

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Specific Fish Management Area Regulations

RULE NO.: 68A-20.005

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish initial sportfish length and bag limits, and other access and utilization requirements for the newly established Cargill Fish Management Area, a privately owned phosphate mine in Hardee and Polk counties, in order to open the area to public fishing.

SUBJECT AREA TO BE ADDRESSED: Fish Management Area Regulations.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

TIME AND DATES: 9:00 a.m., each day, September 6-8, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James V. Antista, General Counsel, 620 South Meridian Street, Tallahassee, FL 32399-1600

**Section II  
Proposed Rules**

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Finance**

RULE TITLES:	RULE NOS.:
Application Procedure for Title Loan Lender	3D-45.005
Demonstrating Unworthiness Defined	3D-45.010
Title Loan Lender License Renewal and Reactivation	3D-45.015
Documentation of Surety Bond, Letter of Credit, or Certificate of Deposit	3D-45.020

PURPOSE AND EFFECT: To implement the provisions of Chapter 2000-138, Laws of Florida, the "Florida Title Loan Act," which requires the Department to license title loan lenders.

SUMMARY: The proposed rules establish the procedures for obtaining a title loan lender license and for renewals of the license; prescribe application and renewal forms; define "unworthiness"; and provide for surety bonds, letters of credit or certificates of deposit.

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: Sections 5 and 15, Chapter 2000-138, Laws of Florida.

LAW IMPLEMENTED: Sections 4, 5 and 6, Chapter 2000-138, Laws of Florida.

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

TIME AND DATE: 10:00 a.m., August 14, 2000

PLACE: Room 547, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bob Tedcastle, Financial Administrator, Division of Securities and Finance, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE FULL TEXT OF THE PROPOSED RULES IS:

3D-45.005 Application Procedure for Title Loan Lender.

(1) Each person desiring to apply for licensure as a title loan lender shall submit the following to the Department:

(a) A completed Application for Title Loan Lender, Form DBF-TTL-101, effective 10/00, which is hereby incorporated by reference and available from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350;

(b) The statutory, nonrefundable investigation fee required by Section 4, Chapter 2000-138, Laws of Florida;

(c) The statutory, nonrefundable application fee required by Section 4, Chapter 2000-138, Laws of Florida; and

(d) The original bond, letter of credit, or certificate of deposit as required by Section 5, Chapter 2000-138, Laws of Florida;

(2) Each ultimate equitable owner of 10% or greater interest and each director, general partner, and executive officer of an entity applying for licensure as a title loan lender, shall submit a completed fingerprint card and a Biographical

Summary for Title Loan Lender, Form TLL-BIO-1, effective 10/00, to the Department. Form TLL-BIO-1 is hereby incorporated by reference and is available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Section 120.60(1), F.S.

(4) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Department by submitting a written request that the application be withdrawn.

(5) Refunds. If the application is withdrawn or denied, the investigation fee and the application fee are nonrefundable.

(6) If one's civil rights have been restored and the conviction did not directly relate to the title loan industry, the applicant shall provide evidence of restoration of civil rights. If one's civil rights have been restored and the conviction is directly related to the title loan industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.

PROPOSED EFFECTIVE DATE: 10-1-00.

Specific Authority Sections 5, 15, Chapter 2000-138, Laws of Florida. Law Implemented Sections 4 and 5, Chapter 2000-138, Laws of Florida. History--New 10-1-00.

### 3D-45.010 Demonstrating Unworthiness Defined.

As used in Section 6, Chapter 2000-138, Laws of Florida, the phrase "[h]aving demonstrated unworthiness . . . to transact the business of a title loan lender" shall include, but is not limited to, the following:

(1) Failing to demonstrate financial responsibility by having a credit history that reflects any of the following: unpaid liens, judgments, repossessions, foreclosures or an otherwise general history on non-payment of legal debts.

(2) Failing to demonstrate character or general fitness by having been convicted, found guilty, or plead nolo contendere, regardless of adjudication, of any crime involving fraud, dishonest dealing or any other act of moral turpitude. Moral turpitude involves duties owed by persons to society as well as acts contrary to justice, honesty, principle or good morals. This includes, but is not limited to, theft, extortion, use of the mail to obtain property under false pretenses, tax evasion, and the sale of (or intent to sell) controlled substances.

PROPOSED EFFECTIVE DATE: 10-1-00

Specific Authority Sections 6 and 15, Chapter 2000-138, Laws of Florida. Law Implemented 6, Chapter 2000-138, Laws of Florida. History--New 10-1-00.

3D-45.015 Title Loan Lender License Renewal and Reactivation.

(1) Each active title loan lender license will be renewed for the biennial period beginning October 1 of every even-numbered year, upon submission of the renewal fee and renewal notice to the Department, unless the license is renewed on the Department's website. Form DBF-TLL-R (effective 10/00), Title Loan Lender License Renewal, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) Failure to return the renewal notice and fee prior to October 1 of the renewal year shall automatically result in the license becoming inactive. The inactive license may be reactivated within six (6) months after becoming inactive upon payment of the nonrefundable renewal and reactivation fees as set by Section 4, Chapter 2000-138, Laws of Florida, and return of the reactivation form.

(3) A license that is not reactivated within 6 months after becoming inactive may not be reactivated and shall automatically expire.

PROPOSED EFFECTIVE DATE: 10-1-00

Specific Authority Sections 4 and 15, Chapter 2000-138, Laws of Florida. Law Implemented Section 4, Chapter 2000-138, Laws of Florida. History--New 10-1-00.

3D-45.020 Documentation of Surety Bond, Letter of Credit, or Certificate of Deposit.

(1) The surety bond, letter of credit, or certificate of deposit required as a condition of licensure under Section 5, Chapter 2000-138, Laws of Florida, shall be submitted to the Department with the application for licensure. The original shall be maintained by the Department. A copy of the surety bond shall be maintained at the principal place of business and made available to Department examiners upon request.

(2) In the event a licensee changes the issuer of the surety bond, letter of credit, certificate of deposit or the issuer of the surety bond cancels the bond, the licensee shall promptly inform the Department of such change in writing by U.S. certified mail and provide a new surety bond to the Department.

(3) Each surety bond shall be issued by a company authorized to do business in this state by the Florida Department of Insurance.

PROPOSED EFFECTIVE DATE: 10-1-00

Specific Authority Section 15, Chapter 2000-138, Laws of Florida. Law Implemented Section 5, Chapter 2000-138, Laws of Florida. History--New 10-1-00.



DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2000  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 11, 2000

**DEPARTMENT OF INSURANCE**  
**Residual Markets and Special Risk Pools**

RULE TITLE: FWUA Plan of Operation and Articles of Agreement Adopted  
 RULE NO.: 4J-1.001

PURPOSE AND EFFECT: The rule updates the FWUA Plan of Operation and Articles of Agreement to conform to legislative changes which occurred subsequent to the adoption of the Plan, and address various administrative matters relating to the day-to-day operation of the FWUA.

SUMMARY: The proposed amendments update the FWUA Plan of Operation and Articles of Agreement to conform to legislative changes which occurred subsequent to the adoption of the Plan, and address various administrative matters relating to the day-to-day operation of the FWUA.

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: 624.308(1), 627.351(2) FS.

LAW IMPLEMENTED: 624.307(1), 627.351(2) 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: 9:30 a.m., August 16, 2000

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Steve Roddenberry, Chief, Bureau of Property and Casualty Forms and Rates, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5310

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4J-1.001 Plan of Operation and Articles of Agreement Adopted.

The Florida Windstorm Underwriting Association Amended and Restated Plan of Operation and Restated Articles of Agreement, as revised June 8, 2000 ~~June 1997~~, is hereby adopted and incorporated by reference.

Specific Authority 624.308(1), 627.351(2) FS. Law Implemented 624.307(1), 627.351(2) FS. History--New 6-29-83, Formerly 4-49.01, Amended 9-7-88, 10-18-90, Formerly 4-49.001, Amended 11-20-95, 12-5-96, 11-19-97.

NAME OF PERSON ORIGINATING PROPOSED RULE: Steve Roddenberry, Bureau Chief, Property and Casualty Forms and Rates, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Belinda Miller, Director, Division of Insurer Services Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 12, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 1999

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

RULE CHAPTER TITLE: Preservation of Native Flora of Florida  
 RULE CHAPTER NO.: 5B-40

RULE TITLES: Obtaining a Permit to Harvest Plants on the Endangered and Commercially Exploited Plant Lists  
 RULE NOS.: 5B-40.003

Issuance of Permit to Harvest Plants on the Endangered and Commercially Exploited Plant Lists  
 5B-40.004

Regulated Plant Index  
 5B-40.0055

Procedures for Amending the Regulated Plant Index  
 5B-40.0056

Investigating Suspected Violations, Preservation of Endangered, Commercially Exploited and/or Threatened Plants Involved, and Reporting Suspected Violations  
 5B-40.008

Endangered and Threatened Native Flora Conservation Grants Program  
 5B-40.010

PURPOSE AND EFFECT: The purpose of these rule amendments is to incorporate changes to the Regulated Plant Index Rule as a result of the public meetings conducted by the Endangered Plant Advisory Council, and to comply with the provisions of Section 120.55(1)(a)4., F.S., by referencing forms used by the department as a result of the requirements specified in this Rule Chapter.

SUMMARY: These amendments revise the Regulated Plant Index and include references to Department forms used as a result of the requirements outlined in this rule chapter. Twelve plants will be listed as endangered, three species will be de-listed from the endangered list, six will be moved from endangered to threatened based on their ranking scores, and three species will be removed from the threatened list. Ten plants will have name changes.

SPECIFIC AUTHORITY: 570.07(23), 581.185(4),(9),(11) FS.  
 LAW IMPLEMENTED: 570.07(13), 581.185(4),(9),(11) FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF  
 THIS NOTICE, A HEARING WILL BE HELD AT THE  
 TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., August 14, 2000

PLACE: Doyle Conner Building, 1911 S. W. 34th Street,  
 Gainesville, FL

THE PERSON TO BE CONTACTED REGARDING THE  
 PROPOSED RULES IS: Constance C. Riherd, Assistant  
 Director, Division of Plant Industry, Department of  
 Agriculture and Consumer Services, Doyle Conner Building,  
 1911 SW 34th Street, Gainesville, Florida 32608

THE FULL TEXT OF THE PROPOSED RULES IS:

5B-40.003 Obtaining a Permit to Harvest Plants on the  
 Endangered and Commercially Exploited Plant Lists.

(1) Endangered plants.

(a) No change.

(b) Any person desiring to harvest one or more plants or  
 parts thereof of a species contained on the endangered plant list  
 from the private land of another or on any public land or water  
 shall request a permit, DACS-08051, Revised 7/99,  
incorporated herein by reference, from the department.  
DACS-08051, Request For Permit To Harvest Endangered  
Plant(s) Or Part(s) Thereof may be obtained from the Division  
of Plant Industry, Bureau of Plant and Apiary Inspection, P. O.  
Box 147100, Gainesville, FL 32614-7100.

(c) Any person transporting for the purpose of sale,  
 selling, or offering for sale any plant contained on the  
 endangered plant list which is harvested from such person's  
 own property shall request a permit (DACS-08051) from the  
 department.

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

(b) Any person desiring to harvest three or more plants or  
 parts thereof of a species contained on the commercially  
 exploited plant list from the private land of another or on any  
 public land or water shall request a permit (DACS-08051)  
 from the department.

(c) Any person transporting for the purpose of sale, selling  
 or offering for sale any plant contained on the commercially  
 exploited plant list which is harvested from such person's own  
 property shall request a permit (DACS-08051) from the  
 department.

(d) through (3) No change.

Specific Authority 570.07(23), 581.185(4) FS. Law Implemented 570.07(13),  
 581.185 FS. History—New 3-6-80, Formerly 5B-40.03, Amended 1-31-88,

5B-40.004 Issuance of Permit to Harvest Plants on the  
 Endangered and Commercially Exploited Plant Lists.

(1) No change.

(2) The permit, DACS-08135, Revised 5/00, and  
incorporated herein by reference, may be obtained from the  
Division of Plant Industry, Bureau of Plant and Apiary  
Inspection, P. O. Box 147100, Gainesville, FL 32614-7100,  
and shall include the following information:

(a) Name of the permittee

(b) Address of the permittee

(c) Date issued

(d) Expiration date

(e) Name of the species to be harvested

(f) Number of plants to be harvested

(g) Legal description of the property from which the plants  
 will be harvested

(h) Any special provisions as to conditions which shall be  
 met in harvesting, transporting, or handling the plants being  
 removed.

(3) Permits issued for endangered or commercially  
 exploited plants shall be valid for one year for those plants  
 permitted and may be renewed annually by refiling a request  
 for permit (DACS-08051) with the department.

Specific Authority 570.07(23), 581.185(4) FS. Law Implemented 570.07(13),  
 581.185 FS. History—New 3-6-80, Formerly 5B-40.04, Amended 1-31-88,

5B-40.0055 Regulated Plant Index.

(1) All plants listed on the Endangered Plant List, the  
 Threatened Plant List, and the Commercially Exploited Plant  
 List as set forth herein are referred to as regulated. Information  
concerning scientific name, references, common names,  
family, and descriptions for these listed plants is available in  
the Florida Department of Agriculture and Consumer Services,  
Division of Plant Industry's "Note's on Florida's Endangered  
and Threatened Plants." (Bureau of Entomology, Nematology  
and Plant Pathology – Botany Section, Contribution No. 38,  
3rd edition – 2000). A copy of the publication is free to Florida  
residents and may be obtained by writing to the Florida  
Department of Agriculture and Consumer Services, Division of  
Plant Industry, P. O. Box 147100, Gainesville, Florida  
32614-7100.

(a) Endangered Plant List. The following plants shall be  
 included in the Endangered Plant List:

1. *Acacia choriophylla* (tamarindillo).

2. *Acacia tortuosa* (poponax) Presumed Extirpated.

3. *Actaea pachypoda* (baneberry).

4. *Adiantum melanoleucum* (fragrant maidenhair fern).

5. *Adiantum tenerum* (brittle maidenhair fern).

6. *Aeschynomene pratensis* (meadow jointvetch).

7. *Ageratum littorale* (Cape Sable whiteweed).

8. *Agrimonia incisa* (harvest-lice).
9. *Aletris bracteata* (bracted colicroot).
10. *Alvaradoa amorphoides* (alvaradoa).
11. *Amorpha crenulata* (Miami lead plant).
12. *Anemia wrightii* (parsley fern).
13. *Aquilegia canadensis* (columbine).
14. *Arabis canadensis* (sicklepod).
15. *Argusia gnaphalodes* (sea-lavender).
- 16.15. *Argythamnia blodgettii* (Blodgett's wild-mercury).
- 17.16. *Aristida simpliciflora* (southern three-awn).
- 18.17. *Aristolochia pentandra* (Marsh's dutchman's pipe).
- 19.18. *Aristolochia tomentosa* (pipevine).
- 20.19. *Asclepias curtissii* (Curtiss's milkweed).
- 21.20. *Asimina tetramera* (four-petal pawpaw).
- 22.21. *Asplenium auritum* (auricled spleenwort) (fern).
23. *Asplenium dentatum* (slender spleenwort).
- 24.22. *Asplenium monanthes* (San Felasco spleenwort).
- 25.23. *Asplenium pumilum* (dwarf spleenwort).
- 26.24. *Asplenium serratum* (bird's-nest spleenwort).
25. ~~*Asplenium trichomanes dentatum*~~ (slender spleenwort).
- 27.26. *Asplenium verecundum* (delicate spleenwort).
- 28.27. *Aster hemisphericus* (aster).
- 29.28. *Aster spinulosus* (pinewoods aster).
30. *Baccharis dioica* (broom-bush) Presumed Extirpated.
- 31.29. *Balduina atropurpurea* (purple balduina).
- 32.30. *Baptisia megacarpa* (Apalachicola wild-indigo).
- 33.31. *Basiphyllaea corallicola* (Carter's orchid).
- 34.32. *Bigelovia nuttallii* (Nuttall's rayless goldenrod).
- 35.33. *Blechnum occidentale* (sinkhole fern).
- 36.34. *Bonamia grandiflora* (Florida bonamia).
- 37.35. *Bourreria cassinifolia* (little strongback).
- 38.36. *Bourreria radula* (rough strongback).
- 39.37. *Bourreria succulenta* (bodywood).
- 40.38. *Brassia caudata* (spider orchid).
- 41.39. *Brickellia cordifolia* (Flyr's nemesis).
- 42.40. *Brickellia mosieri* (Brickell-bush).
- 43.41. *Bulbophyllum pachyrrachis* (rat-tail orchid).
- 44.42. *Bumelia anomala* (Clark's buckthorn).
- 45.43. *Bumelia lycioides* (gopherwood buckthorn).
- 46.44. *Bumelia thornei* (Thorne's buckthorn).
- 47.45. *Burmannia flava* (Fakahatchee burmannia).
- 48.46. *Caesalpinia major* (yellow nicker).
- 49.47. *Caesalpinia pauciflora* (fewflower holdback).
50. *Calamintha georgiana* (Georgia calamint).
- 51.48. *Callirhoe papaver* (poppy mallow).
- 52.49. *Calopogon multiflorus* (many-flowered grass-pink).
- 53.50. *Calycanthus floridus* (sweet shrub).
- 54.51. *Calyptanthes zuzygium* (myrtle of the river).
- 55.52. *Calystegia catesbaeiana* (Catesby's bindweed).
- 56.53. *Campanula robinsiae* (Chinsegut bellflower).
- 57.54. *Campylocentrum pachyrrhizum* (leafless orchid).
- 58.55. *Campyloneurum angustifolium* (narrow swamp fern).
- 59.56. *Campyloneurum costatum* (tailed strap fern).
- 60.57. *Campyloneurum latum* (wide strap fern).
- 61.58. *Canella winterana* (wild cinnamon).
- 62.59. *Carex chapmanii* (Chapman's sedge).
- 63.60. *Carex microdonta* (little-tooth sedge).
- 64.61. *Cassia keyensis* (= *Chamaecrista lineata* var. *keyensis*) (Key cassia).
- 65.62. *Catesbaea parviflora* (dune lily-thorn).
- 66.63. *Catopsis heteroniana* (airplant).
- 67.64. *Catopsis floribunda* (many-flowered airplant).
- 68.65. *Catopsis nutans* (nodding catopsis).
- 69.66. *Celosia nitida* (West Indian cock's-comb).
- 70.67. *Celtis iguanaea* (Iguana hackberry).
- 71.68. *Celtis pallida* (spiny hackberry).
- 72.69. *Centrosema arenicola* (sand butterfly pea).
70. *Cereus eriophorus* (Indian River prickly apple).
71. *Cereus gracilis* (West Coast prickly apple).
- 73.72. *Cereus robinii* (tree cactus).
- 74.73. *Chamaesyce cumulicola* (sand dune spurge).
- 75.74. *Chamaesyce deltoidea* (= *Euphorbia deltoidea*) (rockland spurge).
- 76.75. *Chamaesyce garberi* (Garber's spurge).
- 77.76. *Chamaesyce porteriana* (Porter's spurge).
- 78.77. *Cheilanthes microphylla* (southern lip fern).
- 79.78. *Chionanthus pygmaeus* (pygmy fringe-tree).
- 80.79. *Chrysopsis cruiseana* (Cruise's golden-aster).
- 81.80. *Chrysopsis floridana* (Florida's golden-aster).
- 82.81. *Chrysopsis godfreyi* (Godfrey's golden-aster).
- 83.82. *Cienfuegosia yucatonensis* (= *Cienfuegosia heterophylla*) (yellow-hibiscus).
84. *Cissampelos pareira* (pareira brava) Presumed Extirpated.
- 85.83. *Cladonia perforata* (Florida perforate cladonia).
- 86.84. *Clitoria fragrans* (pigeon wings).
- 87.85. *Colubrina arborescens* (greenheart).
- 88.86. *Colubrina cubensis* (colubrina).
- 89.87. *Colubrina elliptica* (soldierwood).
- 90.88. *Conradina brevifolia* (short-leaved rosemary).
- 91.89. *Conradina etonia* (etonia rosemary).
- 92.90. *Conradina glabra* (Apalachicola rosemary).
91. ~~*Conradina grandiflora*~~ (large-flowered rosemary).
- 93.92. *Corallorhiza odontorhiza* (autumn coralroot).
- 94.93. *Cordia globosa* (Curacao bush).
- 95.94. *Coreopsis integrifolia* (dye-flower).
- 96.95. *Cornus alternifolia* (pagoda dogwood).

- ~~97.96.~~ *Cranichis muscosa* (moss orchid).  
~~98.97.~~ *Crataegus phaenopyrum* (Washington thorn).  
~~99.98.~~ *Croomia pauciflora* (croomia).  
~~99.~~ ~~*Crossopetalum rhacoma* (rhacoma).~~  
100. *Crotalaria avonensis* (Avon Park harebells).  
101. *Croton humilis* (pepperbush).  
102. *Cryptotaenia canadensis* (honestwort).  
103. *Ctenitis sloanei* (Florida tree fern/red-hair comb fern).  
104. *Ctenitis submarginalis* (brown-hair comb fern).  
105. *Ctenium floridanum* (Florida toothache grass).  
106. *Cucurbita okeechobeensis* (Okeechobee gourd).  
107. *Cupania glabra* (cupania).  
108. *Cuphea aspera* (tropical waxweed).  
109. *Cynoglossum virginianum* (wild comfrey).  
110. *Cyperus floridanus* (Florida flatsedge).  
111. *Cyperus fuliginosus* (limestone flatsedge).  
112. *Cyrtopodium punctatum* (cowhorn or cigar orchid).  
113. *Dalbergia brownii* (Brown's Indian rosewood).  
114. *Dalea carthagenensis* (Florida prairie clover).  
115. *Deeringothamnus pulchellus* (white squirrel-banana).  
116. *Deeringothamnus rugelii* (yellow squirrel-banana).  
117. *Delphinium carolinianum* (Carolina larkspur).  
118. *Dennstaedtia bipinnata* (cuplet fern).  
~~119.~~ *Desmodium ochroleucum* (trailing tick-trefoil).  
~~120.119.~~ *Dicerandra christmanii* (Christmann's mint).  
~~121.120.~~ *Dicerandra cornutissima* (Robin's mint).  
~~122.121.~~ *Dicerandra frutescens* (Lloyd's mint).  
~~123.122.~~ *Dicerandra immaculata* (Olga's mint).  
~~124.123.~~ *Digitaria pauciflora* (Florida pineland crabgrass).  
~~125.124.~~ *Dirca palustris* (leatherwood).  
~~126.125.~~ *Dodecatheon meadia* (shooting-star).  
~~127.126.~~ *Dodonaea elaeagnoides* (Keys hopbush).  
~~128.127.~~ *Drosera filiformis filifolia* (dew-thread).  
~~129.128.~~ *Drypetes diversifolia* (milkbark).  
~~130.129.~~ *Echinacea purpurea* (purple coneflower).  
~~131.130.~~ *Eleocharis rostellata* (beaked spikerush).  
~~132.131.~~ *Eltroplectris calcarata* (=Centrogenium setaceum) (spurred neottia).  
~~133.132.~~ *Encyclia boothiana* (*Epidendrum boothianum*) (dollar orchid).  
~~134.133.~~ *Encyclia cochleata* (Florida clamshell orchid).  
~~135.134.~~ *Encyclia pygmaea* (dwarf epidendrum).  
~~136.135.~~ *Epidendrum acunae* (Acuna's epidendrum).  
~~137.136.~~ *Epidendrum anceps* (dingy-flowered epidendrum).  
~~138.137.~~ *Epidendrum difforme* (umbelled epidendrum).  
~~139.138.~~ *Epidendrum nocturnum* (night-scented epidendrum).  
~~140.139.~~ *Epidendrum rigidum* (rigid epidendrum).  
~~141.140.~~ *Epidendrum strobiliferum* (matted epidendrum).  
~~142.141.~~ *Epigaea repens* (trailing arbutus).  
~~143.142.~~ *Eragrostis tracyi* (Sanibel lovegrass).  
~~144.143.~~ *Eriocaulon nigrobracteatum* (dark-headed hatpins).  
~~145.144.~~ *Eriogonum floridanum* (=Eriogonum longifolium var. gnaphalifolium) (scrub buckwheat).  
~~146.145.~~ *Ernodea cokeri* (one-nerved ernodea).  
~~147.146.~~ *Eryngium cuneifolium* (scrub eryngium).  
~~148.147.~~ *Erythronium umbilicatum* (dimpled dogtooth-violet).  
~~149.148.~~ *Eugenia confusa* (redberry eugenia).  
~~150.149.~~ *Eugenia rhombea* (red stopper).  
~~151.150.~~ *Euonymus atropurpurea* (burning bush).  
~~152.151.~~ *Eupatorium frustratum* (Cape Sable thoroughwort).  
~~153.~~ *Eupatorium villosum* (Keys thoroughwort).  
~~154.152.~~ *Euphorbia commutata* (wood spurge).  
~~155.153.~~ *Euphorbia telephioides* (spurge).  
~~156.154.~~ *Evolvulus convolvuloides* (dwarf bindweed).  
~~157.155.~~ *Evolvulus grisebachii* (Grisebach's bindweed).  
~~158.156.~~ *Exostema caribaeum* (Caribbean princewood).  
~~159.157.~~ *Forestiera godfreyi* (Godfrey's swamp privet).  
~~160.~~ *Fothergilla gardenii* (dwarf witch-alder).  
~~161.158.~~ *Galactia smallii* (Small's milkpea).  
~~162.159.~~ *Galeandra beyrichii* (helmet orchid).  
~~163.160.~~ *Gentiana pennelliana* (wiregrass gentian).  
~~164.161.~~ *Goodyera pubescens* (downy rattlesnake orchid).  
~~165.162.~~ *Gossypium hirsutum* (wild cotton).  
~~166.163.~~ *Govenia utriculata* (Gowen's orchid).  
~~167.164.~~ *Guaiacum sanctum* (lignum vitae).  
~~168.165.~~ *Guzmania monostachia* (Fuch's bromeliad).  
~~169.166.~~ *Gyminda latifolia* (West Indian falsebox).  
~~170.167.~~ *Habenaria distans* (distans habenaria).  
~~171.168.~~ *Harperocallis flava* (Harper's beauty).  
~~172.~~ *Harrisia eriophora* (Indian River prickly-apple).  
~~173.~~ *Harrisia gracilis* (West coast prickly-apple).  
~~174.169.~~ *Hasteola robertiorum* (Gulf hammock indian-plantain).  
~~175.170.~~ *Helianthus carnosus* (flatwoods sunflower).  
~~176.~~ *Heliotropium fruticosum* (Key West heliotrope)  
Presumed Extirpated.  
~~177.171.~~ *Hepatica nobilis* (=Hepatica americana) (liverleaf).  
~~178.172.~~ *Hexalectris spicata* (crested coral-root).  
~~179.173.~~ *Hibiscus poeppigii* (Poeppig's rosemallow).  
~~180.174.~~ *Hippomane mancinella* (manchineel).  
~~181.175.~~ *Hybanthus concolor* (green violet).  
~~182.176.~~ *Hydrangea arborescens* (wild hydrangea).

- ~~183.477~~. *Hymenocallis godfreyi* (Godfrey's spiderlily).  
~~184.478~~. *Hymenocallis henryae* (Mrs. Henry's spiderlily).  
~~185.479~~. *Hypelate trifoliata* (inkwood).  
~~186.480~~. *Hypericum cumulicola* (Highlands scrub hypericum).  
~~187.481~~. *Hypericum edisonianum* (Edison ascyrum).  
~~188.482~~. *Hypericum lissophloeus* (smooth-barked St. Johns-wort).  
~~183~~. *Hex krugiana* (Krug holly).  
~~189.484~~. *Illicium parviflorum* (star anise).  
~~190.485~~. *Indigofera keyensis* (Keys' indigo).  
~~191.486~~. *Ionopsis utricularioides* (delicate ionopsis orchid).  
~~192.487~~. *Ipomoea microdactyla* (wild-potato morning-glory).  
~~193.488~~. *Ipomoea tenuissima* (rocklands morning-glory).  
~~194.489~~. *Isoetes engelmannii* (Engelmann's quillwort).  
~~195.490~~. *Isopyrum biternatum* (false rue-anemone).  
~~196.491~~. *Isotria verticillata* (whorled pogonia).  
~~197.492~~. *Jacquemontia havanensis* (Havana clustervine).  
~~198.493~~. *Jacquemontia pentanta pentanthos* (skyblue clustervine).  
~~199.494~~. *Jacquemontia reclinata* (beach jacquemontia).  
~~200.495~~. *Juncus gymnocarpus* (Coville's rush).  
~~201.496~~. *Justicia cooleyi* (Cooley's justicia).  
~~202.497~~. *Justicia crassifolia* (thick-leaved water-willow).  
~~203.498~~. *Kosteletzkya depressa* (white fen).  
~~204.499~~. *Lantana canescens* (hammock shrub verbena).  
~~205.200~~. *Lantana depressa* (pineland lantana).  
~~206.201~~. *Lechea divaricata* (spreading pinweed).  
~~207.202~~. *Lechea lakelae* (Lakela's pinweed).  
~~208.203~~. *Leiphaimos parasitica* (parasitic ghostplant).  
~~209.204~~. *Leochilus labiatus* (lipped orchid).  
~~210.205~~. *Lepanthopsis melanantha* (tiny orchid).  
~~211.206~~. *Lepuropetalon spathulatum* (little-people).  
~~212.207~~. *Liatris ohlingerae* (scrub blazing-star).  
~~213.208~~. *Liatris provincialis* (Godfrey's blazing-star).  
~~214.209~~. *Licaria triandra* (licaria).  
~~215.210~~. *Lilium iridollae* (panhandle lily).  
~~216.211~~. *Lilium michauxii* (Carolina lily).  
~~217.212~~. *Lilium superbum* (Turk's-cap lily).  
~~218.213~~. *Lindera melissifolia* (pondberry) Presumed Extirpated.  
~~219.214~~. *Lindera subcoriacea* (bog spicebush).  
~~220.215~~. *Linum arenicola* (sand flax).  
~~221.216~~. *Linum carteri* (Everglades flax).  
~~222.217~~. *Linum westii* (West's flax).  
~~223.218~~. *Liparis nervosa* (tall twayblade).  
~~224.219~~. *Litsea aestivalis* (pond-spice).  
~~225.220~~. *Lomariopsis kunzeana* (climbing holly-fern).  
~~226.221~~. *Lupinus aridorum* (= *Lupinus westianus* var. *aridorum*) (McFarlin's lupine).  
~~227.222~~. *Lycopodium dichotomum* (hanging clubmoss).  
~~228.223~~. *Lythrum curtissii* (Curtis' loosestrife).  
~~229.224~~. *Lythrum flagellare* (lowland loosestrife).  
~~230.225~~. *Macbridea alba* (white birds-in-a-nest).  
~~231.226~~. *Macradenia lutescens* (Trinidad macradenia).  
~~232.227~~. *Macranthera flammea* (hummingbird-flower).  
~~233.228~~. *Magnolia acuminata* (cucumber-tree).  
~~234.229~~. *Magnolia ashei* (Ashe's magnolia).  
~~235.230~~. *Magnolia pyramidata* (pyramid magnolia).  
~~236.231~~. *Magnolia tripetala* (umbrella magnolia).  
~~237.232~~. *Malaxis unifolia* (green adder's-mouth orchid).  
~~238.233~~. *Marshallia obovata* (Barbara's buttons).  
~~239.234~~. *Marshallia ramosa* (Barbara's buttons).  
~~240.235~~. *Matelea alabamensis* (Alabama spiny pod).  
~~241.236~~. *Matelea baldwyniana* (Baldwin's spiny pod).  
~~242.237~~. *Matelea flavidula* (yellow-flowered spiny pod).  
~~243.238~~. *Matelea floridana* (Florida spiny pod).  
~~244.239~~. *Matelea publiflora* (sandhill spiny pod).  
~~245.240~~. *Maxillaria crassifolia* (hidden orchid).  
~~246.241~~. *Maxillaria parviflora* (minnie-max).  
~~247.242~~. *Medeola virginiana* (Indian cucumber).  
~~248.243~~. *Microgramma heterophylla* (climbing vine fern).  
~~249.244~~. *Minuartia godfreyi* (Godfrey's sandwort).  
~~250.245~~. *Monotropa hypopithys* (pine-sap).  
~~251.246~~. *Monotropis reynoldsiae* (pygmy-pipes).  
~~252.247~~. *Nemastylis floridana* (celestial lily).  
~~253.248~~. *Neurodium lanceolatum* (ribbon fern).  
~~254.249~~. *Nolina brittoniana* (Britton's bear-grass).  
~~255~~. *Nymphaea jamesoniana* (Jameson's water lily).  
~~256.250~~. *Ocimum campechianum* (ocimum).  
~~257.251~~. *Okenia hypogaea* (burrowing four-o'clock).  
~~258.252~~. *Oncidium bahamensis* (dancing-lady orchid).  
~~259.253~~. *Oncidium floridanum* (Florida oncidium).  
~~260.254~~. *Oncidium luridum* (mule-ear orchid).  
~~261.255~~. *Ophioglossum palmatum* (hand fern).  
~~262.256~~. *Opuntia corallicola spinosissima* (semaphore cactus).  
~~263.257~~. *Opuntia triacantha* (Keys Joe-jumper).  
~~264.258~~. *Oxypolis greenmanii* (giant water-dropwort).  
~~265.259~~. *Pachysandra procumbens* (Allegheny-spurge).  
~~266.260~~. *Panicum abscissum* (cut-throat grass).  
~~267.261~~. *Parnassia caroliniana* (Carolina grass-of-Parnassus).  
~~268.262~~. *Parnassia grandifolia* (grass-of-Parnassus).  
~~269.263~~. *Paronychia chartacea* (papery whitlow-wort).  
~~270.264~~. *Passiflora multiflora* (white-flowered passionvine).  
~~271.265~~. *Passiflora pallens* (pineland passionvine).



- ~~272.266~~: *Passiflora sexflora* (goat's foot leaf).  
~~273.267~~: *Pavonia paludicola* (swampbush).  
~~268~~: *Pecluma dispersa* (a polypody).  
~~269~~: *Pecluma plumula* (plume polypody).  
~~270~~: *Pecluma ptilodon* (swamp plume polypody).  
~~274.271~~: *Pellaea atropurpurea* (hairy cliff-brake fern).  
~~275.272~~: *Peperomia amplexicaulis* (clasping peperomia).  
~~276.273~~: *Peperomia glabella* (cypress peperomia).  
~~277.274~~: *Peperomia humilis* (peperomia).  
~~278.275~~: *Peperomia magnoliifolia* (spathulate peperomia).  
~~279.276~~: *Peperomia obtusifolia* (Florida peperomia).  
~~280~~: *Pharus glaber* (creeping leafstalk grass).  
~~281.277~~: *Phoradendron rubrum* (mahogany mistletoe).  
~~282.278~~: *Phyla stoechadifolia* (southern matchsticks).  
~~283.279~~: *Phyllanthus leibmannianus* (pine woods dainties).  
~~284.280~~: *Physocarpus opulifolius* (ninebark).  
~~285.281~~: *Picramnia pentandra* (Florida bitterbush).  
~~286.282~~: *Pilosocereus bahamensis* (Bahamian treecactus).  
~~287.283~~: *Pinguicula ionantha* (Panhandle butterwort).  
~~288.284~~: *Pinguicula primuliflora* (primrose-flowered butterwort).  
~~289.285~~: *Pisonia rotundata* (devil's smooth claws).  
~~290.286~~: *Pityopsis flexuosa* (Florida golden-aster).  
~~291.287~~: *Platanthera clavellata* (green rein orchid).  
~~292.288~~: *Platanthera integra* (orange rein orchid).  
~~293.289~~: *Pleopeltis astrolepis* (star-scaled fern).  
~~294.290~~: *Pleurothallis gelida* (frosted orchid).  
~~295.291~~: *Podophyllum peltatum* (mayapple).  
~~296.292~~: *Poinsettia pinetorum* (= *Euphorbia pinetorum*) (Everglades poinsettia).  
~~297.293~~: *Polygala lewtonii* (Lewton's polygala).  
~~298.294~~: *Polygala smallii* (tiny polygala).  
~~299.295~~: *Polygonella basiramia* (tufted wireweed).  
~~300.296~~: *Polygonella myriophylla* (sandlace).  
~~301.297~~: *Polygonum meisnerianum* (Mexican tear-thumb).  
~~302.298~~: *Polymnia laevigata* (Tennessee leaf-cup).  
~~303~~: *Polypodium dispersum* (widespread polypody).  
~~304~~: *Polypodium plumula* (plume polypody).  
~~305~~: *Polypodium ptilodon* (swamp plume polypody).  
~~306~~: *Polyrrhiza lindenii* (ghost orchid).  
~~299~~: *Polyradicion lindenii* (= *Polyrrhiza lindenii*) (ghost orchid).  
~~307.300~~: *Polystachya concreta* (pale-flowered polystachya).  
~~308.301~~: *Ponthieva brittoniae* (Mrs. Britton's shadow witch).  
~~309.302~~: *Potamogeton floridanus* (Florida pondweed).  
~~310.303~~: *Prescottia oligantha* (small-flowered orchid).  
~~311.304~~: *Prunus geniculata* (scrub plum).  
~~312.305~~: *Pseudophoenix sargentii* (Sargent's cherry palm).  
~~313.306~~: *Psychotria ligustrifolia* (Bahama wildcoffee).  
~~314.307~~: *Remirea maritima* (beach-star).  
~~315.308~~: *Rhexia parviflora* (Apalachicola meadow-beauty).  
~~316.309~~: *Rhipsalis baccifera* (mistletoe cactus).  
~~317.310~~: *Rhododendron alabamense* (Alabama azalea).  
~~318.311~~: *Rhododendron austrinum* (Florida flame azalea).  
~~319.312~~: *Rhododendron chapmanii* (Chapman's rhododendron).  
~~320.313~~: *Rhus michauxii* (Michaux's sumac) Presumed Extirpated.  
~~321.314~~: *Rhynchosia swartzii* (Swartz' snoutbean).  
~~322.315~~: *Rhynchospora crinipes* (hairy peduncled beakrush).  
~~323.316~~: *Ribes echinellum* (Miccosukee gooseberry).  
~~324.317~~: *Roystonea elata* (Florida royal palm).  
~~325.318~~: *Rudbeckia nitida* (St. John's-Susan).  
~~326~~: *Rudbeckia triloba* (a browneyed Susan).  
~~327.319~~: *Ruellia noctiflora* (night-flowering wild-petunia).  
~~320~~: *Sachsia bahamensis* (Bahama sachsia).  
~~328.321~~: *Salix eriocephala* (heart-leaved willow).  
~~329.322~~: *Salix floridana* (Florida willow).  
~~323~~: *Savia bahamensis* (Bahama maidenbush).  
~~330.324~~: *Salvia urticifolia* (nettle-leaved sage).  
~~331.325~~: *Sarracenia leucophylla* (white-top pitcher-plant).  
~~332~~: *Savia bahamensis* (Bahama maidenbush).  
~~333.326~~: *Schaefferia frutescens* (Florida boxwood).  
~~334.327~~: *Schisandra coccinea* (bay star vine).  
~~335.328~~: *Schizachyrium niveum* (scrub bluestem).  
~~336.329~~: *Schizachyrium sericatum* (silky bluestem).  
~~337.330~~: *Schizaea germanii* (ray fern).  
~~338.331~~: *Schwalbea americana* (chaff-seed).  
~~339.332~~: *Scleria lithosperma* (Keys' nutrush).  
~~340.333~~: *Scutellaria floridana* (Florida skullcap).  
~~341.334~~: *Scutellaria havanensis* (Havana skullcap).  
~~342.335~~: *Selaginella eatonii* (pygmy spikemoss).  
~~343.336~~: *Setaria chapmanii* (coral panic grass).  
~~344.337~~: *Silene polypetala* (fringed pink).  
~~345.338~~: *Silene virginica* (fire pink).  
~~346.339~~: *Sphenomeris clavata* (wedgelet fern).  
~~347.340~~: *Sphenostigma coelestinum* (Bartram's ixia).  
~~348.341~~: *Spigelia gentianoides* (gentian pinkroot).  
~~349.342~~: *Spigelia loganioides* (Levy pinkroot).  
~~350.343~~: *Spiranthes adnata* (pelexia).  
~~351.344~~: *Spiranthes brevibrabis* (small ladies'-tresses).  
~~352.345~~: *Spiranthes costaricensis* (Costa Rican ladies'-tresses).

- ~~353.346.~~ *Spiranthes elata* (tall neottia).  
~~354.347.~~ *Spiranthes ovalis* (lesser ladies'-tresses).  
~~355.348.~~ *Spiranthes polyantha* (Ft. George ladies'-tresses).  
~~356.349.~~ *Spiranthes torta* (southern ladies'-tresses).  
~~357.350.~~ *Stachydeoma graveolens* (= *Hedeoma graveolens*) (mock pennyroyal).  
~~358.351.~~ *Stachys crenata* (shade betony).  
~~359.352.~~ *Stachys tenuifolia* (narrow-leaved betony).  
~~360.353.~~ *Staphylea trifolia* (bladder nut).  
~~361.354.~~ *Stewartia malacodendron* (silky camellia).  
~~362.355.~~ *Strumpfia maritima* (pride-of-Big-Pine).  
~~363.356.~~ *Stylisma abdita* (hidden stylisma).  
~~364.357.~~ *Stylosanthes calcicola* (Everglades pencilflower).  
~~358.~~ *Swietenia mahagoni* (mahogany).  
~~365.359.~~ *Taxus floridana* (Florida yew).  
~~360.~~ *Tectaria coriandrifolia* (Hattie Bauer halberd fern).  
~~366.361.~~ *Tectaria fimbriata* (least halberd fern).  
~~367.362.~~ *Tephrosia angustissima* (hoary pea).  
~~368.363.~~ *Thalictrum cooleyi* (Cooley's meadow rue).  
~~369.364.~~ *Thalictrum thalictroides* (= *Anemonella thalictroides*) (Rue-anemone).  
~~370.365.~~ *Thelypteris grandis* (Collier County maiden fern).  
~~371.366.~~ *Thelypteris patens* (grid-scale maiden fern).  
~~372.367.~~ *Thelypteris reptans* (creeping star-hair fern).  
~~373.368.~~ *Thelypteris reticulata* (lattice-vein fern, cypress fern).  
~~374.369.~~ *Thelypteris sclerophylla* (stiff star-hair fern).  
~~375.370.~~ *Thelypteris serrata* (dentate lattice-vein fern).  
~~376.371.~~ *Thrinax morrisii* (= *T. microcarpa*) (brittle thatch palm).  
~~377.372.~~ *Thrinax radiata* (= *T. floridana*) (Florida thatch palm).  
~~378.373.~~ *Tillandsia fasciculata* (common or stiff-leaved wild-pine).  
~~374.~~ *Tillandsia flexuosa* (twisted or banded air-plant).  
~~379.375.~~ *Tillandsia pruinosa* (fuzzy-wuzzy or hoary air-plant)  
~~380.376.~~ *Tillandsia utriculata* (giant wild-pine).  
~~381.~~ *Tithymalus telephoides* (spurge).  
~~382.377.~~ *Torreya taxifolia* (Florida torreya).  
~~378.~~ *Tournefortia gnaphalodes* (= *Argusia gnaphalodes* or *Mallotonia gnaphalodes*) (sea lavender).  
~~383.379.~~ *Tournefortia hirsutissima* (chiggery grapes).  
~~384.380.~~ *Trema lamarckianum* (Lamarck's trema).  
~~385.381.~~ *Trichomanes holopterum* (entire-winged bristle fern).  
~~386.382.~~ *Trichomanes krausii* (Kraus's bristle fern).  
~~387.383.~~ *Trichomanes lineolatum* (lined bristle fern).  
~~388.384.~~ *Trichomanes punctatum* (Florida bristle fern).  
~~389.~~ *Trichostigma octandrum* (hoop vine) Presumed Extirpated.  
~~390.385.~~ *Trillium lancifolium* (lance-leaved wake-robin).  
~~391.386.~~ *Triphora craigheadii* (Craigheads's orchid).  
~~392.387.~~ *Triphora latifolia* (wide-leaved triphora).  
~~393.388.~~ *Tropidia polystachya* (young-palm orchid).  
~~394.389.~~ *Uvularia floridana* (Florida merrybells).  
~~395.390.~~ *Vallesia antillana* (tear shrub).  
~~396.391.~~ *Vanilla barbellata* (worm-vine orchid).  
~~397.392.~~ *Vanilla dilloniana* (Dillon's vanilla).  
~~398.393.~~ *Vanilla mexicana* (unscented vanilla).  
~~399.394.~~ *Vanilla phaeantha* (leafy vanilla).  
~~400.395.~~ *Veratrum woodii* (false hellebore).  
~~401.396.~~ *Verbena maritima* (coastal vervain).  
~~402.397.~~ *Verbena tampensis* (Tampa vervain).  
~~398.~~ *Vernonia blodgettii* (Blodgett's ironweed).  
~~403.399.~~ *Vicia ocalensis* (Ocala vetch).  
~~404.400.~~ *Viola tripartita* (yellow violet).  
~~405.401.~~ *Warea amplexifolia* (clasping warea).  
~~406.402.~~ *Warea carteri* (Carter's mustard).  
~~407.403.~~ *Xanthorhiza simplicissima* (yellow-root).  
~~408.404.~~ *Xyris chapmanii* (Chapman's yellow-eyed-grass).  
~~409.405.~~ *Xyris isoetifolia* (quillwort yellow-eyed-grass).  
~~410.406.~~ *Xyris longisepala* (Karst pond yellow-eyed-grass).  
~~407.~~ *Xyris louisianica* (Kral's yellow-eyed-grass).  
~~411.408.~~ *Zanthoxylum americanum* (prickly-ash).  
~~412.409.~~ *Zanthoxylum coriaceum* (leathery prickly-ash).  
~~413.410.~~ *Zanthoxylum flavum* (yellowheart).  
~~414.411.~~ *Zigadenus leimanthoides* (coastal death camas).  
~~415.412.~~ *Ziziphus celata* (scrub ziziphus).  
 (b) Threatened Plant List. The following plants shall be included in the Threatened Plant List:  
~~1.~~ *Acanthocereus pentagonus* (barbed-wire cactus).  
~~2.1.~~ *Acoelorrhaphe wrightii* (Everglades palm).  
~~3.2.~~ *Acrostichum aureum* (golden leather fern).  
~~4.3.~~ *Andropogon arctatus* (pine-woods bluestem).  
~~5.4.~~ *Angadenia berteroi* (pineland golden trumpet).  
~~6.~~ *Arnoglossum diversifolium* (Indian-plantain).  
~~7.5.~~ *Asclepias viridula* (green milkweed).  
~~8.6.~~ *Athyrium filix-femina* (southern lady fern).  
~~9.7.~~ *Baptisia hirsuta* (hairy wild-indigo).  
~~10.8.~~ *Baptisia simplicifolia* (scare-weed).  
~~11.9.~~ *Bletia purpurea* (pine-pink orchid).  
~~12.10.~~ *Byrsonima lucida* (locust berry).  
~~11.~~ *Caecalia diversifolia* (Indian-plantain).  
~~13.12.~~ *Calamintha ashei* (Ashe's calamintha).  
~~14.13.~~ *Calamintha dentata* (toothed savory).

- 15.14: *Calamovilfa curtissii* (Curtis' sandgrass).  
16.15: *Calyptanthus pallens* (pale lidflower).  
17.16: *Carex baltzellii* (Baltzell's sedge).  
~~17.17~~: *Cereus pentagonus* (barbed wire cactus).  
 18. *Chamaesyce pergama* (rocklands spurge).  
 19. *Chaptalia albicans* (white sunbonnets).  
 20. *Chrysophyllum oliviforme* (satin leaf).  
 21. *Cleistes divaricata* (spreading pogonia).  
 22. *Coccothrinax argentata* (silver palm).  
 23. *Coelorachis tuberculosa* (piedmont joint grass).  
24. Conradina grandiflora (large-flowered rosemary).  
25.24: *Crossopetalum ilicifolium* (Christmas berry).  
26. Crossopetalum rhacoma (rhacoma).  
27.25: *Cynanchum blodgettii* (Blodgett's swallowwort).  
28.26: *Digitaria dolichophylla* (Caribbean crabgrass).  
29.27: *Drosera intermedia* (water sundew).  
30.28: *Drypetes lateriflora* (Guiana plum).  
31.29: *Erithalis fruticosa* (blacktorch).  
32. Eulophia ecristata (non-crested eulophia).  
~~33.30~~: *Garberia heterophylla* (garberia).  
~~34.31~~: *Harrisella filiformis* (threadroot orchid).  
35.32: *Hartwrightia floridana* (hartwrightia).  
~~36.33~~: *Hexastylis arifolia* (heartleaf wild ginger).  
37.34: *Ilex amelanchier* (serviceberry holly).  
38. Ilex krugiana (Krug's holly).  
~~35. Illicium floridanum~~ (Florida anise).  
39.36: *Jacquemontia curtissii* (pineland jacquemontia).  
40.37: *Jacquinia keyensis* (joewood).  
41.38: *Kalmia latifolia* (mountain laurel).  
42.39: *Lachnocaulon digynum* (Panhandle bogbuttons).  
43.40: *Lechea cernua* (scrub pinweed).  
44.41: *Leitneria floridana* (corkwood).  
45.42: *Lilium catesbaei* (Catesby lily).  
46.43: *Listera australis* (southern twayblade).  
47.44: *Lobelia cardinalis* (cardinal flower).  
48.45: *Lupinus westianus* (Gulfcoast lupine).  
49.46: *Malus angustifolia* (crabapple).  
50.47: *Manilkara jaimiqui* (wild dilly).  
51.48: *Matelea gonocarpos* (angle pod).  
52.49: *Maytenus phyllanthoides* (Florida mayten).  
~~53.50~~: *Melanthera parvifolia* (small-leaved melanthera).  
54.51: *Myrcianthes fragrans* (= *Eugenia simpsonii*) (Simpson's stopper).  
55.52: *Najas filifolia* (slender naiad).  
~~56.53~~: *Nephrolepis biserrata* (giant sword fern).  
57.54: *Nolina atopocarpa* (Florida beargrass).  
58.55: *Opuntia stricta* (shell mound prickly-pear).  
59.56: *Panicum nudicaule* (naked-stemmed panic grass).  
60.57: *Phoebanthus tenuifolius* (pineland false sunflower).  
61.58: *Physostegia godfreyi* (Apalachicola dragonhead).  
~~62.59~~: *Pinckneya bracteata* (fever-tree).  
~~63.60~~: *Pinguicula caerulea* (blue-flowered butterwort).  
~~64.61~~: *Pinguicula lutea* (yellow-flowered butterwort).  
~~65.62~~: *Pinguicula planifolia* (swamp butterwort).  
~~66.63~~: *Pithecellobium keyense* (Keys' blackbead).  
67.64: *Platanthera blephariglottis* (white-fringed orchid).  
~~68.65~~: *Platanthera ciliaris* (yellow-fringed orchid).  
~~69.66~~: *Platanthera cristata* (crested fringed orchid).  
70.67: *Platanthera flava* (gypsy-spikes).  
~~71.68~~: *Platanthera nivea* (snowy orchid).  
~~72.69~~: *Pogonia ophioglossoides* (rose pogonia).  
73.70: *Polygonella macrophylla* (large-leaved jointweed).  
74.71: *Prunus myrtifolia* (West Indian cherry).  
75.72: *Psidium longipes* (mangrove berry).  
~~76.73~~: *Pteris bahamensis* (Bahama ladder brake fern).  
~~74. Pteroglossaspis ecristata~~ (non-crested eulophia).  
~~77.75~~: *Pycnanthemum floridanum* (Florida mountain-mint).  
78.76: *Quercus arkansana* (Arkansas oak).  
79.77: *Reynosa septentrionalis* (Darling plum).  
80.78: *Rhexia salicifolia* (Panhandle meadow beauty).  
81.79: *Rhynchosia parvifolia* (small-leaf snoutbean).  
~~82.80~~: *Rhynchospora stenophylla* (narrow-leaf beakrush).  
83. Sachsia bahamensis (Bahama sachsia).  
~~84.81~~: *Sarracenia minor* (hooded pitcher plant).  
~~85.82~~: *Sarracenia psittacina* (parrot pitcher plant).  
~~86.83~~: *Sarracenia purpurea* (decumbent pitcher plant).  
87.84: *Sarracenia rubra* (red-flowered pitcher plant).  
~~88.85~~: *Scaevola plumieri* (inkberry).  
89.86: *Senna mexicana* (Chapman's sensitive plant).  
90.87: *Smilax havanensis* (Everglades greenbrier).  
91.88: *Solanum donianum* (mullein nightshade).  
92.89: *Spermacoce terminalis* (false buttonweed).  
93.90: *Spiranthes laciniata* (lace-lip ladies' tresses).  
94.91: *Spiranthes longilabris* (long-lip ladies' tresses).  
~~95.92~~: *Spiranthes tuberosa* (little pearl-twist).  
~~96.93~~: *Stenorhynchos lanceolatum* (leafless beaked orchid).  
97. Swietenia mahagoni (mahogany).  
98.94: *Tectaria heracleifolia* (broad halberd fern).  
99.95: *Tephrosia mohrii* (pineland hoary-pea).  
100.96: *Tetrazygia bicolor* (tetrazygia).  
101.97: *Thelypteris augescens* (abrupt-tipped maiden fern).  
102.98: *Tillandsia balbisiana* (inflated & reflexed wildpine).  
103. Tillandsia flexuosa (twisted or banded air plant).  
104.99: *Tillandsia valenzuelana* (soft-leaved wildpine).  
~~105.100~~: *Tipularia discolor* (crane-fly orchid).  
~~106.101~~: *Tragia saxicola* (rocklands noseburn).

- ~~107.402~~. *Triphora trianthophora* (three-birds orchid).
  - ~~108.403~~. *Tripsacum floridanum* (Florida tripsacum).
  - ~~109.404~~. *Verbesina chapmanii* (Chapman's crownbeard).
  - ~~110.405~~. *Xyris scabrifolia* (Harper's yellow-eyed grass).
  - ~~111.406~~. *Zephyranthes atamasco* (rainlily).
  - ~~112.407~~. *Zephyranthes simpsonii* (Simpson's zephyr-lily).
  - ~~113.408~~. *Zephyranthes treatiae* (Treat's zephyr-lily).
- (c) No change.  
 (2) No change.

Specific Authority 570.07(23), 581.185 FS. Law Implemented 570.07(13), 581.185 FS. History--New 12-3-91, Amended 9-20-93, 5-21-96, 12-10-96, 1-7-98, 10-5-98,\_\_\_\_\_.

5B-40.0056 Procedures for Amending the Regulated Plant Index.

(1) The department shall consider the recommendations of the general public and the recommendations of the Endangered Plant Advisory Council in the listing or deleting of plant species from the Regulated Plant Index. Proposals for listing or deleting plants and comments on these proposals may be submitted to the department in writing and shall be considered in open meetings of the Endangered Plant Advisory Council. All proposed listings, deletions, or changes in listing status shall be based on the results of a completed Ranking System For Plant Species of Potential Special Concern form, DACS-08267, Revised 4/00, incorporated herein by reference. DACS-08267, Revised 4/00, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, FL 32614-7100.

(2) No change.

Specific Authority 570.07(23), 581.185(4) FS. Law Implemented 570.07(13), 581.185 FS. History--New 3-16-92, Amended \_\_\_\_\_.

5B-40.008 Investigating Suspected Violations, Preservation of Endangered, Commercially Exploited and/or Threatened Plants Involved, and Reporting Suspected Violations.

Upon any suspected violation of this chapter, any authorized representative of the department shall be empowered to:

(1) through (4) No change.

(5) Violation report. A violation report, DACS-08128, Revised 5/99, incorporated herein by reference, (PI-17) shall be filed with the department by the authorized representative within 72 hours (excluding Saturday, Sunday or legal holiday) of the violation. DACS-08128, Report of Violation, Revised 5/99, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, FL 32614-7100.

(6) through (7) No change.

Specific Authority 570.07(23), 581.185(4) FS. Law Implemented 570.07(13), 581.185(9) FS. History--New 3-6-80, Formerly 5B-40.08, Amended 1-31-88, 9-20-93,\_\_\_\_\_.

5B-40.010 Endangered and Threatened Native Flora Conservation Grants Program.

(1) through (4) No change.

(5) Application Requirements.

(a) Applications for grants from the Endangered and Threatened Native Flora Conservation Grants Program shall be signed by the person or persons with legal authority to obligate the applicant and shall be made on an Endangered and Threatened Native Flora Conservation Grants Program Application Form DACS-08271, Revised 1/00, (PI-271), incorporated herein by reference and effective the date of this rule, which may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100.

(b) through (e) No change.

(6) Application Review.

(a) through (c) No change.

(d) The Council shall evaluate each application on the basis of the proposed project, the prospective grantee, and the public purpose of the project, as follows:

1. Criteria relating to the prospective grantee. The applicant must successfully document that it meets the evaluation standards specified in the Endangered and Threatened Native Flora Conservation Grants Program – Application Evaluation Form DACS-08272, Revised 4/00, (PI-272), Effective November 1997 and incorporated herein by reference. Form DACS-08272 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, FL 32614-7100.

(e) through (j) No change.

(7) through (9) No change.

Specific Authority 570.07(23), 581.185(9),(11) FS. Law Implemented 570.07(13), 581.185(9),(11) FS. History--New 1-7-98, Amended 10-5-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 6, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 16, 2000

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Maximum Management  
 RULE NO.: 33-601.820

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish placement criteria, guidelines for conditions of, and procedures relating to, maximum management.

SUMMARY: The proposed rule provides applicable definitions, and clarifies the purpose of maximum management, placement criteria and procedures, physical conditions and privileges of inmates, procedures relating to hearings on placement, review of placement, appeals, security procedures, and, other conditions of placement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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: 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:

33-601.820 Maximum Management.

(1) General. Maximum Management is a temporary status for an inmate who, through a current incident or a series of current incidents, has been identified as being an extreme security risk to the department and requires an immediate level of control beyond that available in close management or death row. Maximum Management units shall be designated by the Secretary. Referrals for Maximum Management shall only come from institutions designated by the Secretary.

(2) Definitions.

(a) Close Management I (CMI) – the most restrictive single cell housing level of all the close management status designations.

(b) Institutional Classification Team (ICT) – refers to the team responsible for making local classification decisions. The ICT 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.

(c) Maximum Management (MM) – refers to a temporary status for an inmate who, through a current incident or series of current incidents, has been identified as being an extreme

security risk to the department and requires an immediate level of control beyond that available in close management or death row.

(d) Maximum Management Cell – a single-cell housing type that has a grille front and door, a solid door external to the grille and a securable opening for feeding and cuffing.

(e) Maximum Management Review Team (MMRT) – refers to the committee in central office that has approval authority for recommendations for placement in maximum management. The MMRT shall consist of the following staff or those acting in that capacity: chief, Bureau of Classification and Central Records (chairperson); chief, Bureau of Security Operations; Deputy Director of Health Services (Clinical), and the applicable regional director.

(f) Shift Supervisor – the highest-ranking correctional officer of the on-duty shift.

(g) Staff Assistant – refers to an employee assigned to the inmate to explain the recommendation for placement or procedures to the inmate when the inmate is illiterate or does not understand English. A staff assistant shall not take the position of an advocate or defense attorney.

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

(3) Maximum Management Placement Criteria.

(a) An inmate shall have, at a minimum, met the criteria for placement in CMI or death row and participated in a current incident or series of current incidents which demonstrate:

1. The inmate's ability to effect an escape from a secure environment;

2. The inmate's demonstrated willingness to use deadly force in a correctional setting;

3. The inmate's involvement in dangerous acts which could lead to a person's injury or death, or insurrection; or

4. Other management problems that require an immediate level of control which exceeds that available in close management or death row.

(b) Whenever an inmate has met at least one of the conditions above, and the shift supervisor believes that the inmate cannot be controlled in a status less than maximum management, the shift supervisor shall recommend immediate placement in maximum management by completing Section 1 of Form DC6-101, Referral for Maximum Management. Form DC6-101 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. Approval from the duty warden shall be received prior to placement of the inmate in maximum management.

(c) The duty warden shall approve or disapprove the immediate placement of an inmate in maximum management by signing Form DC6-101, Referral for Maximum Management.

(d) Whenever an inmate has meet at least one of the conditions in 33-601.820(3)(a) and the shift supervisor believes that the inmate should be reviewed for but not immediately placed in maximum management at the present time, then the shift supervisor shall recommend placement by completing Section 1 of Form DC6-101, Referral for Maximum Management. The shift supervisor shall notify the classification supervisor in writing of the recommendation no later than the following administrative workday.

(e) The classification supervisor shall docket the inmate's hearing before the ICT for considering placement in maximum management status in accordance with 33-601.820(6).

(4) Conditions of Placement in Maximum Management.

(a) Any inmate initially placed into maximum management will be provided the following:

1. Clothing – (one set of blue pants and shirt, boxer shorts, tee shirt, coat during the winter, and one pair of shower slides);

2. Bedding – (one mattress, one pillow and one blanket);

3. Reading materials – (a bible or religious testament only);

4. Out-of-doors recreation – (limited to once every 30 days);

5. Meals shall be served on paper or styrofoam products only;

6. Legal materials;

7. Inmate grievance forms;

8. Visits with attorney or emergency visits as approved by the warden.

9. Phone calls for legal or emergency purposes as approved by the warden;

10. Mail correspondence for the purpose of conducting legal business only.

(b) Inmates in maximum management status shall not be allowed to make routine bank transactions or canteen purchases, with the exception of stamp purchases for legal mail.

(c) The conditions set forth in (a) above shall be reviewed at least weekly by the ICT, and when the ICT determines the inmate has sufficiently demonstrated positive adjustment, consideration shall be given to adjusting the inmate's conditions. The ICT shall document their justification for adjustment on Form DC6-101, Referral for Maximum Management. The SCO, upon their review, may also consider adjusting the inmate's conditions. Any adjustment made by the State Classification Office shall be documented on Form DC6-122, the State Classification Office Maximum Management Review Form. Form DC6-122 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. The effective date of this form is \_\_\_\_\_.

(d) If, based on the inmate's overall adjustment, a relaxed condition needs additional review, the ICT or SCO shall follow the procedure set forth in Rule 33-601.820(9).

(5) Inmate Notice of Maximum Management Hearing. The shift supervisor who recommends placing an inmate in maximum management shall ensure delivery of the Referral for Maximum Management, Form DC6-101, to the inmate prior to being relieved of duty. Form DC6-101 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. The effective date of this form is \_\_\_\_\_. The written notice will provide the inmate with an explanation of the reason for the recommendation or placement and inform the inmate that a hearing will be held no sooner than 24 hours of the recommended placement in maximum management. The inmate may waive the 24-hour period or appearance at the hearing by signing the Waiver of Right to Appear/Waiver of 24 Hour Period, Form DC6-104. Form DC6-104 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. The effective date of this form is \_\_\_\_\_.

(6) Conducting the Hearing.

(a) The ICT shall conduct a hearing with the inmate to determine whether placement in maximum management is appropriate.

(b) The inmate shall be present for the hearing, unless:

1. The inmate waives his right to appear by signing the Waiver of Right to Appear/Waiver of 24 Hour Period Form DC6-104; or,

2. The inmate's behavior jeopardizes the security or safety of the institution or the hearing as determined by the ICT chairperson. The reasons the inmate did not appear at the hearing shall be documented on Form DC6-101, Referral for Maximum Management.

(c) If the ICT chairperson determines the need for staff assistance based upon language barriers or other existing barriers, the chairperson shall appoint a staff assistant.

(d) The chairperson shall offer the inmate the opportunity to make a verbal statement or present a written statement.

(e) The ICT chairperson shall have authority to postpone the hearing to gather further information or order an investigation regarding any pertinent issues.

(f) The ICT shall approve or disapprove the recommendation for placement in maximum management.

(g) The inmate shall be informed verbally and in writing of the ICT decision.

(h) If the ICT disapproves placement, the inmate shall immediately be reclassified to his original status and removed from the maximum management cell.

(i) If the ICT approves placement, the decision will be forwarded to the chairperson of the SCO who will schedule the referral for review by the MMRT.

(7) Final Review of Placement.

(a) The MMRT shall approve or disapprove the ICT recommendation based on the criteria in section (3)(a). If the ICT recommendation is incomplete or additional data is needed, the MMRT shall return the recommendation to the ICT for additional information.

(b) If the MMRT disapproves placement, the inmate shall immediately be reclassified to his original status, unless the ICT appeals the decision of the MMRT as outlined in 33-601.820(10).

(8) Review of Maximum Management.

(a) The ICT shall review the inmate's maximum management status weekly for the first two months from the date of placement, and monthly thereafter.

1. A recommendation for release from maximum management shall be set forth in memorandum and forwarded to the SCO chairperson for review.

2. An inmate shall not be released from maximum management status until authorized by a member of the SCO.

(b) If an inmate remains in maximum management status for 90 days or more, a member of the SCO shall conduct an on-site review of the inmate's maximum management status every 90 days from the date of placement and document the review on Form DC6-122, the State Classification Office Maximum Management Review Form.

1. The ICT shall participate in the review of the inmate's adjustment with the SCO member.

2. The SCO member is authorized to reclassify an inmate from maximum management status at any point during the reviews.

3. The ICT shall be authorized to appeal the decision to reclassify the inmate to the SCO chairperson.

4. The inmate shall not be released from maximum management status until the SCO chairperson rules upon the appeal. The ruling of the SCO chairperson is final.

(9) Maximum Management Conditions After Initial Placement. Should the inmate's behavior require alteration of previously relaxed conditions as described in (4)(a), the ICT shall make the recommendation to the SCO on Form DC6-122, the State Classification Office Maximum Management Review Form. The SCO shall approve, disapprove or modify the recommendations.

(10) Appeal Of An MMRT Decision.

(a) The ICT may appeal an MMRT decision to the Deputy Director of Institutions (Classification).

(b) The inmate shall remain in maximum management status pending the ICT appeal.

(c) The Deputy Director shall approve or modify the MMRT decision or reclassify the inmate.

(11) Security Requirements.

(a) All security requirements outlined in rules 33-601.801 through 33-601.813 for close management inmates are applicable for all maximum management inmates.

(b) Additionally, the following security precautions shall be followed for maximum management inmates:

1. The inmate shall remove all clothing to allow for a strip search and pass the clothing to the officers for thorough search before being restrained and exiting the cell. The inmate shall remain under constant visual surveillance during the process.

2. A maximum management inmate shall exit the cell only in handcuffs behind the back with handcuff cover and in the presence of a minimum of two officers.

3. Once out of the cell, the inmate shall be placed in leg irons and escorted by two correctional officers at all times.

4. The cell shall be thoroughly searched each time the inmate exits the cell for any reason, but no less frequently than three times each week.

5. When escorting a maximum management inmate past other maximum management inmate cells, the cells will have the solid security door and cuff/food port closed and secured.

6. Under no circumstances will any two maximum management inmates be out of the cells under escort in the same area at the same time.

7. A maximum management inmate shall submit to a visual strip search and clothing search each time the inmate is returned to the cell from any escort.

(12) Other Conditions Of Confinement.

(a) Religious services shall be delivered by institutional chaplaincy staff only.

(b) Inmates in maximum management shall be required to conduct legal business by correspondence rather than a personal visit to the law library, when possible. If access to the law library is required, a secure cell in the law library shall be used to prevent direct contact with other inmates including law clerks.

(c) Medication shall be dispensed and administered in accordance with Health Services protocols for confinement.

Specific Authority 944.09 FS. Law Implemented 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, Secretary, Department of Corrections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 22, 2000

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

THE FULL TEXT OF THE PROPOSED RULE IS:

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Individual Environmental Resource Permits RULE CHAPTER NO.: 40D-4

RULE TITLE: Publications and Agreements Incorporated by Reference RULE NO.: 40D-4.091

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt by reference the Memorandum of Understanding Between the Southwest Florida Water Management District (District) and the Florida Department of Agriculture and Consumer Services (FDACS) for the Non-Binding Review of Disputed Environmental Resource Permitting Exemption Claims Under Sections 373.406(2), Florida Statutes.

SUMMARY: The proposed amendment will adopt the Memorandum of Understanding Between the Southwest Florida Water Management District (District) and the Florida Department of Agriculture and Consumer Services (FDACS) for the Non-Binding Review of Disputed Environmental Resource Permitting Exemption Claims Under Sections 373.406(2), Florida Statutes by reference into District rules. The Memorandum of Understanding (MOU) provides a process whereby the District will refer disputed claims under Section 373.406(2), F.S. to the FDACS for a non-binding review. The MOU also specifies timeframes within which the FDACS and the District must act upon such a claim.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rules 40D-1.659, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity. 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: 373.044, 373.046, 373.113, 373.171, 373.414 FS. LAW IMPLEMENTED: 373.046, 373.103(8), 373.114, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 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: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) "Basis of Review for Environmental Resource Permit Applications within the Southwest Florida Water Management District, July 28, 1999." This document is available from the District upon request.

(2) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and Aquaculture General Permits Under Section 403.814, F.S., between Southwest Florida Water Management District and Department of Environmental Protection, dated October 27, 1998. This document is available from the District upon request.

(3) Chapter 62-344, Florida Administrative Code, Delegation of Environmental Resource Program to Local Governments.

(4) Memorandum of Understanding Between the Southwest Florida Water Management District and the Florida Department of Agriculture and Consumer Services for the Non-Binding Review of Disputed Environmental Resource Permitting Exemption Claims Under Sections 373.406(2), Florida Statutes, dated [effective date of rule]. This document is available from the District upon request.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.046, 373.103(8), 373.114, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 7, 2000

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Child Health Check-Up RULE NO.: 59G-4.080

PURPOSE AND EFFECT: The purpose of this rule development is to change the rule name from Early and Periodic Screening, Diagnosis and Treatment Services (EPSDT) to Child Health Check-Up and incorporate by reference the Florida Medicaid Child Health Check-Up Coverage and Limitations Handbook, May 2000, in



59G-4.080. The effect will be to incorporate by reference in the rule the May 2000 Florida Medicaid Child Health Check-Up Coverage and Limitations Handbook.

SUMMARY: This rule amendment will change the rule name from Early and Periodic Screening, Diagnosis and Treatment Services (EPSDT) to Child Health Check-Up and incorporate by reference the Florida Medicaid Child Health Check-Up Coverage and Limitations Handbook, May 2000, in 59G-4.080.

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: 409.919 FS., Chapter 93-129, Sec. 58, Laws of Florida.

LAW IMPLEMENTED: 409.905, 409.908 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 – 10:00 a.m., August 14, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anne Boone, Registered Nurse Consultant, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7321

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.080 Child Health Check-Up ~~Early and Periodic Screening, Diagnosis and Treatment Services (EPSDT)~~.

(1) This rule applies to all Child Health Check-Up ~~EPSDT~~ service providers, with a Category of Service Code 55 listed on their provider file, enrolled in the Medicaid program.

(2) All Child Health Check-Up ~~EPSDT~~ service providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Child Health Check-Up ~~Early and Periodic Screening, Diagnosis and Treatment (EPSDT)~~ Coverage and Limitations Handbook, May 2000 ~~July 1997~~, incorporated by reference and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up ~~EPSDT~~ 221, which is incorporated by reference in Chapter 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS., Chapter 93-129, Sec. 58, Laws of Florida. Law Implemented 409.905, 409.908 FS. History—New 1-1-77, Amended 2-6-78, 1-4-79, 2-18-80, 9-15-80, 9-30-81, Formerly 10C-7.47, Amended 7-17-91, 5-11-92, 5-27-93, Formerly 10C-7.047, Amended 12-26-95, 4-22-98,

NAME OF PERSON ORIGINATING PROPOSED RULE: Anne Boone

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., AHCA Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2000

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Payment Methodology for Nursing Home Services  
 RULE NO.: 59G-6.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-term Care Reimbursement Plan (the Plan) payment methodology, effective only for Fiscal year 2000-2001, as required by Section 8 (a)(2)(b) of SB 2242 to establish a provision for an interim rate adjustment for the increased costs of general and professional liability insurance for nursing homes when the following specified criteria are met:

- a) At least a 65 percent Medicaid utilization in the most recent cost report submitted to the Agency.
- b) The increase in general or professional liability costs to the facility for the most recent policy period affects the total Medicaid per diem by at least five percent.
- c) This rate adjustment shall not result in the per diem exceeding the class ceiling.

Other changes in the Plan are as follows:

- 1. Only providers being paid a prospective rate under section V.B.6. of the Plan shall be eligible for the Medicaid Adjustment Rate (MAR).
- 2. A clarification that the Medicaid Adjustment Rate (MAR), Case-mix adjustment, and Direct Care Staffing Adjustment (DCSA) are included in the total cost related per diem in section V.B.20 of the Plan.
- 3. Provide for the Allowable Costs Section of the Plan (Section III. D.) to refer to the Nursing Facility Services Limitations Handbook.
- 4. Addition of “Bureau of Medicaid Program Analysis, Cost Reimbursement” to the location that a provider must submit a certified cost report.

The effect of the proposed amendment is the establishment of a provision for an interim rate adjustment for the increased costs of general and professional liability insurance for nursing homes when specified criteria are met; a clarification regarding only providers being paid a prospective rate under section V.B.6. of the Plan shall be eligible for the Medicaid Adjustment Rate (MAR); a clarification that the Medicaid Adjustment Rate (MAR), Case-mix adjustment, and Direct Care Staffing Adjustment (DCSA) are included in the total cost

related per diem in section V.B.20 of the Plan ; provide for the Allowable Costs Section of the Plan (Section III) to refer to the Nursing Facilities Limitations Handbook; Addition of "Bureau of Medicaid Program Analysis, Cost Reimbursement" to the location that a provider must submit a certified cost report.

SUMMARY: The proposed amendment to rule number 59G-6.010 incorporates revisions to the Florida Title XIX Long-Term Care Reimbursement Plan. The amendment seeks to provide the reimbursement payment methodology that will be used to establish a provision for an interim rate adjustment for the increased costs of general and professional liability insurance when specified requirements are met; only providers being paid a prospective rate under section V.B.6. of the Plan shall be eligible for the Medicaid Adjustment Rate (MAR); a clarification that the Medicaid Adjustment Rate (MAR), Case-mix adjustment, and Direct Care Staffing Adjustment (DCSA) are included in the total cost related per diem in section V.B.20 of the Plan; a statement providing for the Allowable Costs Section of the Plan to refer to the Nursing Facilities Limitations Handbook; Addition of "Bureau of Medicaid Program Analysis, Cost Reimbursement" to the location that a provider must submit a certified cost report.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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: 9:00 a.m., August 15, 2000

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carol Shotwell, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106C, Mailstop 21, Tallahassee, Florida 32308, (850)414-2759

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XIX XVIII~~ Effective Date \_\_\_\_\_ ~~April 24, 2000~~ and incorporated herein by reference. A copy of the Plan as revised may be

obtained by writing to the Deputy Director for Medicaid, 2727 Mahan Drive, Mailstop 8, Tallahassee, Florida 32308. The plan incorporates Provider Reimbursement Manual (HCFA Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99, 1-11-00, 4-24-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Carol Shotwell

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Gary Crayton

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 16, 2000

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Payment Methodology for Inpatient Hospital Services  
RULE NO.: 59G-6.020

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan (the Plan) payment methodology, effective only for Fiscal year 2000-2001, to provide the following changes based on Legislative direction provided in House Bill 2145, General Appropriations Act 2000-2001, Specific Appropriation 217 and 234A, and proviso language following those specific appropriations and House Bill 2147, the Implementing Bill for the 2000-2001 General Appropriations Act:

1. An exemption for teaching, specialty, and Community Hospital Education Program (CHEP) hospitals from the variable cost reimbursement ceilings in Section IV. B and C of the Plan.
2. Special Medicaid payments totaling \$144,349,164 will be made to certain hospitals for costs associated with providing inpatient medical education and serving significant numbers of low-income patients. The following amounts shall be paid to teaching and children's hospitals:

\$2,998,909	All Children's Hospital
\$87,142,115	Jackson Memorial Hospital
\$1,617,294	Miami Children's Hospital
\$3,251,838	Mount Sinai Medical Center
\$2,511,252	Orlando Regional Medical Center
\$2,876,386	Shands Hospital-Alachua
\$9,356,836	Tampa General Hospital
\$21,126,584	Shands Hospital-Duval

The remaining funds shall be distributed to hospitals that qualify for the regular disproportionate share hospital program in proportion to each hospital's payments under the program. This addition is in Section V.L. of the Plan.

3. Provide for payments to hospitals qualifying for the disproportionate share program for children's hospitals under CS/HB 2339 creating section 409.9119, Florida Statutes in Section V.K. of the Plan.

4. The January 1, 1999 Medicaid per diem and 1994 audited financial data shall be used in calculating Hospital Regular Disproportionate Share program payments under section V.D. of the Plan.

Additional changes to the Plan include:

5. Add the "Bureau of Medicaid Program Analysis, Cost Reimbursement" to the location where a provider must file a certified cost report.

6. A correction related to previous state plan amendment Version XVIII, November 10, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates.

7. The provisions for reducing a hospital's per diem rate by 50% and canceling a provider agreement for late filing of a cost report are deleted and replaced with language providing for a retroactive recalculation of the reimbursement rate.

8. Updates to Florida Statute references, Code of Federal Regulations references, and minor grammar corrections.

9. Removal of the phrase "a second opinion" and "or post authorization" from section III G of the Plan.

10. Clarification of ceiling limitations as they pertain to rate adjustments in Section IV.J.

11. Addition of definitions for Community Hospital Education Program (CHEP) hospitals, Florida Department of Health (DOH), and clarification of the definition of allowable costs to include Generally Accepted Accounting Principles.

12. Updates to Appendix A, Adjustments to Allowable Medicaid Variable Costs.

13. Delete rate notification dates of June 1 and December 1 in Section IV. G.

The effect of the proposed amendment will be an exemption for teaching, specialty, and Community Hospital Education Program (CHEP) hospitals from the variable costs reimbursement ceilings; special Medicaid payments totaling \$144,349,164 will be made to certain hospitals for costs associated with providing inpatient medical education and serving significant numbers of low-income patients; provides for payments to hospitals qualifying for the disproportionate share program for children's hospitals under CS/HB 2339 creating section 409.9119, Florida Statutes; the January 1, 1999 Medicaid per diem and 1994 audited financial data shall be used in calculating Hospital Regular Disproportionate Share program payments under section V.D. of the Plan; addition of

"Bureau of Medicaid Program Analysis, Cost Reimbursement" to the location that a provider must submit a certified cost report, a correction related to previous state plan amendment Version XVIII, November 10, 1999, language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates is deleted, the provisions for reducing a hospital's per diem rate by 50% and canceling a provider agreement for late filing of a cost report are deleted and replaced with language providing for a retroactive recalculation of the reimbursement rate, and updates to Florida Statute references, Code of Federal Regulations references, and minor grammar corrections; Removal of the phrase "a second opinion" and "or post authorization" from section III G of the Plan; Addition of definitions for CHEP hospitals and the Department of Health (DOH), and a clarification to the definition of allowable costs to include Generally Accepted Accounting Principles; Updates to Appendix A, Adjustments to Allowable Medicaid Variable Costs; Clarification of ceiling limitations as they pertain to rate adjustments in Section IV.J; Delete rate notification dates of June 1 and December 1 in Section IV.G.

SUMMARY: The proposed amendment to rule number 59G-6.020 incorporates revisions to the Florida Title XIX Inpatient Hospital Reimbursement Plan by providing for an exemption for teaching, specialty, and Community Hospital Education Program (CHEP) hospitals from the variable costs ceilings; special Medicaid payments for certain hospitals for costs associated with providing inpatient medical education and serving significant numbers of low-income patients; payments to hospitals qualifying for the disproportionate share program for children's hospitals under CS/HB 2339 creating section 409.9119, Florida Statutes; the January 1, 1999 Medicaid per diem and 1994 audited financial data shall be used in calculating Hospital Regular Disproportionate Share program payments under section V.D. of the Plan; addition of "Bureau of Medicaid Program Analysis, Cost Reimbursement" to the location that a provider must submit a certified cost report; a correction related to previous state plan amendment Version XVIII, November 10, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates; the provisions for reducing a hospital's per diem rate by 50% and canceling a provider agreement for late filing of a cost report are replaced with language providing for a retroactive recalculation of the reimbursement rate; and updates to Florida Statutes references, Code of Federal Regulations references, and minor grammar corrections; Removal of the phrase "a second opinion" and "or post authorization" from section III G of the Plan; Addition of definitions for CHEP hospitals and the Department of Health (DOH), and a clarification to the definition of allowable costs to include Generally Accepted Accounting Principles; Updates

to Appendix A, Adjustments to Allowable Medicaid Variable Costs; Clarification of ceiling limitations as they pertain to rate adjustments in Section IV.J; Delete rate notification dates of June 1 and December 1 in Section IV.G.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED 409.908 FS.

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

TIME AND DATE: 10:00 a.m., August 15, 2000

PLACE: Room 2118, 2727 Fort Knox Boulevard, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carol Shotwell, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106C, Mailstop 21, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.020 Payment Methodology for Inpatient Hospital Services.

Reimbursement to participating inpatient hospitals for services provided shall be in accord with the Florida Title XIX Inpatient Hospital Reimbursement Plan, Version XIX XVIII, Effective Date: \_\_\_\_\_ ~~November 10, 1999~~, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Medicaid Director, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mailstop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 10-31-85, Formerly 10C-7.391, Amended 10-1-86, 1-10-89, 11-19-89, 3-26-90, 8-14-90, 9-30-90, 9-16-91, 4-6-92, 11-30-92, 6-30-93, Formerly 10C-7.0391, Amended 4-10-94, 8-15-94, 1-11-95, 5-13-96, 7-1-96, 12-2-96, 11-30-97, 9-16-98, 11-10-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mrs. Carol Shotwell

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Gary Crayton

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 16, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Outpatient Hospital Services

RULE NO.: 59G-6.030

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement plan (the Plan) payment methodology, effective only for Fiscal year 2000-2001, to provide the following changes based on the Legislative direction provided in House Bill 2145, General Appropriations Act 2000-2001, Specific Appropriation 220:

1) Provide an exemption for teaching, specialty, and Community Health Education Program (CHEP) hospitals from the outpatient hospital reimbursement ceilings.

Other changes to the Plan include:

2) Addition of "Bureau of Medicaid Program Analysis, Cost Reimbursement" to the location that a provider must submit a certified cost report.

3) Provide a correction related to previous state plan amendment Version VII, September 6, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates.

4) Delete the provision for canceling a provider agreement for late filing of a cost report and replace it with language providing for a retroactive recalculation of the reimbursement rate.

5) Update the Outpatient Revenue Center Codes, Florida Statute references, and Code of Federal Regulations references, and minor grammatical corrections.

6) Delete the phrases "a second opinion" and "or post authorization" from Section III.F. of the Plan.

7) Clarification of definition for allowable costs to include Generally Accepted Accounting Principles; Addition of definition for Teaching Hospital, Specialized Hospital and Community Hospital Education Program (CHEP).

8) Delete rate notification dates of June 1 and December 1 in Section IV.F.

9) Clarification of ceiling limitations as they pertain to rate adjustments in Section IV.I.

The effect of the proposed amendment will be: teaching, specialty, and Community Health Education Program (CHEP) hospitals will receive an exemption from the hospital outpatient reimbursement ceilings; addition of "Bureau of Medicaid Program Analysis, Cost Reimbursement" to the location that a provider must submit a certified cost report; a correction related to the previous state plan amendment Version VII, September 6, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded, or discontinued services for the purpose of setting reimbursement ceilings and individual rates; the

provision for canceling a provider agreement for late filing of a cost report is deleted and replaced with language providing for a retroactive recalculation of the reimbursement rate; the Outpatient Revenue Center Codes, Florida Statute references, and Code of Federal Regulations references are updated; the phrases "a second opinion" and "or post authorization" are deleted from Section III F of the Plan; Clarification of definition for allowable costs to include Generally Accepted Accounting Principles; Addition of definition for Teaching Hospital, Specialized Hospital and Community Hospital Education Program (CHEP); Delete rate notification dates of June 1 and December 1 in Section IV.F.

**SUMMARY:** The proposed amendment to rule 59G-6.030 incorporates revisions to the Medicaid Outpatient Hospital Reimbursement Plan. The amendment provides for an exemption for teaching, specialty, and Community Hospital Education Program (CHEP) hospitals from outpatient hospital reimbursement ceilings; addition of "Bureau of Medicaid Program Analysis, Cost Reimbursement" to the location that a provider must submit a certified cost report; a correction related to previous state plan amendment Version VII, September 6, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates; the provision for canceling a provider agreement for late filing of a cost report is replaced with language providing for a retroactive recalculation of the reimbursement rate; updating Outpatient Revenue Center Codes, Florida Statute references, Code of Federal Regulation references; and the deletion of the phrases "a second opinion" and "or post authorization" from Section III F from the Plan; Clarification of definition for allowable costs to include Generally Accepted Accounting Principles; Addition of definition for Teaching Hospital, Specialized Hospital and Community Hospital Education Program (CHEP).

Delete rate notification dates of June 1 and December 1 in Section IV.F.; Clarification of ceiling limitations as they pertain to rate adjustments in Section IV.I.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** A statement of estimated regulatory cost has not been prepared.

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

**SPECIFIC AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED** 409.908 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:** 11:00 a.m., August 15, 2000

**PLACE:** 2727 Fort Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Carol Shotwell, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106C, Mailstop 21, Tallahassee, Florida 32308

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

59G-6.030 Payment Methodology for Outpatient Hospital Services.

Reimbursement to participating outpatient hospitals for services provided shall be in accordance with the Florida Title XIX Outpatient Hospital Reimbursement Plan, Version ~~VIII~~ ~~VH~~, Effective date: ~~September 6, 1999~~, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Medicaid Director, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 10-31-85, Amended 12-31-85, Formerly 10C-7.401, Amended 10-1-86, 3-26-90, 9-30-90, 10-13-91, 7-1-93, Formerly 10C-7.0401, Amended 4-10-94, 9-18-96, 9-6-99, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Mrs. Carol Shotwell

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Mr. Gary Crayton

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

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** June 16, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

**RULE TITLE:** Written Certification Examination

**RULE NO.:**

Requirements 61G4-16.001

**PURPOSE AND EFFECT:** The Board proposes to amend sections of this rule so that it will accurately reflect the categories of content and percentages for exam questions for Division I Certification Examination Requirements.

**SUMMARY:** This rule sets forth the requirements for certification examination to be licensed for every category of contractor required to be certified under Chapter 489, Part I, Florida Statutes. It sets forth the general areas of competency to be tested and the weight percentages to be assigned to each area. The rule also includes a technical renumbering of paragraphs.

**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: 455.217, 489.108 FS.

LAW IMPLEMENTED: 455.217, 489.113 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: Cathleen E. O'Dowd, Interim Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, FL 32211-7467

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-16.001 Written Certification Examination Requirements.

(1) Certification Examination for General Contractors.

~~(a) Areas of Competency.~~ The certification examination shall consist of three tests. The content areas to be covered and the relative weight shall be as follows:

~~(a)1.~~ No change.

~~(b)2.~~ Test two shall consist of questions relating to contract administration including managing and operating the day to day activities of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

~~1.a. 27% Preconstruction Activities 28% Proposals and Bids~~

~~2.b. 40% 24% Project Contracts~~

~~e. 34% Contract Scheduling~~

~~3.d. 20% 14% Obtaining Licenses, Permits and Approvals~~

~~4. 13% Construction Procedures and Operations~~

~~(c)3.~~ Test three shall consist of questions relating to project management including managing, controlling and conducting a specific project. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

~~1.a. 67% Construction Methods, 20% Materials, Tools, and Equipment~~

~~2.b. 13% 12% Safety~~

~~e. 30% Construction Methods~~

~~3.d. 20% 38% Reading Plans and Specifications~~

(2) Certification Examination for Building Contractors.

~~(a) Areas of Competency.~~ The certification examination shall consist of three tests.

~~(a)1.~~ No change.

~~(b)2.~~ Test two shall consist of questions relating to contract administration including managing and operating the day to day activities of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

~~1.a. 28% Preconstruction Activities Proposals and Bids~~

~~2.b. 38% 24% Project Contracts~~

~~e. 34% Contract Scheduling~~

~~3.d. 20% 14% Obtaining Licenses, Permits and Approvals~~

~~4. 14% Construction Procedures and Operations~~

~~(c)3.~~ Test three shall consist of questions relating to project management including managing, controlling, and conducting a specific project. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

~~1.a. 68% Construction Methods, 20% Materials, Tools, and Equipment~~

~~2.b. 12% Safety~~

~~e. 30% Construction Methods~~

~~3.d. 20% 38% Reading Plans and Specifications~~

(3) Certification Examination for Residential Contractors.

~~(a) Areas of Competency.~~ The certification examination shall consist of three tests.

~~(a)1.~~ No change.

~~(b)2.~~ Test two shall consist of questions relating to contract administration including managing and operating the day to day activities of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

~~1.a. 27% Preconstruction Activities 28% Proposals and Bids~~

~~2.b. 40% 24% Project Contracts~~

~~e. 34% Contract Scheduling~~

~~3.d. 20% 14% Obtaining Licenses, Permits and Approvals~~

~~4. 13% Construction Procedures and Operations~~

~~(c)3.~~ Test three shall consist of questions relating to project management including managing and operating the day to day activities of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

~~1.a. 67% Construction Methods, 20% Materials, Tools, and Equipment~~

~~2.b. 13% 12% Safety~~

~~e. 30% Construction Methods~~

~~3.d. 20% 38% Reading Plans and Specifications~~

(4) Certification Examination for Mechanical Contractors.

~~(a) Areas of Competency.~~ The certification examination shall consist of two tests.

~~(a)1.~~ No change.

~~(b)2-~~ Test two shall consist of questions relating to general knowledge of the mechanical contracting trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

a. through j. renumbered 1. through 10. No change.

(5) Certification Examination for Class A Air Conditioning Contractors.

~~(a) Areas of Competency-~~ The certification examination shall consist of two tests.

~~(a)1-~~ No change.

~~(b)2-~~ Test two shall consist of questions relating to general knowledge of the Class A air conditioning trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

a. through g. renumbered 1. through 7. No change.

(6) Certification Examination for Class B Air Conditioning Contractors.

~~(a) Areas of Competency-~~ The certification examination shall consist of two tests.

~~(a)1-~~ No change.

~~(b)2-~~ Test two shall consist of questions relating to general knowledge of the Class B air conditioning trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

a. through g. renumbered 1. through 7. No change.

(7) Certification Examination for Roofing Contractors.

~~(a) Areas of Competency-~~ The certification examination shall consist of two tests.

~~(a)1-~~ No change.

~~(b)2-~~ Test two shall consist of questions relating to general knowledge of the roofing trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

a. through i. renumbered 1. through 9. No change.

(8) Certification Examination for Sheet Metal Contractors.

~~(a) Areas of Competency-~~ The certification examination shall consist of two tests.

~~(a)1-~~ No change.

~~(b)2-~~ Test two shall consist of questions relating to general knowledge of the sheet metal trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

a. through f. renumbered 1. through 6. No change.

(9) Certification Examination for Commercial Pool/Spa Contractors.

~~(a) Areas of Competency-~~ The certification examination shall consist of two tests.

~~(a)1-~~ No change.

~~(b)2-~~ Test two shall consist of questions relating to general knowledge of the commercial pool/spa trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

a. through l. renumbered 1. through 12. No change.

(10) Certification Examination for Residential Pool/Spa Contractors.

~~(a) Areas of Competency-~~ The certification examination shall consist of two tests.

~~(a)1-~~ No change.

~~(b)2-~~ Test two shall consist of questions relating to general knowledge of the residential pool/spa trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

a. through l. renumbered 1. through 12. No change.

(11) Certification Examination for Swimming Pool/Spa Servicing Contractors.

~~(a) Areas of Competency-~~ The certification examination shall consist of two tests.

~~(a)1-~~ No change.

~~(b)2-~~ Test two shall consist of questions relating to general knowledge of the swimming pool/spa servicing trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

a. through h. renumbered 1. through 8. No change.

(12) Certification Examination for Plumbing Contractors.

~~(a) Areas of Competency-~~ The certification examination shall consist of two tests.

~~(a)1-~~ No change.

~~(b)2-~~ Test two shall consist of questions relating to general knowledge of the plumbing trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

a. through h. renumbered 1. through 8. No change.

~~9.1-~~ Test two shall include, but shall not be limited to, five plumbing isometric drawings. The content of the drawings shall conform to the content areas listed in 1. 2-a through 8. 2-h above. Each of the isometric drawings is worth up to a maximum of 10 points. Based on the criteria listed below, each drawing will be independently evaluated by three graders. At least two of the graders must agree that a criterion is correct in order for that criterion to be graded as correct and points to be awarded. If one or more criterion is determined to be incorrect by at least two of the graders, points will not be awarded for that criterion. The awarded points for all criteria will be summed and converted to a 10 point scale to determine the score for each drawing. The following are the criteria and points used by the graders to evaluate each of the five isometric drawings.

(i) through (viii) renumbered a. through h. No change.

(13) Certification Examination for Underground Utility and Excavation Contractors.

~~(a) Areas of Competency-~~ The certification examination shall consist of two tests.

~~(a)1-~~ No change.

~~(b)2-~~ Test two shall consist of questions relating to general knowledge of the underground utility and excavation trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

a. through h. renumbered 1. through 8. No change.

(14) Certification Examination for Pollutant Storage System Contractors.

~~(a) Areas of Competency-~~ The certification examination shall consist of two tests.

~~(a)1-~~ No change.

~~(b)2-~~ Test two shall consist of questions relating to general knowledge of the pollutant storage system specialty trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

a. through l. renumbered 1. through 12. No change.

(15) Certification for Gypsum Drywall Specialty Contractors.

~~(a) Areas of Competency-~~ The certification examination shall consist of two tests.

~~(a)1-~~ No change.

~~(b)2-~~ Test two shall consist of questions relating to general knowledge of the gypsum drywall specialty trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

a. through d. renumbered 1. through 4. No change.

(16) Certification Examination for Specialty Structure Contractors.

~~(a) Areas of Competency-~~ The certification examination shall consist of two tests.

~~(a)1-~~ No change.

~~(b)2-~~ Test two shall consist of questions relating to general knowledge of the specialty structure trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

a. through h. renumbered 1. through 8. No change.

(17) Certification Examination for Solar Contractors.

~~(a) Areas of Competency-~~ The certification examination shall consist of two tests.

~~(a)1-~~ No change.

~~(b)2-~~ Test two shall consist of questions relating to general knowledge of the solar trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

a. through c. renumbered 1. through 3. No change.

(18) Certification Examination for Gas Line Contractors.

~~(a) Areas of Competency-~~ The certification examination shall consist of two tests.

~~(a)1-~~ No change.

~~(b)2-~~ Test two shall consist of questions relating to general knowledge of the gas line trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

a. through k. renumbered 1. through 11. No change.

(19) through (21) No change.

Specific Authority 455.217, 489.108 FS. Law Implemented 455.217, 489.113 FS. History—New 1-6-80, Amended 9-24-84, Formerly 21E-16.01, Amended 5-3-87, 10-4-87, 6-2-88, 12-19-88, 5-23-89, 8-23-89, 2-5-91, 1-29-92, 10-11-92, 5-2-93, Formerly 21E-16.001, Amended 10-17-93, 5-9-95, 11-28-95, 3-11-96, 11-13-97, 4-13-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 23, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: Examination and Reexamination

RULE NO.: 61G4-16.009

PURPOSE AND EFFECT: The proposed rule amendments are intended to address examination and reexamination criteria.

SUMMARY: The proposed rule amendments clarify language with regard to reexamination and set forth criteria for the scheduling of examinations.

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: 455.217(2), 455.219(1), 489.108, 489.129(2) FS.

LAW IMPLEMENTED: 455.217, 489.109, 489.111 FS.

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

TIME AND DATE: 10:00 a.m., August 15, 2000

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cate O'Dowd, Interim Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE FULL TEXT OF THE PROPOSED RULE IS:



61G4-16.009 Examination and Reexamination.

(1)(a) No change.

(b) Reexamination.

1. A candidate ~~An applicant~~ who fails any of the tests referenced to ~~in paragraph (1)(a) or~~ in Rule 61G4-16.001, F.A.C., above shall be required to pay the reexamination fee as set forth in paragraph (3)(c) below. A candidate who does not appear for a scheduled test shall be considered to have failed that test.

2. A candidate ~~An applicant~~ shall be required to retake only the tests on which he or she failed to achieve a passing score. However, a candidate ~~an applicant~~ must pass all tests within three attempts of said tests; after which time all past test scores of the candidate ~~applicant~~ shall be considered invalid and he or she shall be required to make an original application and pay all appropriate fees. All three attempts must be completed within a three hundred sixty-five (365) day period. A candidate ~~An applicant~~ may avail himself or herself of a maximum of three (3) examination attempts within a three hundred sixty-five (365) day period. ~~This section shall have no effect upon the application requirements set forth in Rule 61G4-12.009 and 16.002, Florida Administrative Code.~~

3. A candidate ~~An applicant~~ who fails the examination in whole or in part on his or her first or second attempt may submit an application to retake the certification examination to the Department's Bureau of Testing no less than forty-five (45) days prior to the administration of the examination the candidate ~~applicant~~ wishes to take provided he or she pays all appropriate fees as set forth in paragraph (3) below.

(2) Manner of Application for Examination and Scheduling. An original application for examination must be received by the ~~Department Board office~~ at least ninety (90) days prior to the administration of the examination the applicant wishes to take. The current and complete examination application submitted must be accompanied by the submission of two recent photographs of the applicant (said photos to be no older than twelve (12) months and 1 1/2 x 1 1/2 inches in size).

(a) In order to schedule an examination date, candidates shall be required to contact the Department's Bureau of Testing within thirty (30) days of the date in their "original date of confirmation letter."

(b) Failure of any candidate to contact the Department's Bureau of Testing within thirty (30) days of the date in his/her "original date of confirmation letter" shall result in forfeiture of all fees and shall count as one of the three attempts candidates are allowed per year. The candidate shall be required to file a new application and pay all necessary fees.

(c) Candidates shall have six (6) months from the date in their "original date of confirmation letter" during which they must sit for the examination.

(d) Failure of any candidate to sit for the examination within six (6) months from the date in his/her "original date of confirmation letter" shall result in forfeiture of all fees and the candidate shall be required to make an original application and pay all necessary fees.

(3) through (4) No change.

Specific Authority 455.217(2), 455.219(1), 489.108, 489.129(2) FS. Law Implemented 455.217, 489.109, 489.111 FS. History--New 2-25-93, Formerly 21E-16.009, Amended 10-17-93, 7-20-94, 11-25-97, 9-15-99, 4-26-00,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 12, 2000

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE TITLE: Reexamination

RULE NO.: 61G6-6.005

PURPOSE AND EFFECT: The board proposes to add Subsection (2) to this rule to define and clarify the guidelines in the event a candidate fails the certification exam 3 or more times.

SUMMARY: The Board determined to establish criteria for those applicants who fail the certification exam multiple times.

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: 455.217(2) FS.

LAW IMPLEMENTED: 455.217(2) FS.

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

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:

61G6-6.005 Reexamination.

(1) An applicant who fails the certification examination or who does not appear at the examination shall be entitled to take the next examination upon payment of the reexamination fee and compliance with subsection two of this rule, if applicable.

(2) Prior to reexamination, an applicant who has taken and failed the certification examination 3 or more times, must complete a minimum of 7 hours of continuing education courses in area(s), technical, general business or safety, where a passing grade of 75% was not achieved on the last exam. Only courses taken in an area(s) in which a passing grade was not received will be counted toward meeting this requirement. If more than one area was not passed, the applicant must take 7 hours of courses in each area where a passing grade was not achieved. Courses taken pursuant to this provision may not be used to satisfy any other educational requirement.

Specific Authority 455.217(2) FS. Law Implemented 455.217(2) FS. History--New 4-17-80, Formerly 21GG-6.05, Amended 7-3-91, Formerly 21GG-6.005, Amended 12-24-97,\_\_\_\_\_.

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: June 23, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE TITLES: Continuing Education Requirements

RULE NOS.:

for Certificate Holders and Registrants 61G6-9.004  
Registration of Course Sponsors 61G6-9.005  
Approval of Continuing Education Courses 61G6-9.006

PURPOSE AND EFFECT: The Board proposes to amend Rule 61G6-9.004, Subsection (3) to correct Statute citations and Subsection (4) for clarity of text. Rule 61G6-9.005 is being amended to update the term a course sponsor registration is valid, and Rule 61G6-9.006 amendments are to correct Statute citations.

SUMMARY: Rule 61G6-9.004 is being amended to set forth the requirement of a person who is licensed fewer than 12 months. The amendment in Rule 61G6-9.005 extends the time from 2 to 4 years a course sponsor registration is valid, and Rule 61G6-9.006 is amended to correct citations.

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: 455.225, 455.227, 489.507(3), 489.517(3) FS.

LAW IMPLEMENTED: 489.513(3), 489.517(3), 489.531, 489.533 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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 RULES IS:

61G6-9.004 Continuing Education Requirements for Certificate Holders and Registrants.

(1) through (2) No change.

(3) A person certified or registered by the board who is also certified under Chapter 468, Part XII XXX, F.S., as a building official, inspector, or plans examiner shall be required to complete the continuing education requirements only once during each biennial period. Proof of completion by any such person must be submitted with each renewal application.

~~(4) A person initially licensed 12 months or fewer prior to the end of a biennial period is required to complete 7 hours of continuing education as a condition of renewal. A person licensend more than 12 months prior to the end of a biennial period is required to complete 14 hours of continuing education as a condition of renewal. A person is not required to complete any continuing education requirements for the year in which a certificate or registration is initially issued. Any person who obtains a certificate or registration more than 12 months prior to the end of a biennial period is required to complete two classroom hours of approved continuing education per quarter, not to exceed seven hours for the first year, as a condition of the first renewal of the certificate or registration.~~

Specific Authority 489.507(3) FS. Law Implemented 489.513(3), 489.517(3) FS. History--New 11-30-94, Amended \_\_\_\_\_.

61G6-9.005 Registration of Course Sponsors.

(1) through (2) No change.

(3) The course sponsor registration is valid for four (4) ~~two~~ years from the date of issue.

(4) through (8) No change.

Specific Authority 455.225, 455.227, 489.507(3) FS. Law Implemented 489.517, 489.531, 489.533 FS. History--New 11-30-94, Amended 6-13-96, 10-20-96, 12-25-96, 3-24-99,\_\_\_\_\_.

61G6-9.006 Approval of Continuing Education Courses.

(1) through (2) No change.

(3) Any course approved for the continuing education requirements for persons certified under Chapter 468, Part ~~XII~~ ~~XIII~~, F.S., shall be accepted for continuing education for renewal under this rule, for persons who are certified under Part ~~XII~~ ~~XIII~~ and who are certified or registered under this part.

(4) through (14) No change.

Specific Authority 489.507(3), 489.517(3) FS. Law Implemented 489.517(3) FS. History—New 11-30-94, Amended 6-13-96, 12-25-96, 10-6-97, 3-24-99, 5-6-99,\_\_\_\_\_.

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: June 23, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE TITLE: Continuing Professional Education

RULE NO.: 61H1-33.003

PURPOSE AND EFFECT: This rule is being amended to update the classification of CPE courses in order to implement the Quality Assurance Service (QAS).

SUMMARY: This rule sets forth the continuing professional educational requirements necessary to maintain a CPA license. It explains courses required for continuing education credits and how the credit is given.

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: 473.304, 473.312 FS.

LAW IMPLEMENTED: 473.312 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Martha Willis, Executive Director, Board of Accountancy, 2610 Northwest 43rd Street, Suite 1-A, Gainesville, Florida 32606

THE FULL TEXT OF THE PROPOSED RULES IS:

61H1-33.003 Continuing Professional Education.

(1)(a) No change.

(b) Licensees who do not meet the requirements by June 30th will be granted an automatic extension until September 15th provided the licensee submits an additional 8 hours in Accounting and Auditing subjects. An automatic extension will be granted until December 1st provided the licensee submits an additional 16 hours in Accounting and Auditing subjects. Licensees utilizing the automatic extension must submit reporting forms postmarked by September 15 or December 1st.

(2) Educational instruction or training in public accounting subjects or courses of study is hereby defined as formal programs of learning, as defined below, which contribute directly to professional competency following licensure to practice public accountancy. Unless otherwise approved by the Board, subjects or courses of study qualifying an individual for the purpose of this rule shall be limited to accounting and auditing subjects to consist of:

(a) Accounting and auditing subjects to consist of:

(a) through (b) renumbered 1. through 2. No change.

(b) Technical business subjects to consist of:

1. through 2. No change.

3. General business including, but not limited to, economics, business law, production or operational systems, marketing, finance, quantitative applications in business and business policy, and computers and information systems without audit applications); and

(c) Behavioral subjects to consist of:

1.3. Oral and written communications.

2. The social environment of business.

~~4. General business including, but not limited to, economics, the social environment of business, business law, production or operational systems, marketing, finance, quantitative applications in business and business policy, and computers and information systems (without audit application).~~

~~3.5.~~ No change.

(3) Effective July 1, 1999, educational instruction or training in public accounting subjects or courses of study is hereby defined as formal programs of learning as defined below, which contribute directly to professional competency following licensure to practice public accountancy. Subjects or courses of study qualifying an individual for the purposes of this shall be limited to: Unless otherwise approved by the Board and subject to the formalities and further requirements of Rule 61H1-33.003(4), programs of learning shall be limited to:

(a) Accounting and auditing subjects to consist of: Courses taken at institutions of higher education.

Accounting and financial reporting subjects, the body of knowledge dealing with recent pronouncements of authoritative accounting principles issued by the standard-setting bodies, and any other related subject generally classified within the accounting discipline. Subjects include auditing subjects related to the examination of financial statements, operations systems, and programs; the review of internal and management controls; and the reporting on the results of audit findings, compilation and review. It also includes assurance services that relate to Standards for Attest Engagements.

(b) Technical business subjects to consist of: ~~Other professional education or training:~~

1. Taxation including tax compliance and tax planning. Professional development courses sponsored by, and technical sessions at meetings of, the American Institute of Certified Public Accountants, state societies of certified public accountants, and chapters thereof, and other approved organizations, including but not limited to, the National Association of Accountants, American Accounting Associations, Financial Executives Institute, American Woman's Society of Certified Public Accountants and similar professional organizations.

2. Consulting services including management advisory services; personal financial planning services; planning and control systems dealing with planning, organizing and controlling any phase of individual financial activity or business activity; designing, implementing, and evaluating operating systems as well as business advisory services and personal financial planning. ~~Formal organized in-firm educational programs, including multifirm programs.~~

3. Management including practice management for the public practitioner; financial management of an organization including information systems, budgeting and asset management, planning, buying and selling businesses, contracting for goods and services and foreign operation; budgeting; cost analysis; human resource management; and financial management. ~~Formal correspondence or other individual study programs.~~

4. Specialized knowledge and applications including subjects related to specialized industries such as not for profit organizations, health care, oil and gas.

(c) Behavioral subjects including oral and written communications and the social environment of business. Preparation of books or articles which are published in recognized academic, trade or professional journals, in the subject matter set forth in Rule 61H1-33.003(2).

All courses not covered above are considered behavior except for business meetings, social functions, committee service and courses in elementary accounting or basic mathematics which do not qualify for credit.

(4) Credit may be prorated by the sponsor for courses that cover more than one area of study by (1) prorating the amount of time spent in each area or (2) awarding credit based on the lowest topic covered with accounting and auditing being the highest and behavioral the lowest. Therefore an eight-(8-) hour course that was 75% accounting and auditing and 25% management would receive (1) six (6) hours of accounting and auditing credit and two (2) hours of technical business or two (2) hours all technical business. Hours cannot be prorated in less than one hour increments.

~~(5)(4)~~ In order for a licensee to receive credit for programs of learning, as defined above, the following formalities and further requirements must be met:

(a) through (b) No change.

~~(c) The preparation of books or articles shall be credited for continuing professional education purposes on a self-declaration basis but shall be limited to twenty (20) hours of credit in any two-year reestablishment period.~~

(5) through (6) renumbered (6) through (7) No change.

Specific Authority 473.304, 473.312 FS. Law Implemented 473.312 FS. History—New 12-4-79, Amended 2-3-81, 4-5-83, 10-19-83, 7-7-85, 8-20-85, 9-18-88, Formerly 21A-33.03, Amended 9-18-88, 7-7-92, 12-2-92, Formerly 21A-33.003, Amended 12-14-93, 1-26-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Accountancy  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Accountancy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 12, 2000

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
DOCKET NO.: 99-31R  
RULE CHAPTER TITLE: Criteria for the Production and Use of Compost Made from Solid Waste  
RULE CHAPTER NO.: 62-709  
RULE TITLES: General Provisions 62-709.300  
Yard Trash Processing Facilities 62-709.320  
Design Criteria 62-709.500  
Operation Criteria 62-709.510  
Testing, Recording and Reporting Requirements 62-709.530

PURPOSE AND EFFECT: The current rule exempts yard trash mulching facilities from the permitting requirements applicable to solid waste composting facilities. The proposed changes would essentially continue that exemption, and expand it to include yard trash composting facilities and yard trash transfer stations. The rule does impose some minimal operational requirements and a registration process. There are also a number of clerical or technical changes that need to be made.

SUMMARY: A new section is being added to Chapter 62-709 that will address yard trash processing facilities, which include facilities that mulch, compost, or transfer yard trash. The rule provides an exemption from solid waste permitting requirements for qualifying facilities, but imposes record keeping, registration and reporting requirements. Some minimal design and operation standards are created, and siting prohibitions which are less stringent than those imposed by Chapter 62-701 are established. A number of clerical changes are also being made, mainly updating cross-references to forms and other rules.

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 with 21 days of this notice.

SPECIFIC AUTHORITY: 403.061, 403.704, 403.7043 FS.

LAW IMPLEMENTED: 403.7043, 403.707 FS.

A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Thursday, August 24, 2000

PLACE: Twin Towers, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel Services as (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: Francine Joyal, Solid Waste Section, Mail Station 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)488-0300

THE FULL TEXT OF THE PROPOSED RULES IS:

62-709.300 General Provisions.

(1) No change.

(2) No solid waste management facility whose purpose is or includes the production of compost shall be constructed, operated, expanded or modified without an appropriate or currently valid permit issued by the Department unless specifically exempted by Chapter 403, F.S., Chapter 62-701, F.S., or this chapter.

(3) Application for a permit shall be pursuant to the requirements specified in Rules 62-701.320(5),(6),(7)(a)-(g) and (8), F.A.C., except that Form 62-701.900(10)(7) shall be used.

(4) No change.

(5) Simple exposure of solid waste with little to no mechanical handling that results in natural decay is considered disposal and is subject to the requirements of ~~Chapter Rule~~ 62-701, F.A.C.

(6) Solid waste which is composted as a volume reduction measure prior to intended disposal is not regulated by this rule, but is regulated under ~~Chapter Rule~~ 62-701, F.A.C.

(7) No change.

(8) Composting facilities that process domestic ~~wastewater residuals sludge~~ with yard trash are not regulated under this chapter, but are regulated under Chapter 62-640 Rule 62-540, F.A.C.

(9) Composting facilities that process domestic ~~wastewater residuals sludge~~ with other solid wastes are regulated under this ~~chapter rule~~. However, nothing in this ~~chapter rule~~ shall relieve such facilities from complying with other applicable federal or state rules or regulations regarding ~~domestic wastewater residuals sludge~~ management.

(10) No change.

~~(11) The processing of yard trash into other usable materials such as mulch is not considered composting, and is not regulated by this rule.~~

~~(11)(12)~~ No person shall cause or allow the discharge of air pollutants which cause objectionable odor in violation of ~~Chapter Rule~~ 62-296, F.A.C.

(13) through (15) renumbered (12) through (14) No change.

~~(15)(16)~~ No treated or untreated biomedical waste, as regulated by Chapter ~~64E-16 62-712~~, F.A.C., shall be accepted at composting facilities.

~~(16)(17)~~ Used oil, hazardous waste and asbestos-containing waste shall not be processed into compost except for small quantities normally found in household waste.

Specific Authority 403.061, 403.704, 403.7043 FS. Law Implemented 403.7043, 403.707 FS. History--New 11-21-89, Formerly 17-709.300, Amended 12-17-96,\_\_\_\_\_.

62-709.320 Yard Trash Processing Facilities.

(1) Applicability.

(a) Owners or operators of yard trash processing facilities that meet the criteria of this rule are exempt from any requirements to obtain a solid waste management facility permit from the Department. However, if these criteria are not met then a solid waste management facility permit is required:

1. In accordance with Chapter 62-701, F.A.C., for disposal operations or transfer stations; or

2. In accordance with Chapter 62-709, F.A.C., for recycling operations. In this case, the provisions for composting facilities in this chapter shall apply to the recycling operations, including permitting, design and operating criteria, testing, recording and reporting.

(b) Owners or operators of yard trash processing facilities that meet the criteria of this rule are not subject to the requirements of Rules 62-709.500, 62-709.510 and 62-709.530, F.A.C. However, they are subject to the requirements in Rules 62-709.300, 62-709.550, and 62-709.600, F.A.C.

(c) Owners or operators of existing yard trash processing facilities shall register in accordance with subsection (5) of this rule by [effective date + 6 months] and comply with the remaining provisions of this rule by [effective date + 12 months]. However, if a yard trash processing facility is already authorized under another Department solid waste management facility permit, then facility registration under this rule is not required as long as that permit remains valid.

(2) Definitions. The following terms as used in this rule, unless the context indicates otherwise, shall have the following meaning:

(a) "Clean wood" means wood, including lumber, tree and shrub trunks, branches, and limbs, which is free of paint, glue, filler, pentachlorophenol, creosote, tar, asphalt, other wood preservatives or treatments.

(a) "Yard trash" has the meaning given in Rule 62-701.200, F.A.C., and solely for purposes of this rule, it includes clean wood.

(b) "Yard trash processing facility" means a yard trash transfer station or a yard trash recycling facility, but does not include a facility used for the disposal of yard trash.

(c) "Yard trash recycling facility" means a facility at which yard trash is mulched, composted, or otherwise processed into useable materials, but does not include a facility used for the disposal of yard trash.

(d) "Yard trash transfer station" means a facility at which yard trash is stored or held for transport to a processing or disposal facility or for use at another site. It does not include green boxes, compactor units, permanent dumpsters, or other containers from which such wastes are transported to a landfill or other solid waste management facility.

(3) Prohibitions. Owners or operators of yard trash processing facilities shall comply with the prohibitions specified in Rules 62-701.300(1), (2)(a), (d), (e), (f), (h), and (3), F.A.C. In addition, the following apply to yard trash processing facilities, although it is the intent of the Department to repeal these paragraphs if and when Rule 62-701.300, F.A.C., is amended to address yard trash processing facilities.

(a) No yard trash or processed yard trash shall be placed within 100 feet of any existing or approved off-site potable water well unless this activity takes place at a facility for which a complete registration was filed or which was originally registered before the potable water well was in existence. This prohibition shall apply to lateral expansion of the registered facility.

(b) No yard trash or processed yard trash shall be placed within 200 feet of any existing or approved potable water well serving a community water system as defined in Rule 62-550.200(9), F.A.C., unless this activity takes place at a facility for which a complete registration was filed or which was originally registered before the potable water well was in existence. This prohibition shall apply to lateral expansion of the registered facility.

(c) No yard trash or processed yard trash shall be placed within 50 feet of any natural or artificial body of water. For purposes of this paragraph, a "body of water" includes wetlands within the jurisdiction of the Department, but does not include impoundments or conveyances that are part of a permitted stormwater management system, or water bodies contained completely within the property boundaries of the facility that do not discharge from the site to surface waters.

(4) Design and operating requirements.

(a) The facility shall have the operational features and equipment necessary to maintain a clean and orderly operation, including:

1. An effective barrier to prevent unauthorized entry and dumping into the facility site;

2. Dust control methods; and

3. Fire protection and control provisions to deal with accidental burning of solid waste, including:

a. There shall be an all-weather access road, at least 20 feet wide, all around the perimeter of the site;

b. There shall be interior lanes at least 15 feet wide; and

c. No part of the area that is occupied by processed or unprocessed material shall be more than 50 feet from access by motorized fire fighting equipment.

(b) The facility shall be operated in a manner to control disease vectors, and to control objectionable odors in accordance with Rule 62-296.320(2), F.A.C.

(c) Any yard trash received at the facility shall be processed or removed within 6 months, or within the period required to receive 3,000 tons or 12,000 cubic yards, whichever is greatest. To be considered processed, material must pass a 6-inch sieve. However, logs with a diameter of 6 inches or greater may be stored for up to 12 months before they are processed or removed, provided the logs are separated and stored apart from other materials on site.

(d) Processed material shall be removed from the facility within 18 months. However, if a yard trash processing facility is authorized under another Department solid waste management facility permit, then the department shall authorize on-site storage of processed material for longer than 18 months if the owner or operator demonstrates that there is a quantifiable use for such material for cover, erosion control, closure, or other similar activities at that permitted facility.

(e) Only yard trash, and bags used to collect yard trash, shall be accepted at the facility. Any other material shall be containerized, with all putrescible material removed within 48 hours. Further, if any of the following materials are discovered, they shall be immediately containerized and removed from the facility: treated or untreated biomedical waste; hazardous waste; or any materials containing a polychlorinated biphenyl (PCB) concentration of 50 parts per million or greater.

(5) Registration. Owners or operators of yard trash processing facilities shall register with the Department before beginning operation, or in accordance with paragraph (1)(c) of this rule.

(a) Registration shall be submitted on Form 62-709.320(7)(a).

(b) The registrant shall provide the facility name, physical address, mailing address, contact name and telephone number, and affirm that facility design and operations comply with the requirements of this rule. The registrant shall also provide documentation that the registrant either owns the land or has legal authorization from the landowner to operate a yard trash processing facility on that site.

(c) Renewal applications for registrations shall be submitted annually by April 1.

(d) The application for registration shall include the annual report required in subsection (6) of this rule. Owners and operators of yard trash processing facilities that are submitting their first registration before beginning operations are not subject to this requirement.

(e) The processing fee for registration is \$35. The fee shall be submitted with the registration application in accordance with the provisions of Rule 62-4.050, F.A.C.

(6) Record keeping and reporting. Monthly records of incoming and outgoing material shall be kept on site or at another location as indicated on the registration form for at least three years. The values may be in cubic yards or tonnage, but the same unit of measurement shall be used to record both incoming and outgoing material. An annual report, based on the preceding calendar year, shall summarize the monthly records and shall be submitted to the Department using Form 62-709.320(7)(b) with the application for registration. The initial annual report for existing facilities shall also include a current site inventory of materials.

(7) Forms. The forms used by the Department in this rule are adopted and incorporated by reference in this subsection. The form is listed by rule number, which is also the form number, and with the subject, title and effective date. Copies of forms may be obtained from a local District Office or by writing to the Florida Department of Environmental Protection, Solid Waste Section, Mail Station 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(a) Form 62-709.320(7)(a): Application for Registration of a Yard Trash Processing Facility, effective \_\_\_\_\_.

(b) Form 62-709.320(7)(b): Annual Report for a Yard Trash Processing Facility, effective \_\_\_\_\_.

Specific Authority 403.061, 403.704, 403.7043 FS. Law Implemented 403.7043, 403.707 FS. History—New \_\_\_\_\_.

62-709.500 Design Criteria.

(1) through (2) No change.

(3) Stormwater management system design standards.

(a) Stormwater controls shall be designed, constructed, and maintained to meet the requirements of Chapters ~~Rule~~ 62-25 and 62-330, F.A.C., or requirements of the water management district where the Department has delegated stormwater permitting to a water management district.

(b) Stormwater management systems shall be designed to prevent run-off from entering the receiving, processing, curing or storage areas. Stormwater or other water which comes into contact with the solid waste received, being stored, processed or composted, or which mixes with leachate shall be considered leachate and shall be reused in the process or treated to meet applicable standards of Chapters 62-25, 62-302 and 62-330 ~~Rules 17-3 and 62-4~~, F.A.C., at the point of discharge.

(c) No change.

(4) No change.

(5) An operation plan shall be submitted with all facility construction permit applications. The operation plan shall provide written instructions for the daily operation and maintenance of the facility. The plan shall be revised when operational procedures change. The plan shall include the following detailed procedures at a minimum:

(a) through (h) No change.

(i) Contingency operations, including reserve or alternate equipment, or alternate waste handling and disposal methods in case of emergency such as a natural disaster or equipment failure or receipt of prohibited materials such as used oil, asbestos-containing material or hazardous or biomedical biohazardous waste.

(6) No change.

(7) In addition to the requirements specified in (1) through (6) above, the following requirements apply to composting facilities which process solid waste other than only yard trash or manure.

(a) through (b) No change.

(c) Leachate shall be reused in the process or treated in a leachate treatment system to meet applicable standards of Chapters 62-25, 62-302 and 62-330 ~~Rules 17-3 and 62-4~~, F.A.C., at the point of discharge.

Specific Authority 403.061, 403.704, 403.7043 FS. Law Implemented 403.7043, 403.707 FS. History—New 11-21-89, Formerly 17-709.500, Amended \_\_\_\_\_.

62-709.510 Operation Criteria.

(1) The following operation requirements apply to all composting facilities.

(a) No change.

(b) The facility shall be operated in a manner, with any needed measures taken, to control vectors and odors.

(c) through (d) No change.

(e) More than half of the compost stored at the facility shall be used or sold for use within each year beginning the third year after facility startup. Further, any compost remaining

at the facility for three years after it was produced shall be disposed of pursuant to the requirements of Chapter Rule 62-701, F.A.C., or shall be reprocessed so that it can be sold or used.

- (f) No change.
- (2) No change.

(3) In addition to the requirements specified in subsection (1) above, the following requirements apply to composting facilities that process solid waste, other than only yard trash or manure.

(a) All waste delivered to the facility shall be confined to a designated delivery or storage area until processed. Any material not processed within 72 hours shall be removed and disposed of pursuant to Chapter Rule 62-701, F.A.C. Any recovered materials removed from the solid waste stream shall be stored in a manner that prevents vector problems, and shall be removed from the facility at least annually.

- (b) No change.

(4) When a solid waste management facility that produces compost ceases operation, all residuals, solid waste, and recyclable materials shall be removed from the site and recycled, or disposed of pursuant to the requirements of Chapter Rule 62-701, F.A.C. Any remaining compost shall be used in accordance with the requirements of this rule or disposed of pursuant to the requirements of Chapter Rule 62-701, F.A.C.

Specific Authority 403.061, 403.704, 403.7043 FS. Law Implemented 403.7043 FS. History—New 11-21-89, Formerly 17-709.510, Amended

62-709.530 Testing, Recording and Reporting Requirements.

- (1) through (2) No change.

(3) Owners and operators of facilities producing compost made from solid waste shall submit to the Department an annual report by June 1. The report shall be submitted on Form 62-701.900(11) 62-709.900(2), and shall include:

- (a) through (f) No change.

Specific Authority 403.061, 403.704, 403.7043 FS. Law Implemented 403.7043 FS. History—New 11-21-89, Formerly 17-709.530, Amended

NAME OF PERSON ORIGINATING PROPOSE RULE: Bill Hinkley, Chief, Bureau of Solid and Hazardous Waste

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Ruddell, Director, Division of Waste Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2000

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE TITLE: Biennial Licensing RULE NO.: 64B-9.001

PURPOSE AND EFFECT: The Department of Health, Division of Medical Quality Assurance, proposes the development of a rule to address the biennial renewal of licenses.

SUMMARY: The proposed rule addresses and clarifies the process of biennial renewal of licenses.

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: 455.521(5) FS.

LAW IMPLEMENTED: 455.521(1) 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., August 14, 2000

PLACE: Department of Health, Bureau of Operations, 4052 Ball Cypress Way, Room 110J, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Melissa Meadows, OMC Manager, Bureau of Operations/MQA, 4052 Ball Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-9.001 Biennial Licensing.

(1) Pursuant to Section 455.521(1), Florida Statutes, the Department hereby implements a plan for staggered biennial renewal of licenses issued the Division of Medical Quality Assurance.

(2) The staggered biennial renewal issuance plan does not apply to the renewal of licenses which have a statutory period of one year or less and which do not mature into permanent licenses which would be subject to regular annual renewal.

(3) Biennial period shall mean a period of time consisting of 2 years (24 months). The first biennial period for the purposes of each board shall commence and continue on the dates specified in the department plan as set forth for each respective profession.

(4) The schedule for biennial license renewal for each respective profession shall be as follows:



	<u>EVEN YEARS</u>	<u>ODD YEARS</u>		
<u>Acupuncturists</u>	<u>February 28</u>		<u>Optometrists</u>	<u>February 28</u>
<u>Athletic Trainers</u>	<u>September 30</u>		<u>Optometrist Branch Offices</u>	<u>February 28</u>
<u>Certified Master Social Workers</u>		<u>March 31</u>	<u>Orthotists &amp; Prosthetists</u>	<u>November 30</u>
<u>Chiropractic Physicians &amp; Assistants</u>	<u>March 31</u>		<u>Osteopathic Physicians</u>	<u>March 31</u>
<u>Clinical Laboratory Personnel</u>	<u>August 31</u>		<u>Pharmacies</u>	<u>February 28</u>
<u>Clinical Social Workers</u>		<u>March 31</u>	<u>Pharmacists</u>	<u>September 30</u>
<u>Consultant Pharmacists</u>	<u>December 31</u>		<u>Physical Therapists &amp; Assistants</u>	<u>November 30</u>
<u>Dental Hygienists</u>	<u>February 28</u>		<u>Physician Assistants</u>	<u>January 31</u>
<u>Dental Laboratories</u>	<u>February 28</u>		<u>Podiatric Physicians</u>	<u>March 31</u>
<u>Dentists</u>	<u>February 28</u>		<u>Psychologists</u>	<u>May 31</u>
<u>Dietitians/Nutritionists</u>		<u>May 31</u>	<u>Respiratory Care Practitioners</u>	<u>May 31</u>
<u>Dispensing Opticians</u>	<u>December 31</u>		<u>Respiratory Therapists</u>	<u>November 30</u>
<u>Electrologists</u>	<u>May 31</u>		<u>School Psychologists</u>	<u>November 30</u>
<u>Electrolysis Facilities</u>	<u>May 31</u>		<u>Speech Language Pathologists /Audiologists &amp; Assistants</u>	<u>December 31</u>
<u>Hearing Aid Specialists</u>		<u>February 8</u>	<u>EXTENSION OF BIENNIAL LICENSURE PERIODS –</u>	
<u>Marriage &amp; Family Therapists</u>		<u>March 31</u>	<u>When a current biennial licensure period for a profession is</u>	
<u>Massage Therapists</u>		<u>August 31</u>	<u>extended for a period longer than two years to conform to the</u>	
<u>Massage Establishments</u>		<u>August 31</u>	<u>above schedule of biennial periods, the biennial licensure fee</u>	
<u>Medical Doctors (Group I)</u>	<u>January 31</u>		<u>for the profession shall be increased pro-rata to cover the</u>	
<u>Medical Doctors (Group II)</u>		<u>January 31</u>	<u>additional extended period. The increased licensure fee shall be</u>	
<u>Medical Doctors – Public Psychiatry/Health Certificate</u>	<u>January 31</u>		<u>based on the biennial licensure fee established by the board.</u>	
<u>Medical Doctors – Limited License</u>	<u>January 31</u>		<u>The amended licensure period and the pro-rated renewal fee</u>	
<u>Medical Doctors – Area of Critical Need</u>	<u>January 31</u>		<u>shall be implemented for the purpose of restructuring the</u>	
<u>Medical Physicists</u>		<u>January 31</u>	<u>Department’s renewal schedule.</u>	
<u>Mental Health Counselors</u>		<u>March 31</u>	<u>(5) The biennial license renewal fees shall be established</u>	
<u>Midwives</u>		<u>December 31</u>	<u>by rule by each board, or by the Department, whichever is</u>	
<u>Naturopathic Physicians</u>	<u>September 30</u>		<u>appropriate.</u>	
<u>Nuclear Pharmacists</u>	<u>February 28</u>		<u>Specific Authority 455.521(1) FS. Law Implemented 455.521(1) FS. History–</u>	
<u>Nurses</u>			<u>New _____.</u>	
<u>Group I: Registered &amp; Advanced Registered Nurse Practitioners</u>	<u>April 30</u>		<u>NAME OF PERSON ORIGINATING PROPOSED RULE:</u>	
<u>Group II: Registered &amp; Advanced Registered Nurse Practitioners</u>	<u>July 31</u>		<u>Division of Medical Quality Assurance</u>	
<u>Group III: Registered &amp; Advanced Registered Nurse Practitioners</u>		<u>April 30</u>	<u>NAME OF SUPERVISOR OR PERSON WHO APPROVED</u>	
<u>Licensed Practical Nurses</u>		<u>July 31</u>	<u>THE PROPOSED RULE: Gloria Henderson, Director,</u>	
<u>Nursing Home Administrators</u>	<u>September 30</u>		<u>Division of Medical Quality Assurance</u>	
<u>Occupational Therapists &amp; Assistants</u>		<u>February 28</u>	<u>DATE PROPOSED RULE APPROVED BY AGENCY</u>	
			<u>HEAD: July 6, 2000</u>	
			<u>DATE NOTICE OF PROPOSED RULE DEVELOPMENT</u>	
			<u>PUBLISHED IN FAW: June 16, 2000</u>	
			<b>DEPARTMENT OF HEALTH</b>	
			<b>Board of Medicine</b>	
			<u>RULE TITLE:</u>	<u>RULE NO.:</u>
			<u>Procedure for Approval of Attendance</u>	<u>64B8-52.003</u>
			<u>at Continuing Education Courses</u>	
			<u>PURPOSE AND EFFECT: The Electrolysis Council proposed</u>	
			<u>to the Board of Medicine that Rule 64B8-52.003 be amended</u>	
			<u>to provide continuing education credit to lecturers or authors of</u>	
			<u>continuing education programs or course materials.</u>	

SUMMARY: This amendment serves to address specific requirements for certain continuing education courses.

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(4), 478.50(2),(4)(a),(b) FS. LAW IMPLEMENTED: 455.564(6), 455.604, 478.50(2),(4)(a),(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-52.003 Procedure for Approval of Attendance at Continuing Education Courses.

(1) through (5) No change.

(6) A maximum of 6 contact hours shall be awarded per biennium for each of the following or a combination of the following:

(a) The presentation of an electrology related course or program as either the lecturer of the course or program or as the author of the course materials. Each licensee who is participating as either a lecturer or author of an electrology related course or program shall receive credit for the portion of the offering he/she presented or authored up to the total hours awarded for the offering.

1. Continuing education credit shall be awarded to a lecturer or author for the initial presentation of each electrology related course or program only; repeat presentations of the same course or program shall not be granted credit.

2. In order for a continuing education credit to be awarded to each licensee participating as either lecturer or author, the format of the electrology related course or program must conform with all applicable sections of this rule chapter.

3. The number of contact hours to be awarded to each licensee who participates in an electrology related course or program as either a lecturer or author is based on the 50 minute contact hour employed within this rule chapter.

Specific Authority 478.43(4), 478.50(2),(4)(a),(b) FS. Law Implemented 455.564(6), 455.604, 478.50(2),(4)(a),(b) FS. History—New 6-1-93, Formerly 21M-77.003, 61F6-77.003, Amended 5-11-95, Formerly 59R-52.003, Amended 2-9-98, 2-16-99, 2-17-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 6, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 23, 2000

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Disciplinary Guidelines RULE NO.: 64B8-55.001

PURPOSE AND EFFECT: The Board proposes to amend this rule due to Section 455.627 F.S. and comments received from the staff at the Joint Administrative Procedures Committee.

SUMMARY: The Electrolysis Council recommended to the Board of Medicine that this rule be amended to set forth statute requirements.

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: 455.624, 455.627, 478.52(4) FS.

LAW IMPLEMENTED: 455.624, 455.627, 478.52(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-55.001 Disciplinary Guidelines.

(1) Purpose. Pursuant to Section 478.52(4), Florida Statutes, the Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 478, 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 given within this rule. ~~The ranges of penalties provided below are based upon a single count violation of each provision listed; multiple counts of the violated provisions to a combination of the violations may result in a higher penalty than that for a single, isolated violation.~~ Each range includes the lowest and highest penalty and all penalties falling

between. The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) No change.

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

VIOLATION	RECOMMENDED RANGE OF PENALTY
(a) Attempting to obtain a license by bribery, fraud or misrepresentation. (478.52(1)(a), F.S.)	(a) Denial or revocation with \$1,000 fine.
(b) Action taken against license by another jurisdiction. (478.52(1)(b), F.S.)	(b)(1) From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida to suspension or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and an administrative fine ranging from \$250 to \$5,000. <u>Impaired practitioners working in this state shall be evaluated to determine the need for referral to PRN.</u> (b)(2) <u>After the first offense, from imposition of discipline comparable to that which would have been imposed if a second or higher substantive violation had occurred in Florida to suspension or denial of license until it is unencumbered in the other jurisdiction, and an administrative fine from \$1,000 to \$5,000.</u>
(c) Guilt of crime directly relating to practice. (478.52(1)(c), F.S.)	(c)(1) From probation to revocation or denial of license, and an administrative fine ranging from \$250 to \$5,000. (c)(2) <u>After the first offense, from a three-year probation with conditions to revocation or denial of the license, and an administrative fine ranging from \$350 to \$5,000.</u>
(d) Filing a false report or failing to file a report as required. (478.52(1)(d), F.S.)	(d)(1) From one year probation to revocation or denial, and an administrative fine from \$250 to \$5,000. (d)(2) <u>After the first offense, from two years probation to revocation or denial, and an administrative fine from \$1,000 to \$5,000.</u>

(e) False, deceptive or misleading advertising. (478.52(1)(e), F.S.)	(e)(1) From reprimand to one year suspension or denial, and an administrative fine from \$500 to \$5,000. (e)(2) <u>After the first offense, from one year probation to three year suspension or denial, and an administrative fine from \$1,000 to \$5,000.</u>
(f) Unprofessional conduct, failure to conform to acceptable standards. (478.52(1)(f), F.S.)	(f)(1) From six months probation to revocation or denial, and an administrative fine from \$1,000 to \$2,500. (f)(2) <u>After the first offense, from one year probation to revocation or denial, and an administrative fine from \$1,000 to \$5,000.</u>
(g) Possession, sale or distribution of illegal or controlled substance. (478.52(1)(g), F.S.)	(g)(1) From six months suspension to revocation or denial, and an administrative fine from \$1,000 to \$5,000. (g)(2) <u>After the first offense, from one year suspension to revocation, and an administrative fine from \$1,500 to \$5,000.</u>
(h) Failure to report any known violation of Chapter (478.52(1)(h), F.S.)	(h)(1) From a reprimand to probation or denial, and an administrative fine from \$250 to \$5,000. (h)(2) <u>After the first offense, from one year probation to revocation or denial, and an administrative fine from \$350 to \$5,000.</u>
(i) Repeated or willful violation of rule or order. (478.52(1)(i), F.S.)	(i)(1) From six months suspension to revocation or denial, and an administrative fine from \$1,000 to \$2,500. (i)(2) <u>After the first offense, from one year suspension to revocation or denial, and an administrative fine from \$1,500 to \$5,000.</u>
(j) Delivery of electrolysis services without an active license. (478.52(1)(j), F.S.)	(j)(1) From probation to revocation or denial, and an administrative fine from \$250 to \$5,000. (j)(2) <u>After the first offense, from one year suspension to revocation or denial, and an administrative fine from \$1,000 to \$5,000.</u>
(k) Employing unlicensed person to practice electrology. (478.52(1)(k), F.S.)	(k)(1) From one year probation to denial or five years suspension followed by probation, and an administrative fine from \$250 to \$5,000. (k)(2) <u>After the first offense, from one year suspension to denial or five years suspension followed by probation, and an administrative fine from \$1,000 to \$5,000.</u>
(l) Failure to perform legal obligation. (478.52(1)(l), F.S.)	(l)(1) From a reprimand to probation up to one year or denial, and an administrative fine from \$250 to \$1,500.

<p>(m) Accepting and performing responsibilities for which licensee knows, or has reason to know, he or she is not competent to perform. (478.52(1)(m), F.S.)</p>	<p><u>(l)(2) After the first offense, from probation to suspension or denial, and an administrative fine from \$1,000 to \$5,000.</u> (m)(1) From six months probation to revocation or denial, and an administrative fine from \$500 to \$2,500. <u>(m)(2) After the first offense, from one year probation to revocation or denial, and an administrative fine from \$1,000 to \$5,000.</u></p>	<p>(t) Practicing permanent hair removal except as described in Section 478.42(5), F.S. (478.52(1)(t), F.S.)</p>	<p>(t)(1) From two years probation to revocation or denial, and an administrative fine from \$250 to \$5,000. <u>(t)(2) After the first offense, from one year suspension followed by probation to revocation or denial, and an administrative fine from \$1,000 to \$5,000.</u></p>
<p>(n) Delegating professional responsibilities to unqualified person. (478.52(1)(n), F.S.)</p>	<p>(n)(1) From probation to denial or two years suspension followed by probation, and an administrative fine from \$250 to \$5,000. <u>(n)(2) After the first offense, from six months suspension followed by probation to revocation, and an administrative fine from \$1,000 to \$5,000.</u></p>	<p>(u) through (cc) No change. (dd) Allowing animals in the room wherein electrolysis is performed except those trained to assist the hearing impaired, visually impaired or physically impaired. (478.51(3), F.S.)</p>	<p>(dd) Third and subsequent offenses: from reprimand to <u>one month</u> suspension <u>and</u> until compliance, and an administrative fine of \$500.</p>
<p>(o) Malpractice. (478.52(1)(o), F.S.)</p>	<p>(o)(1) From two years probation to revocation or denial, and an administrative fine from \$250 to \$5,000. <u>(o)(2) After the first offense, from one year suspension followed by probation to revocation or denial, and an administrative fine from \$1,000 to \$5,000.</u></p>	<p>(ee) Failure to have any one of the following items/equipment in the facility (the failure to have any one of the items/equipment shall constitute a separate offense): 1. through 7. No change. (ff) through (hh) No change. (ii) Operating an unlicensed electrolysis facility. (478.52(1)(u), F.S.)</p>	<p>(ee) Third and subsequent offenses: from reprimand to <u>one month</u> suspension <u>and</u> until compliance, and an administrative fine of \$500.</p>
<p>(p) Judicially determined mental incompetency. (478.52(1)(p), F.S.)</p>	<p>(p) From probation to denial or indefinite suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation, <del>and an administrative fine from \$250 to \$5,000.</del></p>	<p>(jj) Failure to report, within 30 days a conviction, finding of guilt, or plea of nolo contendere, regardless of adjudication, to a crime, to the Board. (455.624(1)(w), F.S.)</p>	<p>(ii) From denial of licensure if committed prior to licensure, or suspension until compliance to revocation, and a fine from \$250 to \$2,500. (jj)(1) 3 months probation to 2 years suspension, and a fine of \$500 to \$5,000.</p>
<p>(q) Practicing under a name other than that of licensee. (478.52(1)(q), F.S.)</p>	<p>(q)(1) From two years suspension to revocation or denial, and an administrative fine from \$250 to \$5,000. <u>(q)(2) For a second offense, revocation, and an administrative fine from \$1,000 to \$5,000.</u></p>	<p>(kk) Using information from accident reports, or from news sources that use such information for the solicitation of people involved in such accidents. (455.624(1)(x), F.S.) (4) through (7) No change.</p>	<p><u>(jj)(2) After the first offense, from 1 year probation to revocation, and a fine from \$1000 to \$5,000.</u> (kk)(1) Up to six months probation and/or a fine of up to \$500. <u>(kk)(2) After the first offense, from one year probation to one year suspension, and a fine from \$1,000 to \$5,000.</u></p>
<p>(r) Inability to practice because of mental or physical condition or use of alcohol or controlled substances. (478.52(1)(r), F.S.)</p>	<p>(r)(1) From probation to denial or indefinite suspension until licensee is able to demonstrate <u>the ability</u> to practice with reasonable skill and safety followed by probation, and an administrative fine from \$250 to \$5,000. <u>(r)(2) For a second offense, from indefinite suspension until licensee is able to demonstrate the ability to practice with reasonable skill and safety followed by probation to revocation, and an administrative fine from \$1,000 to \$5,000.</u></p>	<p>Specific Authority 455.624, 455.627, 478.52(4) FS. Law Implemented 455.624, 455.627, 478.52(4) FS. History—New 11-16-93, Formerly 61F6-80.001, Amended 1-2-95, Formerly 59R-55.001, Amended 2-9-98, 10-12-98, 3-1-00,_____.</p>	
<p>(s) Disclosing identity of or information about a patient. (478.52(1)(s), F.S.)</p>	<p>(s)(1) From one year suspension to revocation or denial, and an administrative fine from \$250 to \$5,000. <u>(s)(2) For a second offense, revocation, and an administrative fine from \$1,000 to \$5,000.</u></p>		

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Electrolysis Council  
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: June 23, 2000

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

RULE TITLE: Common Minimum Program Standards  
 RULE NO.: 65E-12.106

PURPOSE AND EFFECT: The above rule is being revised to help ensure patients rights and to correct the applicability of a construction standard date and title.

SUMMARY: Revision of the above rule will add language to protect patient rights when reporting abuse. The revision also corrects an effective date and title error in the previous revision of this rule impacting crisis stabilization units (CSUs) and Short-Term Residential Treatment Programs (SRTs). When amending this section in September 1998, as part of updating the whole chapter, the intent was to amend this title to read: "(12) Facility Standards for Facilities Licensed Prior to July 14, 1993." This would have made it compatible and consistent with rule 65E-12.109, which reads: "Minimum Construction Standards for New CSU and SRT Facilities Initially Licensed After July 14, 1993." However, due to a clerical error, the amended language submitted erroneously read: "(12) Facility Standards for Facilities Licensed Prior to February 1986." rather than July 14, 1993. The present erroneous wording leaves a gap not previously existing for the period between February 1986 and July 14, 1993. Revising this language would eliminate this gap.

SPECIFIC AUTHORITY: 394.461, 394.879(1),(2) FS.  
 LAW IMPLEMENTED: 20.19, 95.11, 381.0035, 386.041, 394.455, 394.457, 394.459, 394.463, 394.465, 394.66, 394.77, 394.875, 395.907, 415.103 FS.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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.

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

TIME AND DATE: 10:00 a.m., Monday, August 14, 2000  
 PLACE: Winewood Office Complex, Building 6, Second Floor, Conference Room "A", 1317 Winewood Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Vince Smith, Operations and Management Consultant II, Mental Health Program Office, 1317 Winewood Blvd., Building 6, Room 209, Tallahassee, Florida 32399-0700, Telephone (850)413-0932

Persons with disabilities requiring accommodations in order to participate in this event should contact the following person by phone or in writing by close of business (5:00 p.m.) on August 7, 2000. Linda Henshaw, Department of Children and Family Services, Mental Health Program Office, 1317 Winewood Blvd., Building 6, Room 227, Tallahassee, Florida 32399-0700, (850)921-5724 (Voice) or (850)921-8880 (TDD).

THE FULL TEXT OF THE PROPOSED RULE IS:

- 65E-12.106 Common Minimum Program Standards.
  - (1) through (7) No change.
  - (8) Protection of Persons Receiving Services. Unless abridged by a court of law, the rights of individuals who are admitted to CSU and SRT programs shall be assured as mandated under chapter 394, part I, F.S., and chapter 65E-5, FAC. Each CSU and SRT shall be operated in a manner that protects the individual's rights, life and physical safety while under evaluation and treatment. In addition to all rights granted under chapter 394, part I, F.S., individuals shall be:
    - (a) through (b) No change.
      - 1. through 4. No change.
    - (c) Assured that facility policy prohibits any retaliation or reprisal against either the individual or against staff for reporting suspected abuse, neglect or exploitation, or violations of the individuals patient's rights. A copy of this facility policy shall be posted in a common patient area and provided to the patient upon request.
      - (9) through (11) No change.
      - (12) Facility Standards for Facilities Licensed Prior to or on July 14, 1993 ~~February 1986~~.
        - (a) through (30) No change.

Specific Authority 394.461, 394.879(1),(2) FS. Law Implemented 20.19, 95.11, 381.0035, 386.041, 394.455, 394.457, 394.459, 394.463, 394.465, 394.66, 394.77, 394.875, 395.907, 415.103 FS. History--New 2-27-86, Amended 7-14-92, Formerly 10E-12.106, Amended 9-1-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vince Smith  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John N. Bryant, Director of Mental Health  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2000  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2000  
 Purchase Order No: CC3261

