

telephone contact to the other state to request case closure will be made. If the attempted contact is unsuccessful, it will be recorded in the case file, and an e-mail sent to the other state requesting closure. ECA will be approved for the month of application if otherwise eligible and if the applicant(s) or assistance group did not have access to the TANF funds from the other state. Otherwise, ECA will be approved for the following month.

3. ECA will be denied if the applicant(s) or assistance group claims receipt of TANF, has access to the funds, and indicates they plan to continue receiving TANF.

Specific Authority 414.45 FS. Law Implemented 414.16 FS. History--New _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE TITLE: Charlotte County Zones
 RULE NO.: 68C-22.015

PURPOSE AND EFFECT: The Commission is considering whether amendments to the existing manatee protection zones in Charlotte County should be made to provide additional higher speed access to Little Gasparilla Island. At the request of the Commission, and as required by Section 370.12(2)(f), F.S., in July 2005 Charlotte County established a Local Rule Review Committee (LRRC) to review and comment on a preliminary rule proposal. The LRRC met two times and submitted its final report in October 2005. The Commission is scheduled to consider the LRRC report and Commission staff recommendations for proposed rule amendments at the November 30 – December 1, 2005, Commission meeting to be held in Key Largo. The agenda for this meeting and background information on this issue can be viewed on-line at: <http://myfwc.com/commission/index.html>.

SUBJECT AREA TO BE ADDRESSED: Manatee protection zones in the Placida Harbor area of Charlotte County.

SPECIFIC AUTHORITY: 370.12(2)(n) FS.

LAW IMPLEMENTED: 370.12(2)(d), (k), (n) 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, IF AVAILABLE, IS: Mr. Scott Calleson, Imperiled Species Management Section, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330

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

**Section II
 Proposed Rules**

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 CITRUS

RULE CHAPTER TITLE: Maturity Tests – Processed Citrus
 RULE CHAPTER NO.: 20-61

RULE TITLE: Sampling Equipment
 RULE NO.: 20-61.003

PURPOSE AND EFFECT: A requested amendment extending for one year, to November 1, 2006, the requirement for all processing plants to install the flip-gate sampling system.

SUMMARY: Extending the deadline for installation of the flip-gate sampling system.

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

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

SPECIFIC AUTHORITY: 601.10(7), 601.24 FS.

LAW IMPLEMENTED: 601.10(7), 601.24, 601.27 FS.

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

TIME AND DATE: 10:30 a.m., December 21, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF PROPOSED RULE IS:

20-61.003 Sampling Equipment.

(1) Each processing plant shall install mechanical sample selectors, as per drawings and specifications on file at the Department of Citrus office, at unloading ramps immediately after grading. Effective November 1, ~~2006~~ 2005, statewide standardized sampling equipment will be required. By that date each processing plant shall have installed a Flip-Gate style mechanical sample selector system, as per specifications on file at the Department of Citrus headquarters and incorporated herein by reference. Such specifications shall be adhered to

upon the installation of new Flip-Gate sampler systems and during the operation and maintenance of existing Flip-Gate sampler systems. No alterations or modifications shall be made on the sample system without the prior knowledge and consent of the Division of Fruit and Vegetables, and such system, under the supervision of the Technical Bureau of that Division, shall be maintained by the plant to deliver, directly into the state test lab, a representative sample from each load of fruit received at the approximate rate of one fruit for each ten boxes. All troughs, chutes, conveyors, and belts used for mechanically collecting and transporting samples shall be so enclosed as to make the sample inaccessible prior to point of delivery into the state test lab.

Specific Authority 601.10(7), 601.24 FS. Law Implemented 601.10(7), 601.24, 601.27 FS. History—Formerly 105-1.18(1), Revised 1-1-75, Formerly 20-61.03, Amended 10-15-95, 12-21-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Keck, General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Keck, General Counsel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2005

DEPARTMENT OF CORRECTIONS

RULE TITLE: Food Services – Standards of Operation
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to alter the time period for which therapeutic diets can be prescribed.

RULE NO.: 33-204.003

SUMMARY: The proposed rule provides for therapeutic diets to be prescribed for 90 days rather than 180 days.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-204.003 Food Services – Standards of Operation.
- (1) through (3) No change.

(4) Therapeutic Diets. Therapeutic diets for medical or dental reasons shall be provided as ordered by a Department of Corrections credentialed physician, clinical associate (physicians assistant, advanced registered nurse practitioner) or dentist. All orders for therapeutic diets shall be in writing. Non-standard therapeutic diets shall be approved by the public health nutrition program manager and the regional medical executive director. Therapeutic diets shall be served for a maximum of ~~90~~ ~~180~~ days. Diets extending for periods longer than ~~90~~ ~~180~~ days shall require a new diet order from the attending Department of Corrections credentialed physician, clinical associate (physicians assistant or advanced registered nurse practitioner) or dentist. Diet prescription orders must be received in food services prior to the expiration of the current prescription to avoid interruption of the therapeutic diet. The Public Health Nutrition Program Manager and the Public Health Consultants shall be available for consultation by health and food service personnel regarding therapeutic diets.

(5) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, 11-1-04, 2-27-05, 10-16-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Franchatta Barber, Deputy Assistant Secretary
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2005

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Death Notification Process
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify notification responsibilities in the event of an inmate death by natural or other causes.

RULE NO.: 33-602.112

SUMMARY: Provides that notification of the Emergency Action Center is required only when a death occurs under suspicious circumstances or is the result of unnatural causes. Provides for notification of the medical examiner by the institution if the death is a result of natural causes. Provides for notification of the medical examiner by the Inspector General if the death occurs under suspicious circumstances or is the result of unnatural causes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 406.50-.54 FS., Article 37 of the Vienna Convention on Consulate Relations

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.112 Inmate Death Notification Process.

(1) Notice of Death. Upon the death of an inmate while in the custody of the department:

(a) The institution shall immediately notify:

1. No change.

2. The Office of the Inspector General duty officer via emergency action center if the death occurred under suspicious circumstances or is the result of unnatural causes; as well as

3. ~~The~~ local institution inspector;

~~4.3.~~ No change.

~~5.4.~~ No change.

~~6.5.~~ In the case of the death of a foreign national, the nearest consulate of that national's country; and

7. The district medical examiner of the district in which the death occurred if the death is the result of natural causes.

(b) The Office of the Inspector General shall immediately notify:

1. The district medical examiner of the district in which the death occurred if the death occurred under suspicious circumstances or is the result of unnatural causes;

2. through 3. No change.

(c) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 406.50-.54 FS., Article 37 of the Vienna Convention on Consulate Relations. History--New 10-8-76, Amended 9-24-81, Formerly 33-3.09, Amended 6-2-88, 2-18-90, 2-12-97, Formerly 33-3.009, 33-401.301, Amended 3-25-02, 9-9-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Drake, Deputy Assistant Secretary of Institutions – Operations

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

DEPARTMENT OF CORRECTIONS

RULE TITLE: Use of Force RULE NO.: 33-602.210

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the circumstances under which deadly force can be used to prevent escapes, and to update forms used in conjunction with use of force incidents.

SUMMARY: The proposed rule defines ‘active pursuit of an escapee’ and clarifies when force is authorized during an escape from: inside an institutional perimeter; outside an institutional perimeter; a work squad; or during the course of a transport. Form DC4-708, Diagram of Injury, and DC4-650B, Risk Assessment for the Use of Chemical Restraint Agents and Electronic Immobility Devices, are amended for clarity.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 776.07, 944.09, 944.35 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.210 Use of Force.

(1) Employees are authorized to apply physical force, up to and including deadly force, only when and to the degree that it reasonably appears necessary in order:

(a) through (g) No change.

(h) To restrain the inmate when ordered to allow medical treatment in accordance with the provisions of subsection ~~(11)(10)~~ of this rule.

(2) Use of Deadly Force to Prevent Escape or to Recapture Escapee. Generally, correctional officers are authorized to use force, including deadly force, as necessary to prevent the escape of an inmate from a penal institution.

(a) Escape attempts from inside an institutional perimeter where armed perimeter staff are assigned:

1. In institutions that have a double fence, where time permits, a verbal warning to halt shall be given before the inmate touches the inner fence. Time permitting, a warning shot shall then be fired before the inmate begins to pass over, through or under the inner fence. The firearm shall not be fired at the inmate until he has begun to pass over, through or under the inner fence.

2. In institutions that have a single fence, and time permitting, a verbal warning will be given to halt and a warning shot will be fired before the inmate reaches the perimeter fence. The firearm shall not be fired at the inmate until he has begun to pass over, through or under the fence.

3. Warning shots are only authorized as provided in subparagraphs (2)(a)1. and 2. above. In all other instances where lethal force is authorized during inmate escape attempts, a verbal warning shall be issued if time and circumstances permit.

(b) Apprehension of escaped inmates once they are outside an institutional perimeter.

1. Correctional officers are considered to be in active pursuit of an inmate who has escaped from an institution or supervised work squad so long as the escape commander determines that the escape recovery efforts are active. When the inmate has refused a verbal order to stop, the correctional officer is authorized to use deadly force to stop the inmate, once the officer has clearly identified the individual as the escaped inmate and is sure of the target and what lies beyond.

2. Once the escape commander determines that immediate recapture efforts are over, recapture becomes a law enforcement agency function and department staff only provide assistance to local law enforcement. Correctional officers who are utilized to assist outside law enforcement agencies are authorized to use deadly force only in self defense or to defend others against deadly use of force.

3. When an inmate fails to return from a furlough or non-supervised outside assignment or escapes from a department work release facility, recapture is a law enforcement agency function and department staff only provide assistance to local law enforcement. Correctional officers who are utilized to assist outside law enforcement agencies are authorized to use deadly force only in self defense or to defend others against deadly use of force.

(c) Escape attempts by inmates while being transported or escorted outside institutional perimeters, e.g., court appearances, hearings and medical visits, or while being supervised while in a hospital for treatment. Lethal force is only authorized in accordance with paragraph (1)(c), when the officers are in immediate active pursuit of the escapee. The escape commander will determine when the period of active pursuit has ended. At this point, involvement by correctional officers will be limited to assisting law enforcement officers and lethal force is only authorized for self defense or to defend others against deadly use of force.

(2) through (4) renumbered (3) through (5) No change.

(6)(5) The warden or, in his absence, the duty warden will be consulted and give her or his permission prior to use of physical force. In spontaneous use of force incidents when circumstances do not permit prior approval, the warden or, in his absence, the duty warden will be notified immediately following any use of force incident. Whenever force is

authorized, the employee who was responsible for making the decision to use force pursuant to subsection (1) shall prepare, date and sign the Authorization for Use of Force Report, Form DC6-232 either during, or immediately after, the tour of duty when force was used. If the authorization for force is given after normal working hours, the person authorizing the force shall complete and sign Form DC6-232 within one working day (Monday through Friday) following the incident. Form DC6-232 is incorporated by reference in subsection ~~(21)(20)~~ of this rule.

~~(7)(6)~~ Whenever force is used, a detailed written report of force used shall be prepared, dated and signed by the initial employee using force. Form DC6-230, Institutions Report of Force Used, shall be used for this purpose. If more than one employee was involved in the initial use of force, the highest ranking official involved or the most senior employee shall complete the report. Each additional employee involved in the use of force who agrees with the facts and circumstances as reported on Form DC6-230 Section I shall prepare an Institutions Report of Force Used Staff Supplement, Form DC6-231. The report shall describe in detail the type and amount of force used by him or her. Each Employee shall individually write his or her own report, then submit the completed report to the clerical personnel designated by the warden to type all the reports onto one form to be signed by each employee. Any additional employee who does not agree with the facts and circumstances as reported in Form DC6-230 Section I shall prepare a separate Form DC6-230, Institutions Report of Force Used. Forms DC6-230 and DC6-231 are incorporated by reference in subsection ~~(21)(20)~~ of this rule.

~~(8)(7)~~ No change.

~~(9)(8)~~ The warden or acting warden shall immediately conduct a preliminary review of the video tape(s) and all associated reports for signs of excessive force or procedural deviation. If signs of excessive force or procedural deviation are noted by the warden or assigned inspector, she or he will notify the Office of the Inspector General directly, so that there is no undue delay in initiating an investigation. The warden shall then appoint a staff member of equal or higher rank than those involved in the use of force to collect all pertinent information and required documentation. This information will include the reports of all involved staff and the statements of staff witnesses, inmate witnesses, the inmate subject, and the completed Use of Force File Checklist, Form DC1-813. All inmate statements (subject and witnesses) shall be made in writing using the Witness Statement, Form DC6-112C. Form DC6-112C is incorporated by reference in Rule 33-601.313, F.A.C. All employees who witness but do not participate in the use of force shall complete an Incident Report, Form DC6-210. Form DC6-210 is incorporated by reference in subsection ~~(21)(20)~~ of this rule. This process will be completed within 5 working days (Monday through Friday). The warden shall review the information and note any inappropriate actions. The warden

shall review the Use of Force File Checklist, Form DC1-813, and shall forward the videotape(s) and associated reports on the use of force and the warden's review to the institutional inspector within five working days. Form DC1-813 is incorporated by reference in subsection ~~(21)(20)~~ of this rule. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Use of Force Unit within the Office of the Inspector General (OIG) within 5 working days. The OIG, following its review, will either approve the use of force action or disapprove it. If necessary, it will be referred for investigation before final approval or disapproval. If disapproved, the OIG shall advise the warden in writing of the reason for the disapproval so that the warden can take any needed corrective action. If employee disciplinary action appears warranted, the warden shall forward the materials to the service center employee relations supervisor. Form DC6-296, Disapproved Use of Force/ Disposition Report, shall be used for this purpose. Form DC6-296 is incorporated by reference in subsection ~~(21)(20)~~ of this rule. The warden shall document all corrective action taken. Copies of the employee's report, the warden's summary and the inspector general's review and determination shall be kept in the inmate's file. A Use of Force Log, Form DC2-802, shall be placed in every employee's personnel file. This form will be maintained by the servicing personnel office and shall contain a record of every report of use of force and staff supplement completed by the employee. The warden or his or her designee shall be responsible for submitting accurate information to the personnel office in order to maintain the DC2-802. Any use of force reports completed prior to 4-15-98 shall also remain in the file. Form DC2-802, Use of Force Log, is incorporated by reference in subsection ~~(21)(20)~~ of this rule.

~~(10)(9)~~ Any employee who witnesses, or has reasonable cause to suspect, that an inmate has been unlawfully abused shall immediately prepare, date and sign an Incident Report, Form DC6-210, pursuant to Section 944.35(5), F.S., specifically describing the nature of the force used, the location and time of the incident and the persons involved. The report shall be delivered to the inspector general of the department with a copy delivered to the warden of the institution. The inspector general shall conduct an appropriate investigation and, if probable cause exists that a crime has been committed, notify the state attorney in the circuit in which the institution is located. Form DC6-210, Incident Report, is incorporated by reference in subsection ~~(21)(20)~~ of this rule.

~~(11)(10)~~ Force or restraint may be used to administer medical treatment when ordered by a physician or clinical associate, and only when treatment is necessary to protect the health of other persons, as in the case of contagious and venereal diseases, or when treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death. The physician or clinical associate shall prepare a report documenting the reasons that force or restraint was authorized. Form DC6-232, Authorization for Use of Force Report, shall

be used for this purpose. The physician's or clinical associate's report shall be attached to the Institutions Report of Force Used when actual force is used, or the Incident Report, Form DC6-210, in cases when restraints are applied without the use of force as described above. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In all cases where physical force is used to manage an inmate, the inmate and any employee who is involved will be required to receive a medical examination or will sign a Refusal of Health Services Affidavit, Form DC4-711A, declining the examination. In those cases where an injury is claimed but not substantiated by medical examination, the statement by the medical provider shall indicate this, and the documentation shall be sufficient to support that no injury was found upon examination. Forms DC4-711A, DC4-701C and DC4-708 are incorporated by reference in subsection ~~(21)(20)~~ of this rule. When the use of four-point or five-point psychiatric restraints is authorized and the inmate does not offer resistance to the application of the restraints, the completion of an Institutions Report of Force Used, Form DC6-230, or an Institutions Report of Force Used Staff Supplement, Form DC6-231, will not be required. In these situations, where there is no resistance to the application of psychiatric restraints, the application of the restraints will be videotaped and an Incident Report, Form DC6-210, will be completed. The videotape, the completed incident report, and the completed Authorization for Use of Force Report, Form DC6-232, will be forwarded to the warden or acting warden for review within one working day. The warden will forward the videotape and associated reports to the institutional inspector within five working days. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Office of the Inspector General, as outlined in subsection ~~(9)(8)~~ above, for review. If at any time prior to or during the application of the psychiatric restraints the inmate offers resistance to the application, the steps outlined in subsection ~~(7)(6)~~ above will be followed.

(11) through (12) renumbered (12) through (13) No change.

~~(14)(13)~~ Use of electronic immobilization devices.

(a) through (d) No change.

(e) When in a close management or confinement setting, prior to utilizing electronic immobilization devices, the officer shall review Form DC4-650B, Risk Assessment for the Use of Chemical Restraint Agents and Electronic Immobilization Devices, to determine whether the inmate has a medical

condition which may be exacerbated by use of electronic immobilization devices. If no form is available, and where time and circumstances permit, medical staff shall be consulted to determine if the inmate has any medical condition that would make the use of an electronic immobilization device dangerous to that inmate's health. Form DC4-650B is incorporated by reference in subsection ~~(21)(20)~~ of this rule.

(f) No change.

(g) As soon as possible following each use of an electronic immobilization device the inmate shall be afforded medical examination and treatment. Medical staff shall, upon completing the medical examination, make a mental health referral for each inmate who is classified S-2 or S-3 on the health profile. The referral shall be made by completing Form DC4-529, Staff Request/Referral, and sending it to mental health staff. Form DC4-529 is incorporated by reference in subsection ~~(21)(20)~~ of this rule. Mental health staff shall evaluate the inmate not later than the next work day to determine whether a higher level of mental health care (isolation management, transitional, or crisis stabilization) is indicated. For the purposes of this rule, the following definitions shall apply:

1. through 2. No change.

(h) through (l) No change.

~~(15)(14)~~ Use of Chemical Agents.

(a) through (j) No change.

(k) Chemical agents shall be stored in the main arsenal. A small amount of chemical agents may be stored in secure locations such as the control room mini-arsenal or the officer's station in confinement and close management units until its use is authorized. Each stored chemical agent dispenser will be numbered. The Chemical Agent Accountability Log, Form DC6-216, will be kept in all areas in which chemical agents are stored and will be utilized to record the weight of each numbered chemical agent dispenser prior to issue and again when it is returned to the secure inventory storage area. The weighing process will be conducted and a verifying entry will be made in the log, including the signature of the shift supervisor authorizing the use of the chemical agent. The chief of security shall monitor the canister weights following each use of chemical agents to ensure the amounts used are consistent with that expected by reviewing and initialing the Chemical Agent Accountability Log, Form DC6-216. Form DC6-216 is incorporated by reference in subsection ~~(21)(20)~~ of this rule. Staff designated by the Secretary of the Department shall be issued one three or four ounce dispenser of OC pepper spray, with marking dye, after being properly trained in chemical agent utilization. The chemical agent dispenser shall be securely encased and attached to the officer's belt. Each MK-4 chemical agent dispenser will be secured within a pouch by a numbered, breakable seal. Form DC6-213, Individual Chemical Agent Dispenser, will be utilized to document the name of the officer to whom each dispenser is assigned as well as the seal number on

the dispenser she or he received. Upon receiving the dispenser and pouch, the officer will examine the safety seal to ensure that it is intact. If the seal is broken, the Shift Supervisor will be notified immediately and an Incident Report, Form DC6-210, will be written. Forms DC6-210 and DC6-213 are incorporated by reference in subsection ~~(21)(20)~~ of this rule. The arsenal sergeant shall maintain a mastery inventory of all individual chemical agent dispensers complete with the weight of the dispenser at the time the original seal is attached. Whenever a dispenser is returned with a broken seal, the arsenal sergeant shall document the weight of the dispenser on the Form DC6-216 and attach a new seal.

(l) No change.

(m) Procedure for the use of chemical agents on disruptive inmates under controlled conditions:

1. No change.

2. If the confinement or close management lieutenant or shift supervisor's efforts to control the disorderly inmate have failed and the use of chemical agents is the least level of force that can be expected to successfully gain control of the disruptive inmate while minimizing the risk of injuries to all involved, the shift supervisor shall:

a. When in a close management or confinement setting, review Form DC4-650B, Risk Assessment for the Use of Chemical Restraint Agents and Electronic Immobilization Devices, to determine if the inmate has a medical condition that would be exacerbated by the use of chemical agents; if no form is available, where time and circumstances permit, contact medical staff to determine whether the inmate has any medical condition that would make the use of chemical agents dangerous to that inmate's health; and

b. No change.

3. No change.

(n) Medical Requirements. Once the inmate is compliant, he shall be showered as soon as possible but not later than 20 minutes after final application of chemical agents. The inmate shall be examined by medical staff immediately after showering. In each instance a Form DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. If an injury is claimed or found to exist, Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In those cases where an injury is claimed but not substantiated by medical examination, the statement shall indicate that, and the documentation shall be sufficient to support that no injury was found upon examination. Medical staff shall, upon completing the medical examination, make a mental health referral for each inmate who is classified S-2 or S-3 on the health profile.

The referral shall be made by completing Form DC4-529, Staff Request/Referral, and sending it to mental health staff. Form DC4-529 is incorporated by reference in subsection ~~(21)(20)~~ of this rule. Mental health staff shall evaluate the inmate not later than the next working day, to determine whether a higher level of mental health care (isolation management, transitional or crisis stabilization) is indicated.

(o) No change.

(p) Inmates exposed to chemical agents shall be ordered by the shift supervisor to shower and change both inner and outer wear within 20 minutes after exposure for decontamination purposes.

1. through 4. No change.

5. If health services staff determine that a medical need requires the inmate to be showered, the provisions of subsection 33-602.210~~(11)(10)~~, F.A.C., shall be followed to shower the inmate and move him to a decontaminated cell.

~~(16)(15)~~ No change.

~~(17)(16)~~ Use of Firearms. In order for all concerned to be aware of their responsibilities, the statewide procedures set forth in this rule shall be included in the appropriate Department of Corrections procedures, post orders and escape emergency plans at each institution.

(a) through (c) No change.

~~(d) Escapes from outside a secure perimeter: When the identified escaped inmate has refused a verbal order to stop, a warning shot shall be fired if circumstances permit. If a warning shot fails or circumstances do not permit one, the correctional employee is authorized to shoot to stop the inmate.~~

~~(e) Escape attempts from inside a secure perimeter:~~

~~1. In institutions that have a double fence, where time permits, a verbal warning to halt shall be given before the inmate touches the inner fence. Time permitting, a warning shot shall then be fired before the inmate begins to pass over, through or under the inner fence. The firearm shall not be fired at the inmate until he has begun to pass over, through or under the inner fence.~~

~~2. In institutions that have a single fence, and time permitting, a verbal warning will be given to halt and a warning shot will be fired before the inmate reaches the perimeter fence. The firearm shall not be fired at the inmate until he has begun to pass over, through or under the fence.~~

(f) through (k) renumbered (d) through (i) No change.

~~(18)(17)~~ Pepperball Launching System (PLS). The PLS shall be used primarily by restricted labor squad supervisors and exercise officers for designated confinement, close management and death row populations. The PLS is intended for the dispersal of chemical agents in situations where the use of aerosol type agents would not be effective due to weather conditions or when their use could subject the officer or uninvolved inmates to injury. The PLS shall only be employed by officers trained in their use and effects.

(a) through (f) No change.

(g) All subsequent reports, medical requirements and reviews required for the use of chemical agents as outlined in subsection ~~(15)(14)~~ above shall be completed after the use of the PLS.

(18) through (19) renumbered (19) through (20) No change.

~~(21)(20)~~ The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (d) No change.

(e) DC4-708, Diagram of Injury, effective _____ ~~2-7-00~~.

(f) through (m) No change.

(n) DC4-650B, Risk Assessment for the Use of Chemical Restraint Agents and Electronic Immobilization Devices, effective _____ ~~8-25-03~~.

Specific Authority 944.09 FS. Law Implemented 20.315, ~~776.07~~, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Greg Drake, Deputy Assistant Secretary of Institutions – Operations

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

DEPARTMENT OF CORRECTIONS

RULE TITLE: Disciplinary Confinement

RULE NO.: 33-602.222

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form DC6-295, Special Housing Unit Rotation Review, to provide more detail as to the types of force used by the officer during the review period.

SUMMARY: Form DC6-295, Special Housing Unit Rotation Review, is being amended to provide more detail as to the types of force used (physical or chemical, spontaneous or non-spontaneous) by the officer during the review period.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.222 Disciplinary Confinement.

(1) through (13) No change.

(14) Forms. Form DC6-295, Special Housing Unit Rotation Review, is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Research, Planning and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of Form DC6-295 is 4-1-04.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 3-12-84, Formerly 33-3.084, Amended 7-10-90, 4-28-96, 12-7-97, 3-23-99, Formerly 33-3.0084, Amended 2-12-01, 2-15-02, 4-1-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Drake, Deputy Assistant Secretary of Institutions

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Percentage of Gross Pilotage Assessed

RULE NO.: 61G14-19.001

PURPOSE AND EFFECT: The proposed rule amendment is intended to decrease the gross pilotage assessment.

SUMMARY: The proposed rule amendment decreases the gross pilotage assessment from 0.6% to .25%.

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

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

SPECIFIC AUTHORITY: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-19.001 Percentage of Gross Pilotage Assessed.

(1) The Department of Business and Professional Regulation shall assess the pilots in the respective ports of the state ~~twenty-five hundredths~~ ~~six tenths~~ of one percent ~~(.6%)~~ (.25%) of the gross amount of pilotage earned by said pilots during each year. For the purposes of said assessment, the gross amount of pilotage earned shall be the amount of money collected by each pilot or by each entity of which the pilot is a member for piloting which shall include and not be limited to payment for piloting vessels to and from ports of this state, docking or undocking vessels, shifting vessels, running lines, delivering orders at sea, cancelled orders, boat service, detention, pilots being carried to sea, anchoring vessels, and any other related services rendered. Funds collected due under this are to be made payable to the Board and paid by the fifteenth of the following month. When received, the funds are paid into the Professional Regulation Trust Fund as created within the Department.

(2) No change.

Specific Authority 310.131, 310.185 FS. Law Implemented 310.131 FS. History—New 2-5-76, Amended 1-19-77, 1-1-78, 12-7-78, 11-1-81, 6-8-82, 8-9-82, 7-31-83, Formerly 21SS-3.01, Amended 5-30-89, 2-19-90, 12-30-91, 12-2-92, Formerly 21SS-3.001, 21SS-19.001, Amended 3-20-94, 1-5-95, 1-30-96, 3-17-96, 11-21-96, 8-25-97, 1-26-99, 1-31-01, 8-1-02, 7-8-03, 2-17-05, 10-2-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pilot Commissioners

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 30, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 4, 2005

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 HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Definitions

RULE NO.: 64B3-2.003

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.

SUMMARY: The proposed rule amendment updates the existing language in this rule.

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

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

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.803, 483.811, 483.821, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-2.003 Definitions.

(1) through (18) No change.

(19) Manual Pretesting procedures means collecting and labeling specimens; initially separating specimens by centrifugation prior to testing; receiving specimens and requisitions, processing, sorting, accessioning, prior to testing and delivering specimens to the appropriate testing sites; specimen processing for storage and shipping to a reference laboratory; routine hematology and microbiology slide preparation from a primary sample; loading automated stainers; loading specimens onto automated sampling or processing systems; cytopreparatory staining; measuring and aliquoting specimens; and direct primary inoculation of microbiology cultures. Placement of specimens onto an automated instrument or system is considered a manual pretesting duty, provided it does not include any activity that initiates the analytic process.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.803, 483.811, 483.821, 483.823 FS. History—New 11-4-93, Formerly 61F3-2.003, Amended 11-21-94, 11-30-94, 12-26-94, 5-3-95, 7-12-95, Formerly 59O-2.003, Amended 3-19-98, 12-13-98, 3-28-99, 9-12-99, 11-15-99, 3-24-02, 10-30-02, 2-1-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 13, 2005

Section III Notices of Changes, Corrections and Withdrawals

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 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 HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-2.003
RULE TITLE: Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment, as noticed in Vol. 31, No. 30, July 29, 2005 issue, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-12.006
RULE TITLE: Examination/Reexamination Fee

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed Rule published in Vol. 31, No. 20, May 20, 2005, issue of the Florida Administrative Weekly. The Board held a public hearing on this Rule on July 8, 2005, in Ft. Lauderdale,