

Rayboun, Acting Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Bill Metler at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

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

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Aquaculture Interim Measures	5L-2
RULE TITLES:	RULE NOS.:
Purpose	5L-2.001
Definitions	5L-2.002
Requirement for an Aquaculture Certificate of Registration	5L-2.003
Aquaculture Interim Measures	5L-2.004
Aquaculture Certificate of Registration	5L-2.005
Minimal Impact Aquaculture Facilities	5L-2.006
Failure to Comply With the Interim Measures	5L-2.007
Aquaculture Permit Notification Form	5L-2.008

PURPOSE, EFFECT AND SUMMARY: These rules are to be repealed and replaced by 5L-3 Aquaculture Best Management Practices which will establish and implement aquaculture practices in accordance with Chapter 597, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 570.07(23), 597.004(2)(b) FS.

LAW IMPLEMENTED: 597.004, 597.0041 FS.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Sherman Wilhelm, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301

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

TIME AND DATE: 1:00 p.m., July 10, 2000

PLACE: Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel Management at (850)921-6262 at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sherman Wilhelm, Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301, phone: (850)488-4033

THE FULL TEXT OF THE PROPOSED RULES IS:

5L-2.001 Purpose.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.003(1)(a), 597.004(2) FS. History--New 12-12-99, Repealed.

5L-2.002 Definitions.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.003(1)(a), 597.004(2),(4),(5),(6) FS. History--New 12-12-99, Repealed.

5L-2.003 Requirement for an Aquaculture Certificate of Registration.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.003, 597.004, 597.0041 FS. History--New 12-12-99, Repealed.

5L-2.004 Aquaculture Interim Measures.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.003(1)(a), 597.004(2) FS. History--New 12-12-99, Repealed.

5L-2.005 Aquaculture Certificate of Registration.

Specific Authority 570.07(23), 597.004(2) FS. Law Implemented 597.003(1)(a), 597.004 FS. History--New 12-12-99, Repealed.

5L-2.006 Minimal Impact Aquaculture Facilities.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.003(1)(a),(j), 597.004 FS. History--New 12-12-99, Repealed.

5L-2.007 Failure to Comply With the Interim Measures.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.004, 597.0041 FS. History--New 12-12-99, Repealed.

5L-2.008 Aquaculture Permit Notification Form.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.004, 597.0041 FS. History--New 12-12-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sherman Wilhelm

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sherman Wilhelm, Director, Division of Aquaculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2000

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Aquaculture Best Management Practices	5L-3
RULE TITLES:	RULE NOS.:
Purpose	5L-3.001
Definitions	5L-3.002
Requirement for an Aquaculture Certificate of Registration	5L-3.003
Aquaculture Best Management Practices Manual	5L-3.004
Aquaculture Certificate of Registration	5L-3.005
Minimal Impact Aquaculture Facilities	5L-3.006
Failure to Comply With the Best Management Practices	5L-3.007

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish and implement aquaculture best management practices in accordance with Chapter 597, F.S.

SUMMARY: The proposed rule establishes the procedures to follow and best management practices to implement by aquaculture producers in order to obtain an aquaculture certificate of registration from the Florida Department of Agriculture and Consumer Services.

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

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

SPECIFIC AUTHORITY: 570.07(23), 597.004(2)(b) FS.

LAW IMPLEMENTED: 597.002, 597.003, 597.004 FS.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Sherman Wilhelm, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301

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

TIME AND DATE: 1:00 p.m., July 10, 2000

PLACE: Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel Management at (850)921-6262, at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sherman Wilhelm, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, Phone (850)488-4033

THE FULL TEXT OF THE PROPOSED RULES IS:

5L-3.001 Purpose.

This rule establishes application procedures and best management practices, as provided by Chapter 597, Florida Statutes, to be followed by aquaculture producers in order to obtain an aquaculture certificate of registration from the Florida Department of Agriculture and Consumer Services.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.002, 597.003(1)(a),(j), 597.004(2) FS. History–New

5L-3.002 Definitions.

Definitions used in 5L-3.

(1) “Department” means the Florida Department of Agriculture and Consumer Services.

(2) “Individual Production Unit” means any pond, tank, raceway, marine net pen, or integrated aquacultural system constructed and maintained in accordance with Aquaculture Best Management Practices wherein aquatic species are cultured.

Specific Authority 403.0885(5) FS. Law Implemented 597.002, 597.003(1)(a),(j), 597.004(2) FS. History–New

5L-3.003 Requirement for an Aquaculture Certificate of Registration.

All aquaculture producers shall have an aquaculture certificate of registration from the Department and apply the best management practices identified in this rule. The aquaculture certificate of registration shall have a duration as specified in s. 597.004(6), F.S., unless suspended or revoked by the Department for failure to comply with s. 597.004, F.S. and s. 597.0041(1), F.S.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.003, 597.004, 597.0041 FS. History–New

5L-3.004 Aquaculture Best Management Practices Manual.

(1) The Best Management Practices manual used by the Department under Rule 5L-3, F.A.C. is adopted and incorporated by reference in this section. The manual is listed below by subject title and date. Copies of the manual may be obtained by contacting the Department.

(2) Aquaculture Best Management Practices Manual, May 2000.

Specific Authority 570.07(23), 595.004(2)(b) FS. Law Implemented 597.003, 597.004 FS. History–New

5L-3.005 Aquaculture Certificate of Registration.

(1) Any person seeking to be certified as an aquaculture producer shall complete and submit an aquaculture certificate of registration application form, which includes a signed statement of Notice of Intent to comply with the applicable best management practices adopted by the Department. Aquaculture producers shall contact the Department:

- (a) Prior to constructing a new individual production unit;
- (b) Prior to modifying an existing individual production unit;
- (c) To renew an existing aquaculture certificate of registration; or
- (d) To be issued a new aquaculture certificate of registration.
- (2) The Department shall issue an aquaculture certificate of registration when an applicant:
 - (a) Has submitted a complete application to the Department;
 - (b) Signs the certificate application statement of intent to comply with the BMPs in 5L-3.003; and
 - (c) Pays the appropriate fee to the Department.

Specific Authority 570.07(23), 597.004(2) FS. Law Implemented 597.003(1)(a), 597.004 FS. History--New

5L-3.006 Minimal Impact Aquaculture Facilities.

- (1) When determined by the Division of Aquaculture's evaluation of facility design and on site inspections, the following individual production units are deemed to have minimal impacts on water resources and are not required to follow the effluent treatment BMPs in 5L-3.004. All other 5L-3.004 applicable BMPs must be followed.
 - (a) Recirculation systems that do not discharge to waters in the state.
 - (b) A floating native marine bivalve culture system which does not use feed or fertilizer inputs.
 - (c) Raceway or down-weller systems for native marine bivalves that utilize less than 800 square feet of raceways or down-wellers, and do not add supplemental algae as a food source.
 - (d) Fee fishing operations with a standing crop of less than 1000 pounds of fish per acre.
 - (e) Individual production units producing less than 10,000 pounds of product per year that minimize the release of sediments off site by using an on site ditch system with a minimum 100 linear feet of ditch between production water entry point and the discharge point and 1 foot of free board at the discharge point control structure.
 - (f) Aquaculture systems that do not discharge production unit water to surface waters of the state.
- (2) Aquaculture facilities which do not qualify as a minimal impact aquaculture facilities are required to follow all applicable BMPs in 5L-3.004 in order to be certified.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.002, 597.003(1)(a),(j), 597.004 FS. History--New

5L-3.007 Failure to Comply With the Best Management Practices.

If any aquaculture producer fails to comply with the best management practices required for certification, the Department shall take action consistent with its authority to

assure proper implementation and compliance with s. 597.0041, F.S. Any person who violates any provision of Chapter 597, F.S. or Rule 5L-3, F.A.C., commits a misdemeanor of the first degree, and is subject to a suspension or revocation of his or her certificate of registration. The Department may, in lieu of, or in addition to the suspension or revocation, impose on the violator an administrative fine in an amount not to exceed \$1,000 per violation per day.

- (1) First time offenders will receive written notice of the BMP deficiencies and given 60 days to comply.
- (2) Failure to comply after 60 days may result in an administrative fine of up to \$1000 per day per occurrence until compliance is obtained.
- (3) Continued failure to comply may result in the suspension/revocation of the producer's aquaculture certificate and an administrative fine of up to \$1000 per day per occurrence until compliance is obtained.
- (4) Repeat offenders may be subject to suspension/revocation of the producers aquaculture certificate and an administrative fine of up to \$1000 per day per occurrence until compliance is obtained and the department will request that legal measures be initiated to impose misdemeanor charges.

(5) Any person failing to meet the BMPs and/or refusing to implement the BMPs must obtain all necessary permits/authorizations required by the Department of Environmental Protection, Water Management District, Florida Fish and Wildlife Conservation Commission and any other appropriate regulatory authority.

Specific Authority 597.07(23), 597.004(2)(b) FS. Law Implemented 597.004, 597.0041 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sherman Wilhelm

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sherman Wilhelm, Director, Division of Aquaculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 26, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2000

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Manufactured Buildings	9B-1
RULE TITLES:	RULE NOS.:
Department Activities	9B-1.003
Manufacturer Requirements	9B-1.007
Quality Control Procedures	9B-1.010
Multiple Site Manufacturing	9B-1.015
Insignia Denial	9B-1.018

PURPOSE, EFFECT AND SUMMARY: The purpose of the amendment of the above-listed rules is to repeal 9B-1.003(1), 9B-1.001(1)(c) and the last phrase of 9B-1.018 as an unnecessary recitation of existing law; to repeal 9B-1.015, which implements no specific law; as required by Chapter 120; and amend 9B-1.010, making grammatical changes to improve readability of the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs has been prepared.

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

SPECIFIC AUTHORITY: 553.37(1), 553.38(1), 553.381 FS.

LAW IMPLEMENTED: 553.37(1),(2),(8), 553.38, 553.381 FS.

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

TIME AND DATE: 2:00 p.m. – 2:30 p.m., July 14, 2000

PLACE: Randall Kelley Training Center, 3rd Floor, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ila Jones, Program Administrator, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-1.003 Department Activities.

~~(1) The Department shall interpret and clarify the various aspects of the Manufactured Building Act of 1979 and will promulgate such regulations and rules as will from time to time be deemed necessary to carry out its purpose.~~

~~(1)(2)~~ The inspection agency shall approve the manufacturer's quality control manuals, model design plans and changes as they occur prior to filing them with the Department.

~~(2)(3)~~ Plans and manuals shall be submitted to the Department by an approved inspection agency, on behalf of their client, for final approval based upon compliance with the standards set forth in Rule 9B-1.004.

~~(3)(4)~~ Manufacturer certification – The manufacturer shall submit evidence to the Department that it has product liability insurance in an amount of not less than \$250,000 to continue manufacturing and/or modifying buildings for installation in Florida.

~~(4)(5)~~ Testing and Evaluations of Products – A recognized testing organization must comply with the ISO/IEC Guide 25:990 General Requirements for the Competency of Calibration and Testing Agencies; ISO/IEC Guide 38:1983 Acceptance of Testing Agencies; 40:1983 ISO/IEC Guide for the Acceptance of Certification Bodies.

~~(5)(6)~~ Program Forms – The following forms are hereby adopted by reference into this chapter.

TITLE	NUMBER
a. Three Dimensional or Component Application	Mfg Bldg 001
Annual Renewal Application	Mfg Bldg 002
Commercial/Residential Insignia Request	Mfg Bldg 003
Component System Insignia Request	Mfg Bldg 004
Room Addition Component Insignia Request	Mfg Bldg 005
Acknowledgment of Receipt Disposition Report	Mfg Bldg 006
Monitoring Checklist	Mfg Bldg 007
Invoice for Plans	Mfg Bldg 008

Specific Authority 553.37(1) FS. Law Implemented 553.37(1),(2), 553.81 FS. History—New 1-17-72, Amended 2-23-75, 3-1-80, 11-1-84, Formerly 9B-1.03, Amended 1-1-87, 1-1-89, 3-1-92, 3-1-95, _____.

9B-1.007 Manufacturer Requirements.

(1) In order to be approved to construct or modify manufactured buildings for sale or installation in Florida a manufacturer shall:

(a) Adopt and maintain quality control procedures in accordance with Rule 9B-1.010; and.

(b) Submit to the Department evidence of product liability insurance coverage in an amount of not less than \$250,000; and

~~(c) Ensure that inspections are carried out in accordance with Rule 9B-1.008.~~

(2) through (3) No change.

Specific Authority 553.37(1), 553.38(1), 553.381 FS. Law Implemented 553.37(8), 553.38(1) FS. History—New 1-17-72, Amended 2-23-75, 11-14-76, 3-1-80, 11-4-84, Formerly 9B-1.07, Amended 1-1-87, 1-1-89, 3-1-95, _____.

9B-1.010 Quality Control Procedures.

(1) Quality Control Manual (QCM). Since manufactured buildings cannot ~~are not~~ normally be inspected inspectable in the field, it will be necessary that they be manufactured in accordance with the Quality Control procedures established by the manufacturer and approved by the agency and the department.

(2) through (3) No change.

Specific Authority 553.37(1) FS. Law Implemented 553.37(1),(8) FS. History--New 1-17-72, Amended 2-23-75, 3-1-80, 9-29-82, Formerly 9B-1.10, Amended 1-1-89, 3-1-92, 3-1-95,_____.

9B-1.015 Multiple Site Manufacturing.

Specific Authority 553.37(1) FS. Law Implemented 553.37 FS. History--New 1-17-72, Amended 2-23-75, 3-1-80, Formerly 9B-1.15, Amended 3-1-92, 3-1-95, Repealed_____.

9B-1.018 Insignia Denial.

Should inspection reveal that a manufacturer is not manufacturing components or systems according to plans as approved by the Department and such manufacturer, after having been served with a notice setting forth the provisions of the plan approval which have been violated, continues to manufacture units in violation of the plan approval, applications for new insignia shall be denied and the insignia previously issued for units in violation of the plan approval shall be confiscated. Upon satisfactory proof of compliance such manufacturer may resubmit a request for an insignia. ~~This action shall be reviewable by hearing in accordance with Section 120.57, Florida Statutes.~~

Specific Authority 553.37(1) FS. Law Implemented 553.37(1), 553.38 FS. History--New 1-17-72, Amended 2-23-75, Formerly 9B-1.18, Amended 3-1-92, 3-1-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Program Administrator, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Pierce, Director, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF CORRECTIONS

RULE TITLE: Admissible Reading Material RULE NO.: 33-501.401

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify what reading material is impermissible based upon its pictorial content and to clarify procedures relating to rejected materials.

SUMMARY: The proposed rule clarifies that a publication shall be rejected if it pictorially depicts actual contact with a person's unclothed genitals, pubic area, buttocks, or, if such person is a female, breast and to eliminate the requirement that the inmate shall be provided with two copies of the completed DC Form DC6-220.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

TIME AND DATE: 9:00 a.m., July 13, 2000

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-501.401 Admissible Reading Material.

(1) No change.

(2) Inmates shall be permitted to receive and possess publications per terms and conditions established in this rule unless the publication is found to be detrimental to the security, order or disciplinary or rehabilitative interests of any institution of the department, or any privately operated institution under contract with the department, or when it is determined that the publication might facilitate criminal activity. Publications shall be rejected when one of the following criteria is met:

(a) through (h) No change.

(i) It pictorially depicts sexual conduct as follows:

1. through 4. No change.

5. Actual contact with a person's ~~clothed or~~ unclothed genitals, pubic area, buttocks, or, if such person is a female, breast;

6. through (5) No change.

(6) Admissible Reading Material in an Inmate's Property.

(a) The review criteria established in subsection (2) of this rule also apply to publications found in an inmate's personal property. If correctional staff find a publication that has been rejected by the department, the publication shall be impounded and DC Form DC6-220, Inmate Impounded Personal Property List, shall be completed as required by rules 33-602.201 and 33-602.203. ~~The inmate shall be provided with two copies of the completed DC Form DC6-220.~~ Form DC6-220 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is March 21, 2000.

- (b) No change.
- (7) through (16) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 944.11 FS. History—New 10-8-76, Formerly 33-3.12, Amended 3-3-81, 9-24-81, 6-9-87, 3-11-91, 12-17-91, 3-30-94, 11-2-94, 5-10-98, 10-20-98, Formerly 33-3.012, Amended 3-21-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard Nimer
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore, Secretary, Department of Corrections
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 26, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 28, 2000

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Death Row – General	33-602.301
Death Row – Definitions	33-602.302
Death Row – Facilities	33-602.303
Death Row – Review Responsibilities	33-602.304
Death Row – Restraint and Escort Requirements	33-602.305
Death Row – Conditions and Privileges	33-602.306
Death Row – Records	33-602.307
Transportation of Death Row Inmates	33-602.308
Inmates with Active Death Warrant	33-602.309

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to set forth procedures for the operation of death row housing units.

SUMMARY: The proposed rules describe the purpose of death row housing, define terms relative to death row housing, set forth standards for use of death row cells, describe the review process provided for death row inmates, set forth specific requirements for restraint and escort of death row inmates, set forth privileges and restrictions applied to death row inmates, provide for record keeping and incorporation of forms related to death row housing, provide procedures for the transport of death row inmates, and describe the death warrant phases and the procedures associated with each.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 922, 944.09 FS.

LAW IMPLEMENTED: 20.315, 922, 944.09, 945.04 FS.

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

TIME AND DATE: 9:00 a.m., July 25, 2000

PLACE: Conference Room C-403, 2601 Blair Stone Road, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULES IS:

33-602.301 Death Row – General.

(1) Death row is the confinement of inmates, who upon conviction or adjudication of guilt of a capital felony, have been sentenced by the court to death. Inmates whose death sentences have been reversed and who are awaiting re-sentencing hearings will also be held in this status. Death row confinement is a long term, single-cell special housing status, apart from the general population.

(2) Death row confinement is not disciplinary in nature, but the nature of this special housing status may limit the availability of certain privileges. Additionally, it may be necessary to further limit privileges if an inmate becomes a threat to the security, control, and order of the institution. The institutions that are authorized to permanently house death row inmates are Florida State Prison, Union Correctional Institution, and Broward Correctional Institution. A death row inmate may be temporarily housed at any Reception Center or Corrections Mental Health Institution for approved health care treatment when authorized by the department’s chief health officer or when ordered by the court. A death row inmate may also be temporarily housed at other institutions, as designated and pre-approved by the Assistant Secretary of Security and Institutional Operations, for a court appearance.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New _____.

33-602.302 Death Row – Definitions.

(1) “Special Risk death row inmate” is any inmate on death row who has demonstrated behavior that is harmful to himself or herself. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately notified to determine if suicide watch or other special procedures need to be initiated. Suicidal inmates shall be removed to a designated area where observation shall be provided by a correctional officer or medical staff. Visual checks shall be in accordance with established medical protocols or at least every thirty minutes until the inmate is no longer considered a special risk inmate. All action taken by staff with regard to special risk death row inmates shall be documented on the Daily Record of Segregation, Form DC6-229 and an Incident Report, Form DC3-301, will be written. Forms DC6-229 and DC3-301 are incorporated by reference in rule 33-602.307.

(2) “Institutional Classification Team (ICT)” refers to the team responsible for making local classification decisions as defined in rule and procedure. The Institutional Classification Team shall be comprised of the Warden or Assistant Warden who shall serve as Chairperson, Classification Supervisor, Chief of Security, and other members as necessary when appointed by the Warden or designated by rule.

(3) “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 Institutional Classification Team (ITC) recommendations.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New

33-602.303 Death Row – Facilities.

(1) All death row cells shall be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be cut off temporarily when necessary due to misbehavior. In such an 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.

(2) Prior to placement of an inmate in a cell, the cell shall be thoroughly inspected to ensure that it is in proper order. Any discrepancies shall be documented on the Cell Inspection form, DC6-221. The inmate housed in the cell shall then be held responsible for the condition of the cell. Form DC6-221 is incorporated by reference in rule 33-602.307.

(3) Death row cells should be located separately from the general inmate population, but in a common area to permit verbal communication and to allow unobstructed observation by staff. Inmate workers, who are not on death row status, may reside in the death row unit, however, they shall be under direct staff supervision whenever they are out of their cells.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New

33-602.304 Death Row – Review Responsibilities.

(1) The reception process shall be conducted for males at North Florida Reception Center and for females at Broward Correctional Institution. The process shall be completed within the same day that the inmate is received by the Department unless extenuating circumstances prevail.

(2) A Progress Review will be conducted in accordance with rule 33-601.210(4).

(3) Staff shall conduct personal visits of death row units. A personal visit does not require a conversation with the inmate, but does require observation of individual inmates within the unit. Except in emergency situations, inmates on death row shall receive personal visits as follows at a minimum of:

- (a) At least every hour by a correctional officer.
- (b) Daily by the Shift Supervisor.

(c) Daily by the Chief of Security (when at the institution). At Union Correctional Institution, this responsibility may be delegated to the Correctional Officer Captain assigned to the death row unit.

(d) Weekly by the Warden and Assistant Wardens having responsibility over the death row unit.

(e) Daily by a clinical health care person.

(f) Weekly by the Chaplain. The chaplain is authorized to provide spiritual guidance and counsel to inmates on death row and to distribute religious materials.

(g) As frequently as necessary, but not less than weekly during the first two months, and at least monthly thereafter by a classification officer.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New

33-602.305 Death Row – Restraint and Escort Requirements.

(1) Prior to opening a cell for any reason, including exercise, medical or disciplinary call-outs, telephone calls, recreation, and visits, all inmates shall be handcuffed behind their backs, unless documented medical conditions require that an inmate be handcuffed in front. In such cases, the escort officers shall restrain the inmate by handcuffing him or her in front with the handcuffs secured at the waist area by a waist chain and C and S handcuff cover (black box) or side cuffs.

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

(3) Prior to escorting an inmate from a cell for any activity within the housing unit, the inmate shall be thoroughly searched. If the inmate is escorted outside the immediate housing unit, the inmate will be strip searched and restraint devices (handcuffs, waist chain, black box and leg irons) shall be applied.

(4) After the required restraints are applied, the inmate shall be thoroughly searched. Once the inmate has been searched and the cell door secured, the second officer may leave the area.

(5) If more than one inmate is out of a cell within the death row unit at a time, i.e. exercise, medical, showers, etc., there shall be one officer with each inmate and the inmates shall be kept at a distance, as determined by the officers providing escort, to preclude any unauthorized physical contact.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New

33-602.306 Death Row – Conditions and Privileges.

(1) Comfort Items – Inmates on death row 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. In the event that certain items are denied or removed from inmates, the senior correctional officer shall be notified and shall approve the action taken, or the items shall be returned to the inmate.

Action taken shall be recorded on the Daily Record of Segregation, Form DC6-229, which shall be reviewed by the correctional officer chief. Property receipts shall be given for any personal property removed. The following comfort items will be provided at a minimum: toothbrush, toothpaste, bar of soap, towel (or paper towels), feminine hygiene products for women, and toilet tissue.

(2) Personal Property – Inmates shall be allowed to retain personal property including watches, rings, walkman type radios with headphones, and health and comfort items unless there is a clear indication of a security problem, in which case, procedures as outlined in subsection (1) above will be followed.

(3) Clothing and Bedding – Belts may be removed. Shower slides or personal canvas shoes will be provided as regulation foot wear. Inmates on death row will be issued orange pants and shirt rather than the regulation blue shirt and pants to distinguish them from other inmates. At any time that an inmate is removed from his cell for the purpose of escort or transport, he or she shall be required to wear the orange pants and shirt at all times until returned to the housing unit. Otherwise, the clothing issue shall be similar to that available to the inmates in general population except when there is a clear indication of a security problem. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to herself or himself 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 provided 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, Daily Record of Segregation. Under no circumstances shall an inmate be left without a means to cover herself or himself. In such cases, when clothing or other items are denied to an inmate, the senior correctional officer must approve the action initially and documentation must be entered on the Daily Record of Segregation, Form DC6-229. The chief correctional officer shall make the final decision in regard to the appropriateness of the action no later than the next working day following the action. Bedding and linen for death row inmates 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 supervisor must approve the action initially. Such exceptions shall be documented on the Daily Record of Segregation, Form DC6-229 and the chief correctional officer shall make the final decision in regard to the appropriateness of the action no later than the next working day following the action.

(4) Personal Hygiene – Inmates on death row shall meet the same standards in regard to personal hygiene as required of the general population.

(a) As a minimum, each inmate on death row shall shower three times per week.

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

(5) Visiting – All visits for death row inmates shall be non-contact visits.

(a) Visits for death row inmates shall be conducted on Friday, Saturday, Sunday, and Monday. Inmates will have an opportunity to choose one of these days as their regular visiting day.

(b) Visits shall be limited to a maximum of five adult visitors and as many children as can be accommodated at a time during each visiting period. If more than five adult visitors arrive on a given visiting day, they shall be allowed to visit on a rotating basis.

(c) Procedures for attorney visits, as outlined in 33-601.711, shall be followed.

(6) Correspondence – Inmates shall have the same opportunities for correspondence that are available to inmates in general population.

(7) Legal Access – Inmates on death row shall be permitted to have access to their personal legal files and law books, to correspond with the law library, to have the law library deliver legal materials to the inmate's cell, and to visit with certified inmate law clerks. Inmates may be required to conduct legal business through correspondence rather than a personal visit to the law library if security requirements prevent a personal visit. Efforts shall be made to accommodate the research needs of inmates on death row who demonstrate that they need to meet a deadline imposed by law, rule or order of court.

(a) Inmates on death row who have court deadlines imposed by law, rule or order of court shall be provided opportunities to visit the law library in their unit or, if a law library is not available within the unit, the main unit law library at least once per week for up to two hours in duration.

(b) Written inmate requests for legal assistance shall be directed to the librarian and shall be responded to within 2 working days of receipt, not including the day of receipt. For purposes of this rule, "working day" shall mean any weekday, not including holidays or weekends. Specific requests for cases, statutes or other reference materials, or requests for legal supplies or forms, shall be responded to by means of correspondence. However, written inmate requests for legal assistance that are broad in scope, contain incorrect references to research materials, or where the styling or content of the request indicates that the inmate lacks an understanding of the law or legal research or that the inmate may be impaired, shall be responded to by personal interview with an inmate law clerk or the librarian.

(c) Inmates shall be limited to the receipt of no more than 15 research items from the law library at any one time. Research items are defined as photocopies of cases, statutes, and other reference materials provided by the law library, and do not include the inmate's personal legal papers, pleadings, or transcripts. Institutions shall require that inmates return all research materials supplied previously by the law library, or explain why some or all research materials issued previously must be retained, in order to receive additional materials. Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.

(d) Each institution shall establish a regular schedule for visits by inmate law clerks to the area to provide assistance to inmates. The regular schedule shall require visits on at least 3 days each week. If security requirements prevent permitting a law clerk visit at the scheduled time, then the law clerk visit shall be rescheduled. Not less than 3 visits shall be conducted within any 7-day period.

(e) Illiterate and impaired inmates shall be permitted to request a visit with an inmate law clerk by making an oral request for same to the correctional staff working in the unit. Upon receipt of the oral request, the correctional staff shall permit the inmate to visit with an inmate law clerk at the next scheduled law clerk visit.

(f) Indigent inmates shall be provided paper and writing utensils in order to prepare legal papers. Typewriters or typing services are not considered required items and shall not be permitted in death row cells.

(8) Writing Utensils – Inmates on death row shall possess only security pens, with a possession limit of four pens. 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 will be allowed to sign out a regular pen, which must be returned upon completion of preparation of the document, from the assigned officer. Care will 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.

(9) Library Services – Death row inmates shall be allowed to check out two soft-cover library books at a time once weekly.

(10) Self-improvement Programs – Inmates shall be permitted to participate in various self-improvement programs to the extent practical. Such programs shall take place in the inmates' housing area in a manner that conforms to the need for security. Such program participation involves correspondence courses, self-directed study activities, and

courses instructed by volunteers. The warden has the authority to restrict these programs in the event the inmate's housing status changes.

(11) Telephone – Telephone privileges shall be allowed for emergency situations and when necessary to ensure the inmate's access to attorneys or the courts and only when alternative means of access are not feasible. The necessity of the telephone call may be verified before the inmate is allowed to make the call. Calls to attorneys will not be monitored.

(12) Canteen – Inmates shall be allowed to make canteen purchases once every other week. Items shall be restricted when reasonably necessary for institutional safety and security. Death row inmates shall be allowed to purchase:

(a) 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.

(b) A maximum of five non-food items. In making this determination, with the exception of stamps (limit of 25 stamps) and notebook paper (limit of two packages), it is the number of non-food items that is counted, not the type of item.

(c) Form DC6-249, Death Row or Administrative Confinement Canteen Order, will be utilized for canteen orders. Form DC6-249 is incorporated by reference in rule 33-602.307.

(13) Diet – All death row inmates shall receive normal institutional meals except that if any item on the menu might create a security problem in the death row unit, then another item of comparable quality shall be substituted. All substitutions shall be documented on the Daily Record of Segregation, Form DC6-229.

(14) Television – Televisions are provided, as available, to death row inmates.

(a) As inmates are placed onto death row, their names will be placed in a television logbook. As televisions become available, the televisions will be assigned to inmates in the order that their names appear in the logbook. Inmates with active death warrants will also have television privileges.

(b) Inmates shall be allowed to operate televisions during the hours of 8:00 a.m. until 11:30 p.m. Televisions will be turned off during count procedures.

(c) Televisions shall only be operated with headphones or earplugs.

(d) Inmates in disciplinary status will have their televisions removed. The television will then be assigned to the next eligible inmate as indicated by the television logbook. Inmates who receive disciplinary action and who do not have televisions will have their names removed from the eligible list until their disciplinary time is completed. Their names will then be added to the bottom of the list.

(e) Inmates transferring from the institution for twenty-four hours or longer will have their televisions reassigned to the next eligible inmate, as indicated by the logbook.

(f) Altering either the television, earphones, or any parts thereof, including the electrical cord, will result in disciplinary action and possible loss of television privileges. Restitution will be required for damages.

(15) Exercise – Inmates initially assigned to death row shall commence exercise within 15 days of placement. Inmates with disciplinary action pending, in disciplinary status, or who have a history of assault or disruptiveness shall be exercised individually. Other death row inmates not in this category shall be exercised in groups of a maximum of ten. Within the initial 15 day period after placement of an inmate on death row, a background investigation shall be conducted to obtain information essential in determining whether there are other inmates with whom a confrontation could result in violence. However, if vital information being sought is not available but may have a direct bearing on the exercise group, the Institutional Classification Committee is authorized to withhold exercise for up to an additional 15 days while the information is being obtained. During this time, the inmate may exercise in his or her cell.

(a) All death row inmates will be scheduled for three hours of exercise per week at a minimum. Exercise will take place in the designated recreation area. Exercise periods will be documented on the inmate's Daily Record of Segregation, Form DC6-229.

(b) Death row inmates shall be strip searched prior to being removed from their cells for exercise. The strip search will consist of removing all clothing and a visual inspection by the officer of the inmate's unclothed body. Strip searches also include a visual inspection of the mouth, ears, hair, armpits, groin area, rectal area, and soles of the feet. All authorized clothing and footwear will be searched. Visual contact with the inmate shall be maintained at all times during this process. All death row inmates shall be restrained with handcuffs (behind the back) when escorted to and from the exercise yard. An inmate's refusal to comply with these procedures will result in forfeiture of exercise privileges for the day and will subject the inmate to disciplinary action.

(c) Exercise will be rescheduled when the following circumstances occur:

1. Inclement weather. Inmates will not be allowed to exercise during inclement weather, when security of staff and inmates may be jeopardized. Whenever possible, the exercise session will be renewed for the remainder of the allotted time when the weather permits, if at least one hour of the exercise time remains.

2. Medical appointment or attorney visit. If the inmate's exercise period is canceled due to a scheduled medical appointment or attorney visit, the exercise period will be rescheduled.

(d) Exercise sessions may be canceled and inmates returned to their cells under the following conditions. In these circumstances, it is not required that the exercise session be rescheduled.

1. Emergencies:

a. Destruction, major damage, major disturbance, or major disorder in any housing unit within the institution that results in either lock down of the unit or transfer of inmates to other housing areas for the purpose of restoring order, repairing damage, or protecting inmates health, safety, or well-being.

b. Major disaster (natural or man-made).

c. Official emergencies declared by State or Federal authorities. A detailed record will be maintained documenting the emergency, dates, and times exercise was suspended due to the declared emergency.

2. Non-emergencies:

a. The signing of a death warrant by the Governor, causing an inmate to be placed on death watch.

b. Departure of an inmate for more than seven consecutive days due to outside appointments including court appearance, medical services, and temporary housing at another institution.

c. Attendance by choice at an elective event such as a law library or telephone call:

d. Refusal by the inmate to exercise during scheduled time.

e. Inmate has been found guilty of one of the following major disciplinary violations:

i. Any assault, battery, attempted assault or attempted battery:

ii. Any spoken or written threat towards any person;

iii. Inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance;

iv. Fighting;

v. Possession of weapons, ammunition, explosives, or escape paraphernalia;

vi. Escape or escape attempt.

(e) If an inmate is found guilty of one of the disciplinary violations listed above, his or her outdoor exercise periods can only be restricted for fifteen-day increments. Cumulative outside exercise restriction shall be for no more than thirty days after which the inmate must be allowed one exercise session prior to instituting any remaining periods of restriction.

(f) Exercise sessions, denial of exercise sessions, and refusal to exercise shall be documented on the Daily Record of Segregation, Form DC6-229.

(g) Recreational equipment may be available for the exercise period provided such equipment does not compromise the safety or security of the institution and may be limited due to exercise yard design.

Specific Authority 944.09 FS. Law implemented 944.09 FS. History–New _____.

33-602.307 Death Row – Records.

(1) An Inspection of Confinement Record, Form DC6-228, shall be maintained in the death row unit. Each staff person shall sign such record when entering and leaving the death row unit. Prior to departure, each staff member shall indicate any specific problems including any inmate who requires special attention. Upon completion, the DC6-228 will be maintained in the housing area and forwarded to the correctional officer chief on a weekly basis where it will be maintained on file pursuant to the current retention schedule. Form DC6-228 is incorporated by reference in rule 33-602.307.

(2) A Daily Record of Segregation, Form DC6-229, shall be maintained for each inmate in the death row unit. The DC6-229 shall be maintained in the housing area for one week at which time the form will be forwarded to the Warden for review. Once reviewed, these forms will be forwarded to classification to be filed in the inmate’s master file. 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 are normally allowed are denied or removed from the inmate’s possession, the senior correctional officer must approve the action initially. The items denied or removed will be documented on Form DC6-229 and the correctional officer chief will make the final decision in regard to the appropriateness of that action no later than the next working day following the action. Additionally, full and complete remarks will be made in the following situations:

- (a) When there is an unusual occurrence in the inmate’s behavior.
- (b) When it becomes necessary to notify the medical department.
- (c) If the inmate refuses food.
- (d) Cell changes.
- (e) Any function performed by medical staff such as medication dispensed.
- (f) When the inmate’s diet is ordered changed.
- (g) When complaints are received and medical treatment is given.
- (h) Upon review by the Classification Probation Officer.
- (i) Disruptive behavior to include action taken.
- (j) Disciplinary violations and results of such.

(3) The following forms are hereby incorporated by reference. A copy of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel

Department of Corrections, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. If forms are mailed, a self-addressed stamped envelope must accompany the request.

- (a) DC1-303, Request for Administrative Remedy or Appeal, effective _____.
- (b) DC3-301, Incident Report, effective _____.
- (c) DC6-221, Cell Inspection Form, effective _____.
- (d) DC6-228, Inspection of Confinement Record, effective _____.
- (e) DC6-229, Daily Record of Segregation, effective _____.
- (f) DC6-236, Inmate Request Form, effective _____.
- (g) DC6-249, Death Row or Administrative Confinement Canteen Order, effective _____.

Specific Authority 944.09 FS. Law implemented 20.315, 944.09, 945.04 FS. History–New _____.

33-602.308 Transportation of Death Row Inmates.

(1) In order to ensure coordination in the operation of the transfer system, ensure the safety of the public, employees and inmates and to maintain proper security practices, a certified correctional officer who has received outside escort training must be in charge of each transport.

(2) All department employees transporting inmates shall be certified as correctional officers. Transport officers must also comply with the specific state uniform traffic control requirements outlined in Chapter 316, F.S.

(3) The transfer vehicle must be maintained in accordance with the guidelines set forth in Chapter 316, F.S., and be properly fueled, serviced and determined to be mechanically safe to transfer inmates. The vehicle shall be equipped with radio communications.

(4) The vehicle shall be thoroughly searched and all security features inspected prior to boarding any inmates. Continuing checks shall be made periodically by the transfer officer while in route. Vehicle inspection shall be conducted prior to departing on or continuing a trip.

(5) The transport officer shall ensure that the transfer orders, commitment papers, or other documents authorizing transfers are in order and shall properly identify each inmate prior to the boarding of inmates.

(6) The transport officer shall ensure that all inmates are strip searched prior to boarding the transport vehicle. Searches shall be conducted by or under the direct supervision of the transfer officer. Strip searches of inmates shall be conducted only by correctional officers, who shall be of the same sex as the inmate, except in emergency circumstances.

(7) The Chief Health Officer is authorized to specify that an inmate who is mentally or physically ill be transferred separately from other inmates. In addition, if there is any indication that an inmate who is to be transferred is not in good physical or mental condition, the transport officer shall secure the advice of the institution’s physician before beginning the

trip. Transfer of an inmate who is ill or injured shall be undertaken based on the advice of the Chief Health Officer on duty. The Chief Health Officer shall determine if medical staff are to accompany the inmate while being transferred. If he does decide that medical staff need to accompany the inmate, he must assign this staff.

(8) Inmates must be restrained with handcuffs, waist chains with a C and S handcuff cover (black box), and leg irons. A secure caged vehicle shall be utilized.

(9) A minimum of two certified correctional officers, who have received outside escort training, shall be assigned to each vehicle in which death row inmates are transported. The driver shall be equipped with an Electronic Restraining Device and the second officer shall carry the sidearm.

(10) The transfer vehicle shall be accompanied by a trailing escort vehicle driven by an officer in possession of a semiautomatic rifle or shotgun.

(11) If several inmates are being transferred, the trailing vehicle shall have a second armed officer in attendance.

(12) Communication between the two vehicles is essential and is required between both vehicles and the home station.

(13) The transport officer shall conduct a head count of inmates prior to departure and maintain continuing checks while in route and upon arrival at the receiving institution.

(14) Because the carrying of firearms in the transferring of inmates is extremely hazardous, such equipment must be kept in a secure place or on the person of an officer who will not come in direct contact with an inmate during the entire trip. Use of firearms shall be in accordance with Rule 33-602.210, Florida Administrative Code.

(15) If an inmate escapes while being transferred, the transfer officer shall exhaust all resources immediately available to him in apprehending the inmate and then take immediate action to contact the nearest law enforcement agency. As soon as possible, the transfer officer shall notify his supervisor of the escape and give an oral report of the incident. When the local law enforcement agency no longer requires assistance, the transfer officer shall continue with his duties. Under no circumstances shall supervision of other inmates be relaxed in order to pursue an escaping inmate.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New

33-602.309 Inmates with Active Death Warrants.

(1) Phases of Death Warrant:

(a) Phase I – Phase I begins when the Death Warrant is signed by the Governor and an execution date is set. With the onset of Phase I, the inmate (with the exception of female inmates) will be transferred to a cell within the Death Watch area at Florida State Prison. Designated staff, who must be of the rank of lieutenant or higher, will be assigned duties as the Death Watch Supervisor. Correctional staff will also be assigned to monitor the entrance to the Death Watch area and

will maintain the security of the area during this phase. Unless otherwise approved by the warden or chief of security, personnel allowed within the this area will be limited to:

1. Warden;

2. Assistant Warden of Operations and Programs;

3. Chief of Security;

4. Shift Supervisor;

5. Death Watch Supervisor;

6. Officers authorized by the Death Watch Supervisor to assist in routine functions such as showers, escort, and searches;

7. Confinement Lieutenant;

8. Medical personnel;

9. Institutional Chaplain.

(b) Phase II – Phase II begins at 8:00 a.m. seven calendar days prior to the execution date (active week of the warrant). At the onset of this phase, female inmates will be transferred to the Death Watch area within Florida State Prison. During phase II, a correctional officer will be assigned duties of Cell Front Monitor and will provide direct observation of the condemned inmate at all times as well as provide security of the immediate death watch cell area. Female staff will be assigned to monitor female inmates.

(c) Phase III – Phase III is the status of an inmate that has a Death Warrant signed by the Governor but does not have an execution date due to a stay. The inmate will remain in the death row unit during this phase and will have the same privileges as all other death row inmates.

(2) Upon receipt of the Death Warrant which authorizes execution, the warden or his designee will determine the housing location of the inmate. Inmates housed at Union Correctional Institution will be immediately transferred to Florida State Prison. Upon arrival, the warden will inform the inmate of the death warrant and the inmate shall be allowed to contact his attorney and a family member at State expense. If the inmate is housed at Broward Correctional Institution, the inmate shall not be transferred to Florida State Prison until Phase II. The warden at Broward will inform the inmate of the death warrant and allow the inmate to contact her attorney and a family member at State expense.

(3) At the initiation of Phase I, the warden of Florida State Prison shall notify the Director of Institutions, and the Regional Director. Wardens of surrounding institutions shall be informed should circumstances warrant the activation of control force support. Local law enforcement agencies shall also be notified.

(4) Conditions and privileges for inmates under active death warrants shall include:

(a) Possession of the following state issued property:

1. Standard issue of clothing and one pair of shower slides

2. One bed

3. One mattress

- 4. One pillow
 - 5. Standard issue of bedding
 - 6. One toothbrush
 - 7. One tube of toothpaste
 - 8. One bar of soap
 - 9. One towel
 - 10. One pair of underwear
 - 11. Toilet tissue, as needed
 - 12. Feminine hygiene products, as needed
 - 13. Stationary, six sheets
 - 14. Envelopes, three
 - 15. Religious tracts as distributed by the institution's Chaplain, maximum possession limit, ten
 - 16. Writing paper, distributed by the library as needed, notary services will be available upon request
 - 17. Security pen
 - 18. Request for Administrative Remedy or Appeal, Form DC1-303 and Inmate Request Form DC6-236, as needed. Forms DC1-303 and DC6-236 are incorporated by reference in rule 33-602.307.
 - 19. One television
 - 20. One radio
 - 21. One Bible, Koran or other approved religious book
 - 22. One soft-cover book, magazine, periodical, or newspaper (exchanges allowed)
- (b) Inmate bank access shall be the same as for any other death row inmate. During Phase II requests for "special withdrawals" will not exceed two within the one-week period.
- (c) Canteen privileges will be allowed, but items routinely approved for purchase as listed on Form DC6-249, Death Row or Administrative Confinement Canteen Order, may be restricted. Canteen orders for inmates on death watch shall be reviewed by the Administrative Lieutenant prior to delivery.
- (d) Inmates on death watch will be suspended from purchasing items through the direct order catalog program. Any item already ordered prior to the death warrant being issued will be received and stored with the inmate's other personal property.
- (e) Inmates on death watch status may request in writing to the librarian and receive legal materials from the Law Library. All such requests are to routed through the Death Watch Supervisor. Copying services or notary services will be handled by staff without the involvement of any inmate.
- (f) The inmate shall be allowed to receive periodical subscriptions, but may not order new subscriptions. Periodicals, newspapers, or other reading materials, will not be allowed to accumulate, and during the final week, only two periodicals and two newspapers shall be retained by the inmate.
- (g) Three meals per day will be served to all inmates on death watch status. Special dietary instructions for medical reasons shall be followed.

(h) Recreation activities for all inmates with death warrants shall be suspended.

(i) Inmates on death watch status will be measured for a suit. Male inmates will be provided a dark suit (coat and slacks), white dress shirt, undergarments, and socks. Female inmates will be provided a dark suit (jacket and slacks), white dress blouse, undergarments and socks. This clothing will be procured by the clothing room supervisor and will provided to the inmate on the morning of the scheduled execution. Should the inmate's family offer to provide the above described clothing, it will be permitted.

(j) Visits and interviews for inmates with death warrants will be in accordance with Chapter 33-104, Florida Administrative Code.

(5) Regardless of the inmate's status, he or she remains subject to disciplinary action for violation of rules and regulations. Disciplinary reports may be written for inmates with death warrants, however, processing will be postponed.

Specific Authority 922, 944.09 FS. Law Implemented 922, 944.09 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Stan Czerniak

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 26, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 11, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Office of Health Policy

RULE TITLE: Bone Marrow Transplantation

RULE NO.: 59B-12.001

PURPOSE AND EFFECT: The Agency proposes an amendment relating to bone marrow transplantation procedures. The proposed revisions would reflect recommendations of the bone marrow transplant panel based on review of current research findings, as required by section 627.4236(3)(e), Florida Statutes.

SUMMARY: The proposed amendment updates the recommendations for bone marrow transplant procedures that are acceptable within the appropriate oncological specialty and are not experimental for the purposes of s. 627.4236, Florida Statutes. The recommendations reflect the bone marrow transplant panel's review of scientific evidence based on current research findings, as required by s. 627.4236(3)(e), Florida Statutes. Authorization for this process is to ensure recommendations are based on current research findings and that insurance policies offer coverage for the latest medically acceptable bone marrow transplant procedures.

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

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

SPECIFIC AUTHORITY: 627.4236 FS.

LAW IMPLEMENTED: 627.4236 FS.

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

TIME AND DATE: 2:00 p.m., July 11, 2000

PLACE: Agency for Health Care Administration, Building 3, Conference Room D, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robbie Roberts, Office of Health Policy, Agency for Health Care Administration, 2727 Mahan Drive Building 3, Tallahassee, Florida 32308, (850)487-7023

THE FULL TEXT OF THE PROPOSED RULE IS:

59B-12.001 Bone Marrow Transplantation.

(1) Upon the recommendation of the Bone Marrow Transplant Panel ~~and in accordance with its final report to the Secretary, dated 2/9/95,~~ each of the following procedures is considered accepted within the appropriate oncological specialty and not experimental for the purposes of Section 627.4236, F.S. Bone marrow transplant refers collectively to hematopoietic stem cell transplantation using stem cells that are collected from peripheral blood and cord blood as well as bone marrow. As used in this rule, the term "appropriate oncological specialty" means that where a particular kind of tumor or disease is usually treated by a subspecialty group within the general discipline of oncology, those who practice within that subspecialty have had specific input into the decision making process:

(a) Autologous bone marrow transplant for acute myelogenous leukemia (stem cells collected in remission) ~~Bone Marrow Transplant for Acute Myelogenous Leukemia;~~

(b) Allogeneic bone marrow transplant for acute myelogenous leukemia (family-related donor with 5/6 or 6/6 match) ~~Bone Marrow Transplant for Acute Myelogenous Leukemia;~~

(c) Autologous bone marrow transplant for acute lymphoblastic leukemia (stem cells collected in remission); ~~Allogeneic Bone Marrow Transplant for Acute Lymphoblastic Leukemia;~~

(d) Allogeneic bone marrow transplant for acute lymphoblastic leukemia (family-related donor with 5/6 or 6/6 match) ~~Bone Marrow Transplant for Chronic Myelogenous Leukemia;~~

(e) Allogeneic bone marrow transplant for chronic, myelogenous leukemia (family-related donor with 5/6 or 6/6 match); ~~Autologous Bone Marrow Transplant for Chronic Myelogenous Leukemia, first chronic phase;~~

(f) Autologous bone marrow transplant for Hodgkin's disease ~~Bone Marrow Transplant for Hodgkin's Disease;~~

(g) Autologous bone marrow transplant for Non-Hodgkin's lymphoma, except low grade (small lymphocytic, follicular small-cleaved cell, follicular mixed cell types) ~~Bone Marrow Transplant for Non-Hodgkin's Lymphoma;~~

(h) Allogeneic bone marrow transplant for Non-Hodgkin's lymphoma, except low grade (small lymphocytic, follicular small-cleaved cell, follicular mixed cell types) (family-related donor with 5/6 or 6/6 match); ~~Autologous Bone Marrow Transplant for Neuroblastoma, (pediatric);~~

(i) Autologous bone marrow transplant for Ewing's sarcoma, chemotherapy sensitive after first relapse ~~Bone Marrow Transplant for Rhabdomyosarcoma, pediatric, after failure of first therapy;~~

(j) Autologous bone marrow transplant for Neuroblastoma ~~Bone Marrow Transplant for undifferentiated sarcoma, pediatric, after failure of first therapy;~~

(k) Autologous bone marrow transplant for breast carcinoma, stage ~~Bone Marrow Transplant for Breast Cancer, Stage II (8 or more nodes positive);~~

(l) Autologous bone marrow transplant for breast carcinoma, stage IIIa and IIIb ~~Bone Marrow Transplant for Germ Cell Tumor, Stage IV (metastatic) as part of second therapy;~~

(m) Autologous bone marrow transplant for germ cell tumor, after failure of first therapy but not progressing on salvage therapy ~~Bone Marrow Transplant for Acute Lymphoblastic Leukemia, High Risk, in Remission, Adults;~~

(n) Autologous bone marrow transplant for multiple myeloma ~~Bone Marrow Transplant for Acute Lymphoblastic Leukemia, High Risk, in Remission, Pediatric;~~

(o) Allogeneic bone marrow transplant for myelodysplastic syndrome (family-related donor with 5/6 or 6/6 match) ~~Bone Marrow Transplant for Hodgkin's Disease, Responsive;~~

(p) Autologous bone marrow transplant for PNET (including medulloblastoma and pinealoblastoma), chemotherapy sensitive after first relapse; ~~Allogeneic Bone Marrow Transplant for Non-Hodgkin's Lymphoma, Responsive;~~

(q) Autologous bone marrow for medulloblastoma and other PNET tumors, metastatic, at diagnosis. ~~Allogeneic Bone Marrow Transplant Plasma Cell Dyscrasia, Responsive (includes myeloma & Waldenstrom's);~~

~~(r) Autologous Bone Marrow Transplant for Wilm's Tumor, Pediatric, at relapse, after appropriate conventional therapy has failed.~~

(2) Each of the following procedures is considered accepted within the appropriate oncological specialty and not experimental for the purposes of Section 627.4236, F.S., provided that the bone marrow transplantation procedure is performed in the context of a well-designed and conducted Phase II or Phase III clinical treatment trial as described in paragraph (3).

(a) Autologous bone marrow transplant for Non-Hodgkin's lymphoma, low grade (small lymphocytic, follicular small-cleaved cell, follicular mixed cell types) ~~Bone Marrow Transplant for Breast Cancer, Stage IV;~~

(b) Allogeneic bone marrow transplant for Non-Hodgkin's lymphoma, low grade (small lymphocytic, follicular small-cleaved cell, follicular mixed cell types) (family-related donor with 5/6 or 6/6 match); ~~Autologous Bone Marrow Transplant for Breast Cancer, Stage III;~~

(c) Autologous bone marrow transplant for chronic, myelogenous leukemia ~~Bone Marrow Transplant for Breast Cancer, Inflammatory;~~

(d) Autologous bone marrow transplant for chronic lymphoblastic leukemia ~~Bone Marrow Transplant for Epithelial Ovarian Cancer, Stage III and Stage IV, consolidation of first response;~~

(e) Allogeneic bone marrow transplant for chronic lymphoblastic leukemia (family-related donor with 5/6 or 6/6 match); ~~Autologous Bone Marrow Transplant for Epithelial Ovarian Cancer, Stage III and Stage IV, chemoresponsive relapse;~~

(f) Allogeneic bone marrow transplant for Hodgkin's disease (family-related donor with 5/6 or 6/6 match); ~~Autologous Bone Marrow Transplant for Plasma Cell Dyscrasia, Responsive, Stage II and Stage III;~~

(g) Autologous bone marrow transplant for plasma cell dyscrasias other than multiple myeloma (e.g. Waldenstrom's, amyloid) ~~Bone Marrow Transplant for High Grade Astrocytoma and Glioblastoma Multiforme, as part of 1st Therapy, Pediatric (21 years or less);~~

(h) Allogeneic bone marrow transplant for multiple myeloma and other plasma cell dyscrasias (e.g. Waldenstrom's, amyloid) (family-related donor with 5/6 or 6/6 match); ~~Autologous Bone Marrow Transplant for Medulloblastoma, first recurrence, Pediatric (21 years or less);~~

(i) Autologous bone marrow transplant for breast carcinoma, stage II, with four to seven nodes positive ~~Bone Marrow Transplant for Ewing's Sarcoma, localized, pelvic or non-pelvic greater than 8 cm in diameter at diagnosis, Pediatric (21 years or less);~~

(j) Autologous bone marrow transplant for breast carcinoma, stage IV, except progressive (25 percent or greater increase in the size of measurable disease) despite therapy; ~~Bone Marrow Transplant for Small Cell Lung Cancer, Limited Extent, Responsive (complete or near complete response [more than 90% responsive]);~~

(k) Autologous bone marrow transplant for high-grade astrocytoma, glioblastoma multiforme, pediatric;

(l) Autologous bone marrow transplant for Ewing's sarcoma, localized, greater than eight cm or metastatic at presentation;

(m) Autologous bone marrow transplant for small-cell lung cancer, limited extent, in complete response;

(n) Autologous bone marrow transplant for ovarian carcinoma (epithelial), stage III and IV, chemosensitive relapse and consolidation of first response;

(o) Autologous bone marrow transplant for soft tissue sarcoma (other than rhabdomyosarcoma), pediatric, after failure of first therapy;

(p) Autologous bone marrow transplant for Wilms' tumor, at relapse;

(q) Autologous bone marrow transplant for germ cell tumor, high risk, at diagnosis;

(r) Alternate donor allogeneic bone marrow transplant for any of the indications in subsections (1) and (2) (unrelated donor, cord blood donor, or family-related donor other than 5/6 or 6/6 match).

(3) A well-designed and conducted clinical treatment trial is one which includes an IRB-approved written protocol. At a minimum, such protocol shall have specific criteria for evaluating the effect of treatment with defined endpoints that are precise, meaningful, and reliable and which allow valid conclusions to be drawn about therapeutic efficacy and safety. Protocols should include an adequate statistical section describing the method of randomization and stratification, if any, expected outcome parameters relating to response rates, time to progression, survival times and other relevant information. Such clinical treatment trials shall be consistent with protocols reviewed and approved by the National Cancer Institute for scientific merit.

(4) It should be noted that there are non-malignant (not oncological) diseases that are genetic disorders, or that result in bone marrow failure or lead to immunodeficiency syndromes for which bone marrow transplantation may be appropriate. While these non-malignant diseases are not described in the preceding lists, there are generally accepted and appropriate indications for bone marrow transplantation in these cases. In addition, there are malignant diseases that are uncommon in

their occurrence that also are not detailed in the above lists for which the appropriateness of bone marrow transplantation may be determined on a case by case basis.

Specific Authority 627.4236 FS. Law Implemented 627.4236 FS. History--New 11-9-95, Formerly 10D-127.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Scott Hopes, Director, Office of Health Policy
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Executive Director
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 31, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels And Restaurants

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Florida Elevator Safety Code	61C-5
RULE TITLES:	RULE NOS.:
Elevators, Dumbwaiters, Escalators, Moving Walks, Manlifts, Inclined and Vertical Wheelchair Lifts and Inclined Stairway Chairlifts	61C-5.001
Bulletin Boards	61C-5.004
Alterations to Electric and Hydraulic Elevators and Escalators	61C-5.011
Service Maintenance Contracts	61C-5.013

PURPOSE AND EFFECT: These rule amendments are being promulgated to adopt the revision of Chapter 61C-5 which covers the adoption of elevator safety codes which have been changed to reflect the more current editions available.

SUMMARY: The area being addressed is the adoption of the most recent elevator safety codes and changes in some of the adopted codes.

SPECIFIC AUTHORITY: 399.02 FS.

LAW IMPLEMENTED: 399.01, 399.02 FS.

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

TIME AND DATE: 8:00 a.m. – 5:00 p.m., July 10, 2000

PLACE: 725 South Bronough Street, Room 259, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Suzette Hayes, Bureau of Elevator Safety, 1940 N. Monroe Street, Tallahassee, Florida 32399-1013, (850)488-9097

THE FULL TEXT OF THE PROPOSED RULES IS:

61C-5.001 Elevators, Dumbwaiters, Escalators, Moving Walks, Manlifts, Inclined and Vertical Wheelchair Lifts and Inclined Stairway Chairlifts.

(1) American National Standard Safety Code for elevators and escalators, ASME A17.1, 1996 ~~1993~~ edition, effective ~~8-1-96~~ and ASME A17.1a, 1997 ~~1994~~ addenda, effective ~~8-1-96~~, and ASME A17.1b, 1998 ~~1995~~ addenda, effective ~~8-1-96~~.

(2)(a) American National Standard Inspectors Manual for ~~Electric Elevators and Escalators~~, ASME/ANSI A17.2.1, 1996 ~~1988~~ edition, and including ASME/ANSI A17.2.1a, 1997 ~~1989~~ Addenda and ASME/ANSI A17.2.1b, 1998 ~~1990~~ Addenda.

(b) American National Standard Inspectors Manual for Hydraulic Elevators ASME A17.2.2, 1997 edition including ASME A17.2.2a, 1998 Addenda.

(c) American National Standard Inspectors Manual for Escalators and Moving Walks, ASME A17.2.3, 1998 edition.

(3) American National Standard Safety Code for Manlifts, ASME ANS/A90.1, 1992 ~~1976~~ edition.

(4) National Fire Protection Association, NFPA-70, National Electrical Code, 1999 ~~1996~~ edition.

(5) Through (6) No change.

(7) The following rules of ASME A17.1, are hereby amended ~~to read~~ as follows:

(a) Rule 211.9e is added, and reads as follows: Each car in a mutilator group shall be sequentially numbered from left to right, as viewed from the elevator lobby. Rule 111.10 Access to Hoistways for Emergency Purposes. Hoistway door unlocking devices conforming to Rules 111.9c(1) and (3) shall be provided for all hoistway doors.

(b) No change.

(c) Rule 211.8 Switch Keys, of ASME A17.1, is amended to read as follows: The switches required by Rule 211.2 through 211.5, for all elevators in a building, must be operable by the same keys. This key must not operate any other switch and shall not be part of a building master key system. There must be a key for the designated level switch and for each elevator in the group. These keys must be kept on the premises at all times in a location readily accessible to authorized personnel, and state elevator inspectors, but not where the key is available to the general public. NOTE: (RULE 211.8): Local authorities may specify a uniform keyed lock box to contain the necessary keys.

(d) Rule 805.2d is added, and 805.1a Starting Switch of ASME A17.1, is amended to read as follows: Starting switches must be of the key-operated type and must be located so that the escalator steps are within sight. Automatic starting by any means is prohibited. The key for the starting switches must be kept on the premises at all times in a location readily available to authorized personnel and state elevator inspectors, but not where the key is available to the general public.

(e) No change.

(8) Specifically excluded from ASME A17.1, 1996 ~~1993~~ edition and supplements are:

(a) through (d) No change.

Specific Authority 399.02 FS. Law Implemented 399.02 FS. History—Amended 10-20-63, 4-20-64, 11-17-73, 12-20-73, Revised 3-22-74, Amended 12-18-74, 8-21-79, 8-1-82, 9-19-84, Formerly 7C-5.01, Amended 11-1-87, 10-31-88, 6-12-89, 9-10-89, 10-3-90, 5-12-91, 6-23-91, 8-9-91, 8-27-92, Formerly 7C-5.001, Amended 2-2-94, 8-1-96, 1-1-98,_____.

61C-5.004 Bulletin Boards.

(1) through (6) No change.

(7) The bottom of the bulletin boards shall not be less than ~~4 5~~ feet above the cab floor, and no less than three inches above a handrail. ~~and the~~ The total area shall not exceed 4 square feet.

Specific Authority 399.02 FS. Law Implemented 399.02(2) FS. History—New 5-14-79, Amended 8-1-82, Formerly 7C-5.04, Amended 10-31-88, 4-11-91, Formerly 7C-5.004, Amended 2-2-94,_____.

61C-5.011 Alterations to Electric and Hydraulic Elevators and Escalators.

(1) In addition to the alterations set forth in Rule 1003.3 and Rule 1006.3, ASME A17.1, 1996 ~~1993~~, the following alterations require, in addition to a construction permit, that inspections and tests be performed to determine conformance with the ASME A17.1, 1996 ~~1993~~, rules cited below:

(a) through (g) No change.

(2) The following alterations require, in addition to a construction permit, that inspections be performed to determine conformance with the ASME A17.1, 1996 ~~1993~~, rule cited below:

(a) through (d) No change.

(e) Car leveling device (addition

of) and (trucking device) 1202.12b 1203.8b
~~1202.4a~~

(f) through (x) No change.

Specific Authority 399.02 FS. Law Implemented 399.02 FS. History—New 2-11-92, Formerly 7C-5.0011, Amended 8-1-96,_____.

61C-5.013 Service Maintenance Contracts.

(1) No change.

(a) Registered elevator companies that enter into service maintenance contracts with elevator owners must follow the procedures within the scope of ASME/~~ANSI~~ A17.2.1, A17.2.2, and A17.2.3, Inspectors Manuals, and latest Addendas, ~~Part I, H, III and IV~~, for its routine examinations of elevators;

(b) through (2) No change.

Specific Authority 399.02 FS. Law Implemented 399.01 FS. History—New 2-2-94, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cathy White, Bureau of Elevator Safety, 1940 N. Monroe Street, Tallahassee, FL 32399-1013, (850)488-9097

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Secretary Cynthia A. Henderson

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: May 16, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: March 10, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE:

RULE NO.:

Certification of Registered Contractors

61G6-5.0035

PURPOSE AND EFFECT: The Board proposes to implement Section 489.514, F.S.

SUMMARY: The Board determined it is necessary to implement a rule that will provide guidance for registered contractors who wish to become certified.

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

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

SPECIFIC AUTHORITY: 489.507(3), 489.514 FS.

LAW IMPLEMENTED: 489.507(3), 489.514 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-5.0035 Certification of Registered Contractors.

Any registered contractor who wishes to become a certified contractor in the appropriate category pursuant to the "grandfathering" provisions of Section 489.514, F.S., shall meet all of the following requirements:

(1) Submit a completed "Application for Certification of a Registered License" on Form BPR/ECLB-REG.TO. CERT.5/2000, with instructions attached, which is hereby incorporated by reference, effective _____, a copy of which may be obtained from the Board office.

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

(3) For purposes of implementing Section 489.514, F.S., the registered contractor must have:

(a) Passed with a grade of 75% or better, a written, proctored examination in the appropriate category as specified in subsection (2) of the statute, and,

(b) Five (5) years experience as a registered contractor in the category for which certification is sought. The registered contractor must have held an active license in that category for a period of at least 5 years. The 5 year period is not required to be consecutive. Any time periods when the license was placed on inactive status or when the licensee was on probationary status shall not count toward the 5 years required experience; or,

(c) Five (5) years of oversight or inspection responsibility as a building code administrator or inspector in the category for which certification is sought. Any time periods when the license was placed on inactive status or when the licensee was on probationary status shall not count toward the five (5) years' required experience.

Specific Authority 489.507(3), 489.514 FS. Law Implemented 489.513(3), 489.514, 489.517 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 24, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2000

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 amendment to address examination review procedure.

SUMMARY: The purpose of the rule amendment is to update the rule text with regard to examination review procedure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 455.217(1),(2),(3), 481.306 FS.

LAW IMPLEMENTED: 455.217(1),(2),(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherri Landrum, Executive Director, Board of Landscape Architecture, 1940 North Monroe, Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE 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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Landscape Architecture

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 19, 2000

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 amendment to address Application and Examination Fees.

SUMMARY: Adjustment to the application and examination fee being proposed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 481.306, 481.307 FS.

LAW IMPLEMENTED: 481.307 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherri Landrum, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE 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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Landscape Architecture

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 19, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLES: Obtaining Inactive Status

RULE NOS.: 61G10-13.005

Reactivation of Inactive License 61G10-13.007

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

SUMMARY: These rules are being amended to remove unnecessary specificity in the subject content requirement for certification in specified subject areas.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 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 WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sherri Landrum, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES 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, F.A.C. 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, ~~011(3)~~, F.A.C.

(b) Proof of completion of 12 classroom hours of continuing education which fulfills the requirements of Rule 61G10-13.003(2), F.A.C., 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, F.A.C.

(b) Proof of completion of 12 classroom hours of continuing education which fulfills the requirements of Rule 61G10-13.003(2), F.A.C., 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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Landscape Architecture
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 19, 2000

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 rule amendment to address the range of penalties in the disciplinary guidelines and citation violations.

SUMMARY: The Board is substantially rewording this rule to update the provisions and the penalty amounts to be assessed for each violation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherri Landrum, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G10-14.003 follows. See Florida Administrative Code 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</u> (481.323(1)(a)-(e); 455.227(1)(j), F.S.)		
First Offense	6 months probation with conditions and \$1000 fine	Denial/revocation and \$1000 fine plus \$50 per day for over 10 worked up to \$5000
Second Offense	Revocation and \$1000 fine plus \$50 per day for over 10 worked up to \$5000	Revocation and \$10,000 fine
<u>(b) Attempting to obtain a license or certificate by bribery, fraud or through an error of the Department or the Board.</u> (481.323(1)(d), 481.325(1)(a), (c), 455.227(1)(h), F.S.)		
First Offense	Denial/revocation, \$1000 fine and referral to State Attorney's Office if not licensed.	Denial/revocation, \$3000 fine and referral to State Attorney's state if not licensed.
Second Offense	Revocation and \$3000 fine	Revocation and \$6000 fine
Third Offense	Revocation and \$6000 fine	Revocation and \$10,000 fine
<u>(c) Knowingly conceal violations of Chapter 481 or 455, F.S.</u> (481.323(h), 481.325(1)(a); 455.227(1)(r), F.S.)		
First Offense	Reprimand and \$250 fine	1 year probation with conditions and \$1000 fine
Second Offense	1 year probation with conditions, and \$1000 fine	6 months suspension, 1 year probation with conditions and \$1000 fine
Third Offense	6 months suspension, 1 year probation with conditions and \$1000 fine	1 year suspension, 1 year probation with conditions and \$1000 fine
<u>(d) Aiding unlicensed practice</u> (481.325(1)(g), (k), 455.227(1)(j), F.S.)		
First Offense	Reprimand and \$1000 fine	1 year suspension, 2 years probation with conditions and \$1000 fine
Second Offense	1 year suspension, 2 years probation with conditions and \$1000 fine	2 years suspension, 2 years probation with conditions and \$3000 fine

Third Offense	2 years suspension, 2 years probation with conditions and \$3000 fine.	Revocation and \$3000 fine.
<u>(e) Action taken against license by another jurisdiction</u> (481.325(1)(d), 455.224(1)(f), F.S.)		
First Offense	Imposition of discipline which would have been imposed if the substantive violation occurred in Florida and \$1000 fine	Suspension/denial until the license is unencumbered in the jurisdiction in which the disciplinary action was originally taken and \$1000 fine.
Second Offense	Imposition of discipline which would have been imposed if the substantive violation occurred in Florida and \$1000 fine	Revocation until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken and \$2000 fine.
<u>(f) Guilt of a crime directly relating to practice or ability to practice</u> (481.325(1)(f), F.S.)		
First Offense	Misdemeanor Reprimand Felony	Misdemeanor Denial/(1) year suspension, 2 years probation with conditions and \$1000 fine Felony
	1 year suspension, 2 years probation with conditions and \$1000 fine	revocation and \$1000 fine
Second Offense	Misdemeanor \$1000 fine Felony	Misdemeanor 2 years suspension, 2 years probation with conditions and \$3000 fine Felony
	Revocation and \$1000 fine	Revocation and \$5000 fine
Third Offense	Misdemeanor 2 years suspension, 2 years probation with conditions and \$3000 fine	Misdemeanor Revocation and \$5000 fine
<u>(g) Filing a false report or failing to file a report as required.</u> (481.325(1)(f), 455.227(1)(l); 455.227(1)(l), F.S.)		
First Offense	1 year suspension, 2 years probation with conditions and \$100 fine	Revocation and \$1000 fine
Second Offense	2 years suspension, 2 years probation with conditions and \$3000 fine	Revocation and \$3000 fine
Third Offense	Revocation and \$3000 fine	Revocation and \$5000 fine

(h) False, deceptive or misleading advertising (481.325(1)(g), 455.227(1)(a), F.S.)

<u>First Offense</u>	<u>Reprimand</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>1 year suspension, 2 years probation with conditions and \$3000 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>

(i) Deceptive, untrue, or fraudulent representations in the practice of landscape architecture (481.325(1)(h), 455.227(1)(a), F.S.)

<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>Third Offense</u>	<u>5 years suspension, 10 years probation with conditions and \$5000 fine</u>	<u>Revocation and \$5000 fine</u>

(j) Negligence in the practice of landscape architecture (481.325(1)(h), F.S.)

<u>First Offense</u>	<u>Reprimand, 2 years probation with conditions and \$1000 fine</u>	<u>Denial/Revocation and \$1000 fine</u>
<u>Second Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$3000 fine</u>	<u>Revocation and \$3000 fine</u>

(k) Incompetence in the practice of landscape architecture (481.325(1)(h), F.S.)

<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>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>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>

(l) Misconduct in the practice of landscape architecture (481.325(1)(h), F.S.)

<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, 4 years probation with conditions and \$3000 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>

(m) Intentionally violating any rule adopted by the Board or the Department as appropriate (455.227(1)(q), F.S.)

<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>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>Third Offense</u>	<u>2 years suspension, 4 years probation with conditions and \$4000 fine</u>	<u>Revocation and \$10,000 fine</u>

(n) Practice on revoked license (481.325(1)(j), 455.227(1)(a), 455.227(1)(m), F.S.)

<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>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>

(o) Practice on suspended license (481.325(1)(j), 455.227(1)(a), 455.227(1)(m), F.S.)

<u>First Offense</u>	<u>Additional suspension and \$1000 fine</u>	<u>Revocation and \$3000 fine</u>
<u>Second Offense</u>	<u>Revocation and \$3000 fine</u>	<u>Revocation and \$5000 fine</u>

(p) Practice on inactive license (481.325(1)(j), 455.227(1)(a), 455.227(1)(m), F.S.)

<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>Second Offense</u>	<u>1 year suspension, 1 year probation with conditions and \$2000 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 \$5000 fine</u>	<u>Revocation and \$5000 fine</u>

(q) Failure to perform legal obligation (455.227(1)(k), F.S.)

First Offense	Reprimand and \$100 fine	6 months probation with conditions and \$100 fine
Second Offense	6 months probation with conditions and \$100 fine	6 months suspension, 1 year probation with conditions and \$500 fine
Third Offense	6 months suspension, 1 year probation with conditions and \$500 fine	Revocation and \$1000 fine

(r) Exercising influence on client for financial gain (455.227(1)(n), F.S.)

First Offense	1 year probation with conditions and \$1000 fine	1 year suspension, 2 year probation with conditions or denial and \$5000 fine
Second Offense	Revocation and \$5000 fine	Revocation and \$10,000 fine

(s) Practicing beyond scope permitted (455.227(1)(o), F.S.)

First Offense	Reprimand and \$100 fine	6 months suspension 6 months probation with conditions or denial and \$1500 fine
Second Offense	6 months suspension, 6 months probation with conditions and \$1500 fine	1 year suspension, 1 year probation with conditions and \$3000 fine
Third Offense	1 year suspension, 1 year probation with conditions and \$3000 fine	Revocation and \$5000 fine

(t) Delegation of professional responsibilities to unqualified person (455.227(1)(p), F.S.)

First Offense	Reprimand and \$1000 fine	1 year suspension, 2 years probation with conditions and \$1000 fine
Second Offense	1 year suspension, 2 years probation with conditions and \$1000 fine	2 years suspension, 4 years probation with conditions and \$3000 fine
Third Offense	2 years suspension, 4 years probation with conditions and \$3000 fine	Revocation and \$3000 fine

(u) Violation of law, rule, order, or failure to comply with subpoena (455.227(1)(q), F.S.)

First Offense	Suspension until law, rule, order, or subpoena complied with and \$500 fine	Revocation and \$1500 fine
Second Offense	6 month suspension, 1 year probation with conditions and \$1500 fine	Revocation and \$5000 fine

(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.)

First Offense	6 months probation with conditions and \$1000 fine	Denial/revocation and \$5000 fine
Second Offense	1 year suspension and \$5000 fine	Revocation and \$10,000 fine

(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.)

First Offense	1 year probation with conditions and \$1000 fine	6 months suspension, 1 year probation with conditions and \$2000 fine.
Second Offense	6 months suspension, 1 year probation with conditions and \$2000 fine	1 year suspension, 2 years probation with conditions and \$4000 fine

(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.)

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

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

First Offense	6 months probation with conditions, and \$1000 fine	6 months suspension, 1 year probation with conditions and \$2000 fine
Second Offense	6 months suspension, 1 year probation with conditions and \$200 fine	1 year suspension, 2 years probation with conditions and \$4000 fine
Third Offense	1 year suspension, 2 years probation with conditions and \$4000 fine	Revocation and \$10,000 fine

(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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Landscape Architecture
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 19, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DOCKET NO: 00-14R

RULE TITLE: Federal Regulations Adopted by Reference
RULE NO.: 62-204.800

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments update through March 31, 2000, the adoptions by reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 60, 61, and 63.

SPECIFIC AUTHORITY: 403.8055 FS.
LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.8055 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S.

SUBSTANTIALLY AFFECTED PERSONS MAY FILE OBJECTIONS WITH THE ENVIRONMENTAL REGULATION COMMISSION AT THE FOLLOWING ADDRESS: 3900 Commonwealth Boulevard, Mail Station 18, Tallahassee, Florida 32399-3000, Attention: Jacki McGorty. Objections must be received within 14 days of publication of this notice and must specify the portions of the proposed rule to

which the person objects and the reason for the objection. Objections which are frivolous will not be considered sufficient to prohibit adoption of the rule as published.

WRITTEN COMMENTS: The Secretary of the Department of Environmental Protection will consider written comments received within 21 days of publication of this notice. Comments should be submitted to Ms. Sandy Ladner, Division of Air Resource Management, Department of Environmental Protection, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400.

THE FULL TEXT OF THE PROPOSED RULE IS:

- 62-204.800 Federal Regulations Adopted by Reference.
 - (1) through (6) No change.
 - (7) Chapter 40, Code of Federal Regulations, Part 60, Standards of Performance for New Stationary Sources.
 - (a) No change.
 - (b) Standards Adopted. The following Standards of Performance for New Stationary Sources contained in 40 CFR Part 60, revised as of July 1, 1996, or later as specifically indicated, are adopted and incorporated by reference:
 - 1. through 2. No change.
 - 3. 40 CFR 60, Subpart Db, Industrial-Commercial-Institutional Steam Generating Units, amended September 16, 1998, 63 FR 49442 (effective April 1, 1999); amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended March 13, 2000, 65 FR 13242 (effective August 1, 2000).
 - 4. through (9) No change.
 - (10) Chapter 40, Code of Federal Regulations, Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories.
 - (a) No change.
 - (b) Standards Adopted. The following National Emission Standards for Hazardous Air Pollutants contained in 40 CFR Part 63, revised as of July 1, 1996, or later as specifically indicated, are adopted and incorporated by reference:
 - 1. through 47. No change.
 - 48. 40 CFR 63, Subpart 000, promulgated January 20, 2000, 65 FR 3276 (effective August 1, 2000).
 - ~~49.48.~~ No change.
 - 50. 40 CFR 63, Subpart RRR, promulgated March 23, 2000, 65 FR 15690 (effective August 1, 2000).
 - 49. through 51. renumbered 51. through 53. No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History–New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Howard L. Rhodes, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, Deputy Secretary, Department of Environmental Protection
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 1998

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-03R

RULE CHAPTER TITLE: Ground Water Permitting and Monitoring Requirements

RULE CHAPTER NO.: 62-522

RULE TITLE: General Provisions for Ground Water Permitting and Monitoring

RULE NO.: 62-522.300

PURPOSE AND EFFECT: To make Chapter 62-522 consistent with newly adopted provisions in Chapter 62-610, Reuse of Reclaimed Water and Land Application.

SUMMARY: The proposed amendments provide for a zone of discharge for secondary drinking water standards and sodium for aquifer storage and recovery of reclaimed water, injection of reclaimed water for ground water recharge, and salinity barrier systems.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None has been prepared.

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

SPECIFIC AUTHORITY: 403.061 FS.
LAW IMPLEMENTED: 403.021, 403.061, 403.087, 403.088 FS.

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

TIME AND DATE: 2:00 p.m., July 17, 2000
PLACE: Twin Towers Office Building, Conference Room 609, 2600 Blair Stone Road, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donnie McClaugherty, Department of Environmental Protection, Bureau of Watershed Management, MS #3575, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9438

THE FULL TEXT OF THE PROPOSED RULE IS:

62-522.300 General Provisions for Ground Water Permitting and Monitoring.

(1) Unless exempted by Rule 62-520.500, 62-520.510, or 62-520.520, F.A.C., no installation shall directly or indirectly discharge into ground water any contaminant that causes a violation in the water quality standards and criteria for the receiving ground water as established in Chapter 62-520, F.A.C., except within a zone of discharge established by permit or rule pursuant to this chapter.

(2) ~~No Z~~ zones of discharge shall be allowed for projects that allow direct contact with ground water as provided below under any of the following circumstances:

(a) Projects or facilities listed in 1. and 2. below, which provide beneficial discharges through wells to ground water, are allowed a zone of discharge as described in the cited rules.

1. projects designed to recharge aquifers with surface water of comparable quality, or projects designed to transfer water across or between aquifers of comparable quality for the purpose of storage or conservation; and-

2. facilities permitted under Rule 62-610.466 for aquifer storage and recovery of reclaimed water, 62-610.560(3) for ground water recharge by injection of reclaimed water, or 62-610.562(4) for creation of salinity barrier systems by injection of reclaimed water.

~~(3)(a) Other d~~ Discharges through wells or sinkholes that allow direct contact with Class G-I, Class F-I, or and Class G-II ground water; shall not be allowed a zone of discharge except for.

(b) renumbered (4) No change.

(3) through (6) renumbered (5) through (8) No change.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History--New 9-8-92, Amended 4-14-94, Formerly 17-522.300, Amended 12-9-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mimi Drew, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David B. Struhs, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 12, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Recreation and Parks

DOCKET NO.: 99-51R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Financial Assistance for Outdoor Recreation, Florida Recreation Development Assistance Program 62D-5, Part V

RULE TITLES: RULE NOS.:

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 Florida Recreation Development Assistance Program (FRDAP) is a competitive program which provides grants for acquisition and development of land for public outdoor recreation use. The purpose of this amendment is to conform the rule to current law and to add and clarify matters related to recreational trails and contract extensions.

SUMMARY: The proposed rule provides definition for "recreational trail". The proposed rule provides for definition and points for trail connectivity. The proposed rule incorporates the following changes from the Florida Forever Act which include: increasing allowable active projects from two to three; and increasing allowable application submissions in one submission cycle from one to two. The proposed rule clarifies number and length of project contract extensions to allow two one-year extensions, with maximum project completion time of five years.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 375.075 FS.

LAW IMPLEMENTED: 375.075 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Terri Messler, Bureau of Design and Recreation Services, Division of Recreation and Parks, 3900 Commonwealth Boulevard, MS 585, Tallahassee, FL 32399-3000, (850)488-5372

THE FULL TEXT OF THE PROPOSED RULES IS:

62D-5.054 Definitions.

The terms used in this part are defined as follows:

(1) through (41) No change.

(42) "RECREATIONAL TRAIL" means a linear corridor and any adjacent support parcels on land or water providing public access for recreation or authorized alternative modes of transportation such as bicycling, hiking, equestrian, and aquatic or water activities.

(42) through (46) renumbered (43) through (47) No change.

Specific Authority ~~370.023~~, 375.075 FS. Law Implemented 375.075 FS. History--New 12-10-90, Formerly 16D-5.054, Amended 8-13-98,_____.

62D-5.056 Application Requirements and Processing.

The Department shall approve applications for program grants in order of priority until all program funds are depleted under the following standards and criteria:

(1) No change.

(2) PROJECT ELIGIBILITY.

(a) through (b) No change.

(c) Number of Applications: An applicant may submit no more than two ~~only one~~ applications during each application submission period, with the exception of a consolidated city-county government which may submit four ~~two~~ applications.

(d) Active Projects: A grantee with two incomplete FRDAP projects by the closing date of an application submission period shall only be eligible to submit one additional application ~~not be eligible to apply for program funds~~.

(e) No change.

(3) through (6) No change.

Specific Authority ~~370.023~~, 375.075 FS. Law Implemented 375.075 FS. History--New 12-10-90, Formerly 16D-5.056, Amended 8-13-98,_____.

62D-5.057 Evaluation Criteria.

Pursuant to Subsection 62D-5.055(7), a total point score shall be assigned to each eligible application after an evaluation according to the application criteria which follows:

(1) GENERAL CRITERIA.

(a) through (f) No change.

(g) The project creates or enhances the development, extension or connection of local, regional, state or national parks, greenways, or trails. The project would provide for increased trail access by (a) connecting an existing, publicly owned and designated recreational trail with a project trail outside the project boundary; or (b) connecting two publicly designated trails outside of any park. 5 points

(2) through (3) No change.

Specific Authority ~~370.023~~, 375.075 FS. Law Implemented 375.075(2) FS. History--New 12-10-90, Formerly 16D-5.057, Amended 8-13-98,_____.

62D-5.058 Grant Administration.

The following constitutes procedures for administration of program grants:

(1) through (6) No change.

(7) DEVELOPMENT PROJECTS. The following constitutes the specific procedures for administration of development projects:

(a) Grant Period. The grantee will have up to three years from the effective date of the project agreement to complete the project. At the written request of the grantee, Department staff will allow up to two one-year extensions, will extend this period for good cause such as financial hardship, public controversy, material shortage, unfavorable weather conditions, material factors beyond grantee's control, or other similar hardships means. If the project is not completed within five years from the original contract date, the contract shall be terminated and the project funds shall revert to the revenue fund from which they were appropriated.

(b) No change.

(c) Commencement Documentation. Prior to commencement of project construction, the grantee shall submit for approval the documentation described in the Florida Recreation Development Assistance Program Development Project Commencement Documentation Form, FPS-A034, effective 07/30/98, hereby incorporated by reference and available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station 585, Tallahassee, Florida 32399-3000, (850)488-7896.

1. No change.

2. Land Value Match. Prior to the Department staff authorizing the grantee to commence construction of a project utilizing land value as match, the grantee shall submit to the Department an appraisal, prepared in accordance with the uniform standards of professional appraisal practices, which establishes the fair market land value of the project site. The fair market value of the project site shall be based on its highest and best use. The appraisal must be dated no earlier than one year prior to the closing date of the application submission period and prepared by an appraiser on the list of approved appraisers maintained by the Department's Division of State Lands, under provision of Chapter 353.025(6)(b), F.S., 259.041(7)(c), F.S., and 18-1.007, F.A.C. The list of approved appraisers may be obtained from the Division of State Lands, Bureau of Appraisal, 3900 Commonwealth Boulevard, Mail Station 110, Tallahassee, Florida 32399-3000, (850)488-9025. In lieu of obtaining an appraisal to establish the site's fair market value, the grantee may use the assessed value of the project site supported by documentation of the current assessed value from the County Property Appraiser. Approved fair market or assessed land value not used by the grantee for a match on an approved project may be used as matching funds on a subsequent approved project within two years after the

Secretary's approval of the initial project, and the grantee need not obtain a new appraisal or documentation of land value. Such use is limited to one additional project.

3. No change.

(d) through (e) No change.

Specific Authority ~~370.023~~, 375.075 FS. Law Implemented 375.075 FS. History-New 12-10-90, Formerly 16D-5.058, Amended 8-13-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terri Messler, Bureau of Design and Recreation Services, Division of Recreation and Parks, 3900 Commonwealth Boulevard, MS 585, Tallahassee, FL 32399-3000, (850)488-5372

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Fran Mainella, Director, Division of Recreation and Parks, Department of Environmental Protection DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 19, 2000

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Disciplinary Guidelines RULE NO.: 64B4-5.001

PURPOSE AND EFFECT: The Board proposes to substantially reword this rule to further clarify the penalties imposed for violations committed by an applicant, licensee, registered intern, provisional licensee, or certificate holder.

SUMMARY: The Board has determined that a substantial rewording of this rule is necessary to add first, second and third offenses for certain penalties imposed by the board. Unnecessary rule text is being deleted that is no longer needed.

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

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

SPECIFIC AUTHORITY: 455.627, 491.004(5) FS.

LAW IMPLEMENTED: 455.627, 491.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-1758

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B2-5.001 follows. See Florida Administrative Code for present text)

64B4-5.001 Disciplinary Guidelines.

(1) When the Board finds an applicant, licensee, registered intern, provisional licensee, or certificate holder whom it regulates under Chapter 491, Florida Statutes, has committed any of the acts set forth in Section 455.624(1), Florida Statutes, or Section 491.009(2), Florida Statutes, it shall issue a final order imposing appropriate penalties as recommended in the following disciplinary guidelines.

(a) Attempting to obtain, obtaining, or renewing a license under Chapter 491, Florida Statutes, by bribery or fraudulent misrepresentation or through an error of the Board or the Department.

(s. 455.624(1)(h) & s. 491.009(2)(a))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$500 fine and reprimand</u>	<u>denial or \$1000 fine and revocation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>permanent denial and \$1000 fine and permanent revocation;</u>

(b) Having a license or certificate to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.

(s. 455.624(1)(f) & s. 491.009(2)(b))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>denial or \$1000 fine and revocation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>permanent denial or \$1000 fine and revocation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine, 1 year suspension followed by probation</u>	<u>permanent denial or \$1000 fine and revocation;</u>

(c) Being convicted or found guilty, regardless of adjudication, or having entered a plea of nolo contendere to, a crime in any jurisdiction which directly relates to the practice of the licensee's profession or the licensee's ability to practice that profession.

(s. 455.624(1)(c) & s. 491.009(2)(c))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>denial or \$1000 fine and revocation</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>	<u>permanent denial or \$1000 fine and permanent revocation;</u>

(d) False, deceptive, or misleading advertising or obtaining a fee or other thing of value on the representation that beneficial results from any treatment will be guaranteed.

(s. 491.009(2)(d))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$250 fine</u>	<u>\$1000 fine and reprimand;</u>

<u>SECOND OFFENSE:</u>	<u>\$500 fine</u>	<u>\$1000 fine and probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(s. 491.009(2)(e))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$250 fine</u>	<u>\$1000 fine and reprimand;</u>
<u>SECOND OFFENSE:</u>	<u>\$500 fine</u>	<u>\$1000 fine and probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>

(f) Maintaining a professional association with any person whom the applicant or licensee knows, or has reason to believe, is in violation of Chapter 491, Florida Statutes, or of a rule of the Department or this Board.

(s. 491.009(2)(f))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$250 fine</u>	<u>\$1000 fine and reprimand;</u>
<u>SECOND OFFENSE:</u>	<u>\$500 fine</u>	<u>\$1000 fine and probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>

(g) Knowingly aiding, assisting, procuring, or advising a non-licensed person to hold oneself out as licensed under Chapter 491, Florida Statutes.

(s. 455.624(1)(j) & s. 491.009(2)(g))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and revocation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>\$1000 fine and permanent revocation;</u>

(h)1. Failing to perform any statutory or legal obligation placed upon a person licensed under Chapter 491, Florida Statutes.

(s. 455.624(1)(k) & s. 491.009(2)(h))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>reprimand</u>	<u>\$1000 fine and 1 year probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and 6 month suspension followed by probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and revocation;</u>

2. In the case of noncompliance with a continuing education requirement, the following guidelines apply:

(s. 455.624(1)(f) & s. 491.009(2)(b))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>

(i) Willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record.

(s. 455.624(1)(l) & s. 491.009(2)(i))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$500 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine, 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>

(j) Paying or receiving a kickback, rebate, bonus, or other remuneration for receiving a patient or client or referring a patient or client to another provider of mental health care services or to a provider of health care services or goods; referring a patient or client to oneself for services on a fee-paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement.

(s. 491.009(2)(j))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>

(k) Committing any act upon a patient or client, which would constitute sexual battery or which would constitute sexual misconduct as defined in Section 491.0111, Florida Statutes.

(s. 455.624(1)(u) & s. 491.009(2)(k))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and 2 years suspension followed by probation</u>	<u>denial or \$1000 fine and permanent revocation;</u>

(l) Making misleading, deceptive, untrue, or fraudulent misrepresentations in the practice of any profession licensed under Chapter 491, Florida Statutes or employing a trick or scheme in or related to the practice of a profession.

(s. 455.624(1)(a) & (m) & s. 491.009(2)(l))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$250 fine</u>	<u>\$1000 fine and reprimand;</u>
<u>SECOND OFFENSE:</u>	<u>\$500 fine</u>	<u>\$1000 fine and probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>

(m) Soliciting patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct.

(s. 491.009(2)(m))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$500 fine and reprimand</u>	<u>\$1000 fine and 6 month suspension followed by probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 and reprimand</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine 1 year suspension followed by probation</u>	<u>\$1000 fine and revocation;</u>

(n) Failing to make available to a patient or client, upon written request, copies of tests, reports, or documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client.

(s. 491.009(2)(n))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>

(o) Failing to respond within thirty (30) days to a written communication from the Department or the Board concerning any investigation by the Department or the Board, or failing to make available any relevant records with respect to the investigation about the licensee's conduct or background.

(s. 491.009(2)(o))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>

(p) Being unable to practice the profession for which one is licensed under Chapter 491, Florida Statutes, with reasonable skill and competence as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance.

(s. 491.009(2)(p))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and suspension until the licensee is able to appear before the Board and demonstrate that he or she is able to practice with reasonable skill and competence, followed by probation;</u>
<u>SECOND OFFENSE:</u>	<u>suspension until the licensee is able to appear before the Board and demonstrate that he or she</u>	<u>\$1000 fine and permanent revocation</u>

is able to practice with reasonable skill and competence, followed by probation

(q) Violating provisions of Chapter 491, Florida Statutes, or of Chapter 455, Part II, Florida Statutes, or any rule adopted pursuant thereto.

(s. 491.009(2)(q))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$500 fine and reprimand</u>	<u>\$1000 fine and probation</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>

<u>THIRD OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>
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(r) Performing any treatment or prescribing any therapy which, by the prevailing standards of the mental health professions in the community would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(s. 491.009(2)(r))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$500 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>

<u>THIRD OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>
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(s) Failing to meet the MINIMUM standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee is not qualified by training or experience.

(s. 491.009(2)(s))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$250 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>

<u>THIRD OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation</u>
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(t) Delegating professional responsibilities to a person whom the licensee knows or has reason to know is not qualified by training or experience to perform such responsibilities.

(s. 455.624(1)(p) & s. 491.009(2)(t))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and revocation;</u>

<u>THIRD OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>\$1000 fine and permanent revocation;</u>
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(u) Violating a rule relating to the regulation of the profession or a lawful order of the Department or the Board previously entered in a disciplinary hearing.

(s. 491.009(2)(u))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and 6 month suspension followed by probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>

(v) Failure of a licensee to maintain in confidence any communication made by a patient or client in the context of services, except by written permission or in the face of clear and immediate probability of bodily harm to the patient or client or to others.

(s. 491.009(2)(v))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>denial or \$1000 fine and revocation;</u>

(w) Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients.

(s. 491.009(2)(w))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>denial or \$1000 fine and revocation;</u>

(x) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department or the agency against another licensee.

(s. 455.624(1)(g))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$500 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>

<u>THIRD OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>
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(y) Except as provided in s. 465.016, failing to report to the department any person whom the licensee knows is in violation of Chapter 455, Part II, Chapter 491 or the rules of the Department or the Board.

(s. 455.624(1)(i))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$250 fine</u>	<u>\$1000 fine and reprimand;</u>
<u>SECOND OFFENSE:</u>	<u>\$500 fine</u>	<u>\$1000 fine and probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>

(z) Exercising influence on the client for the purpose of financial gain of the licensee or a third party.

(s. 455.624(1)(n))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>denial or \$1000 fine and revocation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and 1 year suspension to be followed by probation</u>	<u>permanent denial or and permanent revocation;</u>

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

(s. 455.624(1)(r))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and 6 months suspension followed by probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>

(bb) Intentionally violating any rule adopted by the Board or the department, as appropriate.

(s. 455.624(1)(b))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and 6 months suspension followed by probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>

(cc) Failing to comply with the educational course requirements for domestic violence.

(s. 455.624(1)(s))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>reprimand</u>	<u>\$1000 fine and 1 year probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and 6 month suspension followed by probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and revocation;</u>

(dd) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

(s. 455.624(1)(o))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and revocation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>\$1000 fine and permanent revocation;</u>

(ee) Violating any provision of this part, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.

(s. 455.624(1)(q))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$500 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>

(ff) Failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated

information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application.

(s. 455.624(1)(v))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$500 fine and reprimand</u>	<u>\$1000 fine and reprimand;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and 3 month suspension followed by probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>

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

(455.624(x), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$500 fine and reprimand</u>	<u>\$1000 fine and 6 month suspension followed by probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 and reprimand</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine 1 year suspension followed by probation</u>	<u>\$1000 fine and revocation;</u>

(hh) Failing to report to the Board within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.

(455.624(w), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$500 fine</u>	<u>\$1000 fine and reprimand;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and 6 month suspension followed by probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>

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

- (a) the severity of the offense;
- (b) the danger to the public;
- (c) the number of repetitions of offenses;
- (d) the length of time since the date of the violation(s);
- (e) prior discipline imposed upon the licensee;
- (f) the length of time the licensee has practiced;
- (g) the actual damage, physical or otherwise, to the patient;
- (h) the deterrent effect of the penalty imposed;
- (i) the effect of the penalty upon the licensee's livelihood;
- (j) any efforts for rehabilitation;

(k) the actual knowledge of the licensee pertaining to the violation;

(l) attempts by the licensee to correct or stop violations or failure of the licensee to correct or stop violations;

(m) related violations against the licensee in another state, including findings of guilt or innocence, penalties imposed and penalties served;

(n) any other mitigating or aggravating circumstances.

(3) The provisions of Sections (1) through (2) above shall not be constructed so as to prohibit civil action or criminal prosecution as provided in Section 455.624 or Section 491.012, Florida Statutes, and the provisions of Sections (1) through (2) above shall not be construed so as to limit the ability of the Board to enter into binding stipulations with accused parties as per Section 120.57(4), Florida Statutes.

Specific Authority 455.627, 491.004(5) FS. Law Implemented 455.627, 491.009 FS. History--New 3-5-89, Amended 1-3-91, 6-1-92, Formerly 21CC-5.001, Amended 1-9-94, Formerly 61F4-5.001, Amended 12-22-94, Formerly 59P-5.001, Amended 12-11-97.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2000

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Requirements for Approval of Continuing Education Training Courses for Laser and Light-based Hair Removal or Reduction

RULE NO.: 64B8-52.004

PURPOSE AND EFFECT: The proposed rule is intended to set forth the requirements for approval of continuing education training courses for laser and light-based hair removal or reduction.

SUMMARY: The proposed rule sets forth the requirements for approval of continuing education training programs for laser and light-based hair removal or reduction.

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

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

SPECIFIC AUTHORITY: 478.43 FS.

LAW IMPLEMENTED: 478.42(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-52.004 Requirements for Approval of Continuing Education Training Courses for Laser and Light-based Hair Removal or Reduction.

The Electrolysis Council will approve laser and light-based hair removal or reduction continuing education training courses upon application if the following requirements are met:

(1) Continuing education providers seeking initial approval by the Council shall pay a fee of \$250. Continuing education providers seeking renewal of provider status shall also pay a \$250 fee each biennium. To receive Council approval, a continuing education program:

(a) should be submitted for the Council's approval not less than 90 days prior to the date the offering is scheduled;

(b) shall have its sponsor submit to the Council at least the following:

1. a statement of the educational goals and objectives of the program;

2. a detailed course outline or syllabus, including such items as method of instruction, testing materials, if any;

3. a current curriculum vitae of the course instructor(s);

4. the procedure to be used for recording attendance of those attendees seeking to apply for continuing education credit and the procedure for certification by the course's registrar of attendance; and

5. a sample certificate of completion.

(2) The course consists of thirty (30) hours of instruction in the use of laser and light-based hair removal or reduction devices, including:

(a) biology of hair;

(b) laser and light-based device terminology;

(c) basic electricity;

(d) laser and light-based hair removal physics, including:

1. the theory of traditional light.

2. the theory of coherent light.

3. the electromagnetic spectrum.

4. the different types of laser and light-based hair removal devices.

5. the history of laser and light-based device development.

6. the history of medical laser and light-based device development.

7. understanding photonics principles and how a laser and light-based device works.

8. hair removal laser and light-based device delivery systems.

(e) safety and precautions, including:

1. federal and quasi-federal regulatory agencies and their roles in safety.

2. treatment room considerations.

3. eye safety for the operator and the patient.

4. fire safety.

(f) laser and light based tissue interaction, including:

1. Grothus draper law.

2. reflection, transmission, scatter and absorption.

3. the melanin and hemoglobin absorption curve at various hair removal device wavelengths.

4. depth of penetration and wavelength.

5. possible effects of absorption of light energy.

6. selective photothermolysis, including:

a. wavelength.

b. pulse duration.

c. energy fluence.

d. spot size.

(g) sanitation;

(h) Fitzpatrick skin typing;

(i) the patient intake form;

(j) the consultation;

(k) proper documentation of patient case history and consent forms;

(l) pre-treatment patient preparation including test spot considerations and the Nikolski sign;

(m) treatment contra-indications including the recognition of disease conditions of the skin;

(n) handpiece and spot size considerations;

(o) fluence setting;

(p) stretch technique;

(q) use of grid stamp;

(r) post-treatment procedures, including:

1. application of ice and medication.

2. instructions to patients.

(s) expected outcomes including erythema and edema;

(t) possible adverse outcomes;

(u) follow-up care;

(v) the concept of using needle-type epilators to complement laser and light-based hair removal or reduction devices; and

(w) hands-on experience with laser and light-based devices to include hair removal or reduction from all areas of the body.

(3) The course shall be instructed:

(a) by any person licensed under Chapters 458, 459 or 465, F.S.; or

(b) by a laser-certified electrologist who is a member of the American Society for Laser Medicine and Surgery (ASLMS), and

1. has completed a minimum of 30 hours of specialized training in the use of laser and/or light-based equipment in the practice of electrology and has five (5) years of practical experience in the practice of electrology; or

2. has taught a specialized course in the use of laser and/or light-based equipment in the practice of electrology a minimum of three times in the past two years, which totals a minimum of 30 hours, before a professional convention, professional group or at an electrology school, and has five (5) years practical experience in the practice of electrology.

Specific Authority 478.43 FS. Law Implemented 478.42(5) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rules Committee, Board of Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2000

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Equipment and Devices; Protocols for Laser and Light-Based Devices
RULE NO.: 64B8-56.002

PURPOSE AND EFFECT: The proposed rule sets forth the criteria under which electrologists may utilize laser and light-based equipment for hair removal or reduction.

SUMMARY: The proposed rule amendment permits electrologists to utilize laser and light-based equipment for the purpose of hair removal or reduction provided they are properly trained and certified and operating under the direct supervision of a physician.

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

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

SPECIFIC AUTHORITY: 478.43 FS.

LAW IMPLEMENTED: 478.42(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-56.002 Equipment and Devices; Protocols for Laser and Light-based Devices.

(1) The Board of Medicine approves the following equipment and devices for the permanent removal of hair by licensed electrologists if they are used pursuant to requirements established by the Board.

(a) needle type epilators.

(b) laser and light-based hair removal or reduction devices cleared by the United States Food and Drug Administration (FDA) for hair removal or reduction.

(2) Licensed electrologists may not use laser and light-based hair removal or reduction devices unless they:

(a) have completed a continuing education training course approved by the Council pursuant to Rule 64B8-52.004;

(b) have been certified in the use of laser and light-based devices for the removal or reduction of hair by a national certification organization approved by the Council and the Board;

(c) are using only the laser and light-based hair removal or reduction devices upon which they have been trained; and

(d) are operating under the direct supervision of a physician properly trained in hair removal and licensed pursuant to the provisions of Chapter 458, Florida Statutes.

(3) "Direct supervision" as used herein and in Rule 64B8-52.004 shall mean the physical presence of the supervising physician on the premises.

(a) The supervising physician, initially upon assuming duties as the supervisor and semiannually thereafter, shall review and inspect the techniques, procedures, and equipment utilized by the electrologist in the performance of laser and light-based hair removal or reduction.

(b) The supervising physician shall provide semi-annual training for the electrologist in the areas of infection control, sterilization, and emergency procedures.

(4)(a) The supervising physician and the electrologist shall develop jointly written protocols regarding the medical condition for individuals to receive laser and light-based hair removal or reduction treatment; specific conditions and the procedure for identifying conditions that require direct evaluation or specific consultation by the physician; treatment of routine minor problems resulting during or from laser and light-based hair removal or reduction; and detailed procedures to be followed in the event of emergency situations developing during the performance of or as a result of laser and light-based hair removal or reduction. These written protocols must be signed, dated, and maintained in a readily available location on

the premises where the electrologist practices. One copy shall be maintained by the supervising physician and one copy must be filed with the Department of Health. The written protocols which are kept on the premises of the electrologist will be readily available for inspection and review by agents of the Department of Health or the Board of Medicine. The parties to a protocol must notify the Department within 30 days of the termination of their professional relationship.

(b) The written protocol shall include and require that the initial consultation with each patient must include an examination and assessment by a physician licensed pursuant to Chapter 458 or 459, Florida Statutes.

(c) The written protocol shall include a statement that the electrologist does and will maintain professional liability coverage that includes coverage for incidents arising from laser usage in an amount not less than \$100,000.

(5) Pursuant to Section 455.624(1)(i), Florida Statutes, any physician who knows that any electrologist is engaged in unsafe practice must report that electrologist to the Department of Health immediately.

(6) Any physician who provides supervision to an electrologist must keep the Board informed of the number of electrologists the physician is supervising. No physician is authorized to supervise more than four (4) electrologists at any one time.

Specific Authority 478.43 FS. Law Implemented 478.42(5) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2000

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Duplicate License Fee

RULE NO.: 64B11-3.008

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule entitled "Duplicate license Fee."

SUMMARY: The purposed rule defines "Duplicate license Fee".

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 468.204, 455.587(2), 455.587(7) FS.

LAW IMPLEMENTED: 468.204, 455.587(2), 455.587(7) FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-3.008 Duplicate License Fee.

(1) Licensees licensed prior to July 1, 1998 may obtain wall certificates by submitting a written request to the Board's along with a \$25.00 fee.

(2) Licensees may obtain a duplicate wall certificate by submitting a written request to the Board along with a \$25.00 fee.

(3) Licensees may obtain duplicate license by submitting a written request to the Board along with a \$25.00 fee.

Specific Authority 468.204, 455.587(2), 455.587(7) FS. Law Implemented 468.204, 455.587(2), 455.587(7) FS. History--New.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Board of Occupational Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 28, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE TITLE: Pinellas County Boating Restricted Areas

RULE NO.: 68D-24.010

PURPOSE AND EFFECT: This proposed rule was originally published in the May 21, 1999 issue of the Florida Administrative Weekly, Vol. 25, No. 20. We were unable to proceed with the rulemaking process when the Florida Department of Environmental Protection, Division of Law Enforcement, Office of Planning & Policy Coordination merged July 1, 1999 with what is now the Florida Fish and Wildlife Conservation Commission (FWC), and the rule development was withdrawn on June 25, 1999, of Vol. 25, No. 25, June 25, 1999 issue of the Florida Administrative Weekly. The FWC published a Notice of Proposed Rule Development in the April 21, 2000 issue of the Florida Administrative Weekly, Vol. 26, No. 16.

This rule has been in continuous existence for the past ten years. The City of Clearwater cites as justification for amendment, vessel traffic congestion, public boat ramps and a marina that provides fuel. The purpose of this amendment is to protect vessel traffic safety. The effect of this rule will be to reduce vessel speed over the portion of the Gulf Intracoastal waterway extending 2,680 feet north of the existing restricted area.

The local office of the Florida Fish and Wildlife Conservation Commission has concurred with this action. This action is being coordinated with the City of Clearwater, United States Army Corps of Engineers and the United States Coast Guard.

SUMMARY: The amendment of the existing Slow Speed Minimum Wake zones as follows would provide a safer boating atmosphere in an area with vessel traffic congestion, public boat ramps and a marina that provides fuel. The area to be amended is 500 feet southwest of the S. R. 60 (Memorial Causeway) to 3,180 feet northeast of the centerline of S. R. 60 (Memorial Causeway) including all waters from the western right-of-way of the Florida Intracoastal Waterway to the shoreline of the City of Clearwater. The City of Clearwater will be authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area and shall install and maintain "Slow Speed Minimum Wake" and "Resume Normal Safe Operation" markers at the boundaries of the boating restricted areas.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD): TIME AND DATES: 8:00 a.m. – 5:00 p.m., September 6-8, 2000

PLACE: Holiday Inn, DeLand Convention Center, 350 East International Speedway Boulevard, DeLand, Florida 32724

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Ms. Tara Alford, Division of Law Enforcement, Office of Planning & Policy, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600, Extension 169

THE FULL TEXT OF THE PROPOSED RULE IS:

68D-24.010 Pinellas County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Florida Intracoastal Waterway in Pinellas County, Florida, the following boating restricted areas are established ~~is amended~~:

(a)1. through 6. No change.

7. Memorial Causeway, ~~S.R. State Road~~ 60 – A Slow Speed Minimum Wake zone from the centerline of S. R. 60, to 500 feet southwest of S. R. 60 to 3,180 feet northeast of the centerline of S. R. 60 to include all waters from the western right-of-way of the Florida Intracoastal Waterway to the

shoreline of the City of Clearwater. All waters lying within the right-of-way of the Intracoastal Waterway between a line drawn perpendicular to the center line of the waterway 500 feet northeast of the Memorial Causeway at Clearwater and a line drawn perpendicular to center line of the waterway 500 southwest of said bridge, as depicted in drawing G.

8. through (b)2. No change.

(2) Pinellas County and the City of Clearwater are ~~is~~ authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas and shall install and maintain the “Slow Speed Minimum Wake” and “Resume Normal Safe Operation” markers at the northern and southern boundaries of the boating restricted areas.

(3) The boating restricted areas are depicted in the following drawings:

Drawings A through F – No change.

Drawing H – No change.

INSERT MAP-ONE PAGE

89D-24

Specific Authority ~~327.04~~, 327.45 FS. Law Implemented 327.46 FS. History—New 9-18-88, Amended 12-7-89, Formerly 16N-24.010, Amended 10-1-96, 62N-24.010, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Colonel Robert Edwards
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: April 21, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE TITLE: Okeechobee Waterway Boating Restricted Areas
RULE NO.: 68D-24.011

PURPOSE AND EFFECT: This proposed rule was originally published in Vol. 25, No. 13, April 23, 1999 issue of the Florida Administrative Weekly (a notice of rule development was published in Vol. 25, No. 13 of the Administrative Weekly on April 2, 1999. A public hearing was held, based on a request received during the publication period, in Stuart, Florida on May 26, 1999. We were unable to proceed with the rulemaking process as the Florida Department of Environmental Protection, Division of Law Enforcement, Office of Planning & Policy Coordination merged July 1, 1999 with what is now the Florida Fish and Wildlife Conservation Commission (FWC). The FWC published a Notice of Proposed Rule Development in the April 21, 2000 issue of the Florida Administrative Weekly, Vol. 26, No. 16.

Martin County has requested that the commission establish boating safety areas along the Okeechobee Waterway portion of the Florida Intracoastal Waterway as it makes its way through Martin County. The areas under consideration are the Timer Powers Park and boat ramp, the Palm City Bridge, the Florida Turnpike Bridge, the I-95 Bridge and the Moore Haven Lock Structure. Martin County asserts that wakes from speeding vessels present a danger to vessels being launched or recovered at the public boat ramps located at the Timer Powers Park, Phipps Park and Leighton Park. Obstruction of visibility is a concern in the areas around the Florida Turnpike Bridge, I-95 Bridge, and the St. Lucie Lock and Dam, the Moore Haven Lock Structure.

This rulemaking action will be coordinated with the County Commissioners of Glades and Martin Counties, with the United States Army Corps of Engineers and with the United States Coast Guard.

By codifying these zones by rule, all zones established heretofore by the Commission (or by the Department of Natural Resources, DNR or Florida Department of Environmental Protection, DEP) other than by rulemaking are disestablished, and any regulatory markers other than those installed to implement this rule will be removed.

SUMMARY: The establishment of Slow Speed Minimum Wake zones as follows would provide a safer boating atmosphere in an area with vessel traffic congestion, public boat ramps, numerous bridge crossings and a lock and dam structure. A zone is to begin 200 feet north of the centerline of the Palm City Bridge to 1,500 feet south of the centerline of the Palm City Bridge at the northern tip of the island located east of Leighton Park at the public boat ramp in the Florida Intracoastal Waterway, shoreline to shoreline. A zone to begin at the St. Lucie Lock and Dam easterly, shoreline to shoreline, to 1,000 feet east of the eastern span of the northbound traffic lane of I-95. A zone beginning 1,000 feet northeast of the centerline of the Timer Powers Boat Ramp, shoreline to shoreline, to 1,000 feet southwest of the centerline of the Timer Powers Boat Ramp at Timer Powers Park. A zone beginning at the Moore Haven Lock Structure 1,000 feet north of the lock gates to 500 feet southwest of the lock gates within Martin County.

Martin County will be authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area and shall install and maintain “Slow Speed Minimum Wake” and “Resume Normal Safe Operation” markers at the boundaries of the boating restricted areas.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
TIME AND DATES: 8:00 a.m. – 5:00 p.m., September 6-8, 2000

PLACE: Holiday Inn, DeLand Convention Center, 350 East International Speedway Boulevard, DeLand, Florida 32724

Pursuant to the provision of the Americans with Disabilities Act, any person requiring special accommodations to participate in the workshop or meeting is asked to advise the

Commission at least five (5) calendar days prior by calling Andrenea Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency at (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Ms. Tara Alford, Division of Law Enforcement, Office of Planning & Policy, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600, Extension 169

THE FULL TEXT OF THE PROPOSED RULE IS:

68D-24.011 Okeechobee Waterway Boating Restricted Areas.

For the purpose of regulating the speed and operation of vessel traffic on the Okeechobee Waterway, the following Boating Restricted Areas are established:

(a)1. through 3. No change.

4. Palm City Bridge (C. R. 714) – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in and adjacent to the Okeechobee Waterway, from 200 feet north of the centerline of the Palm City Bridge to 1,500 feet south of the centerline of the Palm City Bridge at the northern tip of the island located east of Leighton Park and the public boat ramp as depicted in drawing D.

5. St. Lucie Lock and Dam Structure, the Florida Turnpike and I-95 Bridges – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in and adjacent to the St.

Lucie Lock and Dam easterly to 1,000 feet east of the eastern span of the northbound traffic lane of I-95, as depicted in drawing E.

6. Timer Powers Park and Boat Ramp – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in and adjacent to the Okeechobee Waterway, from 1,000 feet northeast of the centerline of the Timer Powers Boat Ramp to 1,000 feet southwest of the centerline of the Timer Powers Boat Ramp, as depicted in drawing F.

7. Moore Haven Lock Structure – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, north from the lock gates 1,000 feet in and adjacent to the Okeechobee Waterway to 500 feet southwest of the lock gates, as in depicted drawing G.

(b) Martin, Palm Beach County, the City of Clewiston (in coordination and cooperation with the South Florida Water Management District), and Glades County are authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas, or portions thereof, located within the respective counties. These local governmental entities may enter into agreements with public or private organizations or individuals to effect this purpose.

(2) The boating restricted areas ~~described in 62N-24.011~~ are depicted on the following drawings:

INSERT MAPS

1 of 4

68D-24.011

INSERT MAP

2 of 4

68D-24.011

INSERT MAP

3 of 4

68D-24.011

INSERT MAP

4 of 4

68D-24.011

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—
New 1-5-88, Formerly 16N-24.011, 62N-24.011, Amended 1-8-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Colonel Robert Edwards
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Dr. Allan L. Egbert
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 2, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN THE FAW: April 21, 2000

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE NO.:	RULE TITLE:
3F-5.0016	Certificate of Authority; Financial Requirements

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Funeral and Cemetery Services hereby gives notice of an additional public hearing on the above-referenced rule(s) to be held on July 18, 2000 at 10:00 a.m., at Hotel Royal Plaza, 1905 Hotel Plaza Blvd., Lake Buena Vista, FL 32830-2203, phone (407)828-2828. This hearing is being held in response to a request from the public. The rule was originally published in Vol. 26, No. 21, of the May 26, 2000, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, FL 32399-0350

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF INSURANCE

RULE NO.:	RULE TITLE:
4-176.022	Mediation of Bodily Injury and Property Damage Claim

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 25, No. 33, August 20, 1999, of the Florida Administrative Weekly:

4-176.022(h) second line, add after 'Form DI4-1121', and before "Invoice" (rev. 11/99).

The remainder of the rule reads as previously published.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NOS.:	RULE TITLES:
5L-1.004	Production and Market Standards
5L-1.005	Shellfish Processing Plant Certification
5L-1.009	Shellfish Relaying
5L-1.019	Laboratory Procedures and Sample Testing

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 18, May 5, 2000, issue of the Florida Administrative Weekly:

5L-1.004(8) Shellfish or shellfish products determined to be adulterated, or misbranded shall be subject to recall by the certified dealer responsible for distribution of the products. For a first offense in a certification license year, the department will apply mitigation measures if applicable. Mitigation measures include on-the-spot correction and reconditioning. For repeat violations, and where mitigation measures are not available, the department shall issue an order to stop the sale or to condemn, and destroy, shellfish or shellfish containers found to be adulterated, misbranded, or found to be held in non-compliance with any of the provisions of this Chapter. Reconditioning shall be a mitigation option only if the products will meet the safety standards of Rule 5L-1.004, F.A.C., and the labeling standards of Rule 5L-1.007~~6~~, F.A.C. Stop sale, condemnation, or reconditioning of products or containers shall be based on individual conditions found during inspections and shall be conducted using a Stop Sale Notice, DACS DEP Form 15001 34-013, revision 7/2000 2/96. This form is herein incorporated by reference, and available for inspection at the Department's offices located at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Mail Station #205, Tallahassee, Florida 32399.

5L-1.005(1) Upon request, the Department shall provide an application form entitled Shellfish Processing Plant Certification License Application, Form Number DACS DEP 15007 34-006 revision 7/2000 6/94, herein incorporated by reference, and obtainable by writing the Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Mail Station #205, Tallahassee, Florida 32399, necessary for certification licensing of shellfish establishments. The following information shall be requested: (a) the name and address of the