

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Developmental Services Program**

**RULE TITLE:** Use of General Revenue Funds  
**RULE NO.:** 65B-4.010  
**PURPOSE AND EFFECT:** This rule prioritizes the items and services that the Department considers appropriate for the use of general revenue funds.  
**SUBJECT AREA TO BE ADDRESSED:** The use of general revenue funds.  
**SPECIFIC AUTHORITY:** 393.066(9), 393.501(1) FS.  
**LAW IMPLEMENTED:** 393.066(1)(5), 393.068(2) FS.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**  
**TIME AND DATE:** 10:00 a.m., Wednesday, November 15, 2000  
**PLACE:** Department of Children and Family Services, General Counsel's Conference Room, 1317 Winewood Blvd., Bldg. 2, Tallahassee, FL  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Faye Jones, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204X, Tallahassee, FL 32399-0700, (850)921-8132  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**Section II  
Proposed Rules**

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

**RULE TITLES:** Application for Certificate of Authority  
 Application for Certificate of Authority  
 Branch Office License  
 Remittances to the Regulatory Trust Fund  
**RULE NOS.:** 3F-5.002  
 3F-5.0021  
 3F-5.0024  
**PURPOSE AND EFFECT:** Rules 3F-5.002 and 3F-5.0021 are being amended to change the date of the annual fee period from June 1 to July 1 to coincide with the fiscal year beginning July 1 and ending on June 30. Rule 3F-5.0024 is being amended because certificateholders are no longer entitled to credit against future remittances when a contract is cancelled thirty days after execution.  
**SUMMARY:** Rules 3F-5.002 and 3F-5.0021 set forth the criteria for obtaining a certificate of authority for existing offices and branch offices. Rule 3F-5.0024 sets forth amounts to be remitted by certificate of authority holders to the Regulatory Trust Fund.

**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:** 497.103, 497.407(1) FS.

**LAW IMPLEMENTED:** 497.405, 497.407 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):**

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

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

3F-5.002 Application for Certificate of Authority.

(1) Each entity desiring to obtain a certificate of authority shall apply to the Board by submitting the following:

(a) No change.

(b) An application fee of \$500 which shall be the fee for the annual period beginning ~~July~~ ~~June~~ 1 of each year or any part thereof.

(2) through (5) No change.

Specific Authority 497.103, 497.407(1) FS. Law Implemented 497.405, 497.407 FS. History—New 4-25-94, Amended 2-7-95, \_\_\_\_\_.

3F-5.0021 Application for Certificate of Authority Branch Office License.

(1) Every Certificate of Authority holder that is part of a common business enterprise and elects to operate under a different name shall apply to the Board for a license to operate a branch office by submitting the following:

(a) A completed Application for Certificate of Authority Branch Office Registration, Form DBF-COAB, effective 6-5-97, which is hereby incorporated by reference and available from the Department of Banking and Finance, Division of Finance, The Fletcher Building, 101 East Gaines Street, ~~Suite—550,~~ Tallahassee, Florida 32399-0350. The application must be completed and signed within thirty (30) days of receipt by the Board; and

(b) An application fee of \$150 ~~\$100~~ which shall be the fee for the annual period beginning ~~July~~ ~~June~~ 1 of each year or any part thereof.

(2) through (7) No change.

(8) Upon approval of the application, a certificate of authority branch office license will be issued for the remainder of the annual license period ending ~~June 30~~ ~~May 31~~ of each year.

Specific Authority 497.103 FS. Law Implemented 497.103, 497.407(4) FS. History—New 6-5-97, Amended \_\_\_\_\_.

**3F-5.0024 Remittances to the Regulatory Trust Fund.**

The amounts required to be remitted by a Certificateholder to the Regulatory Trust Fund, pursuant to the provisions of Section 497.407(12), Florida Statutes, shall be determined in accordance with the following criteria:

- (1) through (4) No change.
- (5) If a contract is canceled after thirty days of execution, the Certificateholder shall not be entitled to credit the remittance for that contract against future remittances ~~unless such contract is immediately rewritten.~~
- (6) through (8) No change.

Specific Authority 497.103, 497.407 FS. Law Implemented 497.407 FS. History—New 5-13-97, Amended \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Board of Funeral and Cemetery Services

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Board of Funeral and Cemetery Services

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** July 17, 2000

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** August 4, 2000

**DEPARTMENT OF INSURANCE**

**RULE TITLES:** Filing for Review  
Filing for Review

**RULE NOS.:** 4-150.019  
4-150.120

**PURPOSE AND EFFECT:** The proposed amendment clarifies that "Only advertisements that are required by law to be filed will be routinely received and reviewed by the Department."

**SUMMARY:** The proposed amendment changes the rules to read, "Only advertisements that are required by law to be filed will be routinely received and reviewed by the Department."

**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:** 624.307(3), 624.308(1), 626.9611, 627.9407(1),(2) FS.

**LAW IMPLEMENTED:** 624.307(1), 626.9541(1)(a),(b), (e),(k),(l), 626.9641, 626.9641(1), 627.9407(1),(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:** 1:30 p.m., November 8, 2000  
**PLACE:** Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Bill Pace, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5124

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 RULES IS:**

**4-150.019 Filing for Review.**

- (1) No change.
- (2) Only advertisements that are required by law to be filed will be routinely received and reviewed by the Department.

Specific Authority 624.308(1), 626.9611, 627.9407(1),(2) FS. Law Implemented 624.307(1), 626.9541(1)(a),(b),(e),(k),(l), 626.9641, 627.9407(1),(2) FS. History—New 6-13-88, Amended 5-17-89, Formerly 4-6.0185, Amended 1-4-00, \_\_\_\_\_.

**4-150.120 Filing for Review.**

Only advertisements that are required by law to be filed will be routinely received and reviewed by the Department.

Specific Authority 624.307(3), 624.308(1), 626.9611 FS. Law Implemented 624.307(1), 626.9541(1)(a),(b),(e),(k),(l), 626.9641(1) FS. History—New 6-12-88, Formerly 4-35.0171, Amended 5-27-96, 1-4-00, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Bill Pace, Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Richard Robleto, Chief, Bureau of Life and Health Forms and Rates, Department of Insurance

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** August 24, 2000

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** September 8, 2000

**DEPARTMENT OF INSURANCE**

**RULE TITLE:** Annual Rate Filings

**RULE NO.:** 4-170.007

**PURPOSE AND EFFECT:** The proposed amendment adopts the transmittal form used to transmit forms DI4-586 and DI4-584.

**SUMMARY:** Adopts the transmittal form used to transmit forms DI4-586 and DI4-584.

**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 FS.  
LAW IMPLEMENTED: 624.307(1), 624.418(2), 624.4211, 627.021, 627.062, 627.0645, 627.0651, 627.221, 627.301 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., November 7, 2000  
PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beth Vecchioli, Bureau Chief, Property and Casualty Forms and Rates, Division of Insurer Services, 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:

- 4-170.007 Annual Rate Filings.  
(1) through (7) No change.

(8) Each filing shall include a completed Form DI4-XXX (rev. 2/98), Annual Rate Filing Form, which is hereby adopted and incorporated by reference, and is available from the address in (4)(h).

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.418(2), 624.4211, 627.021, 627.062, 627.0645, 627.0651, 627.221, 627.301 FS. History--New 12-25-90, Formerly 4-72.007, Amended 1-27-92, 3-9-93, 9-7-93,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Beth Vecchioli, Bureau Chief, P & C 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: June 18, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2000

**DEPARTMENT OF INSURANCE**

RULE TITLE: Insurer Experience Reporting – Excessive Profits, Workers’ Compensation Insurance  
RULE NO.: 4-189.007  
PURPOSE AND EFFECT: The purpose of the proposed action is to amend a reporting form utilized by Worker’s Compensation insurers to report excess profits.

SUMMARY: The amended rule incorporates changes to the reporting form to be year 2000 flexible, correcting cross references and deleting obsolete provisions.

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 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), 627.215 FS.  
LAW IMPLEMENTED: 624.307(1), 627.215 FS.

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

TIME AND DATE: 2:00 p.m., November 8, 2000  
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND A COPY OF THE REPORTING FORM IS: Jim Watford, Actuary, Bureau of Property and Casualty Forms & Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0326, (850)413-3146

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 at (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

- 4-189.007 Insurer Experience Reporting – Excessive Profits, Workers' Compensation Insurance.  
(1) through (5) No change.

(6) Form DI4-15, Workers' Compensation Excess Profits Reporting Form F, as amended, is hereby incorporated by reference and shall take effect on January July 1, 2001 1988 and may be obtained from the Bureau of Property & Casualty Forms and Rates, Workers' Compensation Department of Insurance, Larson Building 200 East Gaines Street, Tallahassee, Florida 32399-0330 32301.

Specific Authority 624.308(1), 627.215 FS. Law Implemented 624.307(1), 627.215 FS. History--New 6-14-84, Amended 7-1-85, Formerly 4-59.061, Amended 6-1-88, Formerly 4-59.0061, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Watford, Actuary, Bureau of Property and Casualty Forms and Rates  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Beth Vecchioli, Chief, Bureau of Property and Casualty Forms & Rates

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2000  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2000

**DEPARTMENT OF INSURANCE**

RULE TITLE: Forms Incorporated By Reference  
 RULE NO.: 4-193.065  
 PURPOSE AND EFFECT: This rule is being amended to adopt and incorporate forms by reference.

SUMMARY: This rule is being amended to adopt and incorporate forms by reference.

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

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

SPECIFIC AUTHORITY: 624.308(1), 651.013, 651.015(1),(3) FS.

LAW IMPLEMENTED: 651.021, 651.022, 651.023, 651.024, 651.026, 651.033, 651.035 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: 9:00 a.m., November 9, 2000  
 PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Raleigh Close, Sr. Management Analysis, Insurance Consumer Service, Department of Insurance

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)922-3100, Ext. 4214.

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

- 4-193.065 Forms Incorporated by Reference.
- (1) (a) through (q) No change.
- (r) Continuing Care Retirement Center Complaint Form DI4-1155 (rev. 3/99)
- (s) Invoice (CCRC Mediator Program) Resident/Providers Disputes DI4-1387 (rev. 5/00)
- (t) Mediator's Status Report DI4-1388 (rev. 5/00)
- (u) Consumer Assistance Request DI4-612 (1/95)
- (2) No change.

Specific Authority 624.308(1), 651.013, 651.015(1),(3) FS. Law Implemented 651.021, 651.022, 651.023, 651.024, 651.026, 651.033, 651.035 FS. History—New 6-25-90, Formerly 4-45.035, Amended 7-16-92, 11-29-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Raleigh Close, Sr. Management Analysis, Insurance Consumer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Marta Arrington, Director, Insurance Consumer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2000

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

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Methods to Determine Compliance  
 RULE CHAPTER NO.: 20-14

RULE TITLE: Methods to Determine Compliance  
 RULE NO.: 20-14.001

PURPOSE AND EFFECT: Updating list of methods and analyses used for determining compliance with Department rules; adding methods for detecting pathogenic microorganisms.

SUMMARY: Updates list of methods and analyses used for determining compliance with Department rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of 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: 601.10(1), 601.11, 601.24, 601.25 FS.

LAW IMPLEMENTED: 601.1601.02(5) FS.

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

TIME AND DATE: 9:00 a.m., November 22, 2000  
 PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

- 20-14.001 Methods to Determine Compliance.
- (1) through (34) No change.
- (35) Sodium: As prescribed in "Sodium in Fruit and Fruit Products, Flame Spectrophotometric Method, AOAC Official Methods of Analysis," Chapter 37, Page 7 (1995).

(36) Salmonella:

(a) As prescribed in FDA Bacteriological Analytical Manual, "Salmonella Culture Method for Pasteurized and Unpasteurized Orange Juice", Wallace H. Andrews, Geraldine A. June, Patricia S. Sherrod, Thomas S. Hammack, and R. Miguel Amaguana, 8th Edition, Revision A, 1998, Chapter 5, Revisions December, 1999.

(b) As prescribed in AOAC Official Methods of Analysis, 16th Ed. Section 17.9.13, AOAC Official Method 989.14, "Salmonella in Foods, Colorimetric Polyclonal Enzyme Immunoassay," Denis Hughes, Angela E. Dailianis, Louise Hill, Michael S. Curiale and Vidhya Gangar, Journal of AOAC International, Vol. 82, No. 3, Pages 634-647, 1999.

(c) As prescribed in AOAC Official Methods of Analysis, AOAC Official Method 2000.07, the "TECRA® Unique™ Test for Rapid Detection of Salmonella in Food: Collaborative Study", Denise Hughes, Angela E. Dailianis, Louise Hill, Deborah A. McIntyre, Aimee Anderson, et. al., Vol. No. Pages.

(37) E. coli:

(a) As prescribed in FDA Bacteriological Analytical Manual, Broth MPN Method "Escherichia coli and the Coliform Bacteria, Anthony D. Hitchins, Peter Feng, William D. Watkins, Scott R. Rippey, and Linda A. Chandler, 8th Ed., Chapter 4, 1995.

(b) As prescribed in AOAC Official Methods of Analysis, AOAC Official Method 991.14, "Dry Rehydratable Film for Enumeration of Total Coliforms and Escherichia coli in Foods: Collaborative Study", Michael S. Curiale, Therese Sons, Dawn McIver, J. Sue McCallister, Barbara Halsey, Diane Roblee, and Terrance L. Fox, Journal of AOAC, Vol. 74, No. 4, 1991.

(c) As prescribed in AOAC Official Methods of Analysis, AOAC Official Method 996.09, "Visual Immunoprecipitate Assay (VIP) for Detection of Enterohemorrhagic Escherichia coli 0157:H7 in Selected Foods: Collaborative Study" Philip T. Feldsine, Maria T. Falbo-Nelson, Sharol L. Brunelle, and Robin L. Forgey, Journal of AOAC, Vol. 80, No. 3, 1997.

~~(38)~~ (35) Additional methods and analyses shall be those that achieve at least "First Action" status as an AOAC Official Method, or are introduced through expert testimony, opinion and other relevant evidence where the trier of fact determines that the testimony, evidence or opinion is otherwise admissible under Florida law.

~~(39)~~ (36) If one of the test methods in this section is used in an administrative or judicial enforcement proceeding, then, in addition to its rights to challenge the legal validity of the rule, the respondent or defendant may, in its defense, present competent substantial evidence relating to the accuracy or scientific validity of the test results, the test method, or both. Only if the respondent or defendant fails to present such evidence, shall such accuracy, scientific validity, or both, be presumed.

Specific Authority 601.10(1),(7), 601.11, 601.24, 601.25 FS. Law Implemented 601.02(5) FS. History—New 4-12-90, Amended 6-11-91, 3-20-94, 8-22-95, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mia L. McKown, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mia L. McKown, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2000

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Standards for Fresh Squeezed Citrus Juices	20-49
RULE TITLES:	RULE NOS.:
Purpose	20-49.001
Definitions	20-49.002
Fresh Squeezed Citrus Juices	20-49.003
Wholesale Producers – Testing	20-49.004
Wholesale Producers – Inspections	20-49.005
Small Producers – Testing	20-49.006
Small Producers – Inspections	20-49.007
Retail Grocery Producers – Testing and Inspections	20-49.008
Fresh Orange Juice Marked with Florida Citrus Growers' Certification Mark	20-49.009
Fresh Grapefruit Juice Marked with Florida Citrus Growers' Certification Mark	20-49.010

PURPOSE AND EFFECT: Would establish standards and regulations relating to fresh squeezed citrus juices.

SUMMARY: Establishes standards and regulations relating to fresh squeezed citrus juices.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of 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: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.10(7), 601.11, 601.44, 601.53, 601.54 FS.

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

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

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULES IS:

20-49.001 Purpose.

The purpose of this section is to regulate all fresh squeezed citrus juices.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History–New

20-49.002 Definitions.

(1) Fresh – The term fresh, when used on the label or in labeling of a food in a manner that suggests the food is unprocessed, means the food is in its raw state and has not been frozen or subjected to any form of thermal processing or any other form of preservation. At all times this definition and its application to fresh citrus juice must be consistent with the definition established by the Food and Drug Administration, 21 CFR 101.95, revised April 1, 2000, incorporated herein by reference.

(2) Wholesale Producer – A Wholesale Producer includes all Florida producers of fresh squeezed citrus juices, that each season process juice from 30,000 boxes or more of citrus fruit.

(3) Small Producer – Gift Fruit Shippers as defined in 601.03(20), Florida Statutes, and roadside retail fruit stand operators, as defined in 20-44.006, F.A.C., engaged in the production of fresh squeezed citrus juices and process less than 30,000 boxes of citrus fruit per season. All producers in the category shall possess a food permit issued by the Florida Department of Agriculture and Consumer Services (hereafter “FDACS”) pursuant to the provisions of 5K-4, F.A.C.

(4) Retail Grocery Producer – Retail grocery producers, as defined in section 20-44.006, F.A.C., who produce fresh citrus juices on its premises and sell one hundred percent (100%) of said fresh squeezed citrus juices directly to the consumer. All producers in this category shall possess a food permit issued by FDACS pursuant to the provisions of 5K-4, F.A.C.

(5) Product – The term Product shall mean fresh squeezed citrus juices. The words “fresh squeezed” or “freshly squeezed” or “fresh” may be used to describe product conforming to this rule.

(6) Establishment – The term establishment shall reference the Wholesale Producer, Small Producer and Retail Grocer’s facility and/or place of business.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History–New

20-49.003 Fresh Squeezed Citrus Juices.

The provisions of this section shall apply to all fresh citrus juices that have not been frozen or treated to reduce the enzymatic activity and the number of viable microorganisms.

(1) Product shall only be made from the unfermented juice of mature citrus fruit.

(2) The Product shall not contain soluble solids recovered by aqueous extraction of washing of fruit pulp.

(3) Addition of a sweetening ingredient or any other additive to the Product is not permitted.

(4) The producers’ Product and producers’ establishment shall be subject to regular inspection by the FDACS or its agents.

(5) Product that is packaged into a retail container must be bottled in the same establishment in which it was extracted and shall remain under the control of one single producer. Under no circumstances shall Product be transported in bulk containers or tankers to be bottled at another location.

(6) The package or container shall be legibly labeled with the maximum shelf life during which such product may be offered for sale, and such date shall not exceed 17 days from the time of extraction. This provision shall not apply to product packed by any person who packs for retail sale directly to consumer, not for resale.

(7) Upon meeting juice content requirements prior to August 1, fruit designated for the purpose of cold storage and used in the production of fresh citrus juice shall not be subject to retesting for juice content at the time of removal from cold storage.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History–New

20-49.004 Wholesale Producers – Testing.

This section regarding testing shall be applicable to Wholesale Producers of fresh citrus juice.

(1) All Wholesale Producers must document compliance with all applicable state and federal food safety and labeling requirements.

(2) All Wholesale Producers must have, maintain and follow a food safety plan that is based on Hazard Analysis Critical Control Point (HACCP) principles. This plan must be reviewed by Florida Department of Agriculture and Consumer Services (hereafter “FDACS”), the applicable regulatory agency or a firm accredited by the International HACCP Alliance. Such plan shall incorporate a microbiological testing program. Such documentation must be on file at each producer’s facility. These plans must be reviewed every 12 months or each time an operational modification changes the producing establishment’s hazard analysis.

(3) All Wholesale Producers must abide by all applicable Good Manufacturing Practices contained in 5K-4, F.A.C. and 21 CFR 110, revised April 1, 2000, and incorporated herein by reference.

(4) All Wholesale Producers must test for *Salmonella*, *E.coli* and other pathogenic microorganisms as required by applicable regulatory agencies. Microbiological results must be available for each production lot or day’s production, whichever is less. Microbiological testing records must be maintained on the producing establishment’s premises for one

year, and shall be available for review by FDACS or United States Department of Agriculture (hereafter "USDA") during normal operating hours.

(5) Any positive detection of *Salmonella*, *E.coli* or other pathogenic microorganisms in a wholesale operation shall require notification to USDA and FDACS, Division of Food Safety, within 24 hours of the positive detection. If Product is still located in the producing establishment, it shall be placed on hold pending appropriate response from FDACS.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New \_\_\_\_\_.

#### 20-49.005 Wholesale Producers – Inspections.

This section regarding the inspections shall be applicable to Wholesale Producers of fresh squeezed citrus juices.

(1) All inspections and audits shall be performed by or under the authority of FDACS.

(2) All wholesale production establishments shall be inspected according to sections 2.2.1 through 2.2.58, July 1996, and 3.2.7a – 3.2.7o, June 1996, of the Citrus Handbook of the Processed Citrus Branch, Fruit and Vegetable Division, United States Department of Agriculture, incorporated herein by reference.

(3) All Wholesale Producers shall be subject to full-time inspection by FDACS or its agent.

(4) The following specific Good Manufacturing Practices, in addition to those contained in 5K-4, F.A.C., and 21 CFR 110, revised April 1, 2000, incorporated herein by reference, shall be applicable:

(a) All soil, debris, stems, leaves, etc. must be removed from the fruit.

(b) All whole and intact fruit shall be washed, sanitized and/or surface heat-treated immediately prior to extraction.

(c) All fruit that has been in cold storage shall be resanitized and regraded. All soft or unwholesome fruit shall be discarded.

(d) All belts and rollers must be maintained free of soil, wax, dirt and extraneous material.

(e) The entire wash area shall, at all times, be maintained free of excess debris, pests and standing water.

(f) Grading must eliminate damaged, defective, soft or decayed fruit.

(g) Drops, fruit from the ground, may not be used in the production of fresh citrus juice.

(h) Any fruit which originated in a grove fertilized with manure products (poultry or otherwise) shall not be accepted for extraction to be made into fresh citrus juice.

(i) The processing and filling area shall be completely enclosed and meet the structural requirements for food processing areas as defined in 5K-4, F.A.C. and 21 CFR 110, revised April 1, 2000, incorporated herein by reference.

(j) All fruit contact surfaces must be cleaned and sanitized after production and prior to startup. Appropriate cleaning and sanitizing agents must be used as prescribed by the equipment manufacturer for the specific use.

(k) If product residues or buildup of organic matter remain on equipment, additional chemical treatment shall be used to remove such residues or buildup.

(l) All lubricants must be food grade only, as found in 21 CFR 178.3570, revised April 1, 2000, incorporated herein by reference.

(m) Back-siphonage protection devices must be provided on any water outlet where a hose can be connected.

(n) A contingency plan for in-line and surge tank juice during breakdowns must be in place. Cleaning and sanitizing procedures must be performed prior to restarting operation after extended breakdowns.

(o) All juice containers must, at all times, be sanitarily handled and protected from contamination. Containers must be covered when removed from protection if not used immediately.

(p) Certificates for a potable water supply shall be obtained from the Florida Department of Health (hereafter "DOH") approved laboratory on an annual basis prior to the start of the season.

(q) As to personnel and sanitary establishments, Wholesale Producers shall meet all applicable state and federal regulations with respect to cleanliness and disease and pest control.

(r) All Wholesale Producers shall establish and maintain records that:

1. Identify the source of the fruit used in the juice production by date and variety; and

2. Identify microbiological test results to date of production, fruit source and juice type; and

3. Implement a corrective action plan for unsafe products.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New \_\_\_\_\_.

#### 20-49.006 Small Producers –Testing.

This section regarding testing shall be applicable to Small Producers of fresh citrus juices.

(1) All Small Producers must document compliance with all applicable state and federal food safety and labeling requirements. The Small Producers must possess a current food permit issued by FDACS' Division of Food Safety.

(2) All Small Producers shall have, maintain and follow a food safety plan that is based on Hazard Analysis Critical Control Point (HACCP) principles. This plan must be reviewed by FDACS, the applicable regulatory agency or a firm accredited by the International HACCP Alliance. Such plan shall incorporate a microbiological testing program. Such documentation must be on file and a certificate shall be

displayed at each Producer's establishment. The plans must be reviewed every 12 months or each time an operational modification changes the Producer's hazard analysis.

(3) All Small Producers must abide by all applicable Good Manufacturing Practices contained in 5K-4, F.A.C. and 21 CFR 110, revised April 1, 2000, incorporated herein by reference.

(4) As to microbiological testing the following shall apply:

(a) All Small Producers shall test the juice for *E.coli* as an indicator of process control minimally once weekly. This test may be

1. a rapid test approved by, FDACS; or

2. an internal laboratory test (using a FDOC approved testing method as defined in 20-14, F.A.C.); or

3. a test conducted by an outside laboratory (using a FDOC approved method as defined in 20-14, F.A.C.).

Records of all microbiological testing, including *E.coli* testing, must be maintained on the producing establishment's premises for one year and shall be available for review by FDACS or its agent during normal operating hours.

(b) Any positive detection of *E.coli* or other pathogenic microorganism in a Small Producer's product shall require notification to FDACS within 24 hours of the positive detection.

(c) All Small Producers shall be subject to additional microbiological testing by FDACS.

(5) Any Small Producer, which wholesales any quantity of fresh citrus juice, is required to conduct two forms of microbiological testing. These producers must test for *E.coli* on each production lot or day's production, whichever is less. These *E.coli* tests may be the same rapid *E.coli* tests mentioned in 20-49.006(4). Additionally, these producers must test for Salmonella, using an outside laboratory (using an FDOC approved method as defined in 20-14, F.A.C.) minimally monthly. Microbiological testing records must be maintained on the producing establishment's premises for one year, and shall be available for review by FDACS during normal operating hours.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New

#### 20-49.007 Small Producers – Inspections.

This section regarding inspections shall be applicable to Small Producers of fresh citrus juices.

(1) Sanitation inspections will be performed by FDACS' Division of Food Safety. Small Producers may receive three or more complete sanitation inspections during their season of operation. Prior to September 15 of each season, each Small Producer shall notify FDACS, Division of Food Safety, of its months of operation and the typical time of day that fresh juice is made.

(2) FDACS' or an approved agent of FDACS' will perform monthly audits of Small Producers. Such audits will cover quality control records (HACCP or otherwise) and food safety check points (supplied by the FDACS' Division of Food Safety). The purpose of these audits is to verify that procedures are being followed and recorded. FDACS' or the approved agent of FDACS shall report any deviation of rule compliance or suspect situation to FDACS' Division of Food Safety.

(a) The cost of audits shall be the responsibility of the Small Producer. Audit contract services may be negotiated by trade groups and operated with notification to FDACS.

(b) For the first year, a fee structure through FDACS' Division of Fruits and Vegetables shall be established. Division HACCP trained inspectors shall perform the audits. This program shall be evaluated on a yearly basis. To fund this effort a fee shall be paid on all volume of fruit sold in fresh form and fresh juice form by each Small Producer.

(3) The following specific General Manufacturing Practice's, in addition to those contained in 5K-4, F.A.C. and 21 CFR 110 revised, April 1, 2000, incorporated herein by reference, shall apply:

(a) All soil, debris, stems, leaves, etc. must be removed from the fruit.

(b) All whole and intact fruit shall be washed, sanitized and/or surface heat-treated immediately prior to extraction.

(c) All fruit that has been in cold storage shall be resanitized and regraded. All soft or unwholesome fruit shall be discarded.

(d) All whole and intact fruit shall be washed, sanitized and/or surface heat-treated in accordance with the Florida Department of Citrus Guidance Document for Retail and Roadside Fresh Citrus Juice Producers.

(e) Sanitized fruit must be maintained in a sanitary storage room or container until extraction.

(f) All belts and rollers must be maintained free of soil, wax, dirt and extraneous material.

(g) The entire wash area shall be at all times maintained free of excess debris, pest and potential pest harborage – including standing water.

(h) Grading must eliminate damaged, defective, soft or decayed fruit.

(i) Drops, fruit from the ground, may not be used in the production of fresh juice.

(j) Any fruit that originated in a grove fertilized with manure products (poultry or otherwise) shall not be accepted for extraction.

(k) The extraction and filling areas shall be completely enclosed and meet the structural requirements for food processing area as required by 5K-4, F.A.C. and 21 CFR 110, revised April 1, 2000, incorporated herein by reference.

(l) A roof must cover all fruit conveyances.



(m) All lubricants must be food grade only, as found in 21 CFR 178.3570, revised April 1, 2000, incorporated herein by reference.

(n) All fruit contact surfaces must be cleaned and sanitized after production and prior to startup. Appropriate cleaning and sanitizing agents must be used as prescribed by the equipment manufacturer for the specific use.

(o) Back-siphonage protection devices must be provided on any water outlet where a hose can be connected.

(p) All juice containers must be sanitarily handled and protected from contamination, at all times. When removed from protective wrap, containers must be covered, if not used immediately.

(q) A trained employee of the producing establishment must administer the extraction and sanitation processes. Customers shall not be permitted to produce and bottle juice under any circumstance.

(r) Water certificates shall be obtained from a "DOH" approved laboratory on an annual basis prior to start of the citrus season.

(s) As to personnel and sanitary facilities, the Small Producer shall meet all GMP's and applicable state and federal regulations with respect to cleanliness and disease and pest control.

(t) All Small Producers, which wholesale any quantity of fresh citrus juice, shall be inspected according to sections 2.2.1 through 2.2.58 July 1995 and 3.2.7 and through 3.2.7o, June 1996, of the Citrus Handbook of the Processed Citrus Branch, Fruit and Vegetable Division, United States Department of Agriculture, incorporated herein by reference.

(u) Small Producers shall establish and maintain records that:

1. Identify the source of the fruit used in the juice production by date and variety; and
2. Identify microbiological test results to date of production, fruit source, and juice type; and
3. Implement a corrective action plan for unsafe products.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New \_\_\_\_\_.

#### 20-49.008 Retail Grocery Producers – Testing and Inspections.

This section regarding testing and inspections shall be applicable to retail grocery producers of fresh citrus juices.

(1) Retail Grocery Producers shall be inspected for sanitation and good manufacturing practices by FDACS. The Retail Grocery Producers must possess a current food permit issued by FDACS' Division of Food Safety.

(2) Producers categorized as "retail grocery producers" as a result of selling 100% of their fresh juice directly to the consumer shall be subject to inspection by FDACS during

normal operating hours. Such inspection may include the collection and shipping of juice samples for microbiological testing.

(3) All fruit to be used by the Retail Grocery Producer in the production of fresh citrus juice shall be purchased from a licensed packinghouse. All such fruit shall have been washed, sanitized and/or surface treated in accordance with *Guidance Document for Retail Roadside Fresh Citrus Juice Producers, June 30, 1999.*

(4) All fruit to be used in the production of fresh citrus juice shall be stored in a sanitary cooler and refrigerated at a temperature 41°F (5°C) or less, separate and apart from any other food product.

(5) All fruit shall remain in unopened cartons as received from packer until ready for juice extraction.

(6) Fruit shall not be removed from retail bulk bins and then used in the production of fresh juices, unless recleaned and sanitized. Fruit used in the production of juice shall not have contact with the general public.

(7) A final hand-grade shall be performed prior to use of the fruit for extraction.

(8) The extractor shall be cleaned following the manufacturer's recommended methods and intervals. A record of the cleaning and maintenance shall be maintained and made available to FDACS during normal operating hours.

(9) A trained employee of the producing establishment shall administer the extraction and sanitation process. Customers shall not be permitted to produce and bottle juice under any circumstance.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New \_\_\_\_\_.

#### 20-49.009 Fresh Orange Juice Marked with Florida Citrus Growers' Certification Mark.

In addition to the provisions of sections 20-49.001 through 20-49.008 of this chapter, the following provisions shall apply to all single strength "ready-to-drink" orange juice that has not been frozen or treated to reduce the enzymatic activity and the number of viable microorganisms, and which bears the Florida Citrus Growers' certification mark under Chapter 20-109, F.A.C.

(1) There shall be one Florida grade for such product, Florida Grade A, for which factors of color, flavor and absence of defects shall be scored in a manner identical to the United States Department of Agriculture adopted U. S. Grade Standards for Pasteurized Orange Juice in United States Standards for Grades of Orange Juice, Sections 52.1551 through 52.1559, effective January 10, 1983, using the following score chart:

SCORE CHART FOR FLORIDA GRADE A  
ORANGE JUICE

	Pts Maximum	
<u>Color</u>	<u>40</u>	<u>32-40</u>
<u>Absence of Defects</u>	<u>20</u>	<u>18-20</u>
<u>Flavor</u>	<u>40</u>	<u>36-40</u>
<u>Minimum Score</u>		<u>86</u>

(2) Product shall only be made from the unfermented juice of mature oranges of the species *Citrus sinensis*.

(3) For the period August 1 through November 30, the percent by weight of orange juice soluble solids shall be not less than 10 percent and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than 10.5 to 1 nor greater than 19.5 to 1. For the period December 1 through July 31, the percent by weight of orange juice soluble solids shall be not less than 11.0 and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than 12.5 to 1 nor greater than 19.5 to 1.

(4) The Product shall not contain soluble solids recovered by aqueous extraction of washing of fruit pulp.

(5) Addition of a sweetening ingredient or any other additive is not permitted.

(6) The Product shall be subject to regular inspection by the Florida Department of Agriculture and Consumer Services or its agents.

(7) The package or container shall be legibly labeled with the maximum shelf life during which such product may be offered for sale; such date shall not exceed 17 days from the time of extraction. In lieu thereof, the package may be legibly labeled with a disclosure of the date the juice is extracted.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New

20-49.010 Fresh Grapefruit Juice Marked with Florida Citrus Growers' Certification Mark.

In addition to the provisions of Sections 20-49.001 through 20-49.008 of this chapter, the following provisions shall apply to all single strength "ready-to-drink" grapefruit juice that has not been frozen or treated to reduce the enzymatic activity and the number of viable microorganisms, and which bears the Florida Citrus Grower's certification mark under Chapter 20-109, F.A.C.

(1) Only fresh grapefruit juice meeting U. S. Grade A standards, as prescribed in United States Standards for Grades of Grapefruit Juice, 52 CFR 1221 through 52 CFR 1230, effective September 12, 1983, and incorporated herein by reference, shall be qualified to carry the Florida Citrus Growers' certification mark.

(2) Product shall only be made from the unfermented juice of mature grapefruit of the species *Citrus paradisi*.

(3) The Product shall not contain soluble solids recovered by aqueous of washing of fruit pulp.

(4) Addition of sweetening ingredient or any other additive is not permitted.

(5) The Product shall be subject to regular inspection by FDACS or its agents.

(6) The package or container shall be legibly labeled with the maximum shelf life during which such product may be offered for sale; such date shall not exceed 17 days from the time of extraction. In lieu thereof, the package may be legibly labeled with a disclosure of the date the juice is extracted.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mia L. McKown, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mia L. McKown, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Standards for Processed Citrus Products	20-64
RULE TITLES:	RULE NOS.:
Orange Juice	20-64.0081
Orange Juice Marked with Florida Sunshine Tree or Florida Citrus Growers' Certification Mark	20-64.0082
Sanitary Requirements	20-64.020

PURPOSE AND EFFECT: Would remove regulations relating to fresh squeezed citrus juices from this chapter dealing with processed citrus products. Petition for rule amendment filed by Florida Gift Fruit Shippers Association and Florida Citrus Packers asks that these regulations be rewritten an rule chapter relating specifically to fresh squeezed citrus juices.

SUMMARY: Removes standards and regulations relating to fresh squeezed citrus juices from rule chapter dealing with processed citrus products.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of 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: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.10(7), 601.11, 601.48 FS.

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

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

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULES IS:

20-64.0081 Orange Juice.

~~The provisions of this section shall apply to all single strength "ready-to-drink" orange juice that has not been frozen or treated by heat to reduce the enzymatic activity and the number of viable microorganisms.~~

~~(1) Product shall only be made from the unfermented juice of mature oranges of the species *Citrus sinensis*.~~

~~(2) The product shall not contain soluble solids recovered by aqueous extraction of washing of fruit pulp.~~

~~(3) Addition of a sweetening ingredient or any other additive is not permitted.~~

~~(4) The product shall be subject to regular inspection by the Florida Department of Agriculture and Consumer Services or its agents.~~

~~(5) The package or container shall be legibly labeled with the maximum shelf life during which such product may be offered for sale, and such date shall not exceed 17 days from the time of packaging. Provided, however, that in the case of product which is packaged utilizing an extended shelf life packaging system as described in subsection (6) below, the container shall be legibly labeled with the maximum shelf life during which such product may be offered for sale. In lieu thereof, the package may be legibly labeled with a disclosure of the date the juice is extracted. This provision shall not apply to product packed by any person who:~~

~~(a) Extracts juice from less than 50,000 boxes of citrus fruit per season, and~~

~~(b) Packs for retail sale directly to consumer, not for resale, and~~

~~(c) Such sale is made from the same premises where the juice is extracted or sale is made from a retail establishment owned by such person and located within 50 miles from where the juice is extracted.~~

~~(6) An extended shelf life packaging system utilizes a package which is hermetically sealed, sterilized, and is impermeable to oxygen. The container is filled in a sterile atmosphere to prevent microbiological contamination. When subjected to conditions of anticipated commercial usage, the package system shall permit the product to maintain essential quality characteristics without substantial degradation over the period of time specified for the package.~~

~~(7) The words "fresh squeezed" or "freshly squeezed" or "fresh" may be used to describe orange juice.~~

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New 12-22-87, Amended 2-21-93, Repealed.

20-64.0082 Orange Juice Marked with Florida Sunshine Tree or Florida Citrus Growers' Certification Mark.

~~The provisions of this section shall apply to all single strength "ready-to-drink" orange juice that has not been frozen or treated by heat to reduce the enzymatic activity and the number of viable microorganisms, and which bears the Florida Sunshine Tree certification mark under Department of Citrus Rule Chapter 20-94, or the Florida Citrus Growers' certification mark under Department of Citrus Rule Chapter 20-109.~~

~~(1) There shall be one Florida grade for such product, Florida Grade A, for which factors of color, flavor and absence of defects shall be scored in a manner identical to the United States Department of Agriculture adopted U. S. Grade Standards for Pasteurized Orange Juice in United States Standards for Grades of Orange Juice, Sections 52.1551 through 52.1559, effective January 10, 1983, using the following score chart:~~

SCORE CHART FOR FLORIDA GRADE A ORANGE JUICE

	Pts Maximum	
Color	40	32-40
Absence of Defects	20	18-20
Flavor	40	36-40
Minimum Score		86

~~(2) Product shall only be made from the unfermented juice of mature oranges of the species *Citrus sinensis*.~~

~~(3) For the period August 1 through November 30, the percent by weight of orange juice soluble solids shall be not less than 10 percent and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than 10.5 to 1 nor greater than 19.5 to 1. For the period December 1 through July 31, the percent by weight of orange juice soluble solids shall be not less than 11.0 and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than 12.5 to 1 nor greater than 19.5 to 1.~~

~~(4) The product shall not contain soluble solids recovered by aqueous extraction of washing of fruit pulp.~~

~~(5) Addition of a sweetening ingredient or any other additive is not permitted.~~

~~(6) The product shall be subject to regular inspection by the Florida Department of Agriculture and Consumer Services or its agents.~~

~~(7) The package or container shall be legibly labeled with the maximum shelf life during which such product may be offered for sale; such date shall not exceed 17 days from the time of packaging. Provided, however, that in the case of a~~

product which is packaged utilizing an extended shelf life packaging system as described in Department of Citrus rule subsection 20-64.0081(6), the container shall be legibly labeled with the maximum shelf life during which such product may be offered for sale. In lieu thereof, the package may be legibly labeled with a disclosure of the date the juice is extracted.

(8) The words "fresh squeezed" or "freshly squeezed" or "fresh" may be used to describe product conforming to this section.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New 12-22-87, Amended 8-23-93, 10-28-97, 1-24-99, Repealed \_\_\_\_\_.

#### 20-64.020 Sanitary Requirements.

(1) The sanitary requirements as prescribed in sections 2.2.1 through 2.2.58, July 1996 and sections 3.2.7a through 3.2.7o, June 1996 of the Citrus Handbook of the Processed Products Branch, Fruit and Vegetable Division, United States Department of Agriculture, shall be the governing regulations for sanitary conditions in Florida citrus processing plants.

#### (2) Exceptions:

The provisions of subsection (6) shall not apply to:

(a) Products being shipped or transported entirely within the state of Florida between licensed citrus processors in Florida for further processing which will include pasteurization or other approved kill-step.

(b) Gift fruit shippers, retail processors, and roadside stand operators engaged in the production of fresh squeezed unpasteurized juice and who squeeze less than 30,000 boxes annually, when said shippers, processors, and operators possess a food permit issued by the Department of Agriculture and Consumer Services pursuant to the provisions of section 5K-4.020, F.A.C.

(2)(3) Processed citrus products found upon inspection to contain foreign materials which render the product unfit for human consumption, shall be seized, condemned and destroyed. The shipper or processor shall be notified in writing, at least ten days prior to destruction, that such products have been seized and condemned, to allow sufficient time to request and perfect an appeal, appropriate under provisions of United States Department of Agriculture regulations. If no appeal is entered, or on appeal the inspector's findings are sustained, such product shall be immediately destroyed.

(3)(4) Destruction of processed citrus products for reasons of unfitness for human consumption shall be made by the processor, at his expense, and under the supervision of an authorized inspector.

(4)(5) The requirements of this rule do not excuse failure of compliance with provisions of the Federal Food, Drug and Cosmetic Act.

(6) In addition to the provisions of subsections (1) through (5), the following good manufacturing practices as well as those described in Title 21, Code of Federal Regulations, Part

110, April 1, 1994 edition, incorporated herein by reference, shall apply to facilities preparing single strength "ready-to-drink" citrus juices that will not be treated by heat or other approved kill-step to reduce the enzymatic activity and the number of viable microorganisms:

#### (a) Wash Area:

1. Acid wash fruit and roller brush, or use other commercially equivalent cleaning method to remove soil, debris, etc., from fruit.

2. Use a minimum 200 ppm hypochlorite rinse or other commercially equivalent bactericide as prescribed by the manufacturer's label.

3. Water rinse just prior to entry into process area to remove all sanitizer/acid wash residues and to avoid potential for recontamination.

4. Belts/rollers/brushes/conveyers to be maintained free of soil, dirt and extraneous material; minimum of a weekly cleaning and sanitization of all above required.

5. Entire wash area maintained free of excess debris, pest and potential pest harborage including standing water.

6. Grading must eliminate unacceptable fruit, i.e. fruits with cuts, splits, punctures, black heart, and other defects that may allow pathogenic microorganisms to contaminate the interior of the fruit. Drops are unacceptable for use in unpasteurized products.

#### (b) Process Area:

1. Process area must be completely enclosed, i.e. protected from outside environment and must meet minimum structural and equipment sanitation requirements for food processing areas as described in sections 5K-4.002 and 5K-4.004, Florida Administrative Code.

2. All food contact surfaces must be cleaned and sanitized after production and prior to start up.

3. Appropriate cleaning and sanitizing agents must be used as prescribed by the equipment manufacturers for the specific finished food product. Effectiveness of cleaning and sanitizing procedures must be verified and documented by the plant's own quality control program or, HACCP program, or good manufacturing practices as described in Title 21, Code of Federal Regulations, Part 110, April 1, 1994 edition.

4. If product residues or buildup of organic matter remain on equipment, additional chemical treatment shall be used to remove such residues or buildup.

5. All lubricants must be food grade only, as approved by USDA.

6. Back-siphonage protection devices must be provided on any water outlet where a hose can be connected.

#### (c) Finished Product Requirements:

~~1. A contingency plan for in-line and surge tank juice during breakdowns must be in place to get juice chilled or disposed of. Cleaning and sanitizing procedures must be performed prior to restarting operation after extended breakdowns.~~

~~2. Filling area must be protected from the outside environment similar to processing area.~~

~~3. Containers must be sanitarily handled and protected from contamination, at all times.~~

~~4. When containers are removed from protective wrap, they must be covered, if not immediately used.~~

~~5. Finished product must immediately be moved to cold storage.~~

~~(d) Quality Control Procedures:~~

~~1. Water certificates shall be obtained from a HRS approved laboratory on an annual basis.~~

~~2. Finished product — A documented quality control program shall be established to ensure that product without a microbiological safety barrier, i.e. no heat treatment, is monitored for food safety. The program must include a microbiological monitoring component, using standard plate count, coliforms, and E.coli as indicators of process control, that is sufficient to establish a base-line for the specific plant's process to ensure freedom from potential pathogenic microorganisms. Each production lot or each day's production (whichever is less) shall be monitored for compliance with the base-line data previously established for the processing plant.~~

~~3. Quality control records and records of process deviation shall be maintained after processing for a minimum of 90 days for fresh product and for two years for frozen product, and shall be readily available for inspection by United States Department of Agriculture or other authorized state or federal personnel.~~

~~4. Establish a record keeping system that will:~~

- ~~a. Track finished products to fruit used in production.~~
- ~~b. Tie products to specific periods of production.~~
- ~~c. Enable a recall procedure for unwholesome/unsafe products.~~

~~5. Upon a finding of a pertinent pathogenic microorganism associated with a product in distribution immediate notice shall be made to the United States Department of Agriculture or other agencies as provided by law.~~

~~(e) Personnel and Sanitary Facilities: Plant shall take all reasonable measures and precautions to ensure that good manufacturing practices are followed with respect to cleanliness and disease control.~~

~~(7) Imported Juices: Fresh squeezed, non-pasteurized, single strength citrus juices imported from locations outside the state of Florida for further manufacturing or repackaging shall not be packaged, sold, or blended with other citrus products in this state unless such imported juices are first tested, after arrival in Florida, at a minimum, for the presence~~

~~of Salmonella, pathogenic E. coli, i.e., E. coli 0157:H7, to ensure freedom from potential pertinent human pathogenic microorganisms.~~

~~Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.44, 601.53, 601.54 FS. History—Formerly 105-1.19(5), Revised 1-1-75, Formerly 20-64.20, Amended 2-20-96, 6-8-97, 5-14-00.~~

~~NAME OF PERSON ORIGINATING PROPOSED RULE: Mia L. McKown, General Counsel~~

~~NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mia L. McKown, General Counsel~~

~~DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2000~~

~~DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000~~

**DEPARTMENT OF CORRECTIONS**

**RULE TITLE:** Employee Grooming, Uniform and Clothing Requirements **RULE NO.:** 33-208.101

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to specify requirements for the wearing of department uniforms.

**SUMMARY:** The proposed rule defines the types of uniforms to be worn by correctional officers for different functions, clarifies the responsibility for laundering issued clothing items, and reorganizes existing rule provisions for clarity.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** None.

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

**SPECIFIC AUTHORITY:** 944.09 FS.

**LAW IMPLEMENTED:** 20.315, 944.09 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:** Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

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

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) through (2) No change.

(3) The following are conditions and requirements for wearing department uniforms:

(a) No change.

(b) The uniform, when required of the position, shall be worn in a complete or full manner at all times while an employee is performing official duties. Uniforms are to be

issued as soon as possible after employment. Correctional officers may be issued class A, B, C, D, E, F or G uniforms depending upon their assignment. The uniform or any parts of it furnished by the department are not to be worn during off-duty hours or when an employee is not acting in an official capacity except when traveling directly to and from work. No part of the uniform may be duplicated by an employee for any purpose.

(c) At all times, uniforms are to be in serviceable condition, neat in appearance, clean and properly worn as provided in this rule. Uniforms will be starched and neatly pressed. All foot wear shall be shined to a high gloss, except that medical staff are authorized to wear shoes that present a clean white appearance that may have a flat finish.

(d) Employees are solely responsible for alterations to and the care of uniforms and clothing issued by the department. Instructions for care which are attached to each item of clothing should be followed. Unless specified otherwise, the laundering and cleaning of clothing items issued to employees is the responsibility of the employee. The laundering and cleaning of correctional officer class A, B, C, D, F, and G uniforms is the responsibility of the employee; ~~however, the laundering and cleaning of clothing items issued to other employees is the responsibility of the department.~~ The department shall be responsible for the cleaning of the class E or battle dress utility uniforms issued to correctional emergency response teams, confrontation control force, shotgun and chemical agent teams, ~~and for the cleaning of other required items of clothing furnished by the department,~~ but the cleaning shall not be performed at the institution. Any items of department issued clothing, including correctional officer uniforms, which have been contaminated by blood or other body fluids shall be left at the institution to be laundered at an outside facility to prevent contamination outside the work area. All contaminated items shall be kept together apart from non-contaminated laundry and shall be clearly marked as contaminated for transmission to a professional laundering service. Contaminated items shall be placed in a water soluble bag and then placed in a yellow plastic bag labeled "Contaminated Linen" and sealed shut. Personnel handling the yellow bag during transport to the commercial laundry shall wear disposable latex gloves and shall inform personnel at the commercial laundry that the items in the bag are contaminated. Employees shall bear the cost of replacements of items lost or damaged due to improper use, care or maintenance of the item. ~~Instructions for care which are attached to each item of clothing should be followed.~~ Restitution is to be in the amount equal to the cost of the articles of clothing lost or damaged, or equal to the cost of replacement, whichever is less.

(e) Uniforms and clothing issued by the department are the property of the state and must be returned to the department upon termination of employment. Employees shall be allowed to retain issued uniforms and clothing when transferring to

another institution of the department. The transferring employee must submit a list of department issued clothing in his possession and must make restitution for any lost or missing clothing which was issued prior to transfer. Unserviceable clothing shall be rendered unwearable by shredding after the removal of all patches destroyed by incineration.

(f) Jewelry. No necklaces, chains or medallions shall be worn around the neck such that they are visible while in uniform. The only visible jewelry allowed shall be wrist watches, wedding bands, engagement rings and earrings (females only). Female staff shall be allowed to wear post or clip-on earrings on the earlobes only. Only one pair of earrings will be worn at a time. For safety purposes, earrings shall not be hooped or dangling.

(g) Fingernails. Fingernails will be neatly trimmed and clean with no designs. Fingernails shall be rounded at the tips and shall not extend more than 1/4 inch past the end of the finger. Polish, if worn, shall be clear or solid in color. Only female officers are authorized to wear nail polish.

(h) Sunglasses with green, brown, black or gray lenses are authorized for wear out of doors. No neon (day glow) frames will be allowed. No mirrored sunglasses will be allowed.

(i) Hair length. Male correctional officers shall adhere to standards outlined in (2)(a). Female correctional officers will not wear their hair beyond the shoulders or yoke of the shirt. When wearing a hat, female officers will wear their hair in a manner so as not to interfere with the fit or proper wearing of the hat.

(j) Hair style. Hair will be clean, neat and present a groomed appearance. If the hair is dyed, only natural shades will be permitted. Hair clips or barrettes for female correctional officers shall blend in with the hair, i.e., gold, silver, black or brown of solid color.

(k) Safety equipment and clothing. Correctional officers shall wear safety equipment and apparel which is compatible with the needs of the officer's assignment.

(l) The following uniform accessories shall be provided by the correctional officer:

1. Shoes;

2. Boots (except for Rapid Response Teams, Canine, Boot Camp staff, and extended day staff.

3. Belts;

4. Socks or stockings;

5. Thermal gloves.

(4) The following provisions shall apply to employees in the positions of correctional officer colonel, correctional officer major, correctional officer captain, correctional officer lieutenant, correctional officer sergeant and correctional officer. For the purposes of this rule, "correctional officer" is used to refer to the individual position or the class which includes all of the above-listed positions.

(a) Class A Uniform. The correctional officer class A uniform issued by the department shall be worn only while performing official duties as determined by the warden. The class A uniform will be mandatory for all court appearances. The class A uniform will consist of:

1. Brown wool blend trousers with black stripes. One pair of correctional officer class A uniform wool blend trousers will be issued to be worn for official court appearances or other authorized functions.

2. White long sleeve shirt for correctional officer lieutenant and above and long sleeve silver tan shirt for correctional officers and sergeants. Hash marks to denote years of service will be worn on the left sleeve of the class A shirt. Each hash mark will denote three cumulative years of service with the agency. The hash marks will be affixed to the left sleeve with the lowest point one inch above the cuff seam angling backward and up at a forty five degree angle. The rear of the hash mark will align with the pressed crease of the shirt. The class A shirt ~~These shirts will be worn fully buttoned at all times with the exception of the top button which will not be buttoned except when a tie is worn.~~

(b) Class B Uniform. The correctional officer class B uniform shall consist of brown poly cotton trousers with a black stripe and white uniform shirt for lieutenant and above and silver tan uniform shirt for correctional officer and sergeant. The class B uniform will be worn for general institutional duties. The class B uniform will not be worn for court appearances.

(c) Class C Uniform. The correctional officer class C uniform issued by the department shall consist of poly cotton blend brown Battle Dress Utility (BDU) trousers and white uniform shirt for lieutenant and above and silver tan uniform shirt for correctional officer and sergeant. BDU trousers will be bloused military style and worn only with military jump style or lightweight law enforcement type boots supplied by the employee. The BDUs will not be worn with low cut shoes.

(d) Class D Uniform. The correctional officer class D uniform issued by the department shall consist of poly cotton blend brown Battle Dress Utility (BDU) trousers and white polo type shirt for lieutenant and above and silver tan polo type shirt for correctional officer and sergeant. POLO type shirts may only be worn with BDU trousers. Polo type shirts will include an embroidered correctional officer badge over the left shirt pocket. The badge will include the rank of the staff member. BDU trousers will be bloused military style and worn only with military jump style or lightweight law enforcement type boots supplied by the employee. The BDUs will not be worn with low cut shoes.

(e) Class E Uniform. The correctional officer class E uniform issued by the department shall be issued only to C.E.R.T and to the Rapid Response Team members which are baton squads, shotgun and chemical agent teams. The Class E uniform shall consist of a brown battle dress utility uniform for

baton squads, shotgun and chemical agent teams and black for C.E.R.T. with military style black jump or combat boots. These uniforms are only to be worn when the teams are responding to an emergency or during training. During training, the battle dress utility shirt is optional. T shirts can be worn for training. The department uniform cap shall be worn during training and other events when the helmet is not being worn. The caps and T shirts will be provided by the department and will match the battle dress utility pants which will be worn during training.

(f) Class F Uniform. The Class F uniform shall be issued to tracking canine officers and shall consist of:

1. Brown or camouflage BDU or brush pants. The camouflage color shall be appropriate for the surrounding terrain as determined by the warden.

2. Brown or camouflage battle dress utility shirt with:

a. Sleeves appropriate for the weather;

b. The correctional officer's first and last name embroidered (in gold for the brown shirt and in black for the camouflage shirt) above the right pocket;

c. K-9 embroidered on the back in gold on the brown shirt, optional in black for the camouflage shirt;

d. A department patch on the left shoulder with "Tracking Unit" embroidered underneath in gold for the brown shirt and in black for the camouflage; the department patch is not mandatory for the camouflage shirt.

e. A cross flags patch on the right shoulder for the brown shirt. The cross flags patch is not mandatory for the camouflage shirt.

f. During actual escape and recapture situations, canine staff may remove any reflective uniform items or any items that would interfere with the stealth of the camouflage uniform.

3. T-shirt (optional for field work only), khaki in color or camouflage to match the pants, with "K-9" embroidered on the back in gold for the khaki T-shirt and in black for the camouflage T-shirt;

4. A brown, green or camouflage (color appropriate for surrounding terrain as determined by the warden) field jacket (M-65 military battle dress utility);

5. A black (brown, green or sand option for camouflage) nylon or cloth pistol belt with handcuff case, glove pouch and holster;

6. Military-style combat, jump, or Hi-tech boot;

7. Brown or camouflage uniform cap (optional);

8. Brown or camouflage chaps may be issued to wear over pants legs;

9. Leather badge holder;

10. Heavy duty cut resistant utility gloves;

11. Tactical ballistic vest.

12. Black snakebite boots will be provided to K-9 program officers. Brown snakebite boots will be provided only when black is not available.

13. Components of the uniform shall not be mixed, i.e., camouflage pants, shirt and hat will be worn together as will the brown uniform. There will be no color mixing.

14. Wardens shall issue each officer assigned to the K-9 program a minimum of five pairs of pants, three long sleeve shirts and five short sleeve shirts.

(g) Class G Uniform. The Class G uniform will be issued to narcotic K-9 handlers and shall consist of blue six-pocket BDU style pants, which shall be worn bloused inside the boot. Blue polo style shirt. Insignias will be consistent for all handlers as determined by the Inspector General. Black nylon duty belt. Only department issued or approved items shall be worn on the belt. Black military-style jump boot (Hi-tech, Rocky, Bates); Black cut-resistant search gloves. Gloves will be full-fingered. Leather badge holder. Blue baseball-style cap with department insignia.

(h) The following items may be worn with the correctional officer uniform as defined below:

1.3: Brown outerwear coat – authorized for wear with class A, B, C, D, E, F, and G uniforms. Rank may be worn on the coat epaulettes.

2.4: Brown tie authorized for wear with the class A uniform only. Tie clasps or tie tacks shall either be plain or have a department emblem or insignia and must match the nameplate and rank insignia in color. The service pin shall be permitted to be worn as a tie tack.

3.5: Hat – authorized for wear with the class A, B, and C uniform. The hat is no longer a mandatory part of the Class A uniform. Officers who have been issued hats are authorized to wear them, but additional hats will not be ordered for issuance by the department. Excessive rolling of hats will not be permitted.

4. Uniform cap – authorized for wear with the Class A, B, C, D, E, F, and G uniform. Caps shall not be worn for formal occasions such as court appearances or funerals. The uniform cap shall be solid brown with a departmental emblem embroidered on the center front above the bill of the cap. Additional lettering, logos or rank insignia are not authorized on caps. The uniform cap will be furnished by the department.

5.6: Correctional officer badges. Badges shall be issued to all certified correctional officers regardless of their work location. Correctional officer badges will be issued by the department to be worn as part of the class A, class B, and class C uniform. The badge will be worn approximately one-half inch above the left shirt pocket centered on the fashion seam and affixed through the pre-sewn holes, or for uniforms without pre-sewn holes, affixed through the fabric. Wearing the department issued badge carries a significant responsibility. The wearer is not only representing the Department of Corrections, but the law enforcement community and the State

of Florida. The badge shall be routinely cleaned and presented in a manner so as to reflect the pride and professionalism of the Department of Corrections. Use of the issued badges as credentials for personal purposes is prohibited. Only badges issued by the department shall be used to conduct officially designated duties. The badge shall be 2-1/4" x 1-15/16" in size, silver colored metal for correctional officers and sergeants and gold color for lieutenants and above with black lettering, and pre-numbered with a pin clasp for securing to the shirt. The badges shall be issued to certified officers upon employment and will be not be provided to uncertified officers until after certification is received. Correctional officers shall be responsible for reimbursing the department for any issued badge which is lost. Issued badges are considered state property and, except for retirement under specific conditions, shall be returned to the department upon the officer's termination of employment with the department or removal from a position within the correctional officer class series. Correctional officers who retire from the department under honorable conditions and are eligible to retire under the State of Florida retirement system, including retirement under medical disability, shall be authorized to retain their issued badges. Correctional officers of any rank who are promoted, transferred, or otherwise relocated shall return their badges to the warden of the institution the staff member is departing. The institution receiving the staff member will issue a new badge to the officer from that institution's inventory. Badges will not be issued to canines.

6.7: Sergeant pin for correctional officer sergeants shall be worn on the collar military style with Class A, B, C, F, and G uniforms.

7.8: Gold colored lieutenant's bar for correctional officer lieutenants shall be worn on the collar military style with Class A, B, C, F, and G uniforms.

8.9: Gold colored captain's bar for correctional officer captains shall be worn on the collar military style with Class A, B, C, F, and G uniforms.

9.10: Gold colored major's insignia for correctional officer major shall be worn on the collar military style with Class A, B, C, F, and G uniforms.

10.11: Gold colored colonel's insignia for correctional officer colonel shall be worn on the collar military style with Class A, B, C, F, and G uniforms.

11.12: Nameplate – gold or silver to match rank insignia, shall contain the employee's last name and first two initials (rank abbreviation optional) shall be worn above the right pocket with Class A, B, and C uniforms.

12.13: No change.

13.14: Chrome whistle, as authorized by the warden, worn with Class A, B, C, F, and G uniforms. Whistles will be furnished by the department.

14.15: The department service pin is authorized to be worn above the nameplate with Class A, B, and C uniforms.



15.16: Correctional officer supervisors assigned as shift supervisors are authorized to wear the shift supervisor patch with Class A, B, and C uniforms. When worn, the shift supervisor patch will be sewn directly above the flag patch on the right shirt-sleeve.

16.17: The meritorious service pin (quality award) is worn over the right shirt pocket, one half inch above the nameplate, centered on the military crease (vertical fashion seam) with class A, B, and C uniforms. For those staff members who have service in excess of five years and are presently displaying a regular service pin as part of their uniform dress, the regular service pin will be relocated one half inch to the left of the military seam and the meritorious service pin will be displayed one half inch to the right of the military seam. Both pins will be situated one half inch above the nameplate. When additional department issued pins are worn, they will be displayed using the following formula: odd numbers of pins one half inch above the first row of pins and centered on the military crease; even numbers of pins one half inch above and centered over lower rows of pins.

17.18: E.R.T. pin will be issued to C.E.R.T., emergency response teams and canine teams for wear with class A, B and C uniforms. The E.R.T. and K-9 pins shall will be worn one half inch above the left shirt pocket and centered on the military crease. When both pins are worn, the C.E.R.T. pin will be worn one half inch above the left shirt pocket and the K-9 pin will be worn one half inch above the C.E.R.T. pin, both being centered on the military crease. Drill instructor pins (for basic training program officers only) will be worn one half inch above the left shirt pocket and centered on the military crease. If worn along with the E.R.T. K-9 and C.E.R.T. pins, the drill instructor pin will be worn one half inch above the E.R.T. K-9 pin. K-9 or other squad pins will no longer be worn on the uniform.

18.19: Flag patches shall be sewn one inch below the shoulder crease on the right shirt sleeve of the uniform shirt. When worn, the institutional rocker emblem shall be sewn or otherwise affixed directly over the department emblem on the left shirt sleeve.

20. through 22. renumbered 19. through 21. No change.

22.23: Shoes shall be black, plain-toed military style. Boots, including Hi-Tech types are permissible with uniform pants but are mandatory with BDU pants. The boots must be, including Hi-Tech types, provided they are black with a plain toe, regular heel, and no decorative stitching. Black side webbing inserts are permissible. Heels shall not exceed one and one half inches in height. All footwear must be capable of maintaining a high gloss.

24. through 27. renumbered 23. through 26. No change.

27. Brown department windbreaker – authorized to be worn with class B, C, D, E, F, or G uniform.

(i) The standard department issue of uniforms will be as follows:

1. One class A shirt with hash marks;
2. One pair of wool blend class A trousers;
3. Two pair of BDU trousers;
4. Two pair of polyester/cotton class B trousers;
5. Three uniform shirts;
6. Two polo type shirts;
7. One jacket;
8. One cap;
9. One glove pouch.

~~(b) Class B Uniform. The correctional officer class B uniform shall consist of all items included in the correctional officer class A uniform, except that the trousers will be made of a material compatible with the needs of the employee's assignment. Five uniform shirts and three pairs of class B uniform trousers will be issued per officer.~~

~~(5)1: All staff officers except those assigned to community correctional centers shall wear the correctional officer class shall wear the correctional officer uniform, while assigned to or performing the following functions:~~

~~a. Assignments within the secure perimeter and on the secure perimeter such as housing officer, internal security, and perimeter patrol;~~

~~b. Supervising a squad of inmates working outside the institution or facility;~~

~~c. Managing and operating the canine program of the institution;~~

~~d. Manning the vehicular sally port gate of the institution.~~

~~2. The uniform cap can be worn for daily wear with the class B uniform within the institution at the option of the correctional officer. The uniform cap shall be solid brown with a departmental emblem embroidered on the center front above the bill of the cap. Additional lettering, logos or rank insignia are not authorized on caps. The uniform hat shall be mandatory for all public and official appearances. The uniform cap will be furnished by the department.~~

~~3. Officers shall be allowed to wear the brown department windbreaker with the class B uniform.~~

~~(e) Jewelry. No necklaces, chains or medallions shall be worn around the neck such that they are visible while in uniform. The only visible jewelry allowed shall be wrist watches, wedding bands, engagement rings and earrings (females only). Female staff shall be allowed to wear post or clip on earrings on the earlobes only. Only one pair of earrings will be worn at a time. For safety purposes, earrings shall not be hooped or dangling.~~

~~(d) Fingernails. Fingernails will be neatly trimmed and clean with no designs. Fingernails shall be rounded at the tips and shall not extend more than 1/4 inch past the end of the finger. Polish, if worn, shall be clear or solid in color. Only female officers are authorized to wear nail polish.~~

(e) Sunglasses with green, brown, black or gray lenses are authorized for wear out of doors. No neon (day glow) frames will be allowed.

(f) Hair length. Male correctional officers shall adhere to standards outlined in (2)(a). Female correctional officers will not wear their hair beyond the shoulders or yoke of the shirt. When wearing a hat, female officers will wear their hair in a manner so as not to interfere with the fit or proper wearing of the hat.

(g) Hair style. Hair will be clean, neat and present a groomed appearance. If the hair is dyed, only natural shades will be permitted. Hair clips or barrettes for female correctional officers shall blend in with the hair, i.e., gold, silver, black or brown of solid color.

(h) Safety equipment and clothing. Correctional officers shall wear safety equipment and apparel which is compatible with the needs of the officer's assignment.

(i) The following uniform accessories shall be provided by the correctional officer:

1. Shoes;
2. Belts;
3. Socks or stockings;
4. Thermal gloves.

(6)(5) No change.

(6) Wardens are authorized to issue brown brush trousers and dark plain or camouflaged shirt to officers working with the canine program. Snake bite boots shall be provided by the department to canine program officers; snake bite boots shall be brown only when black is not available.

(7) Members of the institution's confrontation control force, shotgun and chemical agent teams will be issued a correctional officer class C uniform consisting of a brown or black battle dress utility uniform with military style black jump or combat boots. Team members shall be dressed in either black or brown. No other colors are authorized. These are to be worn when the teams are responding to an emergency or during training. During training, the battle dress utility shirt is optional. T-shirts can be worn for training. The department uniform cap shall be worn during training and other events when the helmet is not being worn. The caps and T-shirts will be provided by the department and will match the battle dress utility pants which will be worn during training.

(8) Correctional Emergency Response Teams will be issued correctional officer class C uniforms consisting of a SWAT black BDU shirt, trousers, and cap and a camouflage BDU shirt, trousers, and cap. The uniforms shall not be mixed. The black shirts, trousers, and cap shall be worn together, and the camouflage shirt, trousers and cap shall be worn together. Team members are also authorized to wear the Hi-Tech type boot. The Hi-Tech boot will be issued by the department. During training, a t-shirt which matches the trousers can be worn in place of the shirt.

(7)(9) The following guidelines shall apply to those correctional officers assigned to boot camp facilities and those staff assigned to supervise the basic training program for youthful offenders.

(a) Correctional officers assigned to supervise boot camp facilities or the basic training program shall wear the class C uniform class B trousers and military style black jump boots. The jump boots will be furnished by the department. The trousers shall be tucked into the jump boots in a bloused, military fashion.

(b) through (f) No change.

(g) ~~Ties shall be worn by all correctional officers in the basic training program except drill instructors, work squad officers and staff supervising drill instruction or physical training.~~

(h) through (j) renumbered (g) through (i) No change.

(8)(10) Correctional officers assigned to food service will be required to wear the correctional officer class B or C uniform in accordance with (4)(b) and (c) of this rule except for court and special occasions where the food service officer will be required to wear the class A uniform. Smocks will be issued and shall be worn over the uniform for protection. Smocks shall be casual cabana style, silver-tan in color, with the Department of Corrections' emblem on the left sleeve. ~~One pair of class A trousers shall be issued and worn in accordance with (4)(a).~~

(11) through (12) renumbered (9) through (10) No change.

(11)(13) Forms. The following forms used in implementing the provisions of this rule are hereby incorporated by reference:

(a) Individual Clothing Record, DC2-816, effective \_\_\_\_\_ DC2-009 (12/79).

(b) Authorization for Uniform Replacement, DC2-817, effective \_\_\_\_\_ DC2-010 (12/79). A copy of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel business office of any institution and from the Bureau of General Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History-- New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bill Thurber, Richard Dugger

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

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: September 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: March 17, 2000

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Probation and Restitution Centers  
 RULE NO.: 33-504.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct technical errors and clarify procedures relating to probation and restitution centers.

SUMMARY: The proposed rule corrects grammatical errors and titles, clarifies procedures relating to revocation and removal from placement and increases room and board fees.

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: 944.026, 921.187, 948.03, 958.04 FS.

LAW IMPLEMENTED: 944.026, 921.187, 948.03, 958.04 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-504.101 Probation and Restitution Centers.

(1) General Policy.

(a) Probation and restitution centers are short term residential facilities which provide the courts with an alternative to committing offenders to more secure correctional institutions and provide assistance in the supervision of probationers and community controllees. The centers provide a controlled setting designed to prepare offenders for advancement or return to community supervision and for eventual release from supervision.

(b) Probation and restitution centers house felony probationers and community controllees who have violated their terms or conditions of supervision and felony offenders assigned to pretrial intervention programs. These offenders reside in the centers while working, receiving treatment or attending school. Probation and restitution centers also provide out-patient substance abuse counseling for persons on felony probation or community control.

(c) ~~The Probation and Parole Program Office of Program Services shall be responsible for the operation and contract management of program development and monitoring of the centers, and for providing technical assistance to the centers.~~

~~(d) The regional administrator for each region shall be responsible for the operation of the region's centers and shall maintain close coordination with the Probation and Parole~~

~~Program Office and correctional probation administrators of probation and parole services.~~ Each probation and restitution center major chief shall be responsible for the management and supervision of the center, for supervising the probation and restitution center officers, and for ensuring the proper supervision, care and control of the center's offenders. The primary duty and responsibility of probation and restitution center officers is the care, supervision and control of the offenders at the center.

(2) Referrals. Offenders are referred to probation and restitution centers in the following manner:

(a) Referred directly from the courts as a result of the regular sentencing process with a special condition that the offender complete the probation and restitution center program prior to being placed in regular community probation or community control supervision.

(b) Referred by the courts after failing to make satisfactory progress on probation or community control.

(c) Referred by the department's probation and parole services office when it is determined that more structured supervision and control is needed. Before making this referral, a modification of probation shall be obtained from the court.

(d) Referred as graduates of the basic training program for youthful offenders when ordered by the court to complete the requirements of a probation and restitution center program as a condition of the offender's probation or community control.

(3) Guidelines for Referrals. When contacted by the court regarding the appropriateness of committing an offender to a probation and restitution center, the center staff shall consider the following guidelines in evaluating the case and making a recommendation. Individuals with the following characteristics shall be considered to be inappropriate for probation and restitution center referral:

1. Conviction for sexual battery pursuant to §794.011, F.S. or any other crime involving serious personal injury.
2. Severe alcohol or drug addiction requiring detoxification services or crisis stabilization services.
3. Physically unable to work.
4. Currently being treated with psychotropic medication.
5. Charged with a capitol or life felony pursuant to §775.081, F.S.

(4) Referral Responsibilities.

(a) The correctional probation officers are responsible for assuring the probation and restitution center is included in the pre-sentence investigation as a possible alternative recommendation to imprisonment when more structured structural control is needed than what regular probation can provide.

(b) The correctional probation administrators in the judicial circuit where the center is located are responsible for assuring that cases are referred by the Department of Corrections when individuals are identified as needing structured supervision as provided in the centers.

## (5) Intake.

(a) Offenders with special conditions requiring that they enter and successfully complete the probation and restitution center program shall be placed on the waiting list. When bed space is available at the program, the offender shall be instructed to report to the facility. Transportation shall be the responsibility of the offender unless the offender is in jail. In such cases, transportation shall be coordinated by center staff with the county sheriff's department.

(b) The staff at the probation and restitution center shall be responsible for supervision, monitoring of case records and the general administration of the case.

## (6) Revocation.

(a) The staff at the probation and restitution center shall be responsible for revocation recommendations and processes.

(b) Affidavit of Violation of Probation forms shall be approved and initiated by the center supervisor or designee prior to submission to the court.

~~(c) A copy of the Affidavit of Violation of Probation, warrant, order of revocation, or any other court order shall be provided to the originating circuit office.~~

(7) Termination or Transfer From Program. Recommendations for termination, transfers or other types of removal from the program shall be a decision of center staff. Offenders shall be considered for removal ~~removed~~ from the program for violation of the conditions of probation or community control, violation of a ~~any~~ center regulation, inability to complete program requirements, or where such removal is deemed to be in the best interest of the offender, the department, or the community.

## (8) Room and Board Fees.

(a) All offenders shall be charged room and board fees at the rate of ~~\$8.00~~ ~~\$6.00~~ per day beginning ~~on the first day they enter~~ ~~upon entering~~ the program.

(b) Payment shall be made on each offender's payday with these fees having first priority in meeting financial obligations.

(c) Payments for room and board fees shall be made in the form of money orders, certified checks, or personal checks. No cash will be accepted and center staff are responsible for maintaining accurate and up-to-date records concerning these fees on an individual basis.

(d) The offenders shall be responsible for their own funds with only financial counseling provided by the staff. In no cases are the staff authorized to hold offender funds in trust.

(9) Cost of supervision. Offenders in the probation and restitution center shall be responsible for paying monthly supervision costs in accordance with guidelines for any other probationer or community controlee. Payments shall be remitted directly to the probation and restitution center and then forwarded to the nearest state depository.

## (10) Dress Code for Staff and Offenders.

(a) The dress and appearance of all staff members at the centers shall be in accordance with Rule 33-208.101, F.A.C.

(b) The offenders shall be well groomed and fully clothed including shirts and shoes at all times when not in sleeping quarters. Offenders shall adhere to Department Rule 33-602.101(11), F.A.C. regarding haircuts and shaving.

(11) Center Rules. Center rules governing conduct, program rules and regulations, and possible disciplinary actions shall be clearly posted in each center and all offenders are expected to maintain compliance. Clarification of center rules shall be part of the orientation program.

## (12) Program Completion Requirements.

(a) Room and board shall be paid in full, cost of supervision shall be current.

(b) Employment on a full-time basis is required or part-time employment with a supplemental plan such as school.

(c) Suitable residential plan that has been approved by center personnel shall be required.

(d) A restitution plan, if applicable, shall be developed.

(e) Shall be making regular payments toward all other court-ordered financial obligations.

(f) Must have served a minimum period of time as outlined by center operating procedures.

(g) Recommendations for graduation based on the above outlined criteria shall be made by the offenders treatment team and approved by the major ~~correctional officer chief~~.

(13) Community Control. Offenders who are accepted into a probation and restitution center as a condition of community control are subject to the rules of the center and the sanctions of community control including house arrest.

(a) Caseloads are restricted to a maximum of 25 cases per officer to ensure an adequate level of staffing.

(b) Community controlees are restricted to the center except during regular employment, public service work, or participation in self-improvement programs approved by center personnel.

(c) There is no such thing as "free time" or furloughs for community controlees. Time away from the center shall be handled like any other community controlee and shall only be granted for a specific and legitimate purpose. Some of these may be for limited shopping trips, essential personal or business matters, or necessary family visits. These shall be given during daylight hours and for only the amount of time to accomplish the purpose. For community controlees the probation and restitution center is the residence of confinement for house arrest.

Specific Authority 944.026, 921.187, 948.03, 958.04 FS. Law Implemented 944.026, 921.187, 948.03, 958.04 FS. History—New 10-26-92, Amended 9-4-95, Formerly 33-24.020, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard Nimer  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Michael W. Moore  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: September 18, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: September 1, 2000

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Final Order Indexing  
RULE NO.: 53-1.0175

PURPOSE AND EFFECT: The proposed rule is being promulgated to set forth the provisions for indexing and maintaining the Department’s final orders in accordance with Section 120.53, Fla. Stat., and Rule 1S-6, F.A.C.

SUMMARY: The rule sets forth provisions for indexing and maintaining the Department’s final orders.

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: 24.105(10), 120.53 FS.

LAW IMPLEMENTED: 120.53 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., November 6, 2000

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-1.0175 Final Order Indexing.

(1) Procedure.

(a) Pursuant to Section 120.53, F.S., the Lottery shall make final orders accessible and available to the public by sequentially numbering and indexing all final orders. The Lottery shall make the final orders and subject matter index available to the public.

(b) The agency clerk of the Lottery shall be designated as the indexing clerk who shall assist the public in obtaining information pertaining to final orders. The clerk is located in the Office of General Counsel, Florida Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32301,

(850)487-7724. The office is open to the public between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

(c) The indexing clerk shall index all final orders, receive all requests for copies of final orders, shall search the index for the location of the requested final orders, and shall retrieve and copy the final orders in accordance with the provisions of this rule.

(2) Public Inspection and Duplication. The following shall be made available for public inspection and copying, at no more than cost:

(a) All final orders.

(b) A current subject-matter index identifying all final orders which are indexed.

(3) Final Orders Required to be Indexed. All final orders issued by the Lottery pursuant to Chapter 120, F.S., shall be indexed. As used herein, final orders shall include declaratory statements, as well as final orders arising from proceedings held pursuant to Chapter 120, F.S.

(4) Numbering of Final Orders.

(a) All final orders shall be sequentially numbered.

(b) The sequential number shall be a two (2) part number separated by a dash, with the first part before the dash indicating the year and the second part indicating the numerical sequence of the order issued for that year beginning with number one (1) each new calendar year (i.e. 00-1). The assigned agency designation prefix, LOT, for the Florida Department of the Lottery shall precede the two (2) part number. There shall be a suffix to the identification number which shall indicate the type of order designated, as follows:

DS – Declaratory Statement

FOI – Final Order Informal Proceeding

FOF – Final Order Formal Proceeding

S – Settlement

(5) System for Indexing Final Orders.

(a) The index shall be arranged alphabetically by main subject headings taken from the Florida Statutes index, when applicable. The applicable titles of citations of the Florida Statutes construed within the final order may determine the main subject headings and subheadings in the index. Main subject headings shall be all capital letters and shall be flush left on the page followed by relevant subheadings which shall be initial caps and lower case letters indented. Subheadings and sub-subheadings may be taken from the text of the Florida Statutes being construed. Subheadings and sub-subheadings at equal indentations shall be alphabetized. The numbers of the final orders shall be listed sequentially in an indentation immediately below the applicable subheading. Cross-references shall be used to direct the user to subject headings which contain the relevant information. Related key words (specific words, terms, and phrases) and common and colloquial words shall be listed and cross-referenced to the appropriate main subject headings.

(b) The main subject headings shall be referred to by the agency's indexer and subsequent similar entries shall be indexed under the existing appropriate heading. The index shall be cumulative and shall be updated and made accessible to the public at least every one hundred twenty (120) days. New main subject headings will be added when necessary. The index shall be cumulative for each calendar year.

(6) Maintenance of Records. Final orders pursuant to this chapter shall be permanently maintained by the Lottery pursuant to the retention schedule approved by the Department of State, Division of Library and Information Services.

Specific Authority 24.105(10), 120.53 FS. Law Implemented 120.53 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Diane D. Schmidt, Office of the General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr. General Counsel

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE TITLES:	RULE NOS.:
Application Deadlines	61-11.001
How to Apply	61-11.002
Certification of Eligibility	61-11.004
Notification of Applicants	61-11.005
Examination Administration	61-11.006
Conduct at Test Site, and Notice of Protection Privileges by and to the Department	61-11.007
Licensure Examination Format and Procedures for Candidates with Disabilities	61-11.008
Practical Examinations	61-11.009
Grading of Examinations and Grade Notification	61-11.010
Petitioning for a Formal Administrative Hearing and Requesting a Pre-hearing Review	61-11.012
Non-standard Administrations; Reexaminations at No Charge	61-11.013
Security and Monitoring Procedures for Licensure Examination	61-11.014
Definition of a National Examination	61-11.015
Guidelines for Sharing Department-Developed Examinations with Other States' Licensing Authorities	61-11.016
Candidates' Post Exam Review of Examination Questions, Answers, Papers, Grades and Grading Key	61-11.017
Translations	61-11.018
Use of Pilot Test Items in Examinations	61-11.019

PURPOSE AND EFFECT: The purpose and effect by the Department in amending these rules in the above referenced rule chapter is for the purpose of making changes necessary based on recent legislation, public comment, the implementation of computer-based testing, and the need to update and streamline procedures.

SUMMARY: The rule changes implement computer-based testing, update and streamline procedures, provide for examination review, and revise requirements related to requests for accommodations.

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: 455.203(5), 455.217(1)(e), 455.229(2) FS.

LAW IMPLEMENTED: 119.07(3)(a), 120.60, 455.213(1), 455.217, 455.229 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tom Thomas, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULES IS:

61-11.001 Application Deadlines.

(1) Unless otherwise provided below or in board rule, completed applications for licensure examinations shall be submitted to the Department at least 60 days prior to the scheduled examination.

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

~~(c)(3)~~ Applications to sit as an extended or conditioned candidate shall be made in writing to the Department. Such written request and application fee shall be postmarked or filed with the Department no later than March 1 for the May examination and September 1 for the November examination.

~~(4)(a) Applicants applying for the engineer examination shall submit their applications 120 days prior to scheduled examination.~~

~~(b) Completed applications will be reviewed by the Board or its designee, to determine eligibility, 90 days prior to scheduled examination.~~

~~(e) Applicants applying for Engineer Intern (EI) examination shall submit their completed applications 90 days prior to scheduled examination.~~

~~(3)(5)(a)~~ Applicants applying for the land surveyors examination shall submit their applications 120 days prior to scheduled examination.

(b) Completed applications will be reviewed by the ~~b~~Board or its designee, to determine eligibility, 90 days prior to scheduled examination.

(c) Applicants applying for the Surveyor-in-Training (SIT) examination shall submit their completed application 90 days prior to scheduled examination.

~~(6) Applications for the Massage licensure examination must be submitted seventy-five (75) days prior to the date of the administration of the examination.~~

~~(4)(7)~~ Application for the national funeral director and embalmer licensure examinations must be submitted ninety (90) days prior to the date of the administration of the examination.

~~(5)(8)(a)~~ An applicant will be rescheduled ~~for until~~ the next available examination if the applicant is unable to sit for the originally scheduled examination by reason of military service and submits to the board, or the ~~D~~Department where there is no board, or to the computer-based testing vendor, a copy of the applicant's military orders or a letter from the applicant's commanding officer.

(b) An applicant's examination sitting will be rescheduled if the applicant demonstrates to the board, or to the ~~D~~Department where there is no board, or to the computer-based testing vendor, that there was a death in the immediate family, serious injury, illness, or other physical impairment prevented the candidate from taking the examination. Any such request to reschedule ~~sitting~~ for an examination shall include a copy of a death notice or death certificate or a statement from the applicant's treating physician which attests includes:

- ~~1. A description of the injury, illness, or physical impairment;~~
- ~~2. The dates of treatment and/or confinement; and~~
- ~~3. An attestation that such injury, illness, or physical impairment prevented the applicant from taking the examination.~~

(c) Any requests for rescheduling of an examination under this section shall be submitted to the board, or the ~~D~~Department where there is no board, or to the computer-based testing vendor, in writing no later than 21 days following the last day of the applicable examination.

Specific Authority 455.203(5) FS. Law Implemented 455.213(1) FS. History--New 9-25-80, Amended 1-30-83, Formerly 21-11.01, Amended 11-29-89, 6-9-91, 6-18-91, Formerly 21-11.001, Amended 9-18-96, \_\_\_\_\_.

61-11.002 How to Apply.

The application will be accompanied by the required fee for application and examination and all documents and other material that are to be considered in support of the application. In addition, two photographs of the applicant's face and head, size two (2) inches by two (2) inches, not more than twelve (12) months old, will be included. Any photograph which is not identifiable will be returned to the applicant and will delay

the processing of the application. For examinations administered by a computer-based testing vendor, only one photograph shall be required.

Specific Authority 455.203(5) FS. Law Implemented 455.213(1) FS. History--New 9-25-80, Formerly 21-11.02, 21-11.002, Amended \_\_\_\_\_.

61-11.004 Certification of Eligibility.

(1) The Department, or its designee, will review all applications for licensure by examination to determine completeness of the application.

(2) ~~When T~~he Department shall determine ~~determines~~ that an application is complete within or thirty (30) days after receipt, ~~whichever comes first~~, The ~~D~~Department, where there is no board, shall determine whether the applicant is qualified to take the licensure examination, or Where there is a board, the application shall be scheduled for the next available meeting of the appropriate ~~b~~Board for the ~~b~~Board to determine whether the applicant is qualified to take the licensure examination. The board may delegate authority to Department staff to make this determination. If Tthis eligibility determination shall be is not made within the time requirements of section 120.60(1), Florida Statutes ~~ninety (90) days from the receipt of the application or within sixty (60) days after receipt of timely requested additional information or correction of errors, the Board or the department where there is no board must approve the application for licensure subject to passage of the required licensure examination.~~

(3) If the ~~D~~Department or board determines that the applicant is not qualified to take the examination the applicant may petition for a hearing before an administrative law judge hearing officer under Section 120.57, Florida Statutes.

(4) For Department administered examinations, unless otherwise specified by board rule, the board, or the Department when there is no board, shall provide the Bureau of Testing a certified list of candidates eligible or pending determination of eligibility to take an examination. The certified list shall be provided to the Bureau of Testing at least 45 days prior to each examination administration. Candidates who are identified as pending eligibility may be changed to certified eligible up to 18 days prior to the examination administration date. Candidates who are not identified on the original certified list shall not be permitted to take the examination unless approved by the Chief of the Bureau of Testing.

(a) The Barbers' Board shall provide a certified list of eligible candidates to the Bureau of Testing at least 21 days prior to the examination administration date. The list must be final and shall not include any candidates who are pending determination of eligibility.

(b) The Division of Certified Public Accounting shall provide the Bureau of Testing with site rosters and copies of admission slips at least 21 days prior to the examination admission date.

Specific Authority 455.203(5) FS. Law Implemented 120.60, 455.213(1) FS. History—New 9-25-80, Amended 2-3-81, Formerly 21-11.04, 21-11.004, Amended 9-18-96, \_\_\_\_\_.

#### 61-11.005 Notification of Applicants.

(1) ~~For Department administered examinations, unless otherwise specified by Board rule, after a decision is made that an applicant meets the lawful requirements for the licensure examination or ninety (90) days after receipt of a complete application, the Department will schedule the applicant for the next examination for which space is available that begins at least forty-five (45) days after the applicant is certified eligible or after ninety (90) days from receipt of a complete application.~~

(2) If all certified candidates cannot be scheduled for the next ~~subsequent~~ examination due to space, time, or other limitations beyond the control of the ~~D~~epartment, the candidates will be scheduled chronologically according to the date the ~~candidate application was certified as eligible or the date the scheduling request was received by the computer-based testing (CBT) vendor completed, including but not limited to all documentation and credentials required by statute.~~

(3) The Department ~~or CBT vendor~~ will notify applicants of the time, place, and date of the examination and provide the applicant with an official admission card ~~or confirmation number~~, which will be required for admission to ~~sit for~~ the examination. The notice will also inform the applicant what material, if any, should be taken to the examination. The Department ~~or CBT vendor~~ shall inform the candidate of the length of the examination, subject content of the examination, and any special equipment or materials needed for the examination.

Specific Authority 455.203(5) FS. Law Implemented 455.217(1), ~~120.60~~ FS. History—New 9-25-80, Formerly 21-11.05, 21-11.005, Amended 9-18-96, \_\_\_\_\_.

#### 61-11.006 Examination Administration.

(1) During the examination, the candidates will follow the instructions of the examination supervisor. ~~The instructions shall be provided to the candidates in written form and shall be read to the candidates by the examination supervisor.~~ The candidates will be permitted to ask reasonable questions of the Department's ~~or computer-based testing (CBT) vendor's~~ examination supervisor and proctors relating to the instructions.

(2) The Department's valid admission slip for the specified examination and a government-issued, signature bearing photo I.D. such as driver's license, must be presented in order to gain admission to the examination. ~~This identification A valid government issued photo I.D. such as a driver's license, shall be acceptable in the absence of the admission slip provided the candidate's name appears on the examination admission roster that has been prepared by the Department for the specific~~

examination. All CBT examination candidates will be required to provide two forms of signature identification, one of which must be photo bearing.

(3) If the candidate arrives at the designated testing location after the designated starting time for an examination administered by the Department, the candidate will be permitted to take the examination only after the candidate has signed a statement clearly indicating the candidate's late arrival time, and agreeing that the candidate will have only the remaining designated time in the examination to complete the examination. Any candidate who refuses to sign such a statement will be disqualified from the examination and may apply to the Department for scheduling for the next available examination. If, when the late candidate arrives, any other candidate has already finished the examination and left the examination room, the late candidate will not be permitted to sit for the examination and must apply to the Department for scheduling for the next available examination. For CBT examinations and national examinations, late candidates shall comply with the CBT vendor's or the national examination organization's policies and procedures.

(4) All Department administered examinations will be administered in accordance with the "General Administration Manual for Examinations ~~Volume II~~, copyright 2000, 1994" incorporated herein by reference and made available by the Bureau of Testing, which may be obtained by writing to the Department of Business and Professional Regulation, Attention: Examination Administration, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0791. Administration requirements set forth by national boards and councils will be complied with in the administration of the specific examination.

(5) All examination ~~items booklets, answer sheets, and other examination papers, computer files, and materials~~ are the sole property of the Department of Business and Professional Regulation or the national provider. No candidate shall take any of the examination ~~questions booklets, answer sheets, and other examination papers, computer files, and materials~~ from the examination room; ~~or~~ retain, reproduce, or compromise the materials in whole or in part by any means or method whatsoever.

(6) For CBT examinations, candidates may be permitted to test out of state. The CBT vendor may charge an additional fee to the candidates for this service and other examination related services if approved in advance by the Department.

(7) The CBT vendor may with prior approval from the Department charge a fee to a third party for examination related services. Such services may include, but are not limited to, alternate site testing and statistical reporting.

Specific Authority 455.203(5) FS. Law Implemented 455.217(1) FS. History—New 9-25-80, Amended 2-3-81, 12-7-81, 10-28-82, Formerly 21-11.06, Amended 6-22-88, 7-10-90, Formerly 21-11.006, Amended 9-18-96, \_\_\_\_\_.



61-11.007 Conduct at Test Site, and Notice of Protection Privileges by and to the Department.

(1) The examination supervisor, ~~and~~ proctors, ~~and~~ computer-based testing vendor are the Department's designated agents in maintaining a secure and proper examination administration.

(2) through (4) No change.

Specific Authority 455.203(5) FS. Law Implemented 455.217(1) FS. History—New 9-25-80, Formerly 21-11.07, Amended 6-22-88, Formerly 21-11.007, Amended 9-18-96,\_\_\_\_\_.

61-11.008 Licensure Examination ~~Examinations~~ Format and ~~Examination~~ Procedures for ~~Handicapped~~ Candidates with Disabilities.

(1) The Department of Business and Professional Regulation, ~~Office of Examination Services,~~ will provide reasonable and appropriate accommodations ~~special assistance~~ to candidates with physical, mental, ~~or specific~~ learning disabilities ~~or physical handicapped conditions~~ to the ultimate extent ~~permitted by possible~~. It is understood that in some instances the Department's capabilities may be affected and limited by cost, administration restraints, ~~security considerations,~~ and availability of resources. ~~The Department recognizes that little is known about how much time and type of examination setting people with different handicapping conditions will need. It is also recognized that time and setting will~~ Accommodations made ~~will~~ vary depending upon the nature and the severity of the impairment. Each case will be dealt with on an individual basis within the limits prescribed herein. In the instances of National examinations, guidance will be sought from the National provider. ~~Reference information and guidelines regarding the process for documenting disabilities are contained in the document titled "Request for Test Accommodations for Examinees with Disabilities," made available by the Bureau of Testing, which may be obtained by writing the Department of Business and Professional Regulation, Attention: Special Testing, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399-0791.~~

(2) ~~A candidate~~ Candidates requesting special accommodation ~~assistance~~ must ~~file~~ the request in addition to his or her completed application for licensure examination by the final application deadline of the assigned examination. The candidate must provide documentation of his or her disability ~~completed~~ be certified as handicapped by a ~~an~~ appropriate professional. The application and documentation required by this subsection must be provided on form number 2002-064, incorporated herein by reference and dated March 2000. This form can be obtained by writing the Department of Business and Professional Regulation, Attention: Special Testing, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399-0791 ~~psychologist, physician or learning disability specialist. The candidate's documentation~~ Candidate's certification shall include:

(a) ~~The Name of the test used,~~ the diagnosis; and length of time with ~~the~~ condition;

(b) ~~The name and the results of the test(s) used for diagnosis~~ Recommended time per regular hour of examination including rest periods; ~~and~~

(c) Recommended ~~accommodations~~ and testing environment; ~~and~~

~~(d) Recommended format of the examination.~~

(3) ~~Reasonable and appropriate accommodations will be made for qualifying candidates. All accommodations must be directly linked to the amelioration of the identified functional limitations caused by the asserted disability and must be reasonable and effective. Permissible accommodations~~ The Department may modify the test instrument and test administration procedures. Such modifications may include:

(a) Flexible Time. Candidates ~~requiring extra time for the examination must submit a recommendation of such from an appropriate professional.~~ will be provided with the examination time recommended by a psychologist, physician or learning disability specialist. Time allocation will be based on candidate's certification and doctor's recommendations. The Department recognizes that reading Braille ~~or~~ and using a cassette recorder or a ~~live~~ reader takes longer than reading regular print. Additional rest periods will be given to avoid mental fatigue when extended time periods are allowed. ~~Untimed examinations will not be provided.~~

(b) Flexible Setting. Individual and small group setting examination administrations shall be available to ~~candidates test takers when requesting such a service is recommended by an appropriate professional. Requests shall be accompanied by documentation provided by a psychologist, physician or learning disability specialist justifying such a service. Consideration should be given to sites with handicapped areas and special lighting for visually impaired candidates.~~

(c) Flexible Recording of Responses. ~~The candidate's~~ Test takers' responses can be recorded by a proctor, a tape recorder, a typewriter, a Braille writer, ~~or~~ marked on the test booklet, ~~or other method approved by the Department. Test takers will be allowed also to point to the correct response.~~ The proctor may transcribe the candidate's responses onto a machine scannable answer sheet. ~~In these instances, the candidate will verify that the answers he or she indicated were marked. In instances where the proctor is required to mark the responses on behalf of the candidate there will be a tape recording of the candidate's selected responses.~~

(d) Flexible Format. The test booklet may be produced in large print, high quality regular print, Braille, or the test may be tape recorded, ~~or read aloud, or signed by an interpreter. For hearing impaired candidates, considerations should be given to written, spoken language or an interpreter that signs and interprets instructions or examination questions simultaneously.~~

(e) Assistive Devices. The candidate, upon approval of the department, will be allowed to use appropriate assistive devices, such as lights, magnifiers, or special computer screens.

(4) The Department shall request further evidence on the necessity of the accommodation when the evidence substantiating the need for the accommodation is not complete. The Department shall request that the applicant submit to another professional evaluation to verify the disability or to determine what accommodations are most appropriate and effective when the initial evaluation is inconclusive, unclear, or does not substantiate the need for the requested accommodation.

(5)(4) In no case shall any time modifications authorized herein be interpreted or construed as an authorization to provide a candidate with assistance in determining the answer to any test item. No accommodation or modification shall be made that adversely affects the integrity of the examination.

(6)(5) Definition of Terms.

(a) A ~~handicapped~~ person with disabilities means any person who:

1. Has a physical, ~~or~~ mental, or specific learning disability impairment which presently substantially limits one or more major life activities;

2. Has a record of such a disability an impairment; or

3. Is regarded as having such a disability an impairment.

(b) Major life activities are activities that an average person can perform with little or no difficulty including walking, talking, hearing, breathing, learning, working, caring for one's self, and performing manual tasks.

(c) A person with a physical disability means any person physically handicapped constitutes a wide diverse group of individuals who has a have permanent or temporary physical or psychomotor disability disabilities. Examples of a disability under this section include those disabilities that require the use of These candidates may be in a wheelchairs, wear braces, or use crutches. It also includes candidates with a hearing or sight disability, or those who they may need special accommodation assistance to move about.

(d)(e) A person with a learning disability means any person who has a Learning disabled constitutes a group of individuals with permanent or temporary mental disability disabilities such as brain damage, brain dysfunction, dyslexia, or a perceptual disorders, or language disorder.

(e) For purposes of this rule, "an appropriate professional" means a physician licensed pursuant to chapters 458 (Medical Practice) or 459 (Osteopathic Medicine), Florida Statutes; a professional licensed pursuant to chapters 460 (Chiropractic), 461 (Podiatric Medicine), 463 (Optometry), 468, Part I (Speech-Language Pathology and Audiology), or 490 (Psychological Services), Florida Statutes; or appropriately licensed in the state in which the certification of disability was performed. Any certification, documentation, or

recommendation relating to a candidate's disability provided by an appropriate professional pursuant to the requirements of this rule must not be beyond the scope permitted by law for that professional or that which the professional knows or has reason to know that he or she is not competent to perform.

Specific Authority 455.203(5) FS. Law Implemented 455.217(1) FS. History—New 9-25-80, Formerly 21-11.08, Amended 6-22-88, Formerly 21-11.008, Amended \_\_\_\_\_.

61-11.009 Practical Examinations.

(1) No change.

(2) In the event that professional examiners are employed to evaluate candidate performance in practical examinations, no less than two examiners shall independently evaluate the performance of each candidate, ~~and~~ The independent grades of the examiners shall be averaged to produce the final score for each candidate unless computed in accordance with a formula approved formulated by the appropriate board.

(3) through (5) No change.

Specific Authority 455.203(5) FS. Law Implemented 455.217 FS. History—New 9-25-80, Amended 2-3-81, 8-5-85, Formerly 21-11.09, 21-11.009, Amended 4-27-94, 9-18-96, \_\_\_\_\_.

61-11.010 Grading of Examinations and Grade Notification.

(1) Pursuant to section 455.217, Florida Statutes, grading of all examinations shall be processed only as follows:

(a) National Examinations shall be graded solely and exclusively by the National examination provider or its designee. National examinations shall include those developed by or for national boards, councils, associations, or societies.

(b) Departmentally developed objective, multiple choice examinations shall be graded by the Department or its designee. ~~After an examination has been administered the Board shall reject any questions which do not reliably measure the general areas of competency specified in the rules of the Board.~~ The Department shall review the item analysis and any statistically questionable items after the examination has been administered. Based upon this review, the Department shall adjust the scoring key by totally disregarding the questionable items for grading purposes; or by multi-keying, giving credit for more than one correct answer per item question. All items questions which do not adequately and reliably measure the applicant's ability to practice the profession shall be rejected. The Department or its designee shall calculate each candidate's grade utilizing the scoring key or adjusted scoring key, if applicable, and shall provide each candidate with a grade report. The only paper that shall be graded is the official answer sheet. No credit shall be given for answers written in a candidate's examination booklet.

(c) Departmentally developed practical examinations shall be graded by the Department or its designee. ~~After an examination has been administered, the Board may reject, credit, or give partial credit for any procedure or question which is inappropriately weighted or not consistent with~~

~~examiner grading criteria.~~ The Department shall review the item analysis, if applicable, ~~and~~ examiner agreement report, and any procedure judged to be statistically questionable after the examination has been administered. Based upon this review, the Department may adjust the scoring criteria key by rejecting, crediting, or giving partial credit for any procedure or question which does not adequately and reliably measure the applicant's ability to practice the profession. The Department or its designee shall calculate each candidate's grade using the scoring criteria key or adjusted scoring criteria key, if applicable, and shall provide mail each candidate with a grade report.

(d) If, after the distribution mailing of grades for a particular administration there are ~~additional~~ adjustments to the scoring key due to mechanical or clerical miscalculations, amended grade reports shall be mailed to all failing candidates whose scores are increased and to all candidates whose pass/fail status changes due to the adjustment unless the candidate has taken and passed a subsequent administration of the examination.

(e) Examinations developed or administered for the Department by professional testing companies other than national examination providers shall be graded by the testing company or by its designee. Grading procedures shall be in compliance with the provisions of this rule.

(2) The Department shall notify the candidate of the results of the candidate's examination no later than sixty (60) days after the examination date, except when the grades, or portions thereof, are computed by the national board, council, association, or society responsible for a national examination in Florida. The grades for an examination containing a of the national portion examination shall be sent to the candidate no later than thirty (30) days after the receipt of the grades by the Department from the national board, council, association, or society responsible for the national examination in Florida. For Harbor Pilots, final results of the examination will be released 60 days after the reviews are completed.

(3) The Department or its designee shall inform each passing candidate of the candidate's status and provide necessary instructions for obtaining the receipt of a license.

(4) Any candidate who does not failing to receive a passing score on a licensure or certification examination will be notified of the test(s) subject areas failed, the requirements for re-examination, and review and appeal rights and procedures and that denial of licensure is due to failure to achieve a passing score on the applicable examination.

Specific Authority 455.203(5) FS. Law Implemented 120.60, 455.217(1), 455.229 FS. History—New 9-25-80, Formerly 21-11.10, Amended 10-27-92, 5-27-93, Formerly 21-11.010, Amended 9-18-96, \_\_\_\_\_.

61-11.012 Petitioning for a Formal Administrative Hearing and Requesting a Pre-hearing Review.

Pursuant to Section 120.57(1), Florida Statutes, a candidate may petition for a formal hearing before the Division of Administrative Hearings under the following terms and conditions:

(1) ~~Two (2) copies of~~ The petition shall be filed with the Department of Business and Professional Regulation. ~~If the examination being challenged is an examination developed by or for a national board, council, association, or society (hereinafter referred to as national organization), the Department shall accept the development and grading of such examination without modification.~~

(2) Except as noted in (3) below, all petitions for formal hearings shall be received by the Department ~~filed~~ no later than twenty-one (21) days after the date on the Department's grade notification.

(3) If the any candidate ~~elected to~~ reviewed the examination pursuant to 61-11.017(3), Florida Administrative Code, the request for a hearing must be received by the Department ~~filed with the Chief, Bureau of Testing~~ no later than twenty-one (21) days after the post-examination review or from the date on the letter notifying the candidate of the Department's decision regarding his or her challenges, if any.

(4) No petition received more than twenty-one (21) days from the date specified in paragraph (2) or (3), as applicable, will be accepted. The petition must clearly identify state all disputed procedural or substantive facts and items which the candidate believes are ambiguous or solutions which the candidate believes are incorrect in issue.

(5) After the petition has been filed, the candidate, ~~and~~ the candidate's attorney, and no more than one expert witness will be permitted to review the examination items questions and answers for the purpose of preparing for the Administrative Hearing. The request for such a pre-hearing review will be submitted to the Department in writing. In order to preserve the security and integrity of the examination, such candidate shall be permitted to review only the questions and answers listed in the petition.

(6) If the candidate did not exercise his or her right for the post-examination review and elects to request an administrative hearing, he or she will be required to pay the post-examination review fee, as specified by ~~b~~Board rule; or by Department rule when there is no ~~b~~Board, before a pre-hearing review is scheduled. In order to preserve the security and integrity of the examination, such candidate shall be permitted to review only the questions and answers missed on the examination.

(7) Any comments made during the pre-hearing review will not be responded to by the Department. All pre-hearing reviews shall be conducted at a location determined by the Department the Department's headquarters in Tallahassee. All security procedures outlined in Rule 61-11.007 and 61-11.017, Florida Administrative Code, shall apply to the candidate, ~~or the candidate's attorney, and the candidate's expert witness agents~~ for all review sessions.

(8) In preparation for a hearing, if it is discovered by the Department that credit should be awarded for one or more items outlined in the candidate's petition, an amended grade notice shall be issued reflecting his or her amended score.

(9)(8) If a candidate cannot appear at the scheduled Administrative Hearing, the candidate must file a motion for continuance in accordance with Rule 28-106.210 60Q-2.017, F.A.C., at least five (5) days prior to the scheduled hearing.

(10)(9) Except in cases of demonstrated extreme emergency, the candidate who does not attend the scheduled hearing shall be considered in default and shall be liable to the Department for the following costs incurred in the five (5) day period preceding the scheduled hearing:

(a) Attorney's and expert witness fees.

(b) All travel costs incurred by the Department for attorneys, staff, and expert witnesses; and all costs incurred by the Department in support of the hearing.

(c) All related court costs, including costs billed to the Department by the Division of Administrative Hearings and the court reporter.

Specific Authority 455.203(5), 455.229 FS. Law Implemented 120.60, 455.217, 455.229 FS. History--New 9-25-80, Amended 2-3-81, 12-7-81, Formerly 21-11.12, Amended 6-14-89, 5-2-91, 7-28-92, 10-27-92, 5-27-93, Formerly 21-11.012, Amended 9-18-96, \_\_\_\_\_.

#### 61-11.013 ~~Miscellaneous~~ Non-standard Administrations; Reexaminations at No Charge.

(1) If it is determined that a candidate's examination or a portion thereof cannot be scored through no fault of his ~~or~~ her own, he ~~or~~ she shall be permitted to retake at the next available regularly scheduled examination that portion of the examination at no charge.

(2) If in the event of unforeseen circumstances affecting the administration of the examination ~~If through some mechanical fault of the Department,~~ the candidate does not have sufficient time to complete the examination, additional time may be allowed upon approval ~~by~~ of the Bureau of Testing examination supervisor.

(3) In the event of ~~If through some unforeseen circumstances affecting the administration of the examination mechanical fault of the Department,~~ ~~insufficient time is allowed for completion of a procedure, materials are lost by the Department or other problems occur which are due to the Department's inaction or negligence,~~ the Bureau of Testing Department or its vendor shall outline the conditions under which the examination will be administered. ~~If the candidate~~

accepts the non-standard conditions, he or she will not be permitted to challenge the results of the examination based on the non-standard administration conditions nor will he or she be allowed a free reexamination. If he or she does not accept the non-standard conditions, and elects not to sit for the examination, a permit reexamination will be permitted in those areas at no charge at the next available regularly scheduled examination.

Specific Authority 455.203(5) FS. Law Implemented 455.217(1) FS. History--New 9-25-80, Formerly 21-11.13, 21-11.013, Amended 9-18-96, \_\_\_\_\_.

#### 61-11.014 Security and Monitoring Procedures for Licensure Examination.

Specific Authority 455.217(1)(d) FS. Law Implemented 455.217(1)(d) FS. History--New 12-20-81, Amended 10-28-82, Formerly 21-11.14, 21-11.014, Amended 9-18-96, Repealed.

#### 61-11.015 Definition of a National Examination.

(1) In compliance with Section 455.217(1)(d)(e), Florida Statutes, the Department shall use any national examination, which is available and approved by the bBoard. ~~To ensure compliance, the following definition of a national examination shall be applied when using a national examination.~~

(2) A national examination is an examination developed by or for a national or multi-state professional association, board, council, or society (hereinafter referred to as organization) and administered for the purpose of assessing entry level skills necessary to protect the health, safety, and welfare of the public from incompetent practice and meets the following standards:-

(a) the purpose of the examination shall be to establish entry level standards of practice that shall be common to all practitioners:-

(b) the practice of the profession at the national level must be defined through an occupational survey with a representative sample of all practitioners and professional practices; and-

(c) the examination for licensure must assess the scope of practice and the entry skills defined by the national occupational survey.

(3) The ~~national~~ organization must be generally recognized by practitioners across the nation in the form of representatives from the State Boards or shall have membership representing a substantial number of the nation's or states' practitioners who have been licensed through the national ~~organization~~ examination.

(4) The ~~national~~ organization shall be the responsible body for overseeing the development and scoring of the national examination.

(5) The ~~national~~ organization shall provide security guidelines for the development and grading of the national examination and shall oversee the enforcement of these guidelines.

(6) Review of examinations developed by or for a national council, association, or society shall be conducted.

Specific Authority 455.203(5), 455.217(1)(d) FS. Law Implemented 455.217(1)(c) FS. History—New 6-14-89, Formerly 21-11.015, Amended

61-11.016 Guidelines for Sharing Department-Developed Examinations with Other States' Licensing Authorities.

(1) The ~~D~~department may, under conditions listed below, and with the concurrence of the appropriate board, share department-developed examinations with other state licensing authorities.

(2) Upon receipt of an expressed interest from another state's licensing authority that a department-developed examination be shared, the ~~D~~department shall require completion of a questionnaire that will gather specific and pertinent information concerning the other state's need for an examination and the resources available to the other state for sharing the department examination.

(3) An agreement shall be entered into that will require the state licensing authority to adhere to the requirements listed in ~~the following rules, operating procedures, and test administration manuals:~~

~~(a) Chapter 61-11, Florida Administrative Code, and any other applicable laws and rules as it relates to security for examinations.~~

~~(b) Department of Professional Regulation, Bureau of Examination Services, Test Administration Manual copyright 1989.~~

~~(c) Department operating procedures relating to security, test administration, scheduling candidates for examination, grade notification, and post examination review procedures.~~

(4) Absent a board and ~~D~~department agreed-upon exception, the other state's licensing authority may not be permitted to use security procedures and operating procedures that are less stringent or specific than those required and utilized by the ~~D~~department.

~~(5) The agreement with the other state's licensing authority shall be monitored by the department to ensure full compliance with the department's requirements.~~

Specific Authority 455.203(5) FS. Law Implemented 455.217(1)(f) FS; Chapter 91-137, Section 2, Laws of Florida. History—New 2-17-92, Formerly 21-11.016, Amended

61-11.017 Candidates' Post Exam Review of Examination Questions, Answers, Papers, Grades and Grading Key.

(1) Subsections (1) through (7) shall apply to all examinations other than those given pursuant to chapter 475, Florida Statutes, and the Division of Real Estate. Pursuant to section 455.217(3)(1)(d), Florida Statutes, a candidate who has taken and failed a departmentally developed objective multiple choice examination, a departmentally developed practical examination, or an examination developed for the ~~D~~department by a professional testing company shall have the right to

review the examination ~~items~~ questions, answers, papers, grades, and ~~grading grade~~ keys for the parts of the examination failed or the questions the candidate answered incorrectly only. Review of examinations developed by or for a national council, association, or society (herein after referred as national organization) shall be conducted in accordance with national examination security guidelines and timeframes.

(2) Those candidates who elect to exercise their right to review must submit a request in writing to the Department or the computer-based testing (CBT) vendor.

(a) Unless otherwise provided in board rule, written requests must be received no later than twenty-one (21) days after the release date on the original grade notification. The issuance of an amended grade notice, if applicable, will not extend the deadline for a candidate to request a post-examination review, unless the amended grade notice affects the pass/fail status of the candidate.

(b) No request received past the specified deadline in (2)(a) will be accepted.

~~(3)(2)~~ Examination reviews shall be conducted in the presence of a representative of the Department or CBT vendor at the Department's its Tallahassee headquarters or in the same city where the candidate sat for the exam during regular working hours which are defined as 8:00 a.m. through 4:30 p.m., Monday through Friday, excluding official state holidays.

(a) All examination reviews shall be conducted in accordance with that examination's administration procedures to the extent possible and feasible.

(b) All security rules defined in Rules 61-11.006 and Rule 61-11.007, Florida Administrative Code, shall apply to all review sessions. Any candidate violating any provision of said rules rule shall be dismissed from the review session and may be subject to other sanctions as determined by the ~~b~~Board or Department when there is no board.

(c) Unless specified otherwise in board rule, aAll examination reviews by candidates shall be scheduled and completed no later than ninety (90) sixty (60) days after subsequent to the release date on the original grade notification. However, a candidate may not participate in a review reviews will not be conducted during the twenty-one (21) thirty (30) day period immediately prior to his or her the next examination attempt.

(d) A representative ~~of from~~ the ~~Department Bureau of Testing or the CBT vendor~~ shall remain with all candidates throughout all examination reviews. ~~The representative shall inform~~ Candidates shall be informed that the representative cannot defend the examination or attempt to answer any examination questions during the review. Prior to the review, candidates shall be provided written instructions ~~itled "Review Candidates Instructions" form number BPR-TLT-002 incorporated herein by reference and dated 08/01/96 and "Guidelines Governing Examination Reviews" form number BPR-TLT-001, incorporated herein by reference and dated~~

08/01/96, concerning the conduct, rules, and guidelines for the review. Prior to any review, all candidates shall acknowledge receipt of these instructions rules and affirm in writing to abide by all such instructions rules in writing.

(e) Candidates will be given an examination review time of one-half the time provided for the examination administration of the part failed.

(f) Test booklets used by the candidate during the examination are not retained. Candidates reviewing the examination will be provided with a clean, exact copy of the original test questions. They will not be given the actual test booklets they used during the examination. Consequently, any marks or notes made by candidates during the examination will not be available during the review.

(g) Unless prohibited by board rule or national guidelines, candidates have the right to challenge any question which they believe may be ambiguous or any solution which they believe may be incorrect and to request a hearing if the challenge is found to be without merit. The challenges must be submitted in writing during the review. Any challenges or supporting documentation submitted after the candidate has left the review room shall not be accepted.

(h)(e) Upon completion of all reviews, all candidates shall acknowledge in writing the review review's start time, the review review's end time, all materials reviewed, and other relevant review information (Acknowledgment of Grade Review).

(4)(3) In addition to the provisions of subsection (3)(2)(a) through (2)(e), examination candidates shall be prohibited from leaving the any review with any written challenges, grade sheets, or any other examination materials, unless the respective Board determines by rule that examination security will not be undermined by doing so.

(5)(4) For a practical examination, unless examination security is involved, a candidate may obtain by mail a copy of his or her grade sheets resulting from a practical examination. The request must be made in writing to the Department, adhere to provisions set forth subsection (2), be signed by the candidate, and state the address to which the grade sheets are to be mailed. This shall constitute a review of the practical examination.

(6) Unless otherwise specified in board rule, the review fee shall be \$75, in addition to any fee charged for review by the national organization, if there is one.

(7) If a successful challenge results in a regrade of an examination, that regrade shall be limited to the candidate who filed the successful challenge.

#### (8) Division of Real Estate Examination Reviews

(a) Each candidate who has taken a Division of Real Estate (DRE) examination for licensure or certification shall have the right to review the candidate's most recent examination within

two years from the date of the examination. The candidate shall be permitted to review only those questions the candidate answered incorrectly.

(b) The candidate or the candidate's attorney shall make a request to the examination vendor, by telephone, facsimile, or in writing, for an appointment to review the candidate's examination. The examination review, consisting of not more than one hour, shall be conducted at the examination vendor's examination site during normal working hours.

(c) An employee of the examination vendor (examination review monitor) or authorized representative of the Department shall remain with the candidate and the candidate's attorney during the reviewing process. Neither the examination review monitor nor authorized Department representatives are permitted to defend the examination or attempt to answer or refute any questions.

(d) Only the candidate and the candidate's attorney shall be permitted to attend the examination review and only one review of the candidate's examination will be allowed. Neither the candidate nor the candidate's attorney will be permitted to copy questions from the test but may write on a separate paper, in the presence of the examination review monitor or authorized Department representative, any objections or questions the candidate has to the examination.

(e) The candidate and the candidate's attorney shall leave the written objections and questions with the examination review monitor or authorized Department representative when the candidate and the candidate's attorney leave the review room.

(f) If desired, a review by the appropriate Validation Committee may be requested, in writing to the Division, within 30 days from the date of the examination review.

(g) The candidate or the candidate's attorney shall notify the Division, in writing, within 60 days from the date of the failure notice, if the candidate desires a hearing as provided by ss. 120.569 and 120.57, Florida Statutes. The candidate or the candidate's attorney shall state with specificity the grounds of appeal, particular examination question(s) or procedures objected to and the objections.

(h) The review fee shall be \$75.

(i) If a successful challenge results in a regrade of an examination, that regrade shall be limited to the candidate who filed the successful challenge.

Specific Authority 455.203(5) FS. Law Implemented 455.217(2), 119.07(3)(c), 455.229 FS. History--New 10-26-92, Amended 5-27-93, Formerly 21-11.017, Amended 11-16-95, 9-18-96, \_\_\_\_\_.

61-11.018 Translations.

In authorizing the translation of licensure examinations to an applicant's native language, the Legislature has determined that translated licensure examinations pose no inherent threat to the public health, safety, and welfare.

(1) To allow the Department sufficient time to translate an examination, an applicant for licensure in of a profession directly regulated by the department wishing to take the examination in a language other than English or Spanish shall:

(a) File a written request with the Department at least six months on or before the 90th day prior to the date of the scheduled examination.

(b) Submit, in addition to all other applicable fees, the required translation fee as defined in subsection (2) of this rule on or before the 60th day prior to the date of the scheduled examination.

(2) The Department shall notify the applicant of the amount of the translation fee on or before the 75th day prior to the applied for scheduled examination. The amount of the fee for each applicant for the translated examination shall be a pro rata share for all applicants applying to take the scheduled translated examination to cover the Department's full direct and indirect costs of the development, preparation, administration, grading and evaluation of the applied for scheduled translated examination.

(3) Unless otherwise specified in board rule or prohibited by national guidelines, in lieu of a translated examination, candidates may elect to use a translation dictionary. This dictionary must consist of only word or phrase translations and must remain as published. Dictionaries containing definitions of words, explanations of words or handwritten notes will not be permitted. Testing center staff will inspect and approve the dictionary before it can be used during the examination. Any dictionary that does not meet these criteria will be rejected.

Specific Authority 455.203(5) FS. Law Implemented 455.217(6) FS. History--New 1-4-94, Amended

61-11.019 Use of Pilot Test Items in Examinations.

Written examinations developed by or for the Department may include pilot test or experimental questions for the purpose of evaluating the statistical and/or psychometric qualities of new or revised questions prior to their use in an examination. Pilot test or experimental questions will not be identified to the candidates as pilot test questions on the examination.

(1) The maximum number of pilot test questions included in a single examination shall not exceed 20 percent of the number of questions on the examination which are not pilot test questions, or ten (10) questions, whichever is greater.

(2) Pilot test questions shall not be counted toward the candidate's score on the examination. Answers to pilot test questions shall not be subject to review by the candidates during the candidate's review process.

Specific Authority 455.203(5) FS. Law Implemented 455.217(1) FS. History--New 8-28-95, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Thomas, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2000

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: Board of Employee Leasing Citations

RULE NO.: 61-32.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to add additional violations of the employee leasing practice act to those which a citation may be issued in lieu of other discipline.

SUMMARY: The proposed rule adds additional violations of the employee leasing practice act to those which a citation may be issued in lieu of other discipline. These violations include late filing of quarterly reports, late filing of statements of total gross Florida payroll along with copies of all Florida Unemployment Compensation Tax Returns, and failure to submit annual assessment fees.

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: 455.201, 455.203(5), 455.224, 455.225 FS.

LAW IMPLEMENTED: 455.224, 455.225, 468.530, 468.532 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: Tom Thomas, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULE IS:

61-32.002 Board of Employee Leasing Citations.

(1) As used in this rule, "citation" means an instrument which meets the requirements set forth in Section 455.224, F.S., and which is served upon a licensee for the purpose of assessing a penalty in an amount established by this rule.

(2) In lieu of the disciplinary procedures contained in Section 455.225, F.S., the Department is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint that is the basis for the citation. The citation shall be

issued to the subject and shall contain the subject's name and address, ~~his~~ license number if applicable, a brief factual statement, the sections of law allegedly violated, and the penalty imposed. If a violation for which a citation may be issued is discovered during the course of an investigation for an unrelated violation, the citation must be issued within 6 months from the discovery of the violation and filing of the uniform complaint form by the investigator.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) Conducting a business under a name other than the licensed name of the employee leasing company, in violation of s. 468.530(3), F.S. The fine shall be \$500.00.

(b) Failure to notify the Board of change of address, in violation of s. 468.532(1)(j), F.S. The fine shall be \$100.00.

(c) Failing to post in a conspicuous place in the principal place of business the license of the employee leasing company in violation of s. 468.530(2), F.S. The fine shall be \$100.00.

(d) Failure to submit quarterly reports when due but which are submitted and postmarked:

1. more than 7 days, but less than 30 days after the due date, in violation of Rule 61G7-10.001, F.A.C. The fine shall be \$500.00;

2. 30 days or more, but less than 60 days after the due date, in violation of Rule 61G7-10.001, F.A.C. The fine shall be \$750.00;

3. 60 days or more, but less than 90 days after the due date, in violation of Rule 61G7-10.001, F.A.C. The fine shall be \$1,000.00;

4. 90 days or more, but less than 120 days after the due date, in violation of Rule 61G7-10.001, F.A.C. The fine shall be \$1,250.00.

(e) Failure to submit a statement of total gross Florida payroll along with copies of all Florida Unemployment Compensation Tax Returns postmarked :

1. more than 7 days, but less than 30 days of the due date, in violation of Rule 61G7-5.002(2), F.A.C. The fine shall be \$500.00;

2. 30 days or more, but less than 60 days after the due date, in violation of Rule 61G7-5.002(2), F.A.C. The fine shall be \$750.00;

3. 60 days or more, but less than 90 days after the due date, in violation of Rule 61G7-5.002(2), F.A.C. The fine shall be \$1,000.00;

4. 90 days or more, but less than 120 days after the due date, in violation of Rule 61G7-5.002(2), F.A.C. The fine shall be \$1,250.00.

(f) Failure to submit annual reports when due but which are submitted and postmarked more than 7 days, but less than 30 days of the date in violation of Rule ~~61G7-10.001~~ 61G7-10.001, F.A.C. The fine shall be \$500.00.

(g) Failure to submit annual assessment ~~fees reports~~ when due but which are submitted and postmarked:

1. more than 7 days, but less than 30 days of the due date, in violation of Rule ~~61G7-5.002(1)~~ 61G7-3.002, F.A.C. The fine shall be \$500.00;

2. 30 days or more, but less than 60 days after the due date, in violation of Rule 61G7-5.002(1), F.A.C. The fine shall be \$750.00;

3. 60 days or more, but less than 90 days after the due date, in violation of Rule 61G7-5.002(1), F.A.C. The fine shall be \$1,000.00;

4. 90 days or more, but less than 120 days after the due date, in violation of Rule 61G7-5.002(1), F.A.C. The fine shall be \$1,250.00.

(4) If the subject does not dispute the matter in the citation in writing within 30 days after the citation is served by personal service or within 30 days after receipt by certified mail, restricted delivery, the citation shall become a final order of the Board of Employee Leasing Companies. The subject has 30 days from the date the citation becomes a final order to pay the fine and costs. Failure to pay the fine and costs within the prescribed time period constitutes a violation of Section 468.532(1)(i), F.S., which shall result in further disciplinary action. All fines and costs are to be made payable to "Board of Employee Leasing Companies."

(5) Prior to issuance of the citation, the investigator must confirm that the violation has been corrected or is in the process of being corrected.

(6) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 455.225, F.S., to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with violations not described herein, then the procedures of Section 455.225, F.S., shall apply.

~~(7) A citation must be based on a violation of a particular provision covered by this rule which has occurred more than 3 years after the date of the issuance of a previous citation for the same offense.~~

~~(7)(8)~~ Notwithstanding subsection (6), if a subject has not received discipline for an additional violation of the particular provision covered by this rule within the preceding one ~~3~~ year period, then any subsequent violation of the particular provisions after one year ~~three years~~ shall be treated as a citation offense, unless the violation occurs in conjunction with a violation not described herein.

Specific Authority ~~455.201, 455.203(5), 455.224, 455.225~~ FS. Law Implemented 455.224, 455.225, 468.530, 468.532 FS. History—New 6-26-95, Amended 2-19-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Tom Thomas, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202



NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE TITLE: RULE NO.:

Penalty Guidelines for Class I and V Drug Violations 61D-6.011

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to implement Florida Statutes which grant the Division the authority to adopt rules establishing penalty guidelines for Class I, II, III, IV and V drug violations.

SUMMARY: This proposed rule amendment implements Florida Statutes necessary to establish penalty guidelines for Class I, II, III, IV and V drug violations.

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 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: 550.0251(3), 550.2415(13) FS.

LAW IMPLEMENTED: 550.0215, 550.235(2) 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. – 4:00 p.m., November 7, 2000

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Room 312, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Written comments or suggestions on these proposed rules may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-6.011 Penalty Guidelines for Class I ~~IV~~ and V Drug Violations.

(1) The presence of a Class I ~~IV~~ or V foreign substance, as defined by the Uniform Classification Guidelines for Foreign Substances, revised January 7, 2000 ~~February 14, 1995~~, as promulgated by the Association of Racing Commissioners International, Inc., in the bodily fluids of an animal collected either immediately prior to or immediately after the racing of that animal constitutes a violation of Chapter 550, Florida Statutes.

(2) Pursuant to Rule 61D-6.002, Florida Administrative Code, the trainer of record is the absolute insurer of the condition of an animal he or she enters to race. Consequently, when evidence of the presence results of an impermissible Class IV or V substance, or substances, is presented either to the Division or to a panel of stewards or judges, the Division or the stewards or judges, absent aggravating or mitigating circumstances, must impose on the trainer of record one or more of the following penalties on the trainer of record in accordance with the class of impermissible substance. ~~following schedule:~~ Provided, however, that any discipline imposed by the stewards or judges shall not exceed their authority pursuant to Section 550.1155, Florida Statutes.

(a) Class I impermissible substances:

- 1. First violation \$500 to \$1,000 fine, suspension or revocation of license;
- 2. Any subsequent violation \$1,000 to \$5,000 fine, suspension or revocation of license.

~~(a) A \$100 to \$250 fine for the first violation in any twelve (12) month period.~~

(b) Class II impermissible substances:

- 1. First violation \$100 to \$1,000 fine, suspension of license up to 30 days;
- 2. Second violation within 36 months of a previous violation \$250 to \$1,000 fine, suspension or revocation of license;
- 3. Third violation within 36 months of a second violation, or a fourth or any subsequent

violation without regard to the time past since the third violation \$500 to \$1,000 fine, suspension or revocation of license.

~~(b) A \$250 to \$500 fine for the second violation in any twelve (12) month period.~~

(c) Class III impermissible substances:  
 1. First violation \$100 to \$500 fine;  
 2. Second violation within 12 months of a previous violation \$250 to \$750 fine, suspension of license up to 30 days;

3. Third violation within 24 months of a second violation, or a fourth or any subsequent violation without regard to the time past since the third violation \$500 to \$1,000 fine, suspension of license up to 60 days.

~~(e) A \$500 to \$1,000 fine and a fifteen (15) to thirty (30) day suspension for the third or any subsequent violation in any twelve month period.~~

(d) Class IV or V impermissible substances:  
 1. First violation Reprimand, \$100 to \$250 fine;  
 2. Second violation in a 12 month period \$250 to \$500 fine;  
 3. Third or subsequent violation in a 12 month period \$500 to \$1,000 fine, suspension of license up to 30 days.

(3) Nothing in this rule modifies the provisions of Rule 61D-6.008 or Rule 61D-3.002, Florida Administrative Code, or rules promulgated under Section 550.2415(16), Florida Statutes.

Specific Authority 550.0251(3), 550.2415(13), ~~(14)~~ FS. Law Implemented 550.0251, 550.1155, 550.2415(14), ~~550.0215, 550.235(2)~~ FS. History—New 1-5-98, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Paul F. Kirsch, Director, Division of Pari-Mutuel Wagering  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2000  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2000, May 12, 2000, and July 7, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Board Approved Training Programs as Alternative Eligibility Requirements for Examination  
 RULE NO.: 61G19-7.001

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule to set forth the training program criteria for standard certificate holders who seek additional certification.

SUMMARY: Standard certificate holders who seek additional certification shall be required to complete specified training programs.

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: 468.606 FS.

LAW IMPLEMENTED: 468.606 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: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-7.001 Board Approved Training Programs as Alternative Eligibility Requirement for Examination.

(1) Applicants currently holding a standard certificate as a building, one and two family dwelling, electrical, mechanical, or plumbing inspector and seeking an additional category of inspector certification shall satisfactorily complete an inspector training program of not less than 200 hours in the certification category sought.

(2) Applicants currently holding a standard certificate as a building, electrical, mechanical, or plumbing plans examiner and seeking an additional certification in one of these categories shall satisfactorily complete a plans examiner training program of not less than 200 hours in the certification category sought.

(3) Applicants currently holding a standard certificate as a building, electrical, mechanical, or plumbing inspector and seeking certification as a one and two family dwelling inspector shall satisfactorily complete a one and two family training program of not less than 500 hours.

Specific Authority 468.606 FS. Law Implemented 468.609(2)(c)4. FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Building Code Administrators and Inspectors Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Building Code Administrators and  
Inspectors Board  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: September 7, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Training Program Providers  
RULE NO.: 61G19-7.002  
PURPOSE AND EFFECT: This new rule governs the criteria  
required for those training program providers who seek  
training program approval for inspectors or plans examiners.  
SUMMARY: Program providers must meet specific eligibility  
requirements to be approved as a training program for  
inspectors or plans examiners.

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: 468.606 FS.

LAW IMPLEMENTED: 468.606 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: Anthony Spivey, Executive Director,  
Building Code Administrators and Inspectors Board,  
Northwood Centre, 1940 N. Monroe Street, Tallahassee,  
Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-7.002 Training Program Providers.

Training program providers who satisfy the continuing  
education requirement of 61G19-9.002(1) and (2), may apply  
for approval of a training program for inspectors or plans  
examiners who meet eligibility requirements established in  
61G19-7.001.

Specific Authority 468.606 FS. Law Implemented 468.606 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Building Code Administrators and Inspectors Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Building Code Administrators and  
Inspectors Board  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: September 7, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Registration of Training Program Providers  
RULE NO.: 61G19-7.003  
PURPOSE AND EFFECT: This new rule elucidates the  
requirements of specific providers who wish to be approved as  
a training program for inspectors or plans examiners.

SUMMARY: Certain providers must meet specific eligibility  
requirements to be approved as a training program for  
inspectors or plans examiners.

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: 468.606 FS.

LAW IMPLEMENTED: 468.606 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: Anthony Spivey, Executive Director,  
Building Code Administrators and Inspectors Board,  
Northwood Centre, 1940 N. Monroe Street, Tallahassee,  
Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-7.003 Registration of Training Program Providers.  
Any Provider approved or registered pursuant to 61G19-9.003  
may apply for approval of a training program for inspectors or  
plans examiners who meet eligibility requirements established  
in 61G19-7.001.

Specific Authority 468.606 FS. Law Implemented 468.606 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Approval of Training Programs

RULE NO.: 61G19-7.004

PURPOSE AND EFFECT: This new rule is being promulgated to set forth the requirements for the approval of a training program.

SUMMARY: The Board proposes to set specific directives for the approval of a training program.

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: 468.606 FS.

LAW IMPLEMENTED: 468.606 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: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-7.004 Approval of Training Programs.

(1) A training program shall be comprised of a minimum of 200 combined classroom and on-the-job training (OJT) hours, of which no less than 20 hours shall be OJT and no less than 20 hours shall be Board-approved classroom hours related to the category sought. The application for approval shall contain the total number of hours and the program syllabus, except that a training program for one and two family dwelling inspector shall be comprised of a total of 500 combined hours, of which no less than 50 hours shall be OJT and no less than 50 hours shall be Board-approved classroom hours related to the category sought.

(2) The Board shall approve training programs which have educational and OJT content sufficient to bring the certificate-holder's inspection or plans examiner skills and

technical skills to a level sufficient to qualify the individual for examination in the category sought. Training programs shall be supervised and certified by personnel qualified in accordance with 61G19-9.005, and shall otherwise fulfill the requirements of this part. Classroom hours as required herein shall be approved pursuant to 61G19-9 for continuing education courses.

(3) The Board shall approve or deny any application for program approval at the first Board meeting held more than thirty days after the date the application is received by the Board.

(4) A training program which has been rejected by the Board may be resubmitted with modifications.

(5) The Board shall not deny or withdraw approval of a training program on the basis that another program provider is conducting the same or a similar Board-approved training program.

(6) If a training program is approved, the Department shall assign the program a number. The Department shall print the Department-assigned number on the program syllabus, on all printed material used in connection with the program, and in all written advertising used in connection with the program.

(7) After a training program has been approved by the Board, any substantive changes in the program content must be submitted to and approved by the Board.

(8) Of the required fourteen (14) continuing education hours, up to twelve (12) hours credit may accrue toward biannual certificate renewal.

Specific Authority 468.606 FS. Law Implemented 468.606 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Qualifications of Program Instructors

RULE NO.: 61G19-7.005

and Trainers for OJT

PURPOSE AND EFFECT: The Board proposes to define the qualifications of program instructors and on-the-job trainers.

SUMMARY: Specific criteria must be met before program instructors and trainers qualify as on-the-job trainers.

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: 468.606 FS.

LAW IMPLEMENTED: 468.606 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-7.005 Qualifications of Program Instructors and Trainers for OJT.

Program instructors and trainers shall meet the qualifications of 61G19-9.005.

Specific Authority 468.606 FS. Law Implemented 468.606 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Program Syllabus RULE NO.: 61G19-7.006

PURPOSE AND EFFECT: The Board has determined to set forth a new rule requiring each program provider furnish a program syllabus, with specific information, and distributed to those who register for the program.

SUMMARY: Each program provider must prepare a program syllabus and must furnish it to each person who registers for the program.

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: 468.606 FS.

LAW IMPLEMENTED: 468.606 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: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-7.006 Program Syllabus.

(1) Each program provider shall prepare a program syllabus for each training program to be provided. The syllabus shall state the name of the provider of the program, the program number assigned by the Department, the name and address of the program provider, and a listing or outline of the Board-approved continuing education course or courses, the classroom/OJT schedule, achievement benchmarks, qualifications of OJT trainers, and method of documentation of training.

(2) Prior to the program, the program provider shall give a program syllabus to each person who registers for the program.

Specific Authority 468.606 FS. Law Implemented 468.606 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Records Required to be Maintained by Program Providers RULE NO.: 61G19-7.007

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule specifying the requirements of a program provider's maintenance of records for each program.

SUMMARY: This rule stipulates the criteria of record maintenance by program providers.

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: 468.606 FS.

LAW IMPLEMENTED: 468.606 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: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-7.007 Records Required to be Maintained by Program Providers.

Program providers shall maintain the following records with respect to each program:

- (1) The original application for program admission.
- (2) The name, address, and qualifications of each individual who supervises or conducts OJT or who signs the Certificate of Satisfactory Completion on behalf of an approved provider.
- (3) All other records resulting in a transmittal of a Certificate of Satisfactory Completion to the Board.
- (4) Course sponsors shall maintain the required records for each course at least three (3) years following the date the course is completed.
- (5) Upon request by the board, each course sponsor shall provide the board with copies of any required records.

Specific Authority 468.606 FS. Law Implemented 468.606 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Certificates of Satisfactory Completion  
 RULE NO.: 61G19-7.008

PURPOSE AND EFFECT: This new rule sets forth the criteria of showing proof an applicant has met the requirements of an approved training program that will qualify the applicant to sit for the examination in the category sought.

SUMMARY: An approved program provider must complete a Certificate of Satisfactory Completion as evidence that an applicant fulfilled the training program successfully.

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: 468.606 FS.

LAW IMPLEMENTED: 468.606 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: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-7.008 Certificates of Satisfactory Completion.

(1) The Board shall accept from approved program providers a Certificate of Satisfactory Completion of an approved training program.

(2) A Certificate of Satisfactory Completion submitted by an approved program provider shall constitute evidence that the applicant meets the requirements in 61G19-7.001 and, within a period of thirty-six (36) calendar months, has successfully completed the training program.

(3) A Certificate of Satisfactory Completion shall qualify the applicant, pursuant to 468.609(2)(c)4., F.S., for examination in the category sought.

Specific Authority 468.606 FS. Law Implemented 468.606 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Advertising of Training Programs  
RULE NO.: 61G19-7.009

PURPOSE AND EFFECT: The Board proposes to promulgate this new rule to set forth the advertising requisites of training programs.

SUMMARY: This rule sets the advertising standards of training programs.

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: 468.606 FS.

LAW IMPLEMENTED: 468.606 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: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-7.009 Advertising of Training Programs.

(1) Providers shall not advertise a training program as one approved by the Board until such approval is officially granted by the Board.

(2) Providers shall not include any false or misleading information regarding any program approved under this rule.

Specific Authority 468.606 FS. Law Implemented 468.606 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Training Program Provider Fees  
RULE NO.: 61G19-7.010

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule setting fees for training program providers.

SUMMARY: This new rule sets the fees for government agencies, approved program providers, and the review of each training program application.

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: 468.606 FS.

LAW IMPLEMENTED: 468.606 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: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-7.010 Training Program Provider Fees.

(1) Program providers who are qualified and approved to provide continuing education courses under 61G19-9 shall pay no fee for provider approval under this part.

(2) The fee for reviewing each training program approval application shall be \$25.00 per one hundred (100) program hours; the minimum fee shall be \$25.00, the maximum shall be \$100.00.

(3) Government agencies providing training programs shall pay no fee for program or program provider approval.

Specific Authority 468.606 FS. Law Implemented 468.606 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance Boards**

RULE CHAPTER TITLE: Standardized Credentialing  
 RULE CHAPTER NO.: 64B-8

RULE TITLE: Fee to Access Core Credentials Data File  
 RULE NO.: 64B-8.006

PURPOSE AND EFFECT: To charge a fee to access the practitioner's core credentials data from the Standardized Credentials Verification Program. Said fee may not exceed the actual cost for developing and operating the program.

SUMMARY: These rules set forth the fees for the Standardized Credentials Verification Program. They will not exceed the actual cost for developing and operating the program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: 456.047(8) FS.

LAW IMPLEMENTED: 456.047(3)(b)3. FS.

THE DEPARTMENT OF HEALTH WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULE AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Monday, October 23, 2000  
 PLACE: Betty Easley Conference Center, 4075 Esplanade Way (Room 166), Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting, is asked to advise the agency at least 5 calendar days before the meeting by contacting Michele Bryant at (850)245-4226. If you are hearing or speech impaired, please contact the agency by calling (850)245-4474.

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

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the department with respect to any matter considered at this hearing, they will need a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lucy Gee, Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-1703

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-8.006 Fee to Access Core Credentials Data File.

(1) A health care practitioner must complete, sign, and return to the department, Form DH-MQA 1028 (Practitioner Participation Agreement Comprehensive Release Form), in order to grant access to health care entities and credentials verification organizations.

(2) Each health care entity and credentials verification organization (hereinafter known as "subscriber") as defined in Section 456.047, Florida Statutes, shall pay in advance, a subscription fee to access information from each health care practitioner's core credentials data file. Such per-file subscription fee shall be valid for a twelve (12) month period beginning on the date the subscriber accesses the practitioner's file, and ending twelve (12) months from the date of such first access. Once a health care practitioner's file has been accessed by a subscriber, the subscription fee entitles the subscriber to unlimited access during this twelve (12) month period. A subscription fee paid, but not used during a twelve (12) month period, shall expire twenty-four (24) months after the date the fee is paid.

(3) Beginning July 1, 2000, and ending June 30, 2001, the twelve (12) month per-file subscription fee shall be as follows:

<u>Number of practitioner files</u>	<u>Cost per file</u>
<u>1 – 500</u>	<u>\$20</u>
<u>501 – 1000</u>	<u>\$15</u>
<u>1001 – unlimited</u>	<u>\$10</u>

(4) Beginning July 1, 2001, the twelve (12) month per-file subscription fee shall be as follows:

<u>Number of practitioner files</u>	<u>Cost per file</u>
<u>1 – 500</u>	<u>\$25</u>
<u>501 – 1000</u>	<u>\$20</u>
<u>1001 – unlimited</u>	<u>\$15</u>

Specific Authority 456.047(8) FS. Law Implemented 456.047(3)(b)3. FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Lucy Gee, Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-1703

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee, Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin # C10, Tallahassee, Florida 32399-1703

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2000

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



**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Application for Permit  
RULE NO.: 64B5-14.005  
PURPOSE AND EFFECT: The Board proposes to update the rule text to clarify to all dentists that they must possess a permit in order to administer anesthesia.

SUMMARY: The Board is amending this rule to inform all dentists in a practice and who perform any type of anesthesia, that they must possess an individual permit.

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: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 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: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-14.005 Application for Permit.

(1) No dentist shall administer, supervise or permit another health care practitioner, as defined in subsection 455.01, F.S., to perform the administration of general anesthesia, deep sedation, parenteral conscious sedation or pediatric conscious sedation in a dental office for dental patients, unless such dentist possesses a permit issued by the Board. A permit is required even when another health care practitioner, as defined in subsection 455.01, F.S., administers general anesthesia, deep sedation, parenteral conscious sedation, or pediatric conscious sedation in a dental office for a dental patient. The dentist holding such a permit shall be subject to review and such permit must be renewed biennially. Nothing herein shall be read to authorize the administration of any anesthesia by a health care practitioner who is permitted to administer anesthesia pursuant to their own professional license. All dentists in a practice who perform the administration of general anesthesia, deep sedation, parenteral conscious sedation or pediatric conscious sedation shall each possess an individual permit.

(2) through (7) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History—New 4-7-86, Amended 1-29-89, 11-16-89, 11-8-90, 4-24-91, Formerly 21G-14.005, Amended 12-20-93, Formerly 61F5-14.005, Amended 8-8-96, Formerly 59Q-14.005, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2000

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Patient Records; Copying Charges; Timely Release  
RULE NO.: 64B5-17.009

PURPOSE AND EFFECT: The Board proposes to amend this rule to change the rule title and to properly describe the procedure for obtaining records, copying charges, and the timely release of such records.

SUMMARY: The Board proposes to amend the rule text which will further clarify the release of a patient’s records and defines “timely” manner. In addition, the rule title is being changed.

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: 466.004(4) FS.

LAW IMPLEMENTED: 455.674 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: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-17.009 Patient Records; Copying Charges; Timely Release ~~Copying Charges for Patient Records.~~

(1) through (2) No change.

(3) A dentist shall comply with a patient’s request for copies of records and report in a timely manner. In the absence of unusual circumstances, “timely” shall mean 15 days for records kept at the office, and 30 days for records kept at a storage facility.

Specific Authority 466.004(4) FS. Law Implemented 455.674 FS. History—New 4-26-87, Amended 6-20-89, Formerly 21G-17.009, 61F5-17.009, 59Q-17.009, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2000

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

RULE TITLE: Health Care Surrogate or Proxy  
PURPOSE AND EFFECT: The above rule is being revised to bring it into compliance with chapter 765, F.S.

RULE NO.: 65E-5.2301

SUMMARY: The rule currently requires two physicians to determine the competency of a person to consent to treatment before a health care surrogate may temporarily provide consent to treatment until a guardian advocate is appointed. This conflicts with s. 765.204(2), F.S., which requires only one physician to determine the competency of a person to consent to treatment. Revision of the above rule will bring it into compliance with existing statutory language. In addition, a statutory citation is added to existing language to clarify the law implemented.

SPECIFIC AUTHORITY: 394.457(5) FS.

LAW IMPLEMENTED: 394.4598, 765 FS.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not requested nor 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, November 6, 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 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) by phone or in writing by close of business (5:00 p.m.) on October 30, 2000.

THE FULL TEXT OF THE PROPOSED RULE IS:

65E-5.2301 Health Care Surrogate or Proxy.

(1) During the interim period between the time a patient is determined by ~~a two~~ physicians, as defined in s. 394.455(21), F.S., to be incompetent to consent to treatment and the time a guardian advocate is expeditiously appointed by a court, pursuant to s. 394.467(6)(d), F.S., to provide express and informed consent to the patient's treatment, a health care surrogate designated by the patient, pursuant to chapter 765, part II, F.S., may provide such consent to treatment.

(2) through (5) No change.

Specific Authority 394.457(5) FS. Law Implemented 394.4598, 765 FS. History--New 11-29-98, Amended.

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: July 19, 2000

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

Purchase Order No: D10722

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

**DEPARTMENT OF STATE**

**Division of Historical Resources**

RULE NOS.: 1A-43.007  
1A-43.009  
RULE TITLES: Application Requirements  
Application Review

**NOTICE OF CHANGE**

Notice is hereby given that proposed Rules 1A-43.007 and 1A-43.009, F.A.C., and proposed Department of State Forms HR2E570700 and HR2E580700 and incorporated by reference into proposed Rule 1A-43.007, F.A.C., and Form HR2E590700, F.A.C., incorporated by reference into proposed Rule 1A-43.009, F.A.C., published in the Florida Administrative Weekly, Volume 26, Number 33, on August 18, 2000, have been changed to reflect comments received from the Joint Administrative Procedures Committee.

When changed, proposed Rule 1A-43.007(1), F.A.C., shall read:

**CHAPTER 1A-43  
HISTORICAL MUSEUMS GRANTS-IN-AID  
1A-43.007 Application Requirements.**