flat Scalable Rate</u>
0 = 25 physicians	\$1,125.00
26 = 50 physicians	\$2,250.00
51 = 75 physicians	\$3,375.00
76 = 100 physicians	\$4,500.00
101 = 150 physicians	\$6,750.00
151 = 200 physicians	\$9,000.00
201 = 250 physicians	\$11,250.00
251 = 300 physicians	\$13,500.00
301 = 500 physicians	\$22,500.00
501 = 750 physicians	\$33,750.00
751 = 1,500 physicians	\$67,500.00
1,501 = 3,000 physicians	\$135,000.00
3,001 = unlimited physicians	\$225,000.00

Specific Authority 455.557(3)(b)3. FS. Law Implemented 455.557 FS. History-New

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Standards of Practice in Certain Office Settings  
 RULE NO.: 64B8-9.0075

PURPOSE AND EFFECT: The Board proposes the development of a rule to address physicians and physician assistants in practice settings which are not facilities licensed pursuant to Chapter 395 or 400; federally qualified clinics or state or federally regulated programs with risk management oversight; or under the ownership and control of a licensed Florida physician.

SUBJECT AREA TO BE ADDRESSED: Practice in certain office settings.

SPECIFIC AUTHORITY: 458.309, 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.0075 Standards of Practice in Certain Office Settings.

(1) Standards of care and standards of practice require that Florida licensed physicians and physician assistants provide their patients appropriate medical care under sanitary conditions; that medical care is provided pursuant to informed consent, adequately documented and lawfully billed to the patients and/or other payors; and that persons assisting in the delivery of medical care to their patients are licensed, certified, and/or supervised as required by law. Except as specifically provided for in the following practice settings, physicians and physician assistants may neither delegate to others nor reasonably rely upon others to ensure compliance with these patient responsibilities.

(2) Physicians and physician assistants with a practice setting in a hospital or other facility licensed pursuant to Chapter 395 or 400, Florida Statutes, or who practice in a federally qualified health clinic or other state or federally regulated program that provides an equivalent risk management and oversight of physicians and physician assistants, may reasonably rely upon the licensed facility to ensure that medical care is provided under sanitary conditions, lawfully billed to the patients and/or other payors and that persons assisting in the delivery of medical care to their patients are licensed, certified, and/or supervised as required by law.

(3) Licensed physicians and physician assistants in a practice setting that is not identified in section (2) above, nor under the ownership and control of an actively licensed Florida physician who is responsible for ensuring that the requirements in section (2) are complied with, may reasonably rely upon a Florida licensed physician-in-charge to ensure compliance with the responsibilities set out in section (2), only if the physician-in-charge has filed a notarized statement on a form approved by the Board of Medicine, specifically agreeing to accept the following responsibilities on behalf of one or more named licensed physicians or physician assistants in the practice setting:

(a) ensure that all staff in the practice setting are licensed or certified as required by law and that licensure or certification documentation is maintained at the practice setting and immediately available upon request to Department of Health or Agency for Health Care Administration investigators;

(b) ensure that any medical services provided by staff at the practice setting are appropriately supervised as required by law;

(c) ensure that the practice setting complies with the relevant sections of Chapters 455, 458, 465, 499 and 893, Florida Statutes, and the relevant Board rules, to include but not limited to, rules regarding office surgery, medical records keeping, and the reporting of adverse incidents; and

(d) review all practice setting billings to ensure that the billings are not fraudulent. This includes a systematic review of the medical services provided, the dates of service, procedure and diagnostic codes, and the name of the provider.

(e) The original notarized statement set forth in paragraph (3) above, shall be filed with the Board of Medicine. Copies of said statement shall be maintained at the practice site and be immediately available, upon request, to Department of Health or Agency for Health Care Administration investigators.

Specific Authority 458.309, 458.331(1)(v) FS. Law Implemented 458.331(1) FS. History—New

**Section II  
Proposed Rules**

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Motor Vehicles**

RULE TITLE: RULE NO.:

Franchised Motor Vehicle Dealerships;  
Ownership and Operation by  
Manufacturers; Dealer Development  
Programs

15C-7.006

PURPOSE AND EFFECT: The purpose of the proposed action is to allow a licensee (motor vehicle manufacturer, importer or distributor) to temporarily operate a motor vehicle dealership pursuant to a written management agreement between the licensee and an existing license dealer. This proposed rule action will also allow a licensee to temporarily own and operate a motor vehicle dealership under a bona fide relationship with an independent person. The effect of the proposed action will be to clarify the required criteria to certify the establishment of a bona fide dealer development program.

SUMMARY: The proposed rule action addresses the development of minority business ownership and regulates relationship between motor vehicle manufacturers and franchise dealers. The purpose of the proposed new rule is to define related terms and explain the requirements to both clarify and implement section 320.645, F.S., restricting ownership of a motor vehicle dealership by a licensee. This proposed rule action benefits both the licensee and the dealer by providing clarity to the dealer development programs and defining the certification criteria.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The cost of the proposed rule action to the agency will be those normally associated with the administrative processing of rulemaking activity. There are no costs to others for implementing and enforcing the proposed rule action.