

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

Table with 2 columns: RULE CHAPTER TITLE and RULE CHAPTER NO.:. Includes rows for Importation of Animals, Definitions, General Requirements and Limitations, Equidae, Cattle, Goats or Sheep, Swine, Dogs or Domestic Cats, Cervidae, and Domestic Fowl Poultry, Poultry Products and Ratites.

PURPOSE AND EFFECT: The purpose and effect of this rule is to specify, detail, and clarify the importation requirements by species for animals and certain animal products into Florida from other states.

SUBJECT AREA TO BE ADDRESSED: This rule proposes modifications and updates in the general requirements, definitions, and species-specific requirements, tests and documentation by complying with the current national disease status regarding interstate animal transportation, animal movement, and disease control.

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

LAW IMPLEMENTED: 534.081, 585.08(1),(2)(a), 585.11(1),(2), 585.145(1),(2), 585.16 FS.

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

TIME AND DATE: 4:00 p.m., September 17, 2004

PLACE: The Mayo Bldg., Conference Room #316, 407 S. Calhoun St., Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dr. Cesar Ruiz, Vet. Manager, Bureau of Animal Disease Control, Division of Animal Industry, Rm. 333, 407 S. Calhoun St., Tallahassee, FL 32399-0800, (850)410-0900, Fax (850)410-0957

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5C-3.001 Definitions.

For the purpose of this chapter the following words shall have the meaning indicated:

(1) Accredited Veterinarian. A veterinarian licensed in the state of origin and approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA, APHIS) to perform certain functions of federal and cooperative state-federal programs in accordance with the provisions of Title 9 Code of Federal Regulations (9 CFR) § 160 - § 162 (2004).

(2) Administrator. The Administrator, of the United States Department of Agriculture, Animal and Plant Health Inspection Service, (USDA, APHIS), or any person authorized to act for the Administrator.

(3) Animal. Any equine, bovine, goat, sheep, swine, domestic cat, dog, poultry, ostrich, rhea or emu, or other domesticated beast or bird. The term "animal" shall include wild or game animals whenever necessary to effectively control or eradicate dangerous transmissible diseases or pests.

(4)(2) Approved All-Class Market. A livestock market approved by the Administrator pursuant to 9 CFR Part (§) 71.20 (2004), where breeding, feeding, and slaughter swine are received, handled and released sold in accordance with Federal interstate regulations and applicable state regulations; and released in accordance with 9 CFR § 71 (2004), § 78 (2004), and § 85 (2004) provisions of these Program Standards.

(3) Approved Feeder Pig Market. A livestock market approved by the Administrator where only feeder pigs that meet the following criteria are accepted for sale, in accordance with Federal interstate regulations and applicable provisions of these Program Standards:

(a) All swine must originate in a qualified pseudorabies negative herd; or

(b) All swine must originate from a State that has achieved Pseudorabies Eradication Program status of Stage III, IV, or V; or

(c) All swine must originate in a pseudorabies monitored feeder pig herd; or

(d) All swine are found negative to an official pseudorabies test conducted 30 days or less prior to presentation at the market.

(4) Approved Quarantined Feedlot. Premises under the supervision and control of the state veterinarian, where infected or exposed animals are fed and from which the animals are moved directly to a recognized slaughtering establishment or directly through one or more slaughter markets and then directly to a recognized slaughtering establishment in compliance with the provisions of the Department.

(5) Approved Slaughter Market. A livestock market approved by the Administrator pursuant to 9 CFR § 71.20 (2004) ~~where that accepts and releases only shipments of slaughter swine are received, handled and released,~~ in accordance with applicable ~~State and Federal~~ regulations and 9 CFR § 71 (2004), § 78 (2004), and § 85 (2004). ~~No swine may be released from an approved slaughter market unless consigned directly to another approved slaughter market, a recognized slaughtering establishment for immediate slaughter, or a quarantined feedlot.~~

(6) Authorized Representative. An employee of the state or federal government, or a licensed veterinarian, licensed and accredited by the USDA, who is authorized to conduct animal disease control and eradication activities ~~authorities of the state of origin, or a regulatory veterinarian employed by the USDA or by the state of origin.~~

(7) Avian Influenza (AI) or Exotic Newcastle Disease (END)-Affected State. Any state in which High Path Avian Influenza subtype H5 or H7 or END virus has been diagnosed in poultry within the last 90 days prior to importation. Domestic Animal. Any equine or bovine animal, goat, sheep, swine, domestic cat, dog, poultry, ostrich, rhea or emu, or other domesticated beast or bird. The term "animal" shall include wild or game animals whenever necessary to effectively control or eradicate dangerous transmissible diseases or pests which threaten the agricultural interests of the state.

(8) Cleaned and Disinfected. Free of organic matter and disinfected with an approved agent.

(9) Commercial Production Swine. Swine that have been continuously managed with adequate facilities and practices to prevent exposure to either transitional or feral swine and so recognized by state animal health officials.

(10) Division. The Division of Animal Industry of the Florida Department of Agriculture and Consumer Services.

(11)(8) Domestic Fowl. Any member of the Class Aves that is propagated or maintained under control of a person for commercial, exhibition or breeding purposes, or as pets.

(12) Feral Swine. Swine that are free-roaming.

(13)(9) Import, Imported, Importation. The movement of animals into the ~~State~~ of Florida, from another state, United States (U.S.) possession, or foreign country.

(14)(10) National Poultry Improvement Plan (NPIP). A cooperative state-federal-industry program for prevention and control of certain hatchery-disseminated diseases and for improvement of poultry and poultry products as provided in 9 CFR ~~C.F.R.~~ § 145 (2004 1993) and § 147 (2004 1993).

(15)(11) Official Certificate of Veterinary Inspection (OCVI). A legible certificate made on an official form from the state of origin or from the USDA, issued by an authorized representative, and approved by the chief animal health livestock regulatory official of the state of origin.

(16) Official Individual Identification. A unique individual identification that is secure, traceable, and capable of carrying unique numbers from a central repository; including, but not limited to: official USDA ear tags that conform to the alphanumeric National Uniform Eartagging System, flank tattoo, tail web or ear tattoo, or lip tattoo using the National Uniform Tag code number assigned by USDA to the state of origin, or official leg or wing band, or any electronic identification device with a unique number that is recorded in a single central database, or other USDA-approved identification device that conforms to the alphanumeric National Uniform Eartagging System, or biometrics, or the digital image or notarized photograph of the animal signed by the licensed accredited veterinarian or notary public, drawing, or other forms of identification developed through technology in which natural physical marks such as signalments are recorded and/or documented. It may bear the valid premises identification used in conjunction with the producer's livestock production numbering system to provide a unique identification number. An owner's private brand or tattoo, even though permanent and registered in the state of origin, is not an acceptable individual animal identification for the purposes of entry into Florida.

(17) Poultry. Chickens, turkeys, quail, pheasants, chukars, peafowl, guineas, ratites and waterfowl.

(18)(12) Poultry and Eggs for Hatching Purposes. A specific designation of those species of domestic fowl and the qualified eggs produced by these that are eligible for testing and qualification under the supervision of the NPIP including, but not limited to, chickens, turkeys, waterfowl, exhibition poultry and game birds. The term also includes other domestic fowl used for commercial, exhibition or breeding purposes or as pets.

(19) Poultry Products. Hatching eggs, chicks, poults, table eggs, litter, and offal but does not include processed poultry meat for human consumption.

(13) Prior Authorization. ~~All domestic animals, infected with or exposed to any infectious or communicable disease, except animals moving directly to slaughter, must have prior authorization by the State Veterinarian for importation.~~

(20)(14) Prior Permission. Written or verbal authorization by the Division prior to importation into Florida. An authorization number Prior permission must be obtained and shown on the OCVI accompanying the animals from the State Veterinarian or representative of the Division for all swine, domestic fowl, cervidae, and cattle from Class B Brucellosis states for movement into the state, except animals which are consigned directly to a recognized slaughtering establishment. The prior permission may be either written permission from the Division or a prior permission number issued by telephone by the Division.

~~(21)~~(15) Recognized Slaughtering Establishment. A slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), or equivalent state meat or federal inspection program.

~~(22)~~ Restricted. Animals that are quarantined, infected with, or exposed to any infectious or communicable disease.

~~(23)~~(16) Specifically Approved Livestock Market. A stockyard, livestock market, buying station, concentration point or any other premises under state or federal veterinary supervision where livestock are assembled for sale or sale purposes and which has been approved by the Administrator USDA as provided in 9 CFR § 71.20 (2004) ~~C.F.R. § 76.18 (1993).~~

~~(24)~~ Transitional Swine. Swine that have been, or have had the potential to be, exposed to feral swine.

~~(25)~~ USDA. United States Department of Agriculture.

~~(26)~~ Vesicular Stomatitis (VS)-Affected State. Any state in which VS virus serotypes New Jersey or Indiana have been diagnosed within the last 60 days prior to importation.

~~(17)~~ VS Form 1-27 (Dec 80), Permit for Movement of Restricted Animals. A USDA form which is issued by a USDA representative, state representative or accredited veterinarian and which is required to accompany certain animals for movement to provide identification and health information on those animals.

~~(18)~~ VS Form 9-3 (Oct 88), Report of Sales of Hatching Eggs, Chicks and Poults. A USDA form which is issued by a USDA representative, state representative or accredited veterinarian and which is required to accompany NPIP approved poultry and eggs for hatching purposes for movement into the state.

~~(27)~~(19) Forms and Materials. Title 9 CFR C.F.R. § 71 (2004), § 71.20 (2004), § 78 (2004), § 85 (2004), § 145 (2004 1993), and § 147 (2004 1993), § 160 - § 162 (2004), and the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) § 76.18 (1993); VS Form 1-27 (Dec 80), Permit for Movement of Restricted Animals and VS Form 9-3 (Aug 95 Oct 88), Report of Sales of Hatching Eggs, Chicks, and Poults are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2)(a) FS. Law Implemented 585.08(2)(a), 585.145(1),(2) FS. History—New 6-29-62, Amended 2-5-85, Formerly 5C-3.01, Amended 9-6-89, 3-23-94, 6-4-95,_____.

5C-3.002 General Requirements and Limitations.

(1) OCVI Required. Domestic Animals imported into the state must be accompanied by an OCVI unless exempted by this rule. The OCVI must be attached to the waybill or be in the possession of the driver of the vehicle or person otherwise in charge of the animals. The OCVI must accompany the animals to their final destinations in Florida.

(a) All information required on the OCVI must be fully completed by the issuing veterinarian and must include the following:

1. The name and address of the consignor;
2. The name and address of the consignee;
3. The point of origin and premises identification, if assigned by state officials in the state of origin;
4. The point of destination;
5. The date of examination;
6. The number of animals examined;
7. The official individual ~~permanent~~ identification ~~number~~ of each animal; and the name or registered brand or tattoo number;
8. The sex, age, and breed of each identified animal;
9. Test results and herd or state status on certain diseases as specified in this chapter;
10. Prior permission number, if required;
11. A statement by the issuing veterinarian that the animals identified on the OCVI are free of signs of infectious or communicable disease; and
12. For Equidae only, the establishment or premises at which the horse was examined, body temperature at examination, and color and markings or digital image.

(b) A copy of the OCVI, ~~approved by the chief animal health official of the state of origin,~~ must be forwarded immediately to the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, 407 S. Calhoun St., Tallahassee, FL Florida 32399-0800.

(c) The OCVI will be void after 30 days except that OCVIs for Equidae may be extended as provided in subsection 5C-3.003(5)(6), F.A.C.

(2) Proof of Ownership ~~Prior authorization and prior permission.~~

(a) ~~Prior authorization.~~ ~~All domestic animals, infected with or exposed to any infectious or communicable disease, except animals moving directly to slaughter, must have prior authorization by the State Veterinarian for importation.~~

(b) ~~Prior permission.~~ ~~Prior permission must be obtained from the State Veterinarian or representative of the Division for all swine, domestic fowl, cervidae, and dogs or domestic cats originating in areas under quarantine for rabies for movement into the state, except animals which are consigned directly to a recognized slaughtering establishment. The prior permission may be either written permission from the Division or a prior permission number issued by telephone by the Division.~~

(3) ~~Animals entering the state without an OCVI or otherwise entering the state in violation of the provisions of this chapter shall be stopped by an agent, servant, or employee of the Department or by any law enforcement officer of the State of Florida or any subdivision of the state. Any person,~~

firm, or association having charge, custody, or control of animals imported in violation, will remove the animals from the state as directed by the Division.

~~(4) Animals being transported within the state.~~

~~(a) Animals which are not required to have an OCVI for importation, as exempted by this rule, and animals being transported totally within the state must be accompanied by a document signed by the owner or agent as evidence of ownership or authority for possession of the transported animals or a notarized affidavit of authority to transport.~~

These documents must disclose:

~~(a)1-~~ The name and address of the consignor,

~~(b)2-~~ The name and address of the consignee,

~~(c)3-~~ The point of origin,

~~(d)4-~~ The point of destination, and

~~(e)5-~~ A description of the animals sufficient to identify them for any and all purposes.

~~(b) Cattle which are test eligible for brucellosis must be accompanied by evidence that the cattle originate from a Class Free Area or a Certified Brucellosis Free Herd or a VS Form 4-33 (APR 81) as evidence of meeting the test requirements for movement as described in subsection 5C-6.0032(4), 5C-6.0033(4), or 5C-6.0034(4), F.A.C.~~

~~(c) Equidae must be accompanied by the original or a laboratory certified copy or a notarized copy of a VS Form 10-11 (APR 90) as evidence of a negative equine infectious anemia test within the previous 12 months.~~

(3) Restricted Animals. All restricted animals must have prior permission for importation into the state or to be transported within the state.

(4) Importation for Slaughter. Animals imported into the state for slaughter must be consigned directly to a recognized slaughtering establishment and must be slaughtered within 10 days after arrival at their destination.

(5) Vesicular Stomatitis.

(a) Certification for Vesicular Stomatitis (VS). All hoofed animals, including horses, ruminants, swine, exotic and wild hoofed animals, originating from a VS-affected state must be accompanied by an OCVI which includes the following statement: "All animals susceptible to Vesicular Stomatitis (VS) identified and included in this OCVI for shipment have been examined and found to be free from clinical signs and vectors of VS and have not been exposed to VS virus and have not been within 10 miles of a VS-infected premises within the last 30 days." Documentation must also accompany the animals to show that the animals have been tested and found negative to an approved test for VS within the previous 10 days.

(b) Prior permission. Animals originating from a VS-affected state will require prior permission.

(6) Violations. Animals entering the state in violation of the provisions of this chapter shall be stopped by an agent, or employee of the Division or by any FDACS law enforcement officer of the state of Florida or any subdivision of the state. Any person, firm, or association having charge, custody, or control of animals imported in violation of this rule will remove the animals from the state as directed by the Division.

~~(5) Forms and Materials. USDA APHIS VS Forms 4-33 (APR 81) and 10-11 (APR 90) are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.~~

Specific Authority 585.002(4), 585.08(2)(a) FS. Law Implemented 534.081, 585.11(1),(2), 585.145(1),(2), 585.16 FS. History--New 6-29-62, Amended 2-5-85, Formerly 5C-3.02, Amended 9-6-89, 3-23-94, 6-4-95, _____.

5C-3.003 Equidae.

(1) OCVI Required. An OCVI must accompany all Equidae imported into the state except the following:

(a) Equidae consigned directly to a veterinary medical treatment facility for emergency medical care and placed under quarantine at the medical facility until it recovers and exits the state recognized slaughtering establishment, or

(b) Equidae accompanied by an Equine Event Extension (DACS-09051) (8/04), Equine Interstate Passport Card (DACS-09207) (8/04), or equivalent, of consigned directly to a veterinary medical treatment facility for emergency medical care. The animal will be placed under quarantine at the medical facility until it recovers and exits the state of origin, signed by the State Veterinarian or chief animal health official as provided in subsection 5C-3.003(5), F.A.C.

(2) Prior Permission. Prior permission must be obtained for the following:

(a) Equidae consigned directly to a veterinary medical treatment facility imported for emergency medical care treatment without an OCVI, and

(b) Equidae imported from a state or U.S. possessions where equine piroplasmiasis is endemic; or

(c) Equidae imported into the state from countries where Contagious Equine Metritis (CEM) is endemic.

(3) Equine Infectious Anemia (EIA) Test.

(a) All Equidae imported into the state must be accompanied by evidence of an official negative EIA serologic test within 12 months prior to importation, except the following:

1. Foals under six months of age accompanied by their dam which has met the EIA test requirements, and

2. Equidae exempted from the OCVI requirement under paragraph 5C-3.003(1)(a) ~~or (b)~~, F.A.C. ~~above~~.

(b) The EIA test information must be recorded on the OCVI, Equine Event Extension (DACS-09051) (8/04), Equine Interstate Passport Card (DACS-09207) (8/04), or equivalent,

of the state of origin signed by the State Veterinarian or chief animal health official as provided in subsection 5C-3.003(5), F.A.C., and must include the following:

1. The date of the test;
2. The result of the test;
3. The name of the testing laboratory; and
4. The laboratory accession number.

(4) Equine Piroplasmiasis Test Requirements:

(a) All Equidae imported from states or U.S. possessions where equine piroplasmiasis is endemic must be accompanied by evidence of a negative official test for both *Babesia caballi* and *Babesia equi* as approved by the USDA within 30 days prior to importation have a prior permission number recorded on the accompanying OCVI. This number can be obtained from the Division by telephone.

(b) All Equidae from states or U.S. possessions, where equine piroplasmiasis is endemic must be accompanied by evidence of a negative official complement fixation (CF) test for both *Babesia caballi* and *Babesia equi*.

(b)(e) All Equidae meeting the above requirements for importation will be quarantined upon arrival at their destination. The Equidae will remain under quarantine until such time as negative official CF tests for *B. caballi* and *B. equi* are conducted at the owner's expense not less than 30 days nor more than 60 days after importation.

(c) Equidae which test positive for *B. caballi* or *B. equi* will remain under quarantine, with all treatment and related costs at the owner's expense, until:

- (i) The animal is treated by a Florida licensed and accredited veterinarian and is negative on retesting; or
- (ii) Is returned to the point of origin under VS Form 1-27 (JUN 89 Dec 80); or
- (iii) Is euthanized and disposed of by methods approved by the Division; or
- (iv) Is moved directly to a recognized slaughtering establishment under VS Form 1-27 (JUN 89 Dec 80).

(5) Immediate Slaughter Equidae:

(a) Equidae not known to be infected with EIA may be imported for slaughter purposes without restriction if each animal is "S" branded on the left side of the neck, and is consigned directly to a recognized slaughtering establishment.

(b) Equidae infected with or known to be exposed to EIA may be imported for slaughter purposes if accompanied by VS Form 1-27 (Dec 80) consigning the animals directly to a recognized slaughtering establishment.

1. Reactor animals must be permanently identified prior to importation, using the National Uniform Tag Code number as provided in 9 C.F.R. § 75.4(a) (1993), applied as a lip tattoo, or as a visible brand on the left side of the neck. The letter "A" is preceded by the assigned state number and followed by an individual identification number.

2. Exposed animals must be identified prior to importation by a lip tattoo or by a visible brand on the left side of the neck. The letter "A" is preceded by the assigned state number but no individual identification number is required.

(5) Equine Event Extension or Equine Interstate Passport Card. Equine Event Extension (DACS-09051) (8/04), or Equine Interstate Passport Card (DACS-09207) (8/04), or equivalent, will be issued to certify the existence of an official negative EIA test within the previous 12 months and a valid Florida Official Equine Certificate of Veterinary Inspection. This card will be valid for up to six months provided that:

(6) Special Event Extension. Upon written request to the Division, the expiration of a Florida OCVI Equine will be extended up to six months provided that:

(a) The purpose is solely to allow routine interstate movement between Florida and other states that have mutually agreed to recognize such Equine Event Extension (DACS-09051) (8/04), or Equine Interstate Passport Card (DACS-09207) (8/04), or equivalent, to equine events such as horse shows or meets, races, trail rides, or fox hunts in the states of Georgia and Alabama; and

(b) Florida, Georgia and Alabama have mutually agreed to recognize such extensions by the other two states; and

(b)(e) The OCVI includes all other information required by subsections 5C-3.002(1) and 5C-3.003(3), F.A.C.; and

(c)(d) The new expiration date will not be later than the expiration date of the EIA test; and

(d)(e) An Equine Event Extension (DACS-09051) (8/04), or Equine Interstate Passport Card (DACS-09207) (8/04), or equivalent, This special event extension does not supersede or replace the requirements of any given event; and

(e)(f) An Equine Event Extension (DACS-09051) (8/04), or Equine Interstate Passport Card (DACS-09207) (8/04), or equivalent, new special event extension will not be issued for an owner, owner's agent, or horse which has been the subject of cancellation of an Equine Event Extension (DACS-09051) (8/04), or Equine Interstate Passport Card (DACS-09207) (8/04), or equivalent a special event extension which the Department has cancelled.

(f) An Equine Event Extension (DACS-09051) (8/04) or Equine Interstate Passport Card (DACS-09207) (8/04) may be applied for by submitting an Application for Equine Event Extension or Equine Interstate Passport Card (DACS-09078)(8/04) to the Division of Animal Industry, Florida Department of Agriculture & Consumer Services, 407 S. Calhoun St., Mayo Building, Tallahassee, Florida 32399-0800, Fax: (850)410-0957; or through the Department's Licensing, Permits and Registration website: <http://www.doacs.state.fl.us/onestop/ai/aiinst.html>.

(6) Brucellosis. Equidae which are positive to a brucellosis test or which show evidence of "poll evil" or "fistulous withers" whether draining or not, will not be allowed to enter the state for any purpose.

(7) Forms Materials. Equine Event Extension (DACS-09051) (08/04), and Equine Interstate Passport Card (DACS-09207) (08/04), Title 9 C.F.R. § 75.4(a) (1993) are hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, 407 S. Calhoun St., Tallahassee, FL 32399-0800. USDA APHIS VS Form 1-27 (JUN 89) is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History—Amended 11-21-65, 6-26-66, 3-1-72, 10-15-73, 3-17-76, 9-14-82, 2-5-85, Formerly 5C-3.03, Amended 9-6-89, 3-23-94, 6-4-95,_____.

5C-3.004 Cattle.

(1) OCVI Required. All cattle imported must be accompanied by an OCVI except the following:

- (a) Steers;
- (b) Spayed heifers;
- (c) Cattle consigned directly to specifically approved livestock markets;
- (d) ~~Non-restricted and restricted~~ Cattle consigned directly to ~~approved quarantined feedlots or to~~ recognized slaughtering establishments.

(2) Other Requirements and Limitations, General.

(a) Restricted cattle must have prior permission and be accompanied by VS Form 1-27 (JUN 89 Dec 80);

(b) Cattle known to be infected with paratuberculosis (Johne's Disease) shall ~~may~~ not be imported except to a recognized slaughtering establishment or to a specifically approved livestock market for sale to a recognized slaughtering establishment.

(c) Testing.

~~(3) Dairy Cattle.~~

1.(a) Tuberculosis Test.

a.1. A tuberculosis test is not required for importation provided that the cattle originate from an Accredited Tuberculosis-Free Herd or State. The herd accreditation number or state status must be listed on the OCVI.

b.2. A negative tuberculosis test is required within 30 days prior to importation for cattle over 6 months of age that originate from a state or herd that is not an Accredited Tuberculosis-Free Herd or State provided the cattle:

- a. Originate from a Modified Accredited State,
- b. Are over six months of age, and
- e. The herd of origin is not under quarantine.

2.(b) Brucellosis Test.

a.1. A brucellosis test is not required for importation provided that the cattle:

- (i)a. Originate from a Certified Brucellosis-Free Herd or Brucellosis Class-Free State or Area; or;

(ii)b. Are official calfhood vaccinates under 18 months of age, or are steers or spayed heifers Originate from a Class A State and

(i) Are under 18 months of age, or

(ii) Are official calfhood vaccinates under 20 months of age, and

(iii) Originate from non-quarantined herds which have had a negative test within 12 months of importation.

2. Other cattle which originate from a Class A State may be imported provided that the cattle:

a. Are from herds not under quarantine, and

b. ~~Have had~~ A negative brucellosis test is required within 30 days prior to importation for cattle not exempted in sub-subparagraph 5C-3.004(2)(c)2.a., F.A.C., and which originate from a state or area not recognized as a Brucellosis Class-Free State or Area under the provisions of 9 CFR § 78 (2004).

c. The herd certification number or state status must be listed on the OCVI.

(e) ~~Brucellosis Vaccination.~~ All female cattle four months of age or over must be officially calfhood vaccinated to be qualified for entry into the state unless destined for immediate slaughter or to a quarantined feedlot.

~~(4) Beef Cattle.~~

(a) ~~Tuberculosis Test.~~ A tuberculosis test is not required for importation provided that the OCVI indicates that the cattle:

1. Originate from an Accredited Tuberculosis-Free Herd or State, or

2. Originate from a Modified Accredited State and the herd is not under quarantine.

3. Other cattle over six months of age, not meeting the above requirements must have a negative test for tuberculosis within 30 days prior to importation.

(b) ~~Brucellosis Test.~~

1. A brucellosis test is not required for importation provided that the cattle:

a. Originate from a Certified Brucellosis-Free Herd or a Class Free State,

b. Originate from a Class A State and

(i) Are under 18 months of age, or

(ii) Are official calfhood vaccinates under 24 months of age, and

(iii) Originate from non-quarantined herds which have had a negative test within 12 months of importation.

2. Other cattle which originate from a Class A State may be imported provided that the cattle:

a. Are from herds not under quarantine, and

b. Have had a negative brucellosis test within 30 days prior to importation.

(5) ~~Feeder Cattle.~~

(a) Steers and spayed heifers may enter the state without restriction. Evidence of ownership or authority to transport the animals as provided in subsection 5C-3.002(5), F.A.C., must accompany the shipment.

~~(b) Cattle for feeding purposes, that are not steers or spayed heifers, may enter without the OCVI or tests if consigned directly to a quarantined feedlot; otherwise, the cattle must meet the requirements for breeding cattle.~~

~~(c) Restricted cattle must be accompanied by VS Form 1-27 (Dec 80).~~

~~(6) Immediate Slaughter Cattle. Cattle for immediate slaughter may be imported without an OCVI or tests if consigned directly to a recognized slaughtering establishment. The cattle must be slaughtered within 10 days after arrival at their destination. Evidence of ownership or authority to transport the animals as provided in subsection 5C-3.002(5), F.A.C., must accompany the shipment.~~

~~(3)(7) Rodeo Bulls.~~

(a) Tuberculosis Test. A negative tuberculosis test is required within 12 months prior to importation.

(b) Brucellosis Test.

± Rodeo bulls performing in rodeo events, may be imported without tests provided the bulls are not changing ownership and are under 18 months of age; or individual bulls are negative to a brucellosis test within 12 months prior to importation.

~~(c) Rodeo bulls imported for other purposes other than performing in rodeo events must meet the requirements for importation in subsections 5C-3.004(1) and (2), F.A.C of breeding cattle.~~

(4) Prior Permission. Prior permission shall be required for all cattle originating from states with less than Tuberculosis Accredited-Free State or Brucellosis Class-Free State classifications.

(5) Forms. VS Form 1-27 (JUN 89) and 9 CFR, § 78 (2004) are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History—Amended 3-22-63, 8-20-64, 9-23-65, 7-25-66, 11-15-67, 3-1-68, 3-12-70, 7-1-70, 9-1-72, 4-5-77, 7-1-79, 7-1-80, 9-30-80, 8-9-81, 9-14-82, 6-26-83, 2-5-85, Formerly 5C-3.04, Amended 9-6-89, 3-23-94, 6-4-95,_____.

5C-3.005 Goats or Sheep.

(1) OCVI Required. All goats or sheep imported into the state, except goats or sheep consigned directly to recognized slaughtering establishments, must be accompanied by an OCVI. The OCVI must include the following:

(a) The official individual permanent identification of each animal as required in 9 CFR § 79.2 (2004) and § 79.3 (2004) and the Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-066, October 1, 2003; and

~~(b) A statement that each goat or sheep other than dairy goats and immediate slaughter goats, is free of the clinical signs of the diseases: caseous lymphadenitis, contagious ecthyma (Orf), chlamydial keratoconjunctivitis, scabies, scrapie, and contagious footrot; or (c) A statement that each sheep is free of clinical signs of the diseases contagious footrot, chlamydial keratoconjunctivitis, contagious ecthyma (Orf), and scabies.~~

~~(2) Testing Requirements for Dairy Goats Over Six Months of Age.~~

(a) Tuberculosis Test. Dairy goats over 6 months of age The animal must originate from an Accredited Tuberculosis-Free Herd, or have had a negative tuberculosis test within 90 days prior to importation.

(b) Brucellosis Test. Dairy goats over 6 months of age The animal must originate from a Certified Brucellosis-Free Herd, or have had a negative brucellosis test within 90 days prior to importation.

~~(c) A statement that each animal is free of clinical signs of the diseases caseous lymphadenitis, contagious ecthyma (Orf), chlamydial keratoconjunctivitis, and contagious footrot.~~

(3) Immediate Slaughter Goats or Sheep.

(a) Goats or sheep older than 18 months of age must have an official individual identification as required in 9 CFR § 79.2 (2004) and § 79.3 (2004), and the Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-066, October 1, 2003 for immediate slaughter may be imported without an OCVI or tests if consigned directly to a recognized slaughtering establishment. The goats or sheep must be slaughtered within 10 days after arrival at their destination. Evidence of ownership or authority to transport the animals as provided in subsection 5C-3.002(5), F.A.C., must accompany the shipment.

(b) Evidence of ownership or authority to transport the animals as provided in subsection 5C-3.002(2), F.A.C., must accompany the shipment.

(c) The goats or sheep will be moved directly to a recognized slaughter establishment.

(5) Materials. 9 CFR § 79.2 (2004), § 79.3 (2004), and the Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-066, October 1, 2003 are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History—New 6-29-62, Amended 2-5-85, Formerly 5C-3.05, Amended 9-6-89, 3-23-94, 6-4-95,_____.

5C-3.007 Swine.

(1) OCVI Required. All swine imported into the state, except swine consigned directly to a recognized slaughtering establishment, must be accompanied by an OCVI.

(2) Prior Permission. Prior permission is required for aAll swine imported originating from any state with less than a Validated Brucellosis-Free State, or Pseudorabies Stage IV or V (Pseudorabies-Free) State status or Transitional swine from any state, except swine consigned directly to a recognized slaughtering establishment, must have a prior permission number issued by the Division. The prior permission number must be shown on the OCVI accompanying the swine.

~~(3) Isolation and Quarantine. All swine imported into the state, except swine consigned directly to a recognized slaughtering establishment, must be quarantined upon arrival at their destination and must be held in isolation from all other swine on the premises for a period of not less than 30 days after importation. This requirement also applies to exhibition swine returning to Florida from other states.~~

~~(3)(4) Breeding, Exhibition and Pet Swine.~~

(a) Brucellosis Test. Swine imported for breeding, exhibition or pet purposes must:

1. Originate from herds not known to be infected with or exposed to brucellosis and be accompanied by proof of a negative brucellosis serologic test conducted within 30 days prior to importation, or

2. Be commercial production swine that originate directly from a Validated Brucellosis-Free State; or

3. Originate directly from a Validated Brucellosis-Free Herd or State. The Brucellosis-Free Herd number and the date of expiration or state status must be listed on the OCVI.

~~3. Breeding swine imported into the state must be retested and be negative to a brucellosis test prior to being added to the resident herd. The test will be conducted at the owner's expense not less than 30 days and not more than 60 days after importation.~~

(b) Pseudorabies Tests. Swine entering the state for breeding, exhibition or pet purposes must:

1. Originate from a herd not known to be infected with or exposed to pseudorabies and be accompanied by proof of a negative pseudorabies serologic test conducted within 30 days prior to importation; or

2. Originate from a Qualified Pseudorabies-Negative (QN) Herd; or

3. Be commercial production swine that originate directly from Be shipped directly from the farm of origin in a Pseudorabies Stage IV or V (Pseudorabies-Free) State; or

4. Originate from a Qualified Pseudorabies-Negative Herd or have passed a negative pseudorabies serologic test within 30 days prior to sale at an approved all-class market and be released under state quarantine for isolation and retest at the owner's expense in 30 to 60 days.

~~(4)(5) Feeder Swine.~~

(a) Brucellosis Test. Swine imported for feeder purposes must originate from herds not known to be infected with or exposed to brucellosis.

(b) Pseudorabies Tests. Swine imported for feeder purposes must:

1. Originate from herds not known to be infected with or exposed to pseudorabies and be accompanied by proof of a negative pseudorabies serologic test conducted within 30 days prior to importation; or

2. Originate from a Qualified Pseudorabies-Negative (QN) Herd; or

3. Originate from a Pseudorabies-Monitored Feeder Pig (MFPH) Herd; or

4. Be commercial production swine that originate directly from shipped directly from the farm of origin in a Pseudorabies Stage III, IV, or V (Pseudorabies-Free) State; or

~~5. Be sold at an approved all-class market or approved slaughter market and imported for feeding in an approved quarantined feedlot; or~~

~~6. Be sold at an approved feeder pig market and imported for feeding without restrictions.~~

~~(5)(6) Immediate Slaughter Swine.~~

(a) Commercial Production Swine not known to be infected with or exposed to brucellosis or pseudorabies may enter the state without restrictions provided they are:

1. Consigned directly to an approved slaughtering establishment; or

2. Consigned directly to an approved slaughter market or an approved all-class market and then directly to another approved slaughter market or to a recognized slaughtering establishment.

(b) Transitional swine and swine known to be infected with or exposed to pseudorabies or brucellosis must have prior permission and be accompanied by VS Form 1-27 (JUN 89) and may be imported provided the swine are consigned directly to a recognized slaughtering establishment. Swine for immediate slaughter may be imported without an OCVI or tests if consigned directly to a recognized slaughtering establishment. The swine must be slaughtered within 10 days after arrival at their destination.

(c) Evidence of ownership or authority to transport the animals as provided in subsection Section 5C-3.002(2)(5), F.A.C., must accompany the shipment.

~~(a) Swine not known to be infected with or exposed to brucellosis or pseudorabies may enter the state without restrictions provided they are:~~

~~1. Consigned directly to an approved slaughtering establishment; or~~

~~2. Consigned directly to an approved slaughter market or an approved all-class market and then directly to another approved slaughter market or to a recognized slaughtering establishment or an approved quarantined feedlot; or 3. Consigned directly to an approved slaughter market and then to an approved quarantined feedlot.~~

~~(b) Swine known to be infected with or exposed to pseudorabies or brucellosis must have prior authorization and be accompanied by VS Form 1-27 (Dec 80), and may be imported provided the swine are:~~

~~1. Consigned directly to a recognized slaughtering establishment; or~~

~~2. Consigned directly to no more than two approved slaughter markets and then directly to a recognized slaughtering establishment.~~

~~(c) The carrier transporting infected or exposed slaughter swine must be cleaned and disinfected before it is used within the following 30 days to transport non-slaughter swine or feedstuff.~~

~~(6) Forms, VS Form 1-27 (JUN 89) is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.~~

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History—Amended 3-24-65, 11-7-67, 6-20-68, 1-1-71, 3-1-72, 8-4-77, 2-5-85, 10-23-85, Formerly 5C-3.07, Amended 9-6-89, 3-23-94, _____.

5C-3.009 Dogs or Domestic Cats.

(1) OCVI Required. All dogs or domestic cats imported into this state, except dogs or domestic cats imported for exhibition purposes only and that will remain in the state less than six months, as provided in subsection 5C 3.009(3), F.A.C., below must be accompanied by an OCVI stating that they are:

(a) Free from signs of any infectious or communicable disease; and

(b) Did not originate within an area under quarantine for rabies; and

(c) Not known to have a history of exposure to a rabies-infected animal prior to importation.

(2) Rabies Vaccination. Dogs and domestic cats 3 months of age and older transported into the state must have a current rabies vaccination with a USDA-approved rabies vaccine.

~~(3)(2) Prior Permission.~~ Dogs or domestic cats originating from areas under quarantine for rabies must have prior permission from the Department as provided in subsection paragraph 5C-3.002(3)(2)(a), F.A.C.

~~(3) Exemption.~~ Dogs or domestic cats imported for exhibition purposes only, and that will remain in the state less than six months, may be imported without an OCVI. Evidence of ownership or authority to transport the animals as provided in subsection 5C 3.002(5), F.A.C., must accompany the shipment.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History—New 6-29-62, Amended 2-5-85, Formerly 5C-3.09, Amended 9-6-89, 3-23-94, 6-4-95, _____.

5C-3.011 Cervidae.

(1) OCVI Required. All cervidae imported into the state, except cervidae consigned directly to a recognized slaughtering establishment, must be accompanied by an OCVI. The OCVI must list the official individual permanent identification of each animal, and the date and results of any required test as provided in Rule 5C-26.005, F.A.C.

(2) Prior Permission. All cervidae imported into the state, except cervidae consigned directly to a recognized slaughtering establishment, must have prior permission and meet the requirements of Chapter 5C-26, F.A.C. ~~The prior permission number can be obtained from the Division by telephone and must be shown on the OCVI accompanying the animals.~~

~~(3) Tuberculosis Test.~~

~~(a) Cervidae from an Accredited Tuberculosis Free Herd.~~ No test is required for cervidae which originate from an Accredited Tuberculosis Free herd. ~~The statement of herd status must be recorded on the OCVI accompanying the cervidae.~~

~~(b) Cervidae Not Affected or Exposed.~~ ~~Cervidae not known to be affected with or exposed to tuberculosis may be imported if they:~~

~~1. Originate from a herd which has undergone a negative test of all eligible animals within the past 12 months, and the animals to be imported have been classified negative to an official tuberculosis test, accomplished within 90 days prior to importation, or~~

~~2. Have been classified negative to two tuberculosis tests conducted not less than 90 days apart; the second test was conducted within 90 days prior to importation; and the animals were isolated from all other members of the herd during the testing period.~~

~~(4) Brucellosis Test.~~ ~~All cervidae six months of age or older must have a negative brucellosis test within 90 days prior to importation. The brucellosis test must be recorded on the OCVI accompanying the Cervidae.~~

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History—New 3-23-94, Amended _____.

5C-3.012 Domestic Fowl, Poultry, Poultry Products and Ratites.

(1) OCVI Required. All domestic fowl, poultry and eggs for hatching purposes imported into the state, unless exempted by this rule, must be accompanied by an OCVI. Poultry and hatching eggs classified under provisions of the NPIP may substitute VS Form 9-3 (AUG 95 Oct 88), Report of Sales of Hatching Eggs, Chicks and Poults, for the OCVI. Racing pigeons that are transported out of the state for racing purposes in a sealed crate(s) and reenter the state with unbroken seals or poultry consigned directly to a recognized slaughtering establishment are exempt from the OCVI importation requirements.

(2) Prior Permission. Prior permission is required for importation of all domestic fowl and poultry and eggs for hatching purposes except:

(a) Poultry consigned directly to a recognized slaughtering establishment;

~~(b) Poultry and eggs for hatching purposes passing through the state for transshipment to foreign countries;~~

~~(b)(c) Individual exotic and pet birds;~~

~~(c)(d) Exhibition birds originating in NPIP participating flocks in Florida and are returning to the state; and~~

~~(e) Backyard domestic fowl as described in subparagraph 5C-3.012(3)(d)7, F.A.C.~~

(3) Pullorum Typhoid Test; exemptions.

~~(a) No test is required to import poultry or eggs for hatching purposes originating from flocks classified under provisions of the NPIP as Pullorum Typhoid Clean or from flocks that have met comparable standards of the poultry disease control authority of the state of origin.~~

~~(a)(b) An official negative test for Pullorum-Typhoid is required within 30 days of importation for poultry or on the flock from which hatching eggs originate that do not meet the requirements in paragraph 5C-3.012(3)(b)(a), F.A.C.~~

~~(c) An official negative test for pullorum typhoid conducted on the flock from which hatching eggs originate is required within 30 days of importation of hatching eggs that do not meet the requirements of paragraph 5C-3.012(3)(a), F.A.C.~~

~~(b)(d) Exemptions to the test requirements. No tests is are required for the following:~~

~~1. Importing poultry or eggs for hatching purposes originating from flocks classified under provisions of the NPIP as Pullorum-Typhoid Clean or from flocks that have met comparable standards of the poultry disease control authority of the state of origin;~~

~~2. Quail, pheasants, pigeons and other birds used strictly for hunting purposes and which are consigned directly to a Florida Fish and Wildlife Conservation Commission-licensed hunting preserve;~~

~~3.2. Racing pigeons entering the state for release for return to state of origin;~~

~~4.3. Ratites;~~

~~5.4. Waterfowl imported for exhibition purposes;~~

~~6.5. Exotic birds or other pet birds;~~

~~7.6. Exhibition birds originating from NPIP-participating flocks in Florida returning to the state. These birds must be accompanied by proof of a valid NPIP flock testing record indicating that the flock test was conducted within the previous 12 months or proof of a valid NPIP participant card current within the past 12 months; or and~~

~~8.7. Poultry consigned directly to a recognized slaughtering establishment.~~

~~(4)7. Small Backyard poultry flocks. These birds that are not used for commercial, breeding, or exhibition purposes, entering the state without prior permission. These birds must be quarantined to their destination and must remain in quarantine until they birds are found to be negative to an official Pullorum-Typhoid test and any other tests required by the State Veterinarian. The tests will be conducted by an authorized representative of the Department, or are determined not to be a threat to other poultry in the state.~~

~~(4) Immediate Slaughter Poultry. Poultry for immediate slaughter may be imported without an OCVI or tests if consigned directly to a recognized slaughtering establishment. The poultry must be slaughtered within 10 days after arrival at their destination.~~

~~Evidence of ownership or authority to transport the animals as provided in subsection 5C-3.002(5), F.A.C., must accompany the shipment.~~

~~(5) Importations from an Avian Influenza (AI) or Exotic Newcastle Disease (END)-Affected State.~~

~~(a) Approval. All domestic fowl, live poultry or poultry products from an AI- or END-affected state(s) will be considered for approval by the State Veterinarian on a case-by-case basis following a risk assessment.~~

~~(b) Documentation. Poultry or poultry products must originate from a flock that is NPIP AI Clean and the shipment is accompanied by a VS Form 9-3 (AUG 95), or VS Form 1-27 (JUN 89), or OCVI indicating poultry or poultry product originates from an AI- or END-negative flock, listing the description of birds, test date, test results, and the name of testing laboratory.~~

~~(c) Prior permission. All domestic fowl, live poultry or poultry products originating from AI- or END-affected states will require prior permission.~~

~~(d) Quarantine. All domestic fowl, poultry or poultry products originating from AI- or END- affected states will remain under quarantine at destination for a period of time not less than 14 days and will be subject to inspection by an authorized representative.~~

~~(e) Quarantine Area. No domestic fowl, live poultry or poultry products originating from a quarantine area may enter Florida.~~

~~(f) Purpose of Movement. No domestic fowl or poultry can enter Florida from an AI- or END-affected state for the purpose of being offered for sale, exchange or exhibition, or any market channel.~~

~~(g) Containers for Shipment. Chicks or hatching eggs approved for import into Florida must be transported in new, disposable containers. Chicks may be transported in non-disposable containers if protocol for clean and disinfect and reuse is approved by the Division. All shipments will be required to be sealed at origin and seal broken by an authorized representative at destination. A statement verifying these~~

requirements must be included on a VS Form 9-3 (AUG 95), VS Form 1-27 (JUN 89), or OCVI. Disposable containers must be properly disposed of at point of destination.

(h) Domestic Fowl, Poultry or Poultry Products Originating from Florida. Domestic fowl, poultry or poultry products originating from Florida that have been transported into an AI- or END-affected state will not return to Florida until the above requirements in subsection 5C-3.0012(5), F.A.C., have been met.

(i) Chicks or Eggs. No chicks or eggs originating from a hatchery that received eggs from a positive AI or END flock within 90 days may enter Florida.

(j) Vehicles. All vehicles associated with transporting domestic fowl, poultry or poultry products from AI- or END-affected states must be clean and disinfected prior to loading poultry or poultry products. In addition, the loaded vehicle shall have tires and undercarriage clean and disinfected after leaving premises and prior to entry into Florida. A statement verifying compliance to the requirement must be included on VS Form 9-3 (AUG 95), VS Form 1-27 (JUN 89), or OCVI or other applicable document. Vehicles will be inspected by FDACS at destination to ensure compliance.

(k) Restrictions. The restrictions specified in subsection 5C-3.0012(5), F.A.C., will remain in effect for a period of 90 days from last date an AI or END premises was depopulated.

(6)(5) Containers for Shipment. All imported domestic fowl, poultry, and eggs for hatching purposes must be shipped in new or properly cleaned and disinfected reusable containers.

(7) Forms. VS Form 9-3 (AUG 95), Report of Sales of Hatching Eggs, Chicks and Poults, and VS Form 1-27 (JUN 89), are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History—New 3-23-94, Amended

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Pseudorabies	5C-21
RULE TITLES:	RULE NOS.:
Definitions	5C-21.002
General Requirements and Limitations	5C-21.010
Vaccination, Approval and Procedures	5C-21.011
Procedures for Control and Eradication of Pseudorabies	5C-21.012
Pseudorabies Quarantine, Release Procedures and Disposition of Swine	5C-21.013
Herd Programs, Classification	5C-21.014
Feral Swine Transitional Swine, Movement and Test Requirements	5C-21.015

PURPOSE AND EFFECT: The purpose and effect of this rule is to specify and delineate the guidelines for the implementation of the National Pseudorabies Eradication Program for all domestic and feral swine populations in Florida. By incorporating these guidelines and modifications, the State of Florida should be able to fulfill the requirements to attain Stage V in which a state is declared pseudorabies free in the national program.

SUBJECT AREA TO BE ADDRESSED: This rule proposes modifications and updates in the general requirements, definitions, procedures for control and eradication, and requirements for commercial production, transitional, and feral swine populations to fit the particular idiosyncrasies of such industries in the state.

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

LAW IMPLEMENTED: 570.0705, 585.002(5), 585.01, 585.08(1), 585.08(3), 585.09, 585.11, 585.11(1),(2), 585.145, 585.145(1), 585.145(1),(2), 585.16, 585.17, 585.20, 585.21, 585.23, 585.40 FS.

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

TIME AND DATE: 3:00 p.m., September 17, 2004

PLACE: The Mayo Bldg, Conference Room #316, 407 S. Calhoun St., Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dr. Cesar Ruiz, Vet. Manager, Bureau of Animal Disease Control, Division of Animal Industry, Rm. 333, 407 S. Calhoun St., Tallahassee, FL 32399-0800, (850)410-0900, Fax (850)410-0957

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5C-21.002 Definitions.

(1) Accredited Veterinarian. A veterinarian licensed in the state of origin and approved by the ~~Deputy~~ Administrator, United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA, APHIS) to perform certain functions of federal and cooperative state-federal programs in accordance with the provisions of Title 9 Code of Federal Regulations (9 CFR) § 160 - § 162 (2004 +998).

(2) Administrator. The Administrator of USDA, APHIS, or any person individual authorized to act for the Administrator.

(3) Approved Game Reserve. A premises containing game animals intended for hunting which complies with the requirements of a Quarantined Feedlot under 9 CFR § 85.1 (2004) also meeting the following criteria:

(a) Operates under a written herd health plan that is approved by the State Veterinarian;

(b) Is surrounded by fencing adequate to reasonably prevent both the escape of enclosed animals and unsolicited additions of animals outside of the enclosure;

(c) Accepts swine of unknown disease status;

(d) Collects blood and/or tissue samples from swine at the time of kill and submits the samples for testing in an official laboratory;

(e) Allows swine to leave the facility only when they are killed or sold through direct-to-slaughter-only trade channels, or transported to another Approved Game Reserve.

(4)(3) Approved All-Class Market. A livestock market approved by the Administrator pursuant to 9 CFR § 71.20 (2004) where breeder, feeder, and slaughter swine are received, handled and released in accordance with Federal interstate regulations and applicable state regulations and 9 CFR § 71 (2004), § 78 (2004), and § 85 (2004) assembled for sale or sale purposes.

(5)(4) Approved Differential Pseudorabies Test. Any test for the diagnosis of pseudorabies that:

- (a) Can distinguish vaccinated swine from infected swine;
- (b) Is produced under license from the Secretary of Agriculture with indications for use in the Cooperative State-Federal-Industry Pseudorabies Eradication Program; and
- (c) Is conducted in a laboratory approved by the Administrator.

(6) Approved Feral Swine Holding Facility. A temporary holding facility for captured feral swine prior to being slaughtered, moved directly to slaughter, or moved to an Approved Game Reserve. Such facility must be inspected and approved annually. Approved Feeder Pig Market. A livestock market approved by the Administrator that accepts only feeder pigs that meet the following criteria:

- (a) Originate from a qualified pseudorabies negative herd;
or
- (b) Originate from a pseudorabies monitored feeder pig herd; or
- (c) Originate from a state/area that has achieved a pseudorabies program status of Stage III, IV, or V; or
- (d) Have been found negative to a pseudorabies test conducted 30 days or less before presentation at the market.

(7)(6) Approved Pseudorabies Vaccine. A G-1 deleted, gene-altered pseudorabies vaccine approved licensed by USDA and approved by the State Veterinarian for use in the State.

(8)(7) Approved Slaughter Market. A livestock market approved by the Administrator pursuant to 9 CFR § 71.20 (2004) where slaughter swine are received, handled, and released in accordance with applicable state regulations and 9 CFR § 71 (2004), § 78 (2004), and § 85 (2004) that accepts only slaughter swine.

(9)(8) Area Veterinarian-in-Charge (AVIC). The veterinary official of USDA, APHIS who is assigned by the Administrator to supervise and perform animal health work in the state/area.

(10)(9) Brucellosis. An infectious disease of animals and humans caused by bacteria of the genus *Brucella*. Breeding Herd. All swine on a premises that are six months of age or older, and are used or intended for use for reproduction.

(11)(10) Commercial Production Swine Herd. A swine herd approved and recognized by the Division that has been continuously managed with adequate facilities and practices to prevent exposure to either transitional or feral swine. These herds meet or exceed the requirements of a Pseudorabies Monitored Feeder Pig Herd, a Validated Brucellosis Herd, and a Qualified Pseudorabies Negative Herd, provided that after the initial qualifying test, an appropriate percentage of the herd is tested monthly or quarterly as specified in The Pseudorabies Eradication Program Standards, APHIS 91-55-071, November 1, 2003, The Swine Brucellosis Control/Eradication Uniform Methods & Rules, APHIS 91-55-042, April 1998, and 9 CFR § 78.1 & § 85.1 (2004). Breeding Swine. Boars, sows, and gilts used or intended for reproductive purposes.

(12) Commercial Production Swine Herd Management Plan. A written herd management and testing agreement between the Division and the herd owner which must be renewed annually.

(13)(11) Common Ground. The ground, area, building, and equipment commonly shared by any specific group of livestock.

(14)(12) Dealer. Any person who engages in the business of buying or selling swine in commerce, either for their own account or as an employee or agent of the seller or buyer or any person who engages in the business of buying or selling swine in commerce on a commission basis. The term shall not include persons who buy or sell swine only as part of their own breeding and feeding operation or who receive swine exclusively for immediate slaughter on their own premises and who are not otherwise engaged in the business of buying, selling, trading, or negotiating transfer of swine.

(15) Department. The Florida Department of Agriculture and Consumer Services.

(16)(14) Direct Shipment of Feral or Transitional Swine. Movement of feral or transitional swine without unloading en route, and without contact with infected or exposed livestock swine of lesser pseudorabies status.

(17)(15) Division. The Division of Animal Industry of the Department.

(18)(16) Domestic Swine. Swine which have been maintained in a controlled environment for reproductive or feeding purposes.

(19)(17) Exposed Livestock. All susceptible livestock that have been in contact with an animal infected with pseudorabies, including all susceptible livestock in a known

infected herd. Susceptible livestock other than swine that have not been exposed to a clinical case of pseudorabies for the last ten consecutive days shall no longer be considered to be exposed.

~~(18) Farm of Origin. A premises on which swine were born or on which they have resided for at least 90 consecutive days immediately prior to movement.~~

~~(19) Feeder Swine. Swine intended to be fed for weight gaining purposes and eventual slaughter.~~

~~(19)(20) Feral Swine. Swine that are have lived all (wild) or any part (feral) of their lives as free-roaming animals.~~

(20) Feral Swine Dealer. Any person that traps, buys, sells, or trades feral swine and is registered with the Division.

(21) Herd. Any group of livestock maintained on common ground for any purpose or two or more groups of livestock under common ownership or supervision geographically separated but which have an interchange of animals without regard to whether the animals are infected with or exposed to pseudorabies.

(22) Herd Cleanup Clean-Up Plan. A written, mandatory plan to eliminate pseudorabies from a swine herd which is:

~~(a) d~~Developed by a pseudorabies epidemiologist or other designated state or federal representative in consultation with the herd owner and, when requested by the owner, the owner's veterinary practitioner; and is approved by the Division.

~~(b) Accepted by the owner, the owner's veterinary practitioner when requested by the owner, and the pseudorabies epidemiologist;~~

~~(c) Approved by the State Veterinarian; and~~

~~(d) Approved by the AVIC.~~

(23) Immediate Community. All premises within 2 miles radius of the perimeter boundary of the quarantined feedlot or affected herd.

(24) Individual Identification. A unique cartag approved by the USDA, APHIS and the State Veterinarian, or unique ear notches or ear tattoos that are recorded in a purebred registry.

~~(23)(25) Isolation. Separation of individual swine by a physical barrier in a manner that assures one pig does not have access to the body, excrement, or discharges of another pig; does not share a building with a common ventilation system; and is not within ten feet of another pig.~~

~~(26) Known Affected Herd. A herd which includes any swine which have been designated as infected with pseudorabies by a pseudorabies epidemiologist.~~

(24) Official Individual Identification. A unique individual identification that is secure, traceable, and capable of carrying unique numbers from a central repository; including, but not limited to: official USDA eartags that conform to the alphanumeric National Uniform Eartagging System, ear tattoo, using the National Uniform Tag code number assigned by USDA to the state of origin, or any electronic identification device with a unique number that is recorded in a single central

database, or other USDA-approved identification device that conforms to the alphanumeric National Uniform Eartagging System. It may bear the valid premises identification used in conjunction with the producer's livestock production numbering system to provide a unique identification number. An owner's private brand or tattoo, even though permanent and registered in the state of origin, is not an acceptable individual animal identification for the purposes of entry into Florida.

~~(25)(27) Official Random-Sample Test (95/10). A sampling procedure utilizing a pseudorabies serologic test or an approved differential pseudorabies test, which provides a 95 percent probability of detecting infection in a herd in which at least 5 +0 percent of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premises is considered to be a herd and must be sampled as provided in the Program Standards. follows:~~

~~(a) Less than 100 swine test 25 swine;~~

~~(b) 100-200 swine test 27 swine;~~

~~(c) 201-999 swine test 28 swine; or~~

~~(d) 1,000 swine and over test 29 swine.~~

~~(28) Official Random-Sample Test (95/5). A sampling procedure utilizing a pseudorabies serologic test or an approved differential pseudorabies test, which provides a 95 percent probability of detecting infection in a herd in which at least 5 percent of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premises is considered to be a herd and must be sampled as follows:~~

~~(a) Less than 100 swine test 45 swine;~~

~~(b) 100-200 swine test 51 swine;~~

~~(c) 201-999 swine test 57 swine; or~~

~~(d) 1,000 swine and over test 59 swine.~~

~~(26)(29) Owner. The owner of the animal or herd or the owner's authorized representative or agent.~~

~~(30) Permit. A document which authorizes movement of pseudorabies infected, exposed or vaccinated swine and which is issued by a state or federal representative.~~

~~(27)(31) Program Standards. The requirements for the pseudorabies eradication program as provided in USDA APHIS publication, "Pseudorabies Eradication, State-Federal-Industry Program Standards", APHIS 91-55-071041, November 1, 2003 (1998).~~

~~(28)(32) Pseudorabies. The contagious, infectious, and communicable disease of livestock and other animals also known as Aujeszky's disease, mad itch, or infectious bulbar paralysis.~~

~~(29)(33) Pseudorabies Epidemiologist. A state or federal veterinarian designated by the State Veterinarian and the USDA, APHIS AVIC to investigate and diagnose pseudorabies in livestock.~~

(34) Pseudorabies Monitored Feeder Pig Herd (MFPH). A swine breeding herd that is determined negative by a pseudorabies serologic test and which has been sampled and tested during the previous 12 months at the following rate:

- (a) 10 swine or less—test entire herd;
- (b) 11-35 swine—test 10 swine; or
- (c) 36 swine and over—test 30 percent of herd or 30 swine, whichever is less.

(35) Pseudorabies Monitored Vaccinated Feeder Pig Herd (MVFPH). A swine breeding herd, not known to be infected with pseudorabies, that has been vaccinated with an approved pseudorabies vaccine and has been determined negative by an approved differential pseudorabies test during the previous 12 months with the following specific sampling and testing criteria:

- (a) 10 swine or less—test entire herd;
- (b) 11-35 swine—test 10 swine; or
- (c) 36 swine and over—test 30 percent of herd or 30 swine, whichever is less.

(36) Pseudorabies Serologic Test. Any test to determine the presence or absence of pseudorabies antibodies, approved by the Administrator for diagnosis of pseudorabies in non-vaccinated swine, conducted in a laboratory approved by the Administrator, and listed in 9 CFR 85.1 (1998).

(30)(37) Pseudorabies Test. Any official test used for the diagnosis of pseudorabies approved by the Division Administrator, and conducted in an approved laboratory. Approved tests are approved by the Administrator, and listed in 9 CFR § 85.1 (2004 1998).

(38) Pseudorabies Vaccinates. Any swine which have been vaccinated with an approved pseudorabies vaccine and which are identified by a state approved numbered pink eartag.

(39) Qualified Pseudorabies Negative Gene Altered Vaccinated Herd. A Qualified Pseudorabies Negative herd in which all swine in the herd over six months of age are vaccinated with an approved pseudorabies vaccine.

(40) Qualified Pseudorabies Negative Herd. A swine breeding herd, used primarily to produce replacement stock, that has been subjected to an official pseudorabies serological test of all swine over six months of age plus a number of progeny equal to 20 percent of the breeding swine population of the herd, and that all swine were negative to test.

(31)(41) Quarantine. A legally directed isolation of animals or defined geographic areas to prevent the spread of disease or pests.

(32)(42) Quarantined Feedlot. A premises under supervision and control of a state or federal representative at which pseudorabies infected or exposed swine are fed and from which swine are moved directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment.

(43) Quarantined Herd. A herd under supervision and control of a state or federal representative in which pseudorabies infected or exposed swine are bred, reared, or fed and from which swine are moved directly to a recognized slaughtering establishment, a quarantined feedlot, or directly through no more than two approved slaughter markets and then directly to a recognized slaughtering establishment or quarantined feedlot.

(33)(44) Recognized Slaughtering Establishment. A slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or equivalent state meat inspection program state or federal inspection.

(34) Risk Assessment. An epidemiologic analysis completed by a state or federal representative, and approved by the Division that evaluates the probability for exposure to swine of unknown disease status.

(35)(45) Segregate. To maintain a group of swine separate from another group of swine in such a manner as to prevent physical contact between swine of the two groups.

(46) Stages(s). The phases of the pseudorabies eradication program as prescribed in the Program Standards and consisting of the following:

Stage I—Preparation

Stage II—Control

Stage III—Mandatory Herd Cleanup

Stage V—FreeStage IV—Surveillance

(36)(47) State or Federal Representative. A full-time employee of USDA, APHIS approved by the Area Veterinarian-in-Charge; or a full-time employee of the Department approved by the State Veterinarian, who conducts work for the state-federal cooperative program in pseudorabies eradication.

(37)(48) State Swine Health Pseudorabies Advisory Committee. An advisory committee appointed by the State Veterinarian which is composed of representatives of swine producers and swine organizations within the state, licensed accredited veterinarians, general farm organizations, livestock markets, recognized slaughtering establishments, animal scientists, and state and federal regulatory officials.

(38)(49) State Veterinarian. The Director of the Division of Animal Industry, Florida Department of Agriculture and Consumer Services.

(39)(50) Susceptible Livestock. Swine, cattle, sheep, and goats.

(40) Transitional Swine. Swine that have been, or have had the potential to be, exposed to swine of unknown status, including feral swine.

(41)(51) Materials, Pseudorabies Eradication, State-Federal-Industry Program Standards, APHIS 91-55-071041, November 1, 2003, 9 CFR § 160 - § 162 (2004 1998), The Swine Brucellosis Control/Eradication Uniform Methods & Rules, APHIS 91-55-042, April 1998, and 9 CFR §

71 (2004), 9 CFR § 85 (2004), 9 CFR 85.1 (1998) are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 570.0705, 585.01, 585.08(1), 585.11, 585.145(1) FS. History—New 5-17-87, Amended 10-23-94, 9-2-99, _____.

5C-21.010 General Requirements and Limitations.

(1) Owner Cooperation Required. With notice from the Department, the owner of any swine must present the swine for testing and other procedures required in this chapter, and provide the necessary facilities and personnel to assist the state or federal representative in conducting these tests and procedures.

(2) Official Individual Identification. All swine presented for testing must have official individual identification be individually identified by a unique cartag approved by the AVIC and the State Veterinarian or by ear notches or ear tattoos that are recorded in a purebred registry.

(3) Cooperation with USDA, APHIS. The Department shall cooperate with the USDA, APHIS in implementing the Pseudorabies Eradication, State-Federal-Industry, Program Standards as specified in APHIS 91-55-071, November 1, 2003. The Department shall cooperate with the USDA, APHIS in implementing the Program Standards and may recognize states/areas within the state and outside the state as pseudorabies free or low prevalence states/areas meeting the following criteria:

(a) All counties whose pseudorabies eradication status is in the same stage must be contiguous;

(b) There shall be no more than two stages in any state at any given period of time;

(c) Only Stages II and III and Stages III and IV combinations of status shall be permitted within a state; and

(d) The surveillance system required for Stages III and IV must differentiate between animals or herds from areas with different status.

(4) State Swine Health Pseudorabies Advisory Committee, responsibilities. The State Veterinarian is authorized to establish the State Swine Health Pseudorabies Advisory Committee. The committee shall act in an advisory capacity to the State Veterinarian regarding the control and eradication of swine diseases pseudorabies. Responsibilities of the committee include but are not limited to:

(a) Providing information to the swine industry about the pseudorabies eradication program;

(b) Reviewing pseudorabies eradication program activities and making recommendations to the State Veterinarian and, as appropriate, consulting with state officials in the areas of program funding, implementation of intrastate and interstate regulations, and program progress; and

(c) Maintaining liaison with other states and with the National Pseudorabies Eradication Program via the National Pork Producers Council, Livestock Conservation Institute, and USDA, APHIS.

(5) Notification of the immediate community of pseudorabies infected herds and quarantined feedlots.

(a) State or federal representatives shall notify swine herd owners in the immediate community within 30 days after a Notice of Quarantine AI-30 (Rev. 3-94) is issued for a swine herd for pseudorabies, and within 30 days after the Release of Quarantine, AI-28 (Rev. 3-94) is issued.

(b) State or federal representatives shall notify swine herd owners in the immediate community within 30 days when the State Veterinarian grants approval for a quarantined feedlot, and within 30 days of the termination of such approval.

(5)(6) Herd Cleanup Clean-Up Plan, mandatory.

(a) When pseudorabies has been discovered in a swine herd, the owner shall enter into a Herd Clean-Up Plan with the Department within 90 days of receiving Notice of Quarantine, DACS-09030 Rev. 05/17/2001 AI-30 (Rev. 3-94).

(b) The Department and the pseudorabies epidemiologist shall monitor the progress of the herd and coordinate testing and surveillance activities in the surrounding area as determined by epidemiological evidence to detect and prevent the spread of the disease.

(c) Modifications to the original Herd Cleanup Clean-Up Plan are accepted with full agreement of the pseudorabies epidemiologist or his designee, the herd owner, and the owner's veterinary practitioner when requested by the owner, and upon approval by the Division State Veterinarian.

(d) If the herd owner fails or refuses to enter into an agreement to establish a Herd Cleanup Clean-Up Plan, the Department shall immediately initiate enforcement action against the owner as provided in Section 585.007, F.S Section 5C-21.017, F.A.C.

(6)(7) Quarantined Ffeedlots.

(a) Permit. Quarantined feedlots will be established only upon approval issue of a permit by the State Veterinarian.

1. An application for permit shall be submitted to the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, Post Office Box 6710, Tallahassee, Florida 32314.

2. The application for permit must be accompanied by a fee of \$100, paid by certified check or money order made payable to the Florida Department of Agriculture and Consumer Services.

3. The permit shall expire June 30 of each year and must be renewed prior to expiration. A fee of \$100 must be paid for annual renewal of each permit.

4. The permit renewal shall be denied if an application is pending for a qualified pseudorabies negative herd or a pseudorabies monitored feeder pig herd within 2 miles.

5. The permit fee, less \$10.00 to cover cost of processing, shall be refunded if the permit is denied. The owner of a quarantined feedlot must be registered with the Department as a licensed swine dealer. The swine dealer licensing fee shall be waived for all quarantined feedlot owners.

(b) Location, restrictions.

1. Quarantined feedlots shall not be permitted within 2 miles of a qualified pseudorabies negative herd or a pseudorabies monitored feeder pig herd.

2. All swine maintained on the same premises or on other farms under the same management as a quarantined feedlot shall be under quarantine.

3. All swine owners within a 2 miles radius of the proposed location of a quarantined feedlot shall be notified prior to the issuance of a quarantined feedlot permit.

4. Swine on the premises must be maintained in isolation from other susceptible livestock.

(c) Animals, restrictions and identification.

1. All swine entering a quarantined feedlot must be individually identified as provided in Rules 5C 21.002(19) and 5C 21.010(2), F.A.C.

2. Boars and bred females are not eligible to enter or to be maintained in a quarantined feedlot.

3. Infected or exposed swine that die must be buried, incinerated, or rendered upon discovery or be placed in leak proof containers until they are buried, incinerated, or rendered.

4. All swine must be moved from a quarantined feedlot directly to a recognized slaughtering establishment, or directly through no more than one approved slaughter market and then directly to a recognized slaughtering establishment.

(d) Recordkeeping, requirements. Records of swine entering or leaving a quarantined feedlot must be kept for a minimum of two years and must be made available upon request by a state or federal representative.

(7)(8) Materials. Notice of Quarantine, DACS-09030 Rev. 05/17/2003, AI-30 (Rev. 3-94), Release of Quarantine, AI-28 (Rev. 3-94), and Application for Pseudorabies Quarantined Feedlot Permit, DACS-09081 (eff. 9/94) Pseudorabies Eradication, State-Federal-Industry, Program Standards as specified in APHIS 91-55-071, November 1, 2003, are hereby incorporated by reference. Copies of DACS-09030 may be obtained from the Florida Department of Agriculture, Division of Animal Industry, Room 329, Tallahassee, Florida 32399-0800. Copies of the Program Standards may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 570.0705, 585.002(5), 585.08(1), 585.11, 585.145(1),(2), 585.23, 585.40, 585.17 FS. History—New 10-23-94, Amended 9-2-99, _____.

5C-21.011 Vaccination, Approval and Procedures.

(1) Approval. No person shall produce, distribute, sell, or use any pseudorabies vaccine for the immunization of any swine in the state unless such vaccine is an approved pseudorabies vaccine.

(2) Vaccination of swine for pseudorabies shall be authorized provided:

(a) Prior approval is given by the State Veterinarian;

(b) Only an approved pseudorabies vaccine is used;

(c) Vaccination is performed by or under the direct supervision of an accredited veterinarian or a state or federally employed veterinarian;

(d) Vaccinated animals are permanently identified by an official individual identification numbered cartag approved by the State Veterinarian; and

(e) Vaccine is used only in pseudorabies infected, exposed, or high-risk herds as determined and recommended by a pseudorabies epidemiologist.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.11(1),(2), 585.20, 585.21, 585.145 FS. History—New 10-23-94, Amended 9-2-99, _____.

5C-21.012 Procedures for Control and Eradication of Pseudorabies.

(1) Negative Test Required.

(a) All swine moved within the state sows and boars sold at livestock markets for return to the farm must be tested and be negative to a pseudorabies serologic test within 30 days prior to movement unless exempted by this rule ~~return to the farm.~~

(b) ~~All swine sold, offered for sale or exhibition, except for slaughter, must have evidence of a negative pseudorabies serologic test which has been conducted within the previous 30 days.~~

(2) Exemptions to negative test requirements. A negative test is not required for swine that:

(a) Originate directly from ~~in~~ a Commercial Production Swine qualified pseudorabies negative ~~II~~ herd; or

(b) Are consigned directly to a recognized slaughtering establishment; or Originate in a qualified pseudorabies negative gene altered vaccinated herd; or

(c) Are consigned directly to an Approved Game Reserve ~~Are under six months of age and originate in a pseudorabies monitored feeder pig herd;~~ or

(d) Are consigned directly to an Approved Feral Swine Holding Facility ~~Are under six months of age and originate in a pseudorabies monitored vaccinated feeder pig herd;~~ or

(e) Are shown or exhibited at a slaughter-class only event ~~Originate directly from a farm of origin in a Stage IV or V state or area;~~ or

(f) Are sold at an approved all-class market or an approved slaughter market for feeding in a quarantined feedlot ~~Are sold at an approved all-class market or an approved slaughter market for feeding in a quarantined feedlot; or~~

(g) Are sold at an approved feeder pig market for feeding without restriction.

(3) Area Testing.

(a) Pseudorabies H~~er~~d T~~est~~ing.

1. All swine herds in the state are subject to test as required by the Division ~~must be tested pseudorabies serologic test of breeding animals.~~

2. Subject to the availability of funds, initial testing required for establishing a Commercial Production Swine Herd shall be conducted at state expense ~~until Stage IV is achieved. At that time, all expenses for conducting the testing required for maintenance of a pseudorabies monitored feeder pig herd shall be the responsibility of the owner.~~

3. All herds determined to have swine positive to a pseudorabies test shall be quarantined.

(b) Circle T~~est~~ing. An official random-sample test, is required of all swine herds within a 2 mile radius of positive herds ~~Herd tests consisting of a representative sample, as described in subsection (3)(a)1. above, are required of all swine herds within a 2 mile radius of affected herds. All herds determined to have swine positive to a pseudorabies test shall be quarantined.~~

(4) Surveillance T~~est~~ing.

(a) ~~All sows and boars slaughtered at a recognized slaughtering establishment shall be tested for pseudorabies and shall be identified back to the person consigning the swine to the slaughtering establishment farm of origin. Any herd to which pseudorabies positive swine are traced shall be placed under quarantine.~~

(b) First point of concentration testing.

1. All sows and boars sold at livestock markets and swine buying stations, other than those sold for immediate slaughter, must be tested and be negative to a pseudorabies serologic test within 30 days prior to or on arrival.

2. Herds to which pseudorabies positive swine are traced shall be placed under quarantine.

(5) Disposition of Swine.

(a) All positive animals must be isolated immediately.

(b) ~~(a)~~ Subject to the availability of funds, the Division ~~department~~ shall indemnify and reimburse the owner of pseudorabies positive swine ~~reactor animals~~, not to exceed the sum of \$35.00 per animal, if it is shown that:

1. The swine were positive animals have reacted to a pseudorabies test;

2. The swine animals were maintained in strict isolation from the date of ~~reaction to the positive~~ test until slaughtered;

3. The swine animals were slaughtered within 15 days of the date of ~~reaction to the positive~~ test;

4. The premises were cleaned and disinfected within 15 days of the date of the removal of all positive reactor animals.

(c) ~~(b)~~ All sows in infected breeding herds must be tested prior to or at farrowing and all positive sows removed from the herd for slaughter or isolation for slaughter within 15 days after weaning. All boars must be tested quarterly and all positives removed from the herd for slaughter or isolation for slaughter within 15 days after test results are reported.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(3), 585.09, 585.145(1),(2), 585.11(1),(2), 585.20 FS. History—New 10-23-94, Amended 9-2-99, _____.

5C-21.015 Feral Swine Transitional Swine, Movement and Test Requirements.

(1) Breeding Purposes. Feral swine or transitional swine may be moved for breeding purposes, must be negative to a pseudorabies test conducted within 30 days prior to movement and, must be segregated from all commercial production swine until found negative to a second pseudorabies test, which is conducted 60 days after the first test only for immediate slaughter. Movement to hunting preserves or game farms is not considered as movement to slaughter.

(2) Natural Habitat Removals. The person who removes feral swine from their natural habitat is responsible for satisfying the test and permit requirements for movement as required by the Division in this section. Feral swine moved to hunting reserves or game farms, or for exhibition, breeding, or feeding, must be from qualified pseudorabies negative herds, or be found negative to a pseudorabies serologic test conducted within 30 days prior to movement.

(3) Feral Swine Dealers Registration. Feral Swine Dealers are required to be registered with the Division and must keep records of all transactions, dealing with feral swine, listing names, addresses, telephone numbers (when available), dates, and the total number of animals. Feral swine moved for breeding purposes, in addition to meeting the requirements in (2) above, must be segregated from all domestic swine and be found negative to two pseudorabies serologic tests conducted at least 60 days apart.

(4) ~~The person who removes the feral swine from their natural habitat is responsible for satisfying the test and permit requirements for movement in this section.~~

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.11(1),(2), 585.145(1),(2), 585.16 FS. History—New 10-23-94, Amended 9-2-99, _____.

5C-21.018 Commercial Production Swine Herd Requirements.

A swine herd may be approved and recognized as a Commercial Production Swine herd by fulfilling the following requirements:

(1) Submission of a written request by a swine herd owner to the Division for a herd to be considered for recognition as a Commercial Production Swine herd;

(2) Successful completion of a Risk Assessment;

SUBJECT AREA TO BE ADDRESSED: Certification information relating to degrees, programs, and college credits.
 SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.
 LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 FS.

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

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400, (850)245-9661.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Beverly Gregory, Department of Education, Room 201, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0431

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Educator’s Certificates with Academic, Administrative, Degreed Vocational, and Specialty Class Coverages
 RULE NO.: 6A-4.004

PURPOSE AND EFFECT: The purpose of the rule development is to update citations to reflect the new statutory numbering system in the school code and to make changes to comply with current language in statute including new timelines for fingerprinting for certificate issuance. The effect is an up-to-date rule in alignment with law.

SUBJECT AREA TO BE ADDRESSED: Requirements for issuance of temporary and professional educator certificates.

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 FS.

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

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400, (850)245-9661.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Beverly

Gregory, Department of Education, Room 201, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0431

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Renewal and Reinstatement of a Professional Certificate
 RULE NO.: 6A-4.0051

PURPOSE AND EFFECT: The purpose of the rule development is to update citations to reflect the new statutory numbering system in school code rewrite, to make technical changes to comply with current language in statute, and to add the new provision for the banking of excess credit and inservice in the teaching of reading for renewal of a certificate. The effect is an up-to-date rule.

SUBJECT AREA TO BE ADDRESSED: Certificate renewal and reinstatement requirements.

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.585 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.585 FS.

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

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400, (850)245-9661.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Beverly Gregory, Department of Education, Room 201, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0431

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Rehabilitation Provider Qualifications
 RULE NO.: 6A-22.002

PURPOSE AND EFFECT: The changes being proposed are being made as a result of comments received by the Joint Administrative Procedures Committee.

SUBJECT AREA TO BE ADDRESSED: Rehabilitation Provider requirements under Section 440.491(7), Florida Statutes.

SPECIFIC AUTHORITY: 440.491(7) FS.

LAW IMPLEMENTED: 440.491(7) FS.

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

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400, (850)245-9661

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-22.002 Rehabilitation Provider Qualifications.

(1) No change.

(2) Applicants applying for renewal shall submit a non-refundable twenty-five (25) dollar biennial renewal fee, and a signed, typed and completed qualified rehabilitation provider application on form DWC-96 and a copy of current certification and applicable licensure.

(a) Attendance at a ~~Department sponsored or approved~~ qualified rehabilitation provider workshop conducted by the Department within the prior two (2) years is required before the initial application and also before each renewal.

(b) No change.

(3) through (4) No change.

(5) Employees of the Department, ~~other public agencies and private agencies receiving federal or state funds to provide reemployment services~~ are exempt from the requirements of subsections 6A-22.002(2) and (3), F.A.C.

Specific Authority 440.491(7) FS. Law Implemented 440.491(7) FS. History—New 7-1-96, Amended 6-26-01, Formerly 38F-55.002, Amended 5-5-04.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: RULE NO.:

Campus/Security Police Department 6D-12.002

PURPOSE AND EFFECT: This rule establishes the guidelines for the Campus Security/Police Department of the Florida School for the Deaf and the Blind and shows that the Policies and Procedures Manual of the Department have been revised.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Campus Security/Police Policies and Procedures Manual.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4), 1002.36(8)(f) FS.

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

TIME AND DATE: 9:00 a.m., September 25, 2004

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: RULE NO.:

Human Resource Management 6D-16.002
and Development

PURPOSE AND EFFECT: This rule establishes the guidelines for the Human Resource Management and Development Department of the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Human Resource Management and Development Manual.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4), 1002.36(4)(f)5. FS.

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

TIME AND DATE: 9:00 a.m., September 25, 2004

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE CHAPTER TITLE: Communications Services Tax

RULE TITLE: RULE NO.:

Substitute Communications Systems 12A-19.036

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend Rule Chapter 12A-19, F.A.C., by creating a new Rule 12A-19.036, F.A.C., addressing the application of communications services taxes to the costs of operating a substitute communications system.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed are the identification of systems subject to tax as substitute communications systems and the identification and proration of taxable costs of operating substitute communications systems.

SPECIFIC AUTHORITY: 202.15, 202.26(3)(a),(c), 213.06(1) FS.

LAW IMPLEMENTED: 202.11(1),(16), 202.12(1), 202.125, 202.15, 202.19(7), 203.01(1) FS.

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

TIME AND DATE: 9:30 a.m., September 24, 2004

PLACE: Meeting Room A, Florida Department of Law Enforcement, Tampa Bay Regional Operations Center, 4211 N. Lois Avenue, Tampa, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830.

Persons with hearing or speech impairments may contact the Department using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Thomas Butscher, Senior Attorney, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4710, e-mail: butschet@dor.state.fl.us

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Florida’s Highway Guide	
Sign Program	14-51
RULE TITLES:	RULE NOS.:
Purpose	14-51.010
Definitions	14-51.011
Trailblazing Signs	14-51.012
Sign Evaluation Process	14-51.013
General Criteria	14-51.014
Supplemental Guide Signs	14-51.020
General Service Signs	14-51.021
Supplemental Guide Signs	14-51.030
General Service Signs	14-51.031
Exclusions	14-51.040
Criteria for Unincorporated Areas	14-51.041
Sign Characteristics	14-51.042
Customized Place Name Signs	14-51.043

PURPOSE AND EFFECT: The 13 new rules in this chapter, with its four part structure, is to replace the manual currently incorporated by reference in Rule 14-15.015, F.A.C. When these new rules are adopted, Rule 14-15.015, F.A.C., will be repealed.

SUBJECT AREA TO BE ADDRESSED: The 13 new rules will replace the manual incorporated by reference under Rule 14-16.015, F.A.C., which will be repealed.

SPECIFIC AUTHORITY: 316.0745 FS.

LAW IMPLEMENTED: 316.0745 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-51.010 Purpose.

(1) This rule chapter will provide for a system of supplemental guide signing that will perform the following functions:

(a) Inform and guide motorists to the needed signed facilities and services.

(b) Improve traffic flow at interchanges or intersections near destinations that generate a large volume of traffic.

(c) Establish criteria for the erection of supplemental guide signs and general service signs.

(2) This rule chapter follows the requirements for supplemental guide signs and general service signs as stated in Sections 2D, 2E, 2F, and 2H of the Manual on Uniform Traffic Control Devices.

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History—
New _____.

14-51.011 Definitions.

As used in this rule chapter, the following words and phrases shall have the following meanings.

(1) “Applicant” means the person or entity seeking permission for a sign under this rule chapter.

(2) “Department” means the Florida Department of Transportation.

(3) “Guide Sign” means a sign that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information.

(4) “Limited Access Facility” means as defined in Section 334.03(13), Florida Statutes.

(5) “Manual on Uniform Traffic Control Devices (MUTCD)” is a federal publication, which is incorporated by reference under Rule 14-15.010, F.A.C., and is used to establish the uniformity of traffic control devices, such as sign placement, color of sign backgrounds and letters, and sign messages. The Department has adopted the use of this manual in order to provide a uniform system of traffic control devices on the State Highway System.

(6) “Non-Limited Access Facility” means an arterial or collector road as these terms are defined in Sections 334.03(1) and (4), Florida Statutes, respectively, and which is not a limited access facility.

(7) “Place Name Sign” means a sign identifying the geographic boundary of a city or county, lying on or along a road on the State Highway System.

(8) “Rural Interchange” means a grade separated intersection between streets or roadways outside the limits of any urban or urbanized area, as such areas are defined both in Sections 334.03(32) and (36), Florida Statutes. Where either the immediate right of way of a limited access facility or the right of way of an intersecting roadway is within the boundary of an urban or urbanized area, the interchange or intersection shall be considered urban.

(9) “Sign” means any traffic control device that is intended to communicate specific information to road users through a word or symbol legend. Signs do not include traffic control signals, pavement markings, delineators, or channelization devices.

(10) “Supplemental Guide Sign” means a sign placed or erected to provide information regarding destinations accessible from an interchange, other than places shown on the standard interchange signing. The standard guide signs are called “exit direction” signs. These signs usually contain information about the route number, nearest cities, and sometimes the local street name. The purpose of a supplemental guide sign is to provide direction to destinations for motorists unfamiliar with the local area.

(11) “Tourist Attraction” means facilities that principally provide recreation, amusement, or leisure activities to the general public, with the majority of its visitors not residing in the immediate area of the attraction, and traveling over 100 miles to enjoy what the facility offers. Tourist attractions are publicly or privately owned, but derive the major portion of their income from these non-resident visitors.

(12) “Trailblazers” means signs erected at strategic locations, usually along major urban arterials in conjunction with the signing of a major destination, tourist attraction, or general service facility on a limited access facility.

(13) “Unincorporated Area” means as defined in Section 153.53(1), Florida Statutes.

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History—New _____.

14-51.012 Trailblazing Signs.

(1) The use of a distance “countdown” system on trailblazer signs for destinations which are five miles or more from the interchange or intersection is highly recommended. The use of the distance “countdown” system for destinations five miles or less from the exit, is to be considered when a motorist could drive through highly developed areas, or through a “Y” intersection, or multiple strip developments to reach the destination. The use of the “countdown” distance system will be based upon specific site/area conditions.

(2) The purpose of trailblazer signs is to provide direction and confirmation to the motorist that the right decision has been made.

(3) These signs shall provide the distance or direction to the nearest or most convenient point of access. These signs shall match the color scheme or symbol as found on the limited access facility.

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History—New _____.

14-51.013 Sign Evaluation Process.

(1) Sign requests shall be evaluated according to the following criteria. Requests originate from city or county resolution, official representatives of schools or universities, and representatives of tourist attractions or businesses.

(2) Upon receiving a written request, the Department will determine whether:

(a) The written request concerns an eligible destination or service.

(b) The trip generation meets or exceeds the criteria. Are there seasonal considerations or is there significant rapid growth projected?

(c) The existing guide and supplemental guide signing contain adequate space for additional sign legend.

(d) The proposed design, location, materials, and support structure fully comply with the Department’s Design Standards.

(e) The addition of the sign for the subject destination or service provides a benefit to the motoring public.

(3) The written request shall provide data to support the trip generation of the proposed destination. It shall also provide data to support the function of the facility (e.g., tourist attraction, shopping center) to determine which set of criteria from Table 1, Criteria for Signing Destinations on Limited Access Facilities, and Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities, will apply. If support data is not supplied, the Department will require an engineering study to validate the written request.

(4) If the written request complies with these criteria the District Traffic Operations Engineer shall approve the sign installation subject to space availability.

(5) If a request for supplemental guide signing is received, but the interchange has the maximum number of destinations, then the request shall be denied. So long as the signed destination is in business, the Department will not replace it with a new destination, even if it has a higher number of annual trips.

(6) Occasionally, simultaneous applications for guide signing are received. Recalling that the intent of guide signing is to provide guidance for motorists who are not familiar with the route or area, the following shall be considered:

(a) Highest preference will be given to destinations that would attract a larger number of trips from distances greater than 100 miles.

(b) The likelihood that the destination will continue to generate a high number of trips or if there are seasonal characteristics.

(c) Local government recommendations.

(d) The development of a regional signing plan, with the cooperation of local government and the tourism industry organizations.

(7) Supplemental guide sign destinations are subject to a four year review cycle to verify that the trip generation characteristics are consistent with Department signing goals. This review will confirm that at least mid-way through the life of the sign panel (approximately seven to eight years) an opportunity will exist to make sign changes.

(8) Table 1, Criteria for Signing Destinations on Limited Access Facilities and Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities, are mandatory criteria. The criteria will assist the District Traffic Operations Engineer when determining which destination will be signed for on both limited and non-limited access facilities.

Table 1 – Criteria for Signing Destinations on Limited Access Facilities

Type of Destination	Criteria	Guidelines		
		Major Metro Areas ¹	Urban Areas ²	Rural Areas ³
State and National Parks, and State Forest Recreational Areas	Miles from Interchange	15	15	15
Private Colleges and Universities	Number of Trips Generated Annually ^c	900,000 ^a	550,000 ^a	300,000 ^a
		1,200,000 ^b	750,000 ^b	450,000 ^b
	Miles from Interchange	15	15	15
Military Bases	Number of Trips Generated Annually ^c	5,000,000	4,000,000	3,000,000
	Miles from Interchange	10	10	10
Veteran’s Administration (VA) Hospitals	Miles from Interchange	10	10	10
Arenas, Auditoriums, Amphitheaters, Civic Centers, Convention Halls, Stadiums, Major Tourist Attractions (Fairgrounds, Amusement Parks, Zoos, etc.)	Number of Trips Generated Annually ^d	200,000	165,000	135,000
	Miles from Interchange ⁴	5	5	5
Historical, Cultural, or Recreational Attractions, Historic Districts	Number of Trips Generated Annually ^d	100,000	100,000	100,000
1 Over 50,000 population.				
2 5,000 to 49,999 population.				
3 Under 5,000 population.				
4 The distance may be increased 1/2 mile for each 10 percent over the minimum requirement listed to a maximum of 2 times the maximum distance listed.				
a Annual Trips = Number of Enrolled Students (who physically attend classes on campus) X 1.5 (college or university without dormitories, each student equals 1.5 trips) X Number of semesters per year X Number of weeks per semester X 5 days per week. Figures based on AASHTO’S 2001 Selection of Supplemental Guide Signs for Traffic Generators.				
b Annual Trips = Number of Enrolled Students (who physically attend classes on campus) X 2.0 (college or university with dormitories, each student equals 2 trips) X Number of semesters per year X Number of weeks per semester X 5 days per week. Figures based on AASHTO’S 2001 Selection of Supplemental Guide Signs for Traffic Generators.				
c One employee or military personnel equals 0.9 trips. Figures based on AASHTO’S 2001 Selection of Supplemental Guide Signs for Traffic Generators.				
d Trip: a single or one-direction vehicle movement either to or away from the traffic generator.				

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--
New _____.

14-51.014 General Criteria.

(1) Supplemental guide signs for other than recreational, historical, or cultural facilities shall be white on green in color. Signs for recreational, historical, or cultural facilities shall be white on brown in color. If there is an existing white on green supplemental guide sign in place, a combination sign consisting of white on green and white on brown shall be used with the colors separated by a common white border.

(2) Signing for a destination with a limited period of operation shall be displayed only during those periods of operation, and only if the generator meets the suggested annual attendance criteria referenced in Table 1, Criteria for Signing Destinations on Limited Access Facilities, or Table 4, Criteria for Signing Destinations on Non-limited Access Facilities. If occasional off-season usage exceeds 25 percent of the annual attendance rate for most of the year, the signs may be displayed permanently. Pari-mutuels exhibit distinct seasons and qualify based on the criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.). The purpose of displaying these signs only during periods of operation is to aid the motorist who would not be aware of when the seasonally operated destination is open. This would prevent unnecessary trips to a closed facility.

(3) Signing for major short term events, e.g., golf and tennis tournaments, boat and auto shows, that will attract a significant number of non-residents, shall be permitted based on the criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.). Either Static or Changeable Message Signs (CMS) shall be erected no more than three days before, nor remain more than three days after, the signed event. Sign costs, such as design, installation, maintenance, and removal of the signing should be paid by the applicant. Both Static and CMS signing will be installed through the Department's permit process. CMS devices shall only be used for traffic control, devoid of advertisements. CMS devices shall be certified by the Department for use on the State Highway System, and only used during the time of the event with a generic message. All applicable Department clear recovery zone requirements shall be met and short-term event signing cannot interfere with visibility/effectiveness of existing traffic control devices. The purpose of allowing signs for special events is to facilitate the management of traffic for the event. Also, a facility may hold multiple events during the year, and motorists will be looking for information with the special event's name.

(4) In no case shall information relating to destinations, motorist services, and multi-modal facilities be displayed on a supplemental guide sign until trailblazer signing has been installed. This is important in order to eliminate confusion to motorists. Trailblazer signs not only provide direction to the motorist, but confirmation that they have taken the correct turn to go to the selected destination.

(5) When there are more qualified destinations than can be signed, local government recommendation as to the facilities to be signed will be considered. If local government has no preference, the destinations that create the greatest traffic demand shall be signed, subject to standards specified in the following sections.

(6) No supplemental guide signs for destinations shall be erected prior to approval by the District Traffic Operations Engineer.

(7) Supplemental guide signs shall not be installed where such signing interferes with the function of traffic control devices and shall not impair visibility or violate minimum spacing distances listed in Table 2, Minimum Spacing Distances for Signs. In order to prevent subjecting motorists to too much information, there is a need to establish a priority in sign installation. This priority is contained in Section 2A.16 of the MUTCD. The descending order of priority for sign installation is regulatory (white signs), warning (yellow signs), exit direction and supplemental (green signs), general service (blue signs), and historical, recreational, and cultural (brown signs).

<u>Table 2 – Minimum Spacing Distances for Signs</u>	
<u>Speed (mph)</u>	<u>Minimum Spacing Distance (feet)</u>
<u>30-35</u>	<u>200</u>
<u>35-45</u>	<u>250</u>
<u>50-60</u>	<u>300</u>
<u>60-70 (Interstate)</u>	<u>800</u>

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--
New _____.

PART 2 GUIDE SIGNS ON LIMITED ACCESS FACILITIES.

14-51.020 Supplemental Guide Signs.

(1) General.

(a) Florida Farm Wineries qualify for signing as defined by Section 599.004, Florida Statutes. Signs shall be installed based on space availability.

(b) Signing for regional malls or shopping centers (1,000,000 square feet or more) will be approved when safety or operational problems can be attributed to unclear directions and when the criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.) are met. The safety and operational problems shall be documented and affect both site destined and other traffic.

(c) State-funded community college, vocational/technical center, or university main campus are eligible for signing. Satellite campuses are eligible, if the curriculum allows students to obtain an Associate of Arts (AA) degree or higher without attending the main campus.

(d) Private colleges and universities that meet the trip generation referenced in Table 1, Criteria for Signing Destinations on Limited Access Facilities, are eligible for signing. Private universities with existing signs will be allowed to retain their signs, so long as they remain active, because they were signed for before these criteria were developed.

(e) Schools which are licensed by the Department of Education's Commission for Independent Education are not eligible for signing, unless they meet trip generation criteria referenced in Table 1, Criteria for Signing Destinations on Limited Access Facilities.

(f) Signing for multi-modal transportation facilities is considered supplemental guide signing, except for those which qualify as a general service. Multi-modal facilities are airports (air carrier and general aviation), seaports (passenger and cargo), rail terminals, intercity bus, parking lots, garages, and Park and Ride. A signing plan for multi-modal facilities must be submitted.

(g) Veterans' Hospitals which are designated as the regional treatment center for veterans are eligible for signing on limited access facilities.

(h) Medical facilities which have regional, statewide, or national significance, that provide, by advance appointment, specialized surgery or treatment of human diseases are eligible for signing on limited access facilities. The installation of these signs is beneficial to the motorists unfamiliar with the area who have been referred to these facilities, and who must travel distances greater than 100 miles to receive treatment.

(i) The criteria referenced for destinations listed in Table 1, Criteria for Signing Destinations on Limited Access Facilities, are used to determine which destination will be signed for on limited access facilities. A more detailed explanation is shown in the Sign Evaluation Process (Rule 14-51.013, F.A.C.).

(j) As stated in subparagraph 14-85.004(10)(h)6., F.A.C., of the Logo Sign Program, if a destination qualifies for a business logo in the attraction category, it shall not be displayed on an existing supplemental guide sign. If the destination wants to apply and is approved for a business logo in the attraction category, it will be removed from the supplemental guide sign.

(2) Standards.

(a) As specified in the MUTCD, not more than one supplemental guide sign shall be erected at each interchange approach.

(b) As specified in the MUTCD, not more than two supplemental destinations shall be signed at any one interchange approach. Each supplemental guide sign shall contain no more than two destinations, with no more than three lines of legend, excluding exit numbers or exit directions.

(c) Each destination shall be signed only once in each direction. This limit is necessary due to the high number of destinations that qualify for supplemental guide signing.

(d) Signs for destinations shall be located in advance of the interchange that is the most practical route to the facility. Local government recommendations on the most practical route will be considered. It is important to note that there may not be space available at the exit with the most direct route.

(e) "DOWNTOWN" signs shall meet the following criteria in order to be considered for supplemental guide signing:

1. "DOWNTOWN" signs will only be considered for the largest core city of an urban area population of 50,000 or more.

2. The limited access facility must traverse the incorporated limits of the city under consideration and have multiple exits for each direction of travel. This is necessary due to the high number of destinations that qualify for supplemental guide signing.

3. The urban guide signing concept, as specified in Section 2E.06 of the MUTCD, shall be in effect.

4. A distinct central business district shall exist. Strip development business centers shall not qualify.

5. Only one such sign will be permitted for each direction of travel. The sign shall be erected in advance of the most direct route to the downtown core. This is necessary due to the high number of destinations that qualify for supplemental guide signing.

(f) Trailblazers shall not be erected on the mainline portion of limited access facilities. Trailblazers are used to provide direction and confirmation to motorists. Their size does not provide enough time for a motorist to read and comprehend the information contained on the sign, at such locations.

(g) Except as otherwise specified in Rule 14-85.004, F.A.C., Logo Sign Program, and other areas of this section, the name of the operating agency, community group, or enterprise shall not appear in the legend of any supplemental guide sign, or attached to it.

(h) Major metropolitan area airports and major seaport passenger facilities are considered prime destinations and are eligible for signing.

(i) Signing for general aviation will not be allowed. This prohibition is based on the fact that tourists looking for the major commercial airports can be confused by general aviation signing, thinking the destination is the commercial aviation airport.

(3) Guidelines.

(a) Supplemental guide signs shall not be installed in advance of freeway-to-freeway interchanges. Interchanges between freeways are major decision points; therefore, the sign messages shall only contain the route shield, cardinal direction, and the name of the next control city on that route.

(b) Supplemental guide signs shall be installed in advance of freeway-to-spur interchanges if the spur serves a local community.

(c) Recreational, cultural, and historical attractions or historical districts shall meet the trip generation criteria in Table 1, Criteria for Signing Destinations on Limited Access Facilities and the following specific criteria in order to be eligible for signing:

1. The recreational, cultural, and historical attraction or historical district shall be identified by name on either the current Official Florida Transportation Map or other state published/sponsored guides or books, and/or other State Historic Signing Programs, e.g., Wildlife Signing Program. Identification on local city maps does not qualify an attraction for interstate signing.

2. Cultural and historical attractions or historical districts must be located within 15 miles of the limited access facility and provide easy access for motorists and ample all-weather (surface treated) parking. The attractions or districts are publicly or privately owned, but shall be operated on a non-profit basis and be open to the general public year-round for sign eligibility. Examples include forts, battlegrounds, plantations, archeological or geological sites, art galleries, and museums.

3. Historical attractions and historical districts shall be listed in the National Register of Historic Places.

4. Recreational attractions are major facilities located within 15 miles of the limited access facility corridor which provide easy access for motorists, ample all-weather parking areas, and several recreational activities such as picnicking, camping, hiking, swimming, fishing, or boating. Examples include public recreational facilities, state forest recreation areas, and wildlife refuges. Recreational attractions shall be operated on a non-profit basis.

The above requirements are necessary due to the fact that a high number of destinations qualify for signing.

(d) The criteria referenced in Table 1, Criteria for Signing Destinations on Limited Access Facilities, shall be used to determine which destination to sign for on new interchanges, or to determine which destination to add to an existing supplemental guide sign, with an existing destination.

(e) Unincorporated areas shall meet the criteria as shown in Rule 14-51.040, F.A.C., Place Name Signs, in order to qualify for signing. This requirement is necessary due to the high number of named places and limited space available for signing.

(f) Airports shall qualify for signing on limited access facilities when they are served regularly by scheduled airlines. The airport symbol shall also be used with the airport name.

(g) Deep water public cargo, or passenger ports (for Port Authority Locations) shall be eligible for signing.

(h) Rail Terminals shall qualify for signing on limited access facilities when they are Intercity Rail (Amtrak, Commuters, etc.). They shall be ICC, PSC Certified, or Department approved, and provide regularly scheduled passenger service and have parking spaces for patron use.

(i) Park and Ride areas shall qualify for signing on limited access facilities when they are governmentally owned and operated as part of a car pool, van pool, or other public transportation program. The facility shall have parking spaces for patron use.

(4) Destinations for Which Signing Shall Not Be Provided. Except as provided in Rule 14-85.004, F.A.C., Logo Sign Program or General Services, signing shall not be provided for the following destinations shown in Table 3, Destinations for Which Signing Shall Not Be Provided on Limited Access Facilities. These restrictions are necessary due to the high number of destinations that qualify for supplemental guide signing, and the low number of motorists who are unfamiliar with the area and who are going to these destinations.

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New _____.

<u>Table 3 – Destinations for Which Signing Shall Not Be Provided on Limited Access Facilities</u>	
<u>Businesses</u>	<u>Chamber of commerce, Television/Radio Station, Theaters, Motels/Hotels/Inns, Travel Trailer Parks, Industrial Parks and Plants, Shopping Centers (less than 1,000,000 square feet).</u>
<u>Cemeteries</u>	<u>Local, State, Public, Private.</u>
<u>Community Facilities</u>	<u>Libraries, Churches, Subdivisions, Mixed Use Facilities.</u>
<u>Governmental</u>	<u>Research/Experimental, Courthouses, Drivers' License Centers, Jails, Civil Defense Facilities, Maintenance Facilities, Power Plants.</u>
<u>Schools</u>	<u>K through 12, Seminaries.</u>
<u>Historical</u>	<u>Homes/buildings/Public and Privately Owned Facilities operated for Profit, Heritage Trails.</u>
<u>Medical</u>	<u>Mental Facilities, Research Facilities, Sanitariums, Infirmaries/Treatment Centers, Non-Hospital Veteran's Facilities, County/Fraternal/Nursing Homes, Retirement Facilities, Humane Facilities, Hospital (not qualified under Motorist Services).</u>
<u>Military</u>	<u>Sites/Detachments, Armories, Arsenal.</u>
<u>Recreation/Conservation</u>	<u>Country Clubs/Golf courses, Fish Hatcheries, Game Farms, Tree Nurseries/Arboretums, Points of Interest, Camps (Scout, Church, 4-H, Youth, YMCA/YWCA) Nature Trails.</u>

14-51.030 General Service Signs.

General service signing is used when such services are infrequent, and not within sight of the interchange.

(1) General Criteria.

(a) Requests for general service signing (except Logo signing) shall be directed to the District Traffic Operations Engineer.

(b) Signing for general services is considered supplemental to overall signing.

(c) General service signs, including signing for state agency buildings, have a white legend on blue background, except for multi-modal facilities.

(d) The name of the operating agency, community, group, individual, or enterprise shall not appear on the service sign, except for state agency buildings, and other facilities meeting the criteria established in this rule chapter.

(e) Symbol signs for Hospital, Airport, Amtrak, Greyhound, Cruise-based Seaports, and Commuter Rail can be used in urban or rural areas, when they qualify based on criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.).

(f) Tourist Information Centers will use word legend signs. The results of an International Signing Study showed that the international tourist understood the word message more than the "i" or "?" symbol.

(g) In no case shall signing be erected that would function primarily as advertisements for businesses.

(h) Signs for a Hospital shall be erected on the State Highway System in advance of the interchange which provides the most practical route to that facility when the hospital facility has an emergency room open 24 hours each day, 7 days a week. Where more than one hospital meeting the criteria is available from any one interchange, only the hospital located closest to the exit point shall be signed or trailblazed. The purpose of the Hospital sign is to provide direction to motorists in need of immediate medical services.

(i) Tourist Information Center signs will be erected on the State Highway System when:

1. The signing requests are received from local government; and

2. The destination provides continuous service for a minimum of eight hours a day, seven days a week; and

3. The destination is operated exclusively by a non-profit organization, or is approved by local government to operate as a tourist information center; but

4. if the Tourist Information Center is operated on a seasonal basis, the signs shall be removed during the off season.

(j) In no case shall information relating to general services be displayed until trailblazer signing has been installed to direct motorists from the exit to the service.

(2) Standards.

(a) Except as otherwise specified in Rule 14-85.004, F.A.C., Logo Sign Program, where logo signs are utilized, general signs shall not be used. Signing for general services off the Department's right of way will not be provided when those services are conveniently located off an interchange.

(b) Except as otherwise specified in Rule 14-85.004, F.A.C., Logo Sign Program, only symbol signs will be used to advise of the availability of Gas, Food, Lodging, Camping, Hospital, and Phone on rural limited access facilities. Symbol signs for Hospital can be used in urban areas based on criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.).

(c) When three or fewer of these services are available at a given interchange and it is unlikely that more than three services will be provided in the near future, the symbol signs denoting these services will be appended to the advance guide sign. At locations where the "NEXT EXIT 00 MILES" panel is attached to the advance guide sign, the symbol service signs will be appended to the exit direction sign. If four or more services are available at an interchange or are anticipated in the near future, it will be necessary to install a supplemental roadside sign denoting the available services by symbols, with the bottom line of copy reading "NEXT RIGHT" or the interchange exit number.

(3) Guidelines. Each general service sign has its own set of criteria that must be met in order for signing to be provided on limited access facilities:

(a) Gas.

1. Service station facility is located within 1 mile of the exit ramp terminal;

2. Is open for continuous service a minimum of 16 hours each day, 7 days a week;

3. Provides vehicle services including fuel and oil;

4. Provides public rest rooms; and

5. Has a telephone available for public use.

(b) Food.

1. A restaurant facility is located within 1 mile of the exit ramp terminal;

2. Serves a complete meal and is open for continuous service a minimum of 14 hours each day, 7 days a week;

3. Provides public rest rooms;

4. Has a telephone available for public use; and

5. Is licensed as meeting the requirements of the Florida Department of Business Regulation, Division of Hotels and Restaurants, and the local County Health Department.

(c) Lodging.

1. The lodging facility is located within 1 mile of the exit ramp terminal;

2. Is equipped with 20 or more units for rent;

3. Has a telephone available for public use; and

4. Is licensed as meeting the requirements of Florida Department of Business Regulations, Division of Hotels and Restaurants, and the local County Health Department.

(d) Camping.

1. The camping facility is located within 5 miles of the exit ramp terminal;

2. Is equipped with a minimum of 25 rental camp sites;

3. Is equipped with indoor sanitary toilet and bathing facilities;

4. Has a telephone available for public use; and

5. Is licensed as meeting the requirements of the local County Health Department.

(e) Signs for a Hospital will be erected in rural and urban areas in advance of an interchange when:

1. The hospital facility is located not more than 10 miles from the exit ramp terminal; and

2. In the event a hospital meets the criteria, but another hospital is closer by continuing along the limited access facility to another exit, the first hospital will not be signed for.

(f) Signs for a Tourist Information Center will be erected when the center is located on a direct route from the limited access highway and not more than 1 mile from the exit ramp;

(g) Telephone symbol signs will be erected when:

1. The telephone is a public telephone available for use 24 hours a day, 7 days a week; and

2. Is located within the immediate interchange area, not more than 1/2 mile from the interstate or exit ramp; and the immediate interchange is located in an isolated rural area.

3. Signs denoting Telephone shall not be installed in advance of interchanges where Gas, Food, Lodging, or Camping is identified since a criterion for signing for these services includes the availability of a telephone for public use.

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New _____.

PART III GUIDE SIGNS ON NON-LIMITED ACCESS FACILITIES

14-51.030 Supplemental Guide Signs.

(1) General.

(a) Florida Farm Wineries qualify for signing as defined by Section 599.004, Florida Statutes. Signs shall be installed at the nearest state highway intersection based on space availability.

(b) Signing for regional malls or shopping centers (1,000,000 square feet or more) will be approved when safety or operational problems can be attributed to unclear directions and when the criteria established in the Sign Evaluation

Process (Rule 14-51.013, F.A.C.) are met. Safety and operational problems shall be documented and affect both site destined and other traffic.

(c) A state-funded community college, vocational/technical center, or university main campus are eligible to request signing. Satellite campuses are eligible if the curriculum allows students to obtain an Associate of Arts (AA) degree or higher without attending the main campus.

(d) Private colleges and universities that meet the trip generation referenced in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities are eligible for signing. Private universities with existing signs will be retained so long as they remain active, because they were signed for before these criteria were developed.

(e) Schools licensed by the Department of Education's Commission for Independent Education are not eligible for signing unless they meet trip generation criteria referenced in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities.

(f) Signing for multi-modal transportation facilities is considered supplemental guide signing, except for those which qualify as a general service.

(g) Multi-modal facilities are airports (air carrier and general aviation), seaports (passenger and cargo), rail terminals, intercity bus, parking lots, garages, and Park and Ride.

(h) A signing plan for multi-modal facilities must be submitted.

(i) Veterans' Hospitals which are designated as the regional treatment center for veterans are eligible to be signed for on non-limited access facilities.

(j) Medical facilities which provide, by advance appointment, specialized surgery or treatment of human diseases are eligible for signing on non-limited access facilities. The installation of these signs would be helpful to the motorists unfamiliar to the area who have been referred to these facilities, and must travel distances greater than 100 miles to receive treatment.

(k) The criteria referenced for destinations listed in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities are used to determine which destination will be signed for on non-limited access facilities. A more detailed explanation is shown in the Sign Evaluation Process (Rule 14-51.013, F.A.C.).

Table 4 – Criteria for Signing Destinations on Non-limited Access Facilities

Type of Destination	Criteria	Guidelines		
		Major Metro Areas ¹	Urban Areas ²	Rural Areas ³
State Colleges and Universities	Nearest State Highway System Juncture			
Private Colleges and Universities	Number of Trips Generated Annually ^e	900,000 ^{ad} 1,200,000 ^{bd}	550,000 ^{ad} 750,000 ^{bd}	300,000 ^{ad} 450,000 ^{bd}
Private Vocational/Technical Schools	Number of Trips ⁴ Generated Annually	675,000 ^d	550,000 ^d	300,000 ^d
Military Bases	Number of Trips ⁴ Generated Annually ^e	5,000,000 ^c	4,000,000 ^c	3,000,000 ^c
Arenas, Auditoriums, Amphitheatres, Civic Centers, Convention Halls, Stadiums, Major Tourist Attractions (Fairgrounds, Amusement Parks, Zoos, etc.)	Number of Trips ⁴ Generated Annually	37,500 trips plus 3,750 per mile of distance from intersection		
State and National Parks, and State Forest Recreational Areas	Nearest Intersection to the State Highway System			
Youth Camps (YMCA, Scouts, etc.)	Signing only in rural areas, with facilities for 50 persons minimum on an overnight basis and in operation for at least 6 months of the year.			
Institutions and Medical Facilities	Minimum of 500 beds. Nearest State Highway System Exit			
Downtown	There must be a clear central core commonly considered the downtown area that is located on an intersecting road a maximum of 3 miles off the state road.			
Drivers License	Nearest Intersection only.			
State Agency Buildings	Number of Trips ⁴ Generated Annually	260,000	100,000	1,500
1. Over 50,000 population (Section 334.03, Florida Statutes).				
2. 5,000 to 49,999 population (Section 334.03, Florida Statutes).				
3. Under 5,000 population.				
4. Trip: a single or one-direction vehicle movement either to or away from the traffic generator.				
a. Annual Trips = Number of Enrolled Students (who physically attend classes on campus) X 1.5 (college or university without dormitories, each student equals 1.5 trips) X Number of semesters per year X Number of weeks per semester X 5 days per week. Figures based on AASHTO'S 2001 Selection of Supplemental Guide Signs for Traffic Generators.				
b. Annual Trips = Number of Enrolled Students (who physically attend classes on campus) X 2.0 (college or university with dormitories, each student equals 2 trips) X Number of semesters per year X Number of weeks per semester X 5 days per week. Figures based on AASHTO'S 2001 Selection of Supplemental Guide Signs for Traffic Generators.				
c. One employee or military personnell equals 0.9 trips. Figures based on AASHTO'S 2001 Selection of Supplemental Guide Signs for Traffic Generators.				
d. Trip: a single or one-direction vehicle movement either to or away from the traffic generator.				

(2) Standards.

(a) Not more than six qualifying destinations, including cities, shall be signed at any intersection approach. These qualifying destinations shall be indicated on not more than 2 separate signs, with no more than three lines of legend on each sign. This limit is necessary due to the limited availability of Department right of way to install signs, and the need to provide enough time for the motorist to read and comprehend the sign messages.

(b) If there are three destinations to be signed at a given intersection, all three destinations shall be included on one sign.

(c) Signs for destinations shall be located in advance of the intersecting roadway that is the most direct and/or desirable route to the facility. Local government recommendations on the most desirable route will be considered. This is necessary because the most direct route may have roadway safety features that are less desirable than the longer route.

(3) Guidelines.

(a) Any state or national park, or state forest open to the public. Advance mileage signs for these parks are eligible for signing. Sign panels must be provided by the park. Advance signs shall be located no more than 10 miles from park entrance.

(b) "DOWNTOWN" signs shall meet the following criteria in order to be considered for supplemental guide signing.

1. "DOWNTOWN" signs will be considered for cities with a population of 5,000 or more.

2. The non-limited access facility route shall traverse the city limits.

3. A distinct central business district must exist. Strip development business centers shall not qualify.

4. Only one such sign will be permitted for each direction of travel. This requirement is necessary in order to provide the most practical route to the central business district.

(c) The criteria referenced in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities, shall be used to determine which destination to add to an existing supplemental guide sign, with an existing destination.

(d) Unincorporated areas shall meet the criteria as shown in Rule 14-51.041, F.A.C., Place Name Signs, in order to qualify for signing. This requirement is necessary due to the high number of named places and limited space available for signing.

(e) Recreational, historical, or cultural attractions funded by federal, state, or local governments are eligible for signing. Such attractions shall meet the following specific criteria in order to qualify for signing:

1. Historical attractions shall be listed in the National Register of Historic Places and be open to the general public year round. City historical areas or districts shall be officially declared by either city or county resolution in order to qualify for signing.

2. Cultural attractions shall be open to the general public year round.

3. Signs for such facilities shall be limited to the nearest intersection to the State Highway System juncture.

4. Recreational attractions are operated on a non-profit basis and include multiple activities such as picnicking, camping, hiking, swimming, fishing, or boating.

5. The recreational, historical, or cultural attraction is identified by name on state published/sponsored guides or books, and/or other State Historic Signing Programs, e.g., Wildlife Signing Program, Canoe Trail Signing Program. The above requirements are necessary due to the high number of destinations that qualify for supplemental guide signing.

(f) Signs shall be installed to identify parking areas for state or local recreational trails only. These signs are for traffic control purposes only, and are not intended for advertisement.

(g) Small businesses that are under contract with the United States Post Service (USPS) to provide their services are eligible for signing. In order to qualify for signing they shall have a contract with the USPS and provide a confirmation letter from the USPS along with their written request for signing. The signs shall be green background with white lettering and have the appropriate directional arrow.

(h) Requests for destination signing by local government agencies shall be approved through the Department's permit process. The Department shall allow local government to fabricate and install these supplemental guide signs pursuant to Department direction. Signs for the following facilities shall be erected at the intersection nearest the facility based on locations for these signs that do not interfere with official traffic control devices:

1. Post Offices, including contract USPS referenced above.

2. Libraries.

3. Recycling Drop-Off Centers.

4. Courthouses.

5. Publicly-owned Vocational/Technical Schools that meet criteria established in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities.

6. Parks.

7. High Schools.

8. Tax Collectors.

9. Chamber of Commerce.

- 10. Animal Shelters.
- 11. City/Town Halls.
- 12. Landfills.
- 13. Bus and Rail Stations.
- 14. National Veterans Cemeteries.

(i) Parking lots and garages shall qualify for signing if they are governmentally owned and open to the public, with non-reserved parking spaces, and not more than one mile from the intersection. The green and white “P” parking symbol sign shall be used without the name of the parking facility.

(j) Rail Terminals shall qualify for signing when they meet the following criteria:

1. Intercity rail (Amtrak, Commuters, etc.) shall be ICC, PSC Certified, or Department approved, and provide regularly scheduled passenger service and have parking spaces for patron use.

2. Intra-urban rail shall be approved by the Department, provide regularly scheduled service, and have parking spaces for patron use.

(k) Signing for an intercity bus service shall consist of the standard use of local bus stop signs.

(l) Signing for an intracity bus service shall only include a Greyhound bus station and/or bus stop. The purpose of the Greyhound symbol sign is to assist motorists who are trying to locate a bus station which is inside a building.

(m) Seaports, deep water public cargo, or passenger ports (for Port Authority Locations) qualify for signing on Controlled Access Facilities.

(n) Airports qualify for signing when the following criteria are met:

1. Air carrier airports are those which are served regularly by scheduled airlines. The airport symbol shall also be used with the airport name.

2. General Aviation (open to public use) signs are allowed in each direction along the State Highway System in advance of an intersecting roadway which provides direct access to the airport property. Signing shall be limited to an intersection within three miles of the airport.

(4) Destinations for Which Signing Shall Not Be Provided on Non-Limited Access Facilities. Except as provided in Rule 14-85.004, F.A.C., Logo Sign Program, or Rule 14-51.021, F.A.C., General Services, signing shall not be provided for the following destinations shown in Table 5, Destinations For Which Signing Shall Not Be Provided on Non-Limited Access Facilities. The restrictions are necessary due to a high number of destinations that qualify for supplemental guide signing.

<u>Businesses</u>	<u>Television/Radio Station, Theaters, Motels/Hotels/Inns, Travel Trailer Parks, Industrial Parks and Plants, Shopping Centers (less than 1,000,000 square feet).</u>
<u>Cemeteries</u>	<u>Local, State, Public, and Private.</u>
<u>Community Facilities</u>	<u>Civic Groups (Kiwanis, Lions, Rotary, etc.), Churches, Subdivision, Mixed Use Facilities.</u>
<u>Government</u>	<u>Local and Regional Political Offices.</u>
<u>Schools</u>	<u>K through 9.</u>
<u>Medical</u>	<u>Infirmaries, Treatment Centers, County, Fraternal or Nursing Homes, Retirement Facilities.</u>
<u>Recreation/Conservation</u>	<u>Water and Soil Conservation District Boundaries, Recreation Centers (Community Centers, Swimming Pools, Baseball/Softball Fields, Tennis Courts, etc.), Country Clubs, Golf Courses, Tree Nurseries/Arboretums.</u>

Specific Authority 316.0745 FS, Law Implemented 316.0745 FS, History–New _____.

14-51.031 General Services Signs.

General service signing is used when the subject services are infrequent, and not within sight of the intersection.

(1) General.

(a) Requests for general service signing (except Logo signing) shall be directed to the District Traffic Operations Engineer.

(b) Signing for general services is considered supplemental to overall signing.

(c) General service signs, including signing for state agency buildings, have a white legend on blue background, except for multi-modal facilities.

(d) The name of the operating agency, community, group, individual, or enterprise shall not appear on the service sign, except for state agency buildings, and other facilities meeting the criteria established in this section.

(e) Symbol signs for Hospital, Airport, Amtrak, Greyhound, Cruise-based Seaports, and Commuter Rail is allowed in urban or rural areas, by the District Traffic Operations Engineer based on criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.).

(f) Tourist Information Centers will use word legend signs. The results of an International Signing Study showed that the international tourist understood the word message more than the “i” or the “?” symbols.

(g) In no case shall signing be erected that would function primarily as advertisements for businesses.

(h) The purpose of the hospital sign is to provide direction to motorists in need of immediate medical services. When requested, signs for a Hospital shall be erected on the State Highway System in advance of the intersection which provides the most practical route to that facility when:

1. The hospital facility has an emergency room open 24 hours each day, 7 days a week. Where more than one hospital meeting the criteria is available from any one intersection, only the hospital located closest to the exit point shall be signed or trailblazed, and;

2. The criteria referenced in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities are met.

(i) Tourist Information Center signs qualify for signing on the State Highway System when:

1. The signing request is received from local government; and

2. The center gives continuous service for a minimum of eight hours a day, seven days a week; and

3. The center is operated exclusively by a non-profit organization or are approved by local government to operate as a Tourist Information Center; but

4. If the Tourist Information Center is operated on a seasonal basis, the signs shall be removed during the off season. If the Tourist Information Center sign is approved under the criteria referenced above, it shall be installed under the Department's permit process by local government.

(j) In no case shall information relating to general services be displayed until trailblazer signing has been installed to direct motorists from the intersection to the service.

(2) Standards.

(a) Not more than one sign with a directional arrow for a particular service shall be displayed, in each direction, in advance of the intersection to the facility. Signs for these services shall only be located in advance of the intersecting road which is the most direct and best route to the facility.

(b) Driver license, police, sheriff, and highway patrol stations that are open 24 hours are eligible for signing.

(c) Hospitals are eligible for signing when the hospital is located not more than three miles from an intersection (other than trailblazing from a limited access facility).

(d) Tourist Information Centers are eligible for signing when the center is located not more than one mile from the state highway.

(3) Guidelines.

(a) Boat Ramp and Camping signs are eligible for signing in advance of intersecting roads with direct access to the facility provided that it is located not more than one mile from the state highway.

(b) Signing will be provided to state agency buildings which large numbers of the general public access. The sign panels will be supplied by the applicant and installed by Department Maintenance forces where space allows on the

State Highway System. The applicant will also supply replacement panels when necessary. The sign will be installed adjacent to the building on the State Highway System. If the building is located more than one mile from the state highway, then the sign will be placed at the nearest intersection, and such trailblazing signs to the destination will be supplied by the applicant. Signing will be provided to those state agency buildings where the need for directional information based on emergency situations, such as emergency evacuation shelters, permits, and/or a state gas facility, is necessary. All other state agency buildings shall meet the following criteria:

1. The number of non-employee trips generated by the building shall meet the criteria established in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities.

2. Meeting space for a minimum of 30 people.

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New _____.

PART IV PLACE NAME SIGNS.

14-51.040 Exclusions.

(1) Place name signs other than for geographic boundaries of counties or municipalities shall not be erected on non-limited access facilities or freeways.

(2) Place name signs for other governmental boundaries such as water management, school, and fire districts, shall not be erected on the State Highway System.

(3) Place name signs shall not normally be installed for urban subdivisions unless they appear on the full size Official Florida Transportation Map (not on the urban area enlargements).

(4) "Exiting" or "Leaving" place name signs shall not be permitted.

(5) Overhead signs/structures shall not be permitted.

(6) Place name sign requests originated by organizations or persons other than the local government shall not be considered.

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New _____.

14-51.041 Criteria for Unincorporated Areas.

(1) If an unincorporated area appears on the Official Florida State Transportation Map, signing shall be provided by the Department upon request by the county.

(2) Place name signs for an unincorporated area not appearing on the current Official Florida State Transportation Map will be eligible upon written request of the county. Such requests shall be accompanied by evidence supporting reasonable need.

(3) There shall be clearly identifiable localized development in the area that is significantly more intensive than encountered on the state highway approaches to the community.

(4) The community must lie on or along the State Highway System.

(5) Horizontal/vertical curves of the roadway restrict advance notice to motorists approaching the community.

(6) The community is a county seat or has historical, cultural, educational places of interest, or major tourist attractions which are not separately signed.

(7) A post office, railroad station, water tower, or similar structure bearing the place name exists in the community.

(8) The county has installed or agreed to install place name signs on its roads traversing the area.

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New _____.

14-51.042 Sign Characteristics.

(1) Place name signs shall have a white legend on a green rectangular background.

(2) Place name signs shall be reflectorized and shall conform to the MUTCD standards and specifications for guide signs and general information signs.

(3) Sign information shall normally be limited to the name of the place, except for a Logo representing a special award.

(4) Only one sign shall be permitted in each approach direction. The signs shall be located at, or in proximity to, the geographical boundary of the county or municipality.

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New _____.

14-51.043 Customized Place Name Signs.

(1) Customized treatment shall be considered only for municipal limits and counties on state highways other than limited access facilities.

(2) Place name signs located off the state highway right of way shall conform to Section 479.16(12), Florida Statutes.

(3) The preferred location of customized place name signs is off the state highway right of way, where increased lateral clearance can be used. In such instances the property owner's permission is required. When additional right of way is not available, the Department will authorize placement of the sign within state highway right of way. Sufficient lateral clearance is particularly important for custom place name signs due to nonstandard designs and sizes.

(4) The sign and structure or other treatment shall be located, at or in proximity to, the geographical boundary of the county or municipality in the approach direction only.

(5) The proposed installation will not interfere in any manner with other traffic control devices in the area.

(6) Existing city limit or county boundary signs, and/or nonofficial signs or structures, at or near the location shall be removed.

(7) All signs and supporting structures shall be designed, constructed, and installed to meet the Department's clear zone and safety criteria including breakaway features. The design shall be signed and sealed by a Professional Engineer registered in the State of Florida.

(8) Sign size and lettering shall be appropriate for driver readability without decreasing speed.

(9) Sign information shall be limited to the name of the city or county or logo, the words "Welcome To," and where applicable, a regional designation or phrase.

(10) The sign and structure shall be completely devoid of any commercial advertising or the name of any political candidate and be of such design and color as to be in good taste and aesthetically pleasing.

(11) The primary location for custom place name signs shall be along the roadside behind curb and gutter sections. Medians will only be considered if other roadside locations, either on or off state highway rights of way, are not possible.

(12) Installations in any median shall meet the Department's appropriate clear zone and safety criteria. Signs shall not be installed in both the median and roadside at a given location.

(13) Displays shall be fixed. Neither flashing or colored lights, nor changeable messages, shall be used. However, customized treatment, including interior or exterior illumination, is allowable. In the absence of lighting, signs shall be reflectorized.

(14) Upon approval of a customized place name sign request, the Department and the local government shall execute an agreement providing for the local government to install and maintain the customized sign/sign supports and all landscaping and shrubbery associated with the installation, as well as to defray the cost of any electrical energy necessary for operation of the sign display. The agreement shall clearly indicate that the Department reserves the right to have the installation modified or removed from the state highway right of way.

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE TITLE:
Placement of Inmates into Community
Release Programs

RULE NO.:
33-601.606

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify provisions related to placement of community custody inmates in work release centers.

SUBJECT AREA TO BE ADDRESSED: Community release programs.

SPECIFIC AUTHORITY: 945.091 FS.

LAW IMPLEMENTED: 945.091 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.606 Placement of Inmates into Community Release Programs.

(1) No change.

(2) Eligibility and Ineligibility Criteria.

(a) No change.

(b) In order to be eligible for community release programs an inmate must:

1. through 5. No change.

6. The Secretary of the Florida Department of Corrections, or his designee who shall be the Assistant Secretary for Institutions, shall have the authority to place an inmate who is in community custody at any work release center regardless of time constraints for the purpose of a specialized work detail or program.

(3) through (5) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History—New 3-14-01, Amended 9-2-01, 3-19-02, 11-18-02, 5-31-04, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Permissible Items for Visitors
 RULE NO.: 33-601.725

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to increase from \$25 to \$50 the amount of cash that may be brought in by visitors to purchase items from visiting park canteens or vending machines.

SUBJECT AREA TO BE ADDRESSED: Inmate visiting.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items shall be removed by the visitor at the end of the visit. Authorized items include:

(a) through (c) No change.

(d) Up to ~~\$50.00~~ ~~\$25.00~~, in \$1.00, ~~and~~ \$5.00, ~~\$10.00 and~~ \$20.00 denominations only or silver change, per visitor, regardless of age, to purchase snacks and beverages from visiting park canteens or vending machines. All snacks and beverages shall be purchased and consumed in the visiting area. A small wallet or pouch may be used for containing the bills and any change received from the canteen or vending purchases.

(e) through (2) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Amended 5-27-02, 7-1-03, 12-30-03, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Close Management
 RULE NO.: 33-601.800

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate unnecessary language and to clarify provisions relating to canteen purchases, restriction of exercise, and educational and program opportunities.

SUBJECT AREA TO BE ADDRESSED: Close management.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.800 Close Management.

(1) through (9) No change.

(10) Conditions and Privileges in CM Units.

(a) through (f) No change.

(g) Canteen Items.

1. Inmates in CMI and II, following 30 days in close management status and having no major rule violations during this period, will be allowed to make canteen purchases through canteen order once per week unless restricted by disciplinary action. Inmates in CMI and II will be allowed to purchase up to five non-food items and five food items. In making this determination, with the exception of stamps and notebook paper, it is the number of items that is counted not the type of item. For example, three security pens counts as three items, not one item. Twenty-five stamps or fewer will count as one item and two packages or less of notebook paper will count as one item.

2. Inmates in CMIII, following 30 days in close management status and having no major rule violations during this period, will be allowed to make canteen purchases through canteen order once each week unless restricted by disciplinary action. Inmates in CMIII will be allowed to purchase up to five non-food items and ten food items. In making the determination, with the exception of stamps and notebook paper, it is the number of items that is counted not the type of item. For example, three packages of cookies count as three items, not one item.

3. No change.

4. CM inmates who submit an order for canteen items and then refuse delivery shall be subject to disciplinary action and loss of canteen privileges.

(h) No change.

(i) Legal Access – An inmate in close management will have access to his or her personal legal papers and law books and have correspondence access with the law library. Access to the law library will be obtained through delivery of research materials to an inmate's cell, and access to visits with research aides. Although the inmate may not be represented by an attorney at any administrative hearing under this rule, access to an attorney or aide to that attorney will be granted for legal visits at any reasonable time during normal business hours. Indigent inmates will be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent will be allowed to purchase paper and envelopes from the canteen

for this purpose ~~by completing Form DC6-251, CMI and II Canteen Order, or Form DC6-252, CMIII Canteen Order, within the stated time frames. Forms DC6-251 and DC6-252 are incorporated by reference in subsection (19) of this rule.~~ Typewriters or typing services are not considered required items and will not be permitted in close management cells. Inmates with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer/reader). An inmate who is provided an auxiliary aid shall also be allowed access to a research aide for the purpose of preparing legal documents, legal mail, and filing grievances.

(j) through (l) No change.

(m) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. If the inmate requests a physical fitness program handout, the wellness specialist or the close management officer shall provide the inmate with an in-cell exercise guide and document such on the Close Management Daily Record of Segregation, Form DC6-229A. However, an exercise schedule shall be implemented to ensure a minimum of six hours per week (two hours three days per week) of exercise out of doors. The assignment and participation of an inmate on the restricted labor squad or other outside work squad required to work outside at least one day per week will satisfy the minimum exercise requirements for the week. Such exercise periods shall be documented on Form DC6-229A. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation as defined in this rule, or if the inmate has pending a disciplinary hearing for a major rule violation as defined in this rule. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. Medical restrictions determined by health services staff can also place limitations on the amount and type of exercise permitted. Such restrictions of exercise periods will be documented on the Close Management Daily Record of Segregation, Form DC6-229A. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him that will accomplish the need for exercise and take into account the particular inmate's limitations. Close management inmates shall be allowed equal access to outdoor exercise areas with exercise stations.

(n) No change.

(11) Programs and Privileges in Close Management Units.

(a) through (c) No change.

(d) CMIII. In addition to the programs provided above for CM I inmates, and those privileges outlined in subparagraphs (11)(b)1.-4. of this rule, the following privileges are authorized:

1. CM III inmates will be entitled to:

a. Unless restricted pursuant to Rule 33-601.731, F.A.C., CMIII inmates shall be eligible to receive one two-hour contact personal visit by appointment after completing 30 days in close management status and having no major rule violations during this period.

b. CMIII inmates shall be subject to placement on non-contact status as outlined in Rule 33-601.735, F.A.C.

c. If found guilty of a major rule violation disciplinary infraction while assigned to CM III, the inmate is eligible to be considered for visits 14 days following release from disciplinary status or the disciplinary hearing if a penalty other than disciplinary confinement was imposed.

d. The inmate is eligible to receive one two-hour contact personal visit by appointment after each subsequent 14 day period with no major rule violations during this period unless security or safety concern would preclude a visit. The warden will determine the level of supervision and restraint required.

2. through 3. No change.

4. CMIII inmates shall be provided with at least the same opportunities for educational and program participation as provided to CMII inmates.

(12) through (18) No change.

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

(a) through (h) No change.

~~(i) Form DC6-251, CMI and II Canteen Order, effective date April 8, 2004.~~

~~(j) Form DC6-252, CMIII Canteen Order, effective date April 8, 2004.~~

(k) through (n) renumbered (i) through (l) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 2-1-01, Amended 12-16-01, 4-8-04, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Telephone Use
 RULE NO.: 33-602.205
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that inmates are not allowed to place business telephone numbers or cell phone numbers on their telephone lists.
 SUBJECT AREA TO BE ADDRESSED: Inmate telephone use.
 SPECIFIC AUTHORITY: 944.09 FS.
 LAW IMPLEMENTED: 20.315, 944.09 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.205 Inmate Telephone Use.

(1) No change.

(2) Inmate telephone procedures will be conducted as follows:

(a) To initiate telephone privileges, inmates shall complete Form DC6-223, Inmate Telephone Agreement and Number List. Each inmate is limited to no more than 10 names and numbers of persons he or she wishes to access. Inmates shall not be allowed to telephone any person not on this list except as outlined in paragraph (3)(a) and subsection (4) of this rule. Inmates shall not make three-way telephone calls nor make calls to numbers on the list which are then transferred to other telephone numbers. Inmates shall not be allowed to include business telephone numbers or cell phone numbers on the list.

(b) The reception center classification staff shall compile the inmate calling list through use of Form DC6-223, in conjunction with the acquisition of the inmate visiting list. Form DC6-223 shall become part of the inmate’s permanent file and shall accompany the inmate with each subsequent transfer. Form DC6-223 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. The effective date of this form is February 4, 2003.

(c) through (15) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00, 6-18-02, 2-4-03, 12-30-03, _____.

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District
 RULE CHAPTER TITLE: Consumptive Uses of Water
 RULE CHAPTER NO.: 40A-2
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to amend the existing rule to require all withdrawals for bottled water purposes to apply for an Individual Water Use Permit, extend the expiration date for General Water Use Permits, and clarify rule language and intent. Withdrawals for bottling purposes are typically located proximal to springs. The revisions will allow for a more detailed review of bottled water withdrawals and provide the public an opportunity for input into the permitting process. The simplification and clarification of the rule language will allow the public to more easily understand the rule and its application.

SUBJECT AREA TO BE ADDRESSED: Amendments to Chapter 40A-2, F.A.C., addressing the permitting of withdrawals for bottling purposes, expiration of General Water Use Permits, and clarification of rule language.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171, 373.216 FS.

LAW IMPLEMENTED: 373.103(1), 373.118, 373.171, 373.216, 373.219, 373.223, 373.226 FS.

A PUBLIC WORKSHOP WILL BE HELD AT THE TIMES, DATE AND PLACES SHOWN BELOW:

TIME AND DATE: 9:00 a.m. (ET), October 11, 2004

PLACE: Northwest Florida Water Management District, 81 Water Management Drive, Governing Board Conference Room, Havana, Florida 32333-4712

TIME AND DATE: 2:00 p.m. (CT), October 11, 2004

PLACE: City Council Chambers, 2898 Green Street, Marianna, Florida 32446

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Terri Peterson, Northwest Florida Water Management District, 152 Water Management Drive, Havana, Florida 32333, (850)539-5999, (850)539-2777 (Fax)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS ANTICIPATED TO BE AVAILABLE SEPTEMBER 20, 2004.

DEPARTMENT OF THE LOTTERY

RULE CHAPTER TITLE: Personnel Employee Performance
 RULE CHAPTER NO.: 53-17

RULE TITLES: Evaluations
 STATEMENT OF POLICY: Statement of Policy
 PROCEDURES: Procedures
 RULE NOS.: 53-17.001
 53-17.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the Lottery's rules regarding employee performance evaluations, including the title of Chapter 53-17, F.A.C., and implement in permanent rule form the provisions set forth in Emergency Rule 53ER04-41, *Personnel Performance Excellence Program*.

SUBJECT AREA TO BE ADDRESSED: The Lottery's Personnel Performance Excellence Program.

SPECIFIC AUTHORITY: 24.105(9)(j) FS.

LAW IMPLEMENTED: 24.105(19)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Diane D. Schmidt, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: Continuing Education Renewal Requirements
 RULE NO.: 61-20.508

PURPOSE AND EFFECT: To consider changes to continuing education renewal requirements, and conduct a workshop on the rule to that end.

SUBJECT AREA TO BE ADDRESSED: Continuing Education requirements for renewal of licenses.

SPECIFIC AUTHORITY: 468.4315(2), 468.4336, 468.4337 FS.

LAW IMPLEMENTED: 455.2124, 468.4336, 468.4337 FS.

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

TIME AND DATE: 10:00 a.m – 12:00 Noon, Friday, October 8, 2004

PLACE: The Florida Mall Hotel, 1500 Sand Lake Road, Orlando, Florida 32809

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Malone, Executive Director, Regulatory Council of Community Association Managers, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Continuing Education Requirements for
 Renewal for Certificateholders
 and Registrants
 RULE NO.: 61G6-9.004

PURPOSE AND EFFECT: The Board proposes to review the existing rules to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements for Renewal for Certificateholders and Registrants.

SPECIFIC AUTHORITY: 120.52(15), 120.54(1), 455.2124, 489.507(3) FS.

LAW IMPLEMENTED: 455.2124, 489.513(3), 489.517(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Knap, Executive Director, Board of Electrical Contractors Licensing, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF JUVENILE JUSTICE

Division of Administration

RULE TITLES:	RULE NOS.:
Scope	63F-9.001
Definitions	63F-9.002
County Responsibility for Pretrial	
Secure Detention	63F-9.003
State Funding for Fiscally	
Constrained Counties	63F-9.004
Appeal Procedure	63F-9.005

PURPOSE AND EFFECT: The proposed rule is intended to implement newly created Section 985.2155, Florida Statutes, governing the shared responsibility of counties and the state for juvenile detention.

SUBJECT AREA TO BE ADDRESSED: Standards and procedures for apportioning and collecting counties' responsibility for pretrial secure detention costs.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.2155 FS.

LAW IMPLEMENTED: 985.2155 FS.

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

TIME AND DATE: 9:00 a.m. – 5:00 p.m., Tuesday, September 28, 2004

PLACE: DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clyde Benedix, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, e-mail: clyde.benedix@djj.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLES:	RULE NOS.:
Mediation	64B7-30.005
Notice of Noncompliance	64B7-30.006

PURPOSE AND EFFECT: The Board proposes to review the existing language in these rules to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Mediation and notice of noncompliance.

SPECIFIC AUTHORITY: 120.695, 456.073(3), 456.078, 480.035(7) FS.

LAW IMPLEMENTED: 120.695, 456.073(3), 456.078 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399.

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE:	RULE NO.:
Requirement for Physician Office Registration; Inspection or Accreditation	64B8-9.0091

PURPOSE AND EFFECT: The Board proposes the development of amendments to clarify requirements for office surgery registrations.

SUBJECT AREA TO BE ADDRESSED: Clarifications to requirements for office surgery registration.

SPECIFIC AUTHORITY: 458.309(1),(3) FS.

LAW IMPLEMENTED: 456.069, 456.072(1)(cc), 458.309(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT:

64B8-9.0091 Requirement for Physician Office Registration; Inspection or Accreditation.

(1) Registration.

(a) Every Florida licensed physician who holds an active Florida license and performs Level II surgical procedures in Florida with a maximum planned duration of more than five (5) minutes ~~or longer~~ or any Level III office surgery, as fully defined in Rule 64B8-9.009, F.A.C., shall register with the Department of Health Board of Medicine. It is the physician's responsibility to ensure that every office in which he or she performs Levels II or III surgical procedures as described above is registered, regardless of whether other physicians are practicing in the same office or whether the office is non-physician owned.

(b) In order to register an office for surgical procedures, the physician must comply with the Department's Rule 64B-4.003, F.A.C., and provide documentation to support compliance with Rule 64B8-9.009, F.A.C., ~~provide to the Board of Medicine, his or her name, mailing address, Florida license number, and a list of each office where the covered surgical procedures are going to be performed by the physician. The list shall also include each office name, address, telephone number, and level of surgery being performed at that location by the physician; and if more than one physician is practicing at that location, a list of all physicians and levels of surgery being performed must be provided. The list shall also include the name of each physician assistant, ARNP and CRNA involved in the office surgery or anesthesia; copies of any protocols necessary for the supervision of any ARNP or CRNA; and any transfer agreements with local hospitals. In addition, the physician shall submit a statement of compliance with Rule 64B8-9.009, F.A.C., "Standard of Care for Office Surgery", and, if applicable, Section 456.0375, F.S., "Registration of certain clinics; requirements; discipline; exemption," when registering with the Department.~~

(c) The physician must immediately notify the Department Board Office, in writing, of any changes to the registration information.

(d) The registration shall be posted in the office.

(2) through (3) No change.

Specific Authority 458.309(1),(3) FS. Law Implemented 456.069, 456.072(1)(cc), 458.309(3) FS. History--New 5-15-00, Amended 9-18-01, 8-5-03, 9-1-03,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Approval of Physician Office Accrediting Organizations 64B8-9.0092

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to remove the Florida Academy of Cosmetic Surgery, Inc., from the list of accrediting entities.

SUBJECT AREA TO BE ADDRESSED: Removal of the Florida Academy of Cosmetic Surgery, Inc., from the list of accrediting entities.

SPECIFIC AUTHORITY: 458.309(3) FS.

LAW IMPLEMENTED: 458.309(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.0092 Approval of Physician Office Accrediting Organizations.

(1) through (6) No change.

~~(7) Board approved accrediting agency or organizations include Florida Academy of Cosmetic Surgery, Inc.~~

Specific Authority 458.309(3) FS. Law Implemented 458.309(3) FS. History--New 3-9-00, Amended 3-25-02,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Standards for the Delivery of Anesthesia in Certain Practice Settings 64B8-9.0093

PURPOSE AND EFFECT: The Board proposes the development of a rule to address the appropriate standards and guidelines for the delivery of Level II or Level III anesthesia outside of hospital settings, ambulatory surgery centers, or office surgery settings.

SUBJECT AREA TO BE ADDRESSED: Appropriate delivery of anesthesia in certain practice settings.

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

LAW IMPLEMENTED: 458.331(1)(v) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLES: Citations Mediation
 RULE NOS.: 64B11-4.005 64B11-4.006

PURPOSE AND EFFECT: The Board proposes to review the existing language in these rules to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Citations and mediation.

SPECIFIC AUTHORITY: 456.077, 456.078, 468.204 FS.

LAW IMPLEMENTED: 456.077, 456.078, 456.072 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: All Permits – Labels and Labeling of Medicinal Drugs
 RULE NO.: 64B16-28.108

PURPOSE AND EFFECT: The Board proposes to review the rule to determine whether any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Requirements for the labeling of dispensed drugs.

SPECIFIC AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.022(1), 465.186 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.108 All Permits – Labels and Labeling of Medicinal Legend Drugs – All Permits.

Each container of medicinal drugs dispensed shall have a label or shall be accompanied by labeling. Drug Distribution System (All Permits): Each container of medicinal drugs dispensed shall have a label affixed thereon and shall be accompanied by appropriate labeling as provided by these rules.

(1) Definitions. The label of each unit dose dispensed in finished dosage form as part of any unit dose system shall satisfy all of the requirements of Section 499.007(12)(b), F.S., and paragraph 64F-12.006(1)(a), F.A.C.

(a) “Controlled substance” means any substance named or described in Schedules II-V of Section 893.03, Florida Statutes.

(b) “Customized medication package” means a package that:

1. Is prepared by a pharmacist for a specific patient.
2. Is a series of containers.
3. Contains two (2) or more solid oral dosage forms.

(c) “Labeling” means a label or other written, printed, or graphic material upon an agent or product or any of its containers, wrappers, drug carts, or compartments thereof, as well as a medication administration record (MAR) if a medication administration record is an integral part of the unit dose system.

(d) “Radiopharmaceutical” means any substance defined as a drug in Section 201(g)(1) of the Federal Food, Drug and Cosmetic Act which exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any of those drugs intended to be made radioactive. This includes nonradioactive reagent kits and nuclide generators which are intended to be used in the preparation of any such substance, but does not include drugs which are carbon-containing compounds or potassium-containing compounds or potassium-containing salts which contain trace quantities of naturally occurring radionuclides.

(e) “Serial number” means a prescription number or other unique number by which a particular prescription or drug package can be identified.

(2) The label affixed to each container dispensed to a patient shall include: In addition to the foregoing, all medicinal drugs dispensed in a unit dose system by any pharmacist shall be accompanied by labeling. The term labeling, for the purpose of this paragraph, shall mean all labels and other written, printed, or graphic material upon an agent or product or any of its containers, wrappers, drug carts, or compartments thereof, as well as the medication administration record if said medication administration record is an integral part of the unit dose system. This requirement that each act of dispensing be accompanied by labeling will be satisfied if, to the extent not included on the label, the following conditions are met:

(a) Name and address of the pharmacy. The system indicates clearly the name of the resident or patient and the prescription number or other means utilized for readily retrieving the medication order; the directions for use; the prescriber name.

(b) Date of dispensing. In the event a medication administration record (MAR) is used as an integral part of the system, the said MAR must be attached to or kept on or in the unit dose system when delivering or administering drugs to patients.

(c) Serial number. In the case of a Class I Institutional pharmacy, or a Class II Institutional pharmacy which, within the scope of its practice, services only the inpatients of a nursing home as defined in Section 400.021(5), F.S., the name of the dispensing pharmacy.

(d) Name of the patient or, if the patient is an animal, the name of the owner and the species of animal.

(e) Name of the prescriber.

(f) Name of the drug dispensed (except where the prescribing practitioner specifically requests that the name is to be withheld).

(g) Directions for use.

(h) Expiration date.

(i) If the medicinal drug is a controlled substance, a warning that it is a crime to transfer the drug to another person.

(3) The label on the immediate container of a repackaged product or a multiple unit prepackaged drug product shall include: Medication Administration Record (MAR)

(a) Brand or generic name. In the event that a Class I Institutional pharmacy or a Class II Institutional pharmacy which, within the scope of its practice services only the inpatients of a nursing home as defined in Section 400.021(5), F.S., elects to utilize a medication administration record (MAR) as an integral part of the unit dose system for the purpose of satisfying this rule, then upon the initial dispensing of an order the said MAR labeling must be prepared or reviewed and approved by the pharmacy practitioner, policies and procedures shall define how subsequent reproductions of

MAR labeling of the initially dispensed order shall be reviewed. Said MAR must be attached to or kept on or in the unit dose system when delivering or administering drugs to residents or patients.

(b) Strength. In a Class II Institutional pharmacy, there shall be a policy and procedure for a quality assurance review of the MARS by a pharmacist not less than every thirty (30) days.

(c) Dosage form.

(d) Name of the manufacturer.

(e) Expiration date.

(f) Lot number:

1. Manufacturer’s lot number, or

2. Number assigned by the dispenser or repackager which references the manufacturer’s lot number.

(4) A medicinal drug dispensed in a unit dose system by a pharmacist shall be accompanied by labeling. The requirement will be satisfied if, to the extent not included on the label, the unit dose system indicates clearly the name of the resident or patient, the prescription number or other means utilized for readily retrieving the medication order, the directions for use, and the prescriber’s name. A unit dose system shall provide a method for the separation and identification of drugs for the individual resident or patient. In those unit dose systems where the supply of medication exceeds a 48-hour dosage regimen, the drugs must be separated by the name of the patient and by category, i.e., drug product, time of administration, or nursing shift.

(5) A unit dose system shall provide a method for the separation and identification of drugs for the individual resident or patient. Customized Patient Medication Packages. The Board finds that customized patient medication packages, prescription containers for the dispensing of multiple medicinal drugs in a single container unit, may lead to improved patient compliance. The use of customized patient medication packages is allowed where:

(a) The consent of the patient or the patient’s agent has been secured; and

(b) The use of the customized patient medication package is in accordance with the standards set forth for these packages in Chapter 661 of the United States Pharmacopeia. These standards are hereby incorporated by reference into this rule, effective 7-12-93.

(6) A customized patient medication package may be utilized if:

(a) The consent of the patient or the patient’s agent has been secured, and,

(b) The label includes:

1. Name, address and telephone number of the pharmacy.

2. Serial number for the customized medication package and a separate serial number for each medicinal drug dispensed.

3. Date of preparation of the customized patient medication package.

4. Patient's name.

5. Name of each prescriber.

6. Directions for use and any cautionary statements required for each medicinal drug.

7. Storage instructions.

8. Name, strength, quantity and physical description of each drug product.

9. A beyond use date that is not more than 60 days from the date of preparation of the customized patient medication package but shall not be later than any appropriate beyond use date for any medicinal drug included in the customized patient medication package.

(c) The customized patient medication package can be separated into individual medicinal drug containers, then each container shall identify the medicinal drug product contained.

(7) The label affixed to the immediate outer container shield of a radiopharmaceutical shall include:

(a) Name and address of the pharmacy.

(b) Name of the prescriber.

(c) Date of the original dispensing.

(d) The standard radiation symbol.

(e) The words "Caution Radioactive Material."

(f) Name of the procedure.

(g) Prescription order number.

(h) Radionuclide and chemical form.

(i) Amount of radioactivity and the calibration date and time.

(j) Expiration date and time.

(k) If a liquid, the volume.

(l) If a solid, the number of items or weight.

(m) If a gas, the number of ampules or vials.

(n) Molybdenum 99 content to the United States Pharmacopeia (UPS) limits.

(o) Name of the patient or the words "Physician's Use Only."

(8) The label affixed to the immediate inner container of a radiopharmaceutical to be distributed shall include:

(a) The standard radiation symbol.

(b) The words "Caution Radioactive Material."

(c) Radionuclide and chemical form.

(d) Name of the procedure.

(e) Prescription order number of the radiopharmaceutical.

(f) Name of the pharmacy.

(9) The labeling on a carton or package containing a medicinal drug or product dispensed from an Extended Scope Renal Dialysis (ESRD) pharmacy shall include:

(a) "Use as Directed" statement.

(b) The name and address of the person to whom the products will be delivered.

(c) Name of the prescriber.

(d) Name and address of the ESRD pharmacy location from which the products were shipped.

(e) Prescription number.

(f) Any special instructions regarding delivery dates or locations.

(g) Beyond use date or, if the medicinal drug or product is dispensed in an unopened sealed package, the manufacturer's expiration date.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.022(1), 465.186 FS. History—Amended 5-19-72, Repromulgated 12-18-74, Amended 10-10-78, 9-18-84, 1-20-85, Formerly 21S-1.13, Amended 10-2-88, Formerly 21S-1.013, Amended 7-31-91, 10-1-92, 4-19-93, 7-12-93, Formerly 21S-28.108, 61F10-28.108, 59X-28.108, Amended _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE:

RULE NO.:

Automated Pharmacy System – Long-Term

Care, Hospice, or Prison

64B16-28.607

PURPOSE AND EFFECT: The Board proposes to review a new rule to determine whether necessary.

SUBJECT AREA TO BE ADDRESSED: The proposed new rule provides definitions and sets forth the requirements for automated pharmacy systems supplying pharmacy services to long-term care, hospice, or state correctional institutions.

SPECIFIC AUTHORITY: 465.0155 FS.

LAW IMPLEMENTED: 465.019, 465.0195, 465.026 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE:

RULE NO.:

Disciplinary Guidelines

64B32-5.001

PURPOSE AND EFFECT: To update the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 456.079, 468.365(4) FS.

LAW IMPLEMENTED: 456.072, 468.365 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-5.001 Disciplinary Guidelines.

(1) through (2) No change.

(3)(a) through (bb) No change.

<p><u>(cc) Testing positive in a pre-employment or employer ordered drug screen. (456.072(1)(z), F.S.)</u></p>	<p><u>First Offense</u></p>	<p><u>From six months probation with conditions and referral to PRN to revocation and a fine from \$500 to \$2,000.</u></p>
	<p><u>Second Offense</u></p>	<p><u>From one year probation with conditions and referral to PRN to revocation and a fine from \$1,000 to \$10,000.</u></p>

(4) through (6) No change.

Specific Authority 456.079, 468.365(4) FS. Law Implemented 456.072, 468.365 FS. History--New 4-29-85, Formerly 21M-37.01, 21M-37.001, Amended 1-3-94, Formerly 61F6-37.001, 59R-74.001, 64B8-74.001, Amended 5-5-02, _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program Office

RULE TITLE:

RULE NO.:

Need

65A-4.208

PURPOSE AND EFFECT: The proposed rule amendment provides that the only exception for a minor child to live with a parent(s) or caretaker relative, as it relates to Temporary Cash Assistance (TCA)/Temporary Assistance for Needy Families (TANF) eligibility, applies to a minor child with a child (teen parent) in accordance with state and federal laws and regulations as specified in Emergency Rule 65AER04-1, F.A.C. The court in Manuel v. DCF, held that the agency's placement of children with adult non-relatives satisfied the criteria in Section 414.095(2)(a)4., F.S., for purposes of the children's eligibility for TCA/TANF benefits or services. TANF laws and regulations do not authorize the expenditure of TCA/TANF funds to serve children placed with adult non-relatives. The only exception is for teen parents who have suffered or might suffer harm in the home of a parent, legal

guardian, or relative and it is in the best interest of the teen parent and/or child to live in "alternative living arrangement approved by the state" (45 CFR 233.107(e)(3)). This is also the only exception allowed under the State TANF Plan.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment provides that an exception for a minor child to live with a parent or caretaker relative for TCA eligibility applies only to a teen parent. It also designates that the determination of an approved living arrangement for the teen parent is made by the Economic Self-Sufficiency specialist in accordance Section 414.095(15)(c)2., F.S., and 45 CFR 233.107(e)(3).

SPECIFIC AUTHORITY: 414.095(19), 414.45 FS.

LAW IMPLEMENTED: 414.095 FS.

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

TIME AND DATE: 2:00 p.m., September 27, 2004

PLACE: 1317 Winewood Boulevard, Building 3, Room 470, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jennifer Lange, Chief, Program Policy, Economic Self-Sufficiency, (850)921-0253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65A-4.208 Need.

(1) No change.

(2) For temporary cash assistance (TCA), the following individuals are included in the assistance group:

(a) The minor child for whom assistance is requested, who must provided the child meets all non-financial TCA temporary cash assistance eligibility criteria, including residing with a parent or an adult caretaker relative in accordance with 45 CFR 233.90(c)(v)(A) and Section 414.095(2)(a) and (b) and (15)(b) and (c), F.S. The only exception to living with a parent or adult caretaker relative applies to a minor child with a child (teen parent) who has suffered harm or might suffer harm in the home of a parent, legal guardian, or relative and it is in the best interest of the teen parent and/or child to reside in an alternative living arrangement. The Economic Self-Sufficiency (ESS) specialist must determine that the alternative living arrangement is an approved setting in accordance with 45 CFR 233.107(e)(3) and Section 414.095(15)(c)2., F.S.

(b) through (c) No change.

(3)(a) No change.

(b) A 16-18 year old who is not in school and who refuses to participate in the TCA temporary cash assistance employment and training program unless good cause exists for

non-participation in the employment and training program or school prescribed in Rule ~~65A-4.2131~~ ~~65A-1.521~~, F.A.C.; dated August 1997.

(4) through (9) No change.

Specific Authority 414.095(19), 414.45 FS. Law Implemented 414.095(2)(b),(5) FS. History—New 1-11-98, Amended _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Electronic Data Interchange (EDI)	69L-56
RULE TITLES:	RULE NOS.:
Forms and Instructions	69L-56.001
Definitions	69L-56.002
Proof of Coverage (POC) Electronic Filing Requirements	69L-56.100
Technical Requirements for POC EDI Transactions	69L-56.110
Cancellation or Non-Renewal of Workers' Compensation Insurance	69L-56.200
Electronic Filing Time Periods for Policy Information	69L-56.210
Technical Requirements for Voluntary Claims EDI Transmissions	69L-56.300
Electronic Supplement to the First Report of Injury	69L-56.310
Insurer Responsibilities Where Third Party Vendor Services are Utilized	69L-56.500

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: Rule 69L-56.001, F.A.C., is being amended to identify forms required for Electronic Data Interchange (EDI) transmissions of Proof of Coverage and Claims information with the Division. Rule 69L-56.002, F.A.C., is being amended to add new definitions pertinent to filing Claims and Proof of Coverage (POC) information electronically with the Division. Rule 69L-56.100, F.A.C., is being amended to identify the specific electronic form equivalents for POC filings and to promulgate a new edition of the Florida Proof of Coverage Electronic Data Interchange (EDI) Implementation Manual, and a new edition of the IAIABC EDI Implementation Guide for Proof of Coverage. Rule 69L-56.200, F.A.C., is being created to move the insurer's requirements for cancellation of workers' compensation insurance from Rule 69L-6.008 to this rule, and to add new cancellation requirements for when the insured requests the cancellation of a policy. Rule 69L- 56.210, F.A.C., is being created to move the requirements for insurers to electronically provide policy information from Rule 69L-6.014, F.A.C., to this rule, and to add the filing requirements for when the insured requests the cancellation of a policy. Rule 69L-56.300, F.A.C., is being created to identify the technical filing requirements for Claims transmissions, which are currently being submitted electronically on a voluntary basis by an insurer. Rule 69L-56.310, F.A.C., is being created to identify the requirements for reporting additional First Report of Injury

information via the Electronic Supplement to the First Report of Injury format. Rule 69L-56.500, F.A.C., is being added to establish that an insurer remains responsible for the penalties and fines that may result from any untimely electronic filings by its third party vendor.

SPECIFIC AUTHORITY: 440.185(7), 440.42(3), 440.591, 440.593, 627.4133(4) FS.

LAW IMPLEMENTED: 440.185, 440.42(3), 440.591, 440.593, 627.4133(4) 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., September 28, 2004

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

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 the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Linda Yon, EDI Coordinator, Office Of Data Quality and Collection, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, (850)413-1702, e-mail: yonl@dfs.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-56.001 Forms and Instructions.

(1) The following forms are incorporated herein by reference and adopted for use in filing Proof of Coverage (POC) and Claims Electronic Data Interchange (EDI) ~~transmissions to submissions with~~ the Division. All of the forms may be obtained from the Division of Workers' Compensation at its website, <http://www.fldfs.com/wc/edi.html> ~~www2.myflorida.com/les/wc/~~, or by sending a request to the Division of Workers' Compensation, Office of Data Quality & Collection ~~Bureau of Information Management~~, 200 East Gaines Street, Tallahassee, Florida 32399-4226.

(a) DFS-F5-DWC-EDI-1, "EDI Trading Partner Profile" (08/01/2004) ~~DWC Form POCEDI 1: "POC EDI Production Profile" (3/02).~~

(b) DFS-F5-DWC-EDI-2, "EDI Trading Partner Insurer/Claim Administrator ID List" (08/01/2004) ~~DWC Form POCEDI 2: "POC EDI Trading Partner Agreement" (3/02).~~

~~(2) The following form is incorporated herein by reference and adopted for use in filing both POC and CLAIMS EDI submissions with the Division:~~

~~(c) DFS-F5-DWC-EDI-3, DWC Form EDI-3: “EDI Transmission Profile-Sender’s Specifications” (08/01/2004 3/02).~~

~~(d) DFS-F5-DWC-EDI-4, Secure Socket Layer (SSL)/File Transfer Protocol (FTP) Instructions (08/01/2004).~~

Specific Authority 440.591, 440.593(5) FS. Law Implemented 440.593 FS. History—New 3-5-02, Formerly 38F-56.001, 4L-56.001, Amended _____.

69L-56.002 Definitions.

When used in this chapter, the following terms have the following meanings:

~~(1) “Acknowledge” or “acknowledgement” means a response provided by the Division to communicate the acceptance or rejection of an electronic transaction sent to the Division. An acknowledgement returned by the Division will reflect the assignment of an acknowledgment code of “Transaction Accepted (TA)” if the transaction was accepted by the Division or “Transaction Rejected (TR)” if the transaction was rejected by the Division. If a transaction was assigned an acknowledgement code of “Transaction Accepted (TA)”, the date the transaction was received by the Division will be used in determining whether an electronic form equivalent was timely filed with the Division.~~

~~(2)(1) “Batch” means a set of records containing one header record, one or more detailed transactions, and one trailer record.~~

~~(3) “Claim Administrator” means a “Claims-Handling Entity” as defined in Rule 69L-3, F.A.C., that is electronically sending its data directly to the Division.~~

~~(4) “Days” means calendar days, unless otherwise noted.~~

~~(5) “Department” means the Department of Financial Services.~~

~~(6)(2) “Division” means the Division of Workers’ Compensation.~~

~~(3) “Domestic Insurer” is one formed under the laws of this state pursuant to Section 624.06(1), F.S. An individual self insurer authorized by Section 440.38, F.S., and headquartered in this state will be considered a Domestic Self Insurer for the purposes of this rule chapter.~~

~~(7)(4) “Electronic Data Interchange” (EDI) means a computer to computer exchange of business transactions in a standardized electronic format.~~

~~(8)(5) “Electronic Form Equivalent” means the transmission of information sent in Division-approved electronic formats as specified in this rule, instead of otherwise required paper documents. Division-approved electronic formats include nationally standardized International Association of Industrial Accident Boards and Commissions (IAIABC). Electronic form equivalents do not include information sent transmission by facsimile, file data attached to electronic mail, or computer-generated paper forms.~~

~~(9) “File” or “Filed” means a transaction has been received by the Division and assigned an acknowledgement code of “Transaction Accepted (TA)”.~~

~~(6) “Foreign Insurer” is one formed under the laws of any state, district, territory, or commonwealth of the United States other than this state, pursuant to Section 624.06(2), F.S. An individual self insurer authorized by Section 440.38, F.S., and headquartered outside this state will be considered a Foreign Self Insurer for purposes of this rule chapter.~~

~~(10) “FROI” means the “IAIABC Release 1 First Report of Injury (148)” format adopted by the IAIABC. The “FROI” is located on pages “4-13” and “4-14” in the IAIABC EDI Implementation Guide for First, Subsequent, Acknowledgement Detail, Header, & Trailer Records, Release 1, February 15, 2002, which is incorporated herein by reference. A copy of the guide may be found at www.iaiabc.org/EDI/implementation_guide_index.htm.~~

~~(11)(7) “Header Record” means the first record of a that precedes each batch. The header record shall uniquely identify identifies a sender, as well as the date and time a batch is prepared, and the transaction set within the batch.~~

~~(12)(8) “IAIABC” means the International Association of Industrial Accident Boards and Commissions (www.iaiabc.org), which and is a professional trade association comprised of state workers’ compensation regulators and insurance representatives.~~

~~(13) “Insurer Code #” is defined in Chapter 69L-3, F.A.C.~~

~~(14) “Jurisdiction Designee Received Date” means the date on which a third party vendor received Proof of Coverage data from an insurer who is not submitting their electronic Proof of Coverage data directly with the Division. This date shall be used in place of the date the Division received electronic Proof of Coverage data for purposes of calculating the effective date of the cancellation or non-renewal and timely filings of electronic Proof of Coverage data.~~

~~(15)(9) “Maintenance Type Code” (MTC) is an IAIABC code that defines the specific purpose of individual claims transactions within the batch being sent transmitted, i.e., a code that represents the type of filing being sent electronically (For example: IP = initial payment, 04 = denial).~~

~~(16)(10) “Sender” means the claim administrator, insurer, or third party vendor that is sending submitting electronic filings to the Division.~~

~~(17) “SROI” means the “IAIABC Release 1 Subsequent Report of Injury (A49)” format adopted by the IAIABC. The “SROI is located on pages “4-15” and “4-16” in the IAIABC EDI Implementation Guide for First, Subsequent, Acknowledgement Detail, Header, & Trailer Records, Release 1, February 15, 2002.~~

~~(18)(11) “Third Party Vendor” means an entity acting as a submission agent or vendor on behalf of an insurer, service company or third party administrator, that has been authorized to electronically send required data to the Division an agent~~

that an insurer has contracted with to submit required electronic filings on its behalf, and has been authorized to submit EDI transactions to the Division. Third party vendors shall include service companies, third party administrators, and managing general agents that have been authorized to submit EDI transactions to the Division.

(19) "Trading Partner" means an entity exchanging data electronically with the Division.

(20)(12) "Trailer Record" means the last record that designates the end of a batch of transactions. It shall provide a count of transactions contained within the batch, not including the header and trailer transactions.

(21)(13) "Transaction" is one record within a batch which intended to communicate a particular electronic form equivalent an event.

(22) "Transaction Accepted (TA)" means an acknowledgement code assigned by the Division to represent that a transaction was sent to the Division and passed required edits.

(23) "Transaction Rejected (TR)" means an acknowledgement code assigned by the Division to represent that a transaction was sent to the Division and did not pass required edits.

(24)(14) "Transmission" consists of one or more batches sent to or received by the Division or a trading partner during a communication session.

(25)(15) "Triplicate Code" is a series of three two-digit numeric codes that define the specific purpose of individual records in a Proof of Coverage transmission, i.e., new policy, renewal, endorsement, or cancellation or non-renewal. It is a combination of the Transaction Set Purpose Code, Transaction Set Type Code and Transaction Set Reason Code as defined in Section 7 of the IAIABC Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2, May 1, 2002 November 1, 2001, which is herein incorporated herein by reference in this rule. A copy of the guide manual may be found at www.iaibc.org/EDI/implementation_guide_index.htm.

Specific Authority 440.591, 440.593(5) FS. Law Implemented 440.593 FS. History—New 3-5-02, Formerly 38F-56.002, 4L-56.002, Amended _____.

69L-56.100 ~~Mandate~~ of Proof of Coverage (POC) Electronic Filing Requirements ~~EDI~~.

(1) Effective March 1, 2002, every insurer authorized to insure employers in the State of Florida, except for individual self-insurers approved under Section 440.38, F.S., shall file policy information electronically to the Division rather than by filing on paper forms previously required by Rule 69L-6.014, F.A.C.

(a) Every insurer shall send to the department ~~transmit~~ by electronic data interchange electronic policy information for Certificates of Insurance, Endorsements, Reinstatements, Cancellations and Non-Renewals pursuant to the filing time periods in Rule 69L-6.210, F.A.C. ~~all required data elements.~~ Such policy information shall be sent in accordance with the "EDI Trading Partner Requirements" set forth in Section 2 through 6 of ~~specified in~~ the Florida Division of Workers' Compensation Proof of Coverage Electronic Data Interchange (EDI) Implementation Manual, July 2004 ~~November 2001~~, which is ~~herein~~ incorporated herein by reference ~~in this rule~~. A copy of the manual may be obtained from the Division of Workers' Compensation at its website, www2.myflorida.com/les/wc/ <http://www.fldfs.com/wc/edi.html>, or by sending a request to the Division of Workers' Compensation, ~~Bureau of Information Management~~ Office of Data Quality & Collection, 200 East Gaines Street, Tallahassee, Florida 32399-4226. The Division will not accept an electronic transaction that fails to comply with the "EDI Trading Partner ~~R~~requirements" in Section 2 through 6 in this manual. The insurer shall send electronic transmissions ~~submissions~~ either directly to the Division or through an ~~authorized~~ third party vendor.

(2) Electronic form equivalents of Proof of Coverage data ~~Forms~~ shall be sent in the Proof of Coverage formats ~~national standard~~, adopted by the IAIABC and located on pages "5-7" and "5-8" of ~~The insurer or third party vendor shall utilize the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2, May 1, 2002~~ November 1, 2001 ~~to implement Florida workers' compensation proof of coverage data electronically.~~

(3) ~~If an insurer is unable to report all or part of the data elements required pursuant to this section, by the time frame indicated in Rule Chapter 69L-6, F.A.C., the insurer shall submit a request for a variance in accordance with Section 120.542, F.S., by sending an e-mail to the Division at pocedi@wepost.fdes.state.fl.us. The variance shall state the specific reasons the terms of the mandate cannot be achieved, and shall also identify the length of the extension needed to comply with the electronic reporting requirements specified in the rule.~~

(a) At least 24 hours before the insurer or third party vendor sends its first transmission to the Division, the

(4) ~~All~~ insurers or third party vendors shall send ~~submit~~ to the Division in an email addressed to pocedi@dfs.state.fl.us, their profile information using the following forms adopted in Rule 69L-56.001, F.A.C.: as an attachment in an e-mail to pocedi@wepost.fdes.state.fl.us DWC Form POCEDI, "POC EDI Production Profile,"

1. "EDI Trading Partner Profile," DFS-F5-DWC-EDI-1 (08/01/2004), and

2. “EDI Trading Partner Insurer/Claim Administrator ID List”, DFS-F5-DWC-EDI-2 (08/01/2004), and

3. “EDI Transmission Profile – Sender’s Specifications.” DFS-F5-DWC-EDI-3 (08/01/2004), no later than one month prior to the effective date of the POC mandate.

(b) The insurer or third party vendor shall report changes to its profile information at least 24 hours before sending transactions containing new profile-related information. The insurer or third party vendor shall report the new profile information by emailing a revised “EDI Trading Partner Profile”, DFS-F5-DWC-EDI-1 (08/01/2004), and if applicable, the “EDI Trading Partner Insurer/Claim Administrator ID List”, DFS-F5-DWC-EDI-2 (08/01/2004), to the Division at pocedi@dfs.state.fl.us.

(c) If the insurer suspends the use of a third party vendor and begins sending its electronic Proof of Coverage data directly to the Division, the insurer shall, at least 24 hours prior to the effective date of this change, email a revised “EDI Transmission Profile – Sender’s Specifications.” DFS-F5-DWC-EDI-3 (08/01/2004), to the Division at pocedi@dfs.state.fl.us.

(d) If the insurer changes third party vendors, the insurer shall, at least 24 hours prior to the effective date of the change, send an email to the Division at pocedi@dfs.state.fl.us to report the name of the new vendor and effective date on which POC transactions will be sent by the new vendor.

The POC EDI Production Profile shall include:

(a) Name and Federal Employer Identification Number (FEIN) of any third party vendor submitting proof of coverage data on behalf of an insurer.

(b) Name of the insurer and all subsidiary companies in the insurer’s corporate structure.

(c) The Federal Employer Identification Numbers (FEIN’s) for all entities.

(d) Estimated volume of proof of coverage transactions for the current calendar year and whether volume is expected to substantially increase or decrease during the following calendar year.

(e) Insurer or third party vendor if applicable, EDI business and technical contact persons with telephone numbers and e-mail addresses. Once filed, the insurer or third party vendor shall report any changes to its POC EDI Production Profile to the Division.

(5) The electronic cancellation shall include the minimum information required to identify the transmission as a cancellation for a specific policy, referenced in the Florida Proof of Coverage (POC) Element Requirement Table contained within the Florida Division of Workers’ Compensation Proof of Coverage Electronic Data Interchange (EDI) Implementation Manual, November 2001 which is hereby incorporated by reference in this rule.

Specific Authority 440.591, 440.593(5), 440.185(7) FS. Law Implemented 440.593 FS. History—New 3-5-02, Formerly 38F-56.100, 4L-56.100, Amended

69L-56.110 Technical Requirements for POC EDI Transactions.

(1) In order to send Every insurer or third party vendor shall be authorized by the Division to submit Proof of Coverage data forms electronically to the Division, the insurer or third party vendor shall complete upon completion of the testing requirements set forth in Section 1 of the Florida Division of Workers’ Compensation Proof of Coverage Electronic Data Interchange (EDI) Implementation Manual July, 2004 this rule chapter. Each transmission for Test, Pilot or Production purposes shall be in the correct IAIABC format (PC1-Insured Record format and PC2-Employer Record) format located on pages “5-7” and “5-8” of the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2, May 1, 2002.

(2) Each transmission shall contain the following as set forth on pages “5-6” and “5-8” in described in the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2, May 1, 2002 November 1, 2001:

(a) Header Record.

(b) One or more transactions – PC1, PC2 (See “Transaction Overview, Carrier-Insurer Submits” column located on pages “6-7” through “6-12” of the guide).

(c) Trailer Record.

(3)(2) Header records shall include the following information:

(a) Correct Receiver FEIN for the State of Florida: 59-6001874.

(b) “Receiver Postal Code” for the State of Florida: 323994226 as indicated in the EDI Transmission Profile—Receiver Specifications, located in the Florida Division of Workers’ Compensation Proof of Coverage Electronic Data Interchange (EDI) Implementation Manual, November 2001.

(c) Sender Identifier. The Sender Identifier shall consist of Correct sender FEIN for the insurer’s or third party vendor’s FEIN and Postal Code as reported on Form DFS-F5-DWC-EDI-3, EDI Transmission Profile – Sender’s Specifications.

(d) “Sender Postal Code” as indicated in DWC Form EDI-3 “EDI Transmission Profile—Sender Specifications.”

(4)(3) POC EDI transmissions may be sent on a daily basis, and shall be sent via secured File Transfer Protocol (FTP). Effective March 1, 2005, electronic transmissions of Proof of Coverage data required pursuant to this rule, shall be sent to the Division using Secure Socket Layer/File Transfer Protocol (SSL/FTP) with a client software program to accomplish SSL/FTP uploads and downloads capable of the AUTH SSL method of certificate negotiation. SSL/FTP

transmissions shall be implemented by the EDI trading partner in accordance with DFS-F5-DWC-EDI-4, Secure Socket Layer (SSL)/File Transfer Protocol (FTP) Instructions (08/01/2004).

~~(5)(4)~~(a) Transmissions sent Monday through Saturday: In order for a transmission sent Monday through Saturday to be processed as received by the Division and acknowledged the same day the transmission was sent, the insurer or third party vendor shall send the transmissions by 9:00 p.m., Eastern Standard Time, Monday through Saturday. Transmissions received after 9:00 p.m., Eastern Standard Time, Monday through Saturday shall be processed as received by the Division and acknowledged the next business day after the transmission was sent.

(b) Transmissions sent Sunday: In order for a transmission sent on Sunday to be processed as received by the Division on Sunday, the insurer or third party vendor shall send the transmission by 4:00 p.m., Eastern Standard Time, Sunday. Transmissions received by 4:00 p.m. Eastern Standard Time will be acknowledged on Monday. Transmissions received after 4:00 p.m. Eastern Standard Time, Sunday, shall be processed as received by the Division on Monday and acknowledged on Monday.

~~(6)(5)~~ Effective March 1, 2005, to send submit data electronically to the Division's FTP Internet web site, the insurer or third party vendor shall have the following capabilities:

(a) Computer access to the Internet,

~~(b) Compression Software to read and write encrypted ZIP files, and~~

~~(b)(e)~~ A Secure Socket Layer/File Transfer Protocol (SSL/FTP) Client FTP Transfer Software Program to accomplish SSL/FTP uploads and downloads, in accordance with Form DFS-F5-DWC-EDI-4 (08/01/2004).

~~(7)(6)~~ Transmissions shall be sent using the flat file PC1 and PC2 formats located on pages "5-7" and "5-8" of the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header & Acknowledgement Records, Release 2, May 1, 2002 November 1, 2004.

~~(7) Formats of data elements shall match format specifications established by the IAIABC.~~

(8) During test and pilot transmissions, the "Test-Production Indicator" in the Header record shall be set to "T." Beginning with authorized production transmissions, the "Test-Production Indicator" shall be set to "P."

(9) All insurers or third party vendors shall have the capability to receive and process the Division's IAIABC POC EDI Acknowledgement Transaction, which is a "variable length" record.

(10) ~~The meaning of the data elements reported to the Division under this section shall match the definitions established in Section 7 of the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2, May 1, 2002,~~

~~shall be utilized when reporting data elements to the Division November 1, 2004. If not, the insurer or third party vendor shall conform to the IAIABC standard data definition(s).~~

(11) The insurer or third party vendor shall send the PC1 and PC2 transactions required in Rule 69L-56.210, F.A.C., in accordance with the information appearing in the "Carrier-Insurer Submits" column in the "Proof of Coverage Transaction Overview" document, located on pages "6-7" through "6-12" of the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2, May 1, 2002. When required, both a PC1 and PC2 shall be sent to report POC EDI filings. If the PC2 transaction filing is required and rejected, both the PC1 and PC2 transactions shall be re-sent re-submitted together in the same transmission. The Division will not "hold" a PC1 transaction record in anticipation of the return of a corrected corresponding PC2 transaction.

(12) The insurer or third party vendor's business and technical contacts shall have e-mail system capabilities that support Word, Excel, or PDF attachments from the Division receipt of zipped files with attachments of at least 2 Megabytes.

(13) The insurer or third party vendor shall utilize anti-virus software to screen out and clean any viruses on all electronic transmissions, prior to sending transmissions submission to the Division. The insurer or third party vendor shall maintain the anti-virus software with the most recent anti-virus update files from the software provider. If the insurer or third party vendor sends a transmission that contains a virus which prevents the Division from processing the transmission, the transmission will not be considered as having been received by the Division.

Specific Authority 440.591, 440.593(5) FS. Law Implemented 440.593 FS. History—New 3-5-02, Formerly 38F-56.110, 4L-56.110, Amended _____.

69L-56.200 Cancellation or Non-Renewal of Workers' Compensation Insurance.

(1) Except for cancellation for nonpayment of premium or cancellation or non-renewal at the request of the insured, an insurer shall not cancel or non-renew any workers' compensation insurance policy, contract of insurance, or renewal until at least 30 days have elapsed after the insurer has electronically filed a cancellation or non-renewal with the Division, either directly or through a third party vendor. When an insurer files an electronic cancellation or non-renewal directly with the Division for any reason other than non-payment of premium or when cancellation or non-renewal is requested by the insured, the 30-day notice period shall be calculated from the first day following the date on which the electronic cancellation or non-renewal was filed with the Division. If the insurer files an electronic cancellation or non-renewal through a third party vendor for any reason other than non-payment of premium or when cancellation or

non-renewal is requested by the insured, the 30-day notice period shall be calculated from the first day following the "Jurisdiction Designee Received Date".

(2)(a) For any workers' compensation insurance policy, contract of insurance, or renewal with a policy effective date prior to October 1, 2003, an insurer shall not cancel or non-renew the policy for non-payment of premium until and unless 30 days have elapsed after the insurer has electronically filed with the Division or through a third party vendor a cancellation or non-renewal. When an insurer files an electronic cancellation or non-renewal directly with the Division, the 30-day notice period shall be calculated from the first day following the date on which the electronic cancellation or non-renewal was filed with the Division. If the insurer files an electronic cancellation or non-renewal through a third party vendor, the 30-day notice period shall be calculated from the first day following the "Jurisdiction Designee Received Date".

(b) For any workers' compensation insurance policy, contract of insurance, or renewal with a policy effective date on or after October 1, 2003, an insurer shall not cancel or non-renew the policy for non-payment of premium until and unless the insurer has mailed notification of the cancellation or non-renewal to the employer at least 10 days prior to the effective date of the cancellation or non-renewal. Notification to the Division is not required to cancel or non-renew a workers' compensation insurance policy, contract of insurance, or renewal for non-payment of premium. However, the insurer shall advise the Division of the cancellation or non-renewal due to non-payment of premium in accordance with the electronic filing time periods for policy information set out in subsections 69L-56.210(5) and (6), F.A.C.

(3) If an insured requests cancellation or non-renewal of any workers' compensation insurance policy, contract of insurance or renewal, the cancellation or non-renewal shall be effective on the date the insurer sends the cancellation or non-renewal to the insured. Notification to the Division is not required to cancel or non-renew a workers' compensation insurance policy, contract of insurance, or renewal when cancellation or non-renewal is requested by the insured. However, the insurer shall advise the Division of the cancellation or non-renewal requested by the insured in accordance with the electronic filing time periods for policy information set out in subsections 69L-56.210(7), F.A.C.

(4) If a policy has been re-written by the same insurer for the same employer with the same effective date and has been electronically filed with the Division, the earlier policy may be cancelled by the insurer the same day the earlier policy became effective. The insurer shall electronically file a cancellation or non-renewal directly with the Division or through a third party vendor and serve a copy of the notice of cancellation or non-renewal upon the employer in person or by mail, stating therein the reason for such cancellation or non-renewal.

Specific Authority 440.185(7), 440.42(3), 440.591, 440.593(5), 627.4133(4) FS. Law Implemented 440.185(7), 440.42(3), 440.593, 627.4133(4) FS. History—New

69L-56.210 Electronic Filing Time Periods for Policy Information.

Pursuant to Section 440.593(1), F.S., the Division may establish different deadlines for filing required reports electronically than are otherwise required when reporting information by other means. Accordingly, notwithstanding the deadlines for filing policy information by other means as set forth in Section 440.185(7), F.S., an insurer, other than an individual self-insurer approved under Section 440.38, F.S., must electronically file the following information in accordance with the provisions of this rule, and shall have received an acknowledgement code of "Transaction Accepted" (TA)" by the Division within the following deadlines:

(1) Within thirty days after the effective date of any workers' compensation insurance policy, contract of insurance, or renewal, every insurer shall send the electronic Certificate of Insurance.

(2) Within thirty days after the effective date of each endorsement to any workers' compensation insurance policy, contract of insurance, or renewal, every insurer shall send the electronic Notice of Endorsement.

(3) Within thirty days after the effective date of each reinstatement to a cancelled workers' compensation insurance policy, contract of insurance, or renewal, every insurer shall send the electronic Notice of Reinstatement.

(4) Within thirty days prior to the cancellation or non-renewal of any workers' compensation insurance policy, contract of insurance, or renewal, other than a cancellation for non-payment of premium or when cancellation or non-renewal is requested by the insured, every insurer shall send the electronic cancellation or non-renewal.

(5) Within thirty days prior to the cancellation of any workers' compensation insurance policy, contract of insurance, or renewal with a policy effective date prior to October 1, 2003, that is being cancelled for non-payment of premium, every insurer shall send the electronic cancellation (Triplicate Code 00-41-59).

(6) Within ten days prior to the cancellation of any workers' compensation insurance policy, contract of insurance, or renewal with a policy effective date on or after October 1, 2003, that is being cancelled for non-payment of premium, every insurer shall send the electronic cancellation (Triplicate Code 00-41-59).

(7) Within ten days after the cancellation or non-renewal of any workers' compensation insurance policy, contract of insurance, or renewal for which an insured has requested cancellation or non-renewal, the insurer shall send the electronic cancellation or non-renewal to the Division. The electronic cancellation or non-renewal shall contain Triplicate Codes with Transaction Set Type Codes 42 & 60 pursuant to

the "Transaction Overview" document, located on pages "6-7" through "6-12" IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2, May 1, 2002.

(8) An insurer shall not cancel or non-renew a workers' compensation insurance policy, contract of insurance, or renewal for underwriting reasons represented by Triplicate Code "00-60-64" until and unless 30 days have elapsed after the insurer has electronically sent a cancellation or non-renewal to the Division directly or through a third party vendor.

Specific Authority 440.185(7),(9), 440.42(3), 440.591, 440.593(5), 627.4133(4) FS. Law Implemented 440.185(7),(9), 440.42(3), 440.593, 627.4133(4) FS. History--New _____.

69L-56.300 Technical Requirements for Voluntary Claims EDI Transmissions.

(1) Effective March 1, 2005, as a voluntary alternative to paper filing pursuant to Chapter 69L-3, F.A.C., insurers may elect to make electronic transmissions of the First Report of Injury or Illness (Form DFS-F2-DWC-1), Claim Cost Report (Form DFS-F2-DWC-13), and the Division-approved electronic format for reporting the employee's 8th day of disability and claim administrator's knowledge of the 8th day of disability (Electronic Supplement to the First Report of Injury transaction) required in Chapter 69L-3, F.A.C., shall be sent to the Division using only the following transmission methods:

(a) Advantis Value Added Network (VAN), or

(b) Secure Socket Layer/File Transfer Protocol (SSL/FTP) using a client software program to accomplish SSL/FTP uploads and downloads in accordance with Form DFS-F5-DWC-EDI-4 (08/01/2004). SSL/FTP transmissions shall be implemented by the claim administrator in accordance with instructions posted on the Division's web site at <http://www.fldfs.com/wc/edi.html>.

(2) Effective March 1, 2005, voluntary electronic transmissions of the First Report of Injury or Illness (DFS-F2-DWC-1), and the Claim Cost Report (DFS-F2-DWC-13), shall be sent to the Division using the First Report of Injury (FROI) / 148 flat file transaction set, and the Subsequent Report (SROI) / A49 flat file transaction set, described in the IAIABC EDI Implementation Guide for First, Subsequent, Acknowledgement Detail, Header, & Trailer Records, Release 1, February 15, 2002. The claim administrator shall not send transmissions containing files in the ANSI 148 format to the Division on or after March 1, 2005.

(3)(a) Each voluntary FROI transmission shall contain at least one batch in the FROI format located pages "4-13" and "4-14" in the IAIABC EDI Implementation Guide for First, Subsequent, Acknowledgement Detail, Header, & Trailer Records, Release 1, February 15, 2002. Each voluntary SROI transmission shall contain at least one batch in the SROI format located on pages "4-15" and "4-16" in the guide.

(b) Each batch shall contain only one of the following transaction types:

1. First Report of Injury (FROI/148 transaction), or
2. Subsequent Report of Injury (SROI/A49 transaction)

(c) A batch shall contain the following as set forth on pages "4-11" thorough "4-19" in the IAIABC EDI Implementation Guide for the First, Subsequent, Acknowledgement Detail, Header, & Trailer Records, Release 1, February 15, 2002:

1. Header Record.
2. One or more transactions – FROI's or SROI's.
3. Trailer Record.

(d) Header records shall include the following information:

1. Receiver FEIN for the State of Florida: 596001874.
2. Receiver Postal Code for the State of Florida: 323994226.
3. Sender Identifier. The Sender Identifier shall consist of the claim administrator's FEIN and Postal Code as reported on Form DFS-F5-DWC-EDI-3, EDI Transmission Profile – Sender's Specifications.

(4) To voluntarily report the electronic equivalent of a DFS-F2-DWC-1 for which total compensability of the claim has not been denied, the claim administrator shall send to the Division both the FROI and SROI within the processing timeframes set out in subsection 69L-56.310(5), F.A.C., below. If either the FROI or SROI contain an error that results in the rejection of one of the transactions, both the FROI and SROI shall be rejected and the claim administrator shall re-send both the corrected FROI and SROI to the Division within the processing timeframes referenced in the aforementioned rule above, in order for the two transactions to be processed together. The Division will only pair for processing purposes, FROI's and SROI's that are received by the Division on the same day.

(5)(a) Transmissions sent Monday through Saturday: In order for a transmission sent Monday through Saturday to be processed as received by the Division the same day the transmission was sent, the claim administrator shall send voluntary Claims EDI transmissions by 9:00 p.m., Eastern Standard Time, Monday through Saturday. Transmissions received by 9:00 p.m., Eastern Standard Time, will be acknowledged the next business day after Division receipt and processing. Transmissions received after 9:00 p.m., Eastern Standard Time, Monday through Saturday, shall be processed as received by the Division the day after the transmission was sent, and will be acknowledged the next business day after Division receipt and processing.

(b) Transmissions sent Sunday: In order for a transmission sent on Sunday to be processed as received by the Division on Sunday, the claim administrator shall send voluntary Claims EDI transmissions by 4:00 p.m., Eastern Standard Time, Sunday. Transmissions received by 4:00 p.m., Eastern

Standard Time, Sunday will be acknowledged on Tuesday. Transmissions received after 4:00 p.m., Eastern Standard Time, Sunday shall be processed as received by the Division on Monday and will be acknowledged on Tuesday.

(6) During the test and pilot phases, the "Test-Production Indicator" in the Header record shall be set to "T". After the claim administrator has been approved by the Division to send transmissions in production status, the "Test-Production Indicator" shall be set to "P".

(7) The claim administrator shall have the capability to receive and process IAIABC Claims EDI AK1 Acknowledgement transactions and shall update its database with the Division's Agency Claim Number (ACN) provided on the EDI AK1 Acknowledgement transactions for each successfully filed transaction.

(8) Formats and meaning of data elements voluntarily reported via EDI to the Division under this section shall match format specifications and data element definitions established in the IAIABC Implementation Guide for First, Subsequent, Acknowledgement Detail, Header, & Trailer Records, Release 1, February 15, 2002.

(9) The claim administrator's business and technical contacts shall have email system capabilities that support Word, Excel, or PDF attachments from the Division of at least 2 Megabytes.

(10) The claim administrator or other third party vendor shall utilize anti-virus software to screen out and clean any viruses on all electronic transmissions prior to sending transmissions to the Division. The claim administrator or other third party vendor shall maintain anti-virus software with the most recent anti-virus update files from the software provider. If the insurer or third party vendor sends a transmission that contains a virus which prevents the Division from processing the transmission, the transmission will not be considered as having been received by the Division.

Specific Authority 440.591, 440.593 FS. Law Implemented 440.593 FS. History-New _____.

69L-56.310 Electronic Supplement to the First Report of Injury.

If the electronic form equivalent of the DFS-F2-DWC-1, First Report of Injury or Illness, is voluntarily sent via EDI with Claim Type "L" (Became Lost Time, a.k.a., Medical Only to Lost Time), the claim administrator shall report the employee's 8th day of disability and the claim administrator's knowledge of the 8th day of disability as required in Rule 69L-3.0045 F.A.C., using the electronic format approved by the Division and adopted by reference in this rule. The claim administrator shall obtain the electronic format, "Electronic Supplement to

the First Report of Injury (DWC-1) Transaction (August 2004)", from the Division's web site at www.fldfs.com/wc/edi.html.

Specific Authority 440.591, 440.593 FS. Law Implemented 440.593 FS. History-New _____.

69L-56.500 Insurer Responsibilities Where Third Party Vendor Services are Utilized.

If an insurer contracts with a third party vendor to electronically send transactions to the Division on the insurer's behalf, or uses a third party vendor's software product for electronically sending transactions to the Division, the insurer shall remain responsible for the timely filing of electronic form equivalents and any penalties and fines that may result from untimely electronic filings.

Specific Authority 440.591, 440.593(5) FS. Law Implemented 440.20(8)(b), 440.593 FS. History-New _____.

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Refunds
 RULE NO.: 69O-196.010

PURPOSE AND EFFECT: To delete the requirement that premium finance companies (PFC's) notify insureds and agents of the amount of unearned premium.

SUBJECT AREA TO BE ADDRESSED: Refunds.

SPECIFIC AUTHORITY: 624.308, 627.848 FS.

LAW IMPLEMENTED: 624.307(1), 627.7283, 627.832(1), 627.838, 627.840, 627.848, 627.849 FS.

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

TIME AND DATE: 9:00 a.m., October 5, 2004

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Amy Groszos, Bureau of Specialty Insurers, Office of Insurance Regulation, e-mail: groszosa@dfs.state.fl.us

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