

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Aircraft, Boats, Mobile Homes, and Motor Vehicles	12A-1.007
Food and Drink for Human Consumption; Sales of Food or Drinks Served, Cooked, Prepared, or Sold by Restaurants or Other Like Places of Business	12A-1.011
Federal Excise Taxes, Gross Receipts Tax, and Other Fees	12A-1.022
Electric Power and Energy	12A-1.053
Fuels	12A-1.059

PURPOSE AND EFFECT: The purpose of the amendments to Rule 12A-1.007, F.A.C. (Aircraft, Boats, Mobile Homes, and Motor Vehicles), is to remove provisions regarding charges for federal excise taxes and to provide that guidelines for the imposition of sales tax on charges for federal excise taxes, gross receipts tax, and other fees are provided in Rule 12A-1.022, F.A.C., as amended.

The purpose of the proposed amendments to Rule 12A-1.011, F.A.C. (Food and Drink for Human Consumption; Sales of Food or Drinks Served, Cooked, Prepared, or Sold by Restaurants or Other Like Places of Business), is to remove obsolete provisions regarding federal excise taxes imposed on meals.

The purpose of the proposed amendments to Rule 12A-1.022, F.A.C., is to: (1) change the title to "Federal Excise Taxes, Gross Receipts Tax, and Other Fees" to reflect the proposed changes to the rule; (2) provide guidelines on whether charges for the federal manufacturers tax or charges for the federal retail excise taxes imposed on the retail sale of certain items are included in the sales price of tangible personal property subject to sales tax; (3) provide that wholly or partially separately itemized charges for gross receipts tax are included in the amount of charges for electricity or natural or manufactured gas subject to sales tax; (4) provide that the separately stated charges for the new tire fee, lead-acid battery fee, motor vehicle warranty fee, and the rental car surcharge are included in the sales prices subject to sales tax; (5) provide that charges for the municipal public service taxes imposed under subsection 166.231 or 166.232, F.S., by a municipality or charter county are not subject to sales tax; and (6) provide that each and every fee imposed by a municipality or other political subdivision of the state is subject to sales tax, even when separately stated on a customer's bill, invoice, statement, or other evidence of sale.

The purpose of the proposed amendments to Rule 12A-1.053, F.A.C. (Electric Power and Energy), is to remove provisions regarding federal excise taxes and provide that guidelines for the imposition of sales tax on charges for federal excise taxes, gross receipts tax, and other fees are provided in Rule 12A-1.022, F.A.C., as amended.

The purpose of the proposed amendments to Rule 12A-1.059, F.A.C. (Fuels), is to provide that guidelines for the imposition of sales tax on charges for federal excise taxes, gross receipts tax, and other fees are provided in Rule 12A-1.022, F.A.C., as amended.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed guidelines regarding the imposition of sales tax on charges for federal excises taxes, gross receipts tax, and other fees imposed by the State of Florida or its political subdivisions.

SPECIFIC AUTHORITY: 212.05(1), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(2),(4),(10), (14),(15),(16), (19),(20), 212.03, 212.05, 212.06(1)-(5), (7),(8), (10),(12), 212.0601, 212.0606, 212.07(2),(7), 212.08(1),(4), (5)(i), (7),(10),(11), 212.12(2),(12), 212.18(2), 213.255(1),(2),(3), 215.26(2), 403.718, 403.7185, 681.117 FS.

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

TIME AND DATE: 9:30 a.m., July 31, 2002

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407.

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 five (5) calendar days before such proceeding by contacting: Jamie Phillips, (850)488-0717. If you are hearing or speech impaired, please contact the Department using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.007 Aircraft, Boats, Mobile Homes, and Motor Vehicles.

(1)(a) The sale, including occasional or isolated sales, the use, consumption, or storage for use in this state of any aircraft, boat, mobile home, motor vehicle, or other vehicle of a class or type required to be registered, licensed, titled, or documented in this state or by the United States Government is taxable on the full sales price without any deduction for ~~federal taxes~~, freight, handling, delivery, commission, repossessions, advertising, future free service, or any other expense or cost whatsoever. Separately stated fees or charges as a requisite to the titling, licensing, registration, transfer of ownership, or recording of lien, or operation of any automobile in this state, mandated by the state, its subdivisions, or any state or licensed tag agency or office, shall not be included in the sales price, and as a result are not subject to tax.

(b) through (11) No change.

~~(12)(a) Federal retail excise taxes imposed on the retail sale of any aircraft, boat, mobile home, or motor vehicle are not subject to Florida sales and use tax, when separately stated on the sales invoice.~~

~~(b) Federal manufacturers' excise taxes imposed upon the manufacturer are part of the sales price of any aircraft, boat, mobile home, or motor vehicle upon which the tax is computed, whether or not separately stated.~~

(13) through (29) renumbered (12) through (28) No change.

Cross Reference: Rule 12A-1.022, F.A.C., for guidelines on federal excise taxes, gross receipts tax, and other fees; Rules 12A-1.037, 12A-1.064, and 12A-1.066, F.A.C.

Specific Authority 212.05(1), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(2),(4),(10),(14), (15),(16),(19),(20), 212.03, 212.05(1), 212.06(1),(2),(4), (5),(7),(8), (10),(12), 212.0601, 212.07(2),(7), 212.08(5)(i),(7)(t), (aa),(ee), (10),(11), 212.12(2),(12), 213.255(1),(2),(3), 215.26(2) FS. History—Revised 10-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, 8-18-73, 12-11-74, 6-9-76, Amended 2-21-77, 5-10-77, 9-26-77, 9-28-78, 3-16-80, 12-31-81, 7-20-82, 10-13-83, Formerly 12A-1.07, Amended 1-2-89, 12-11-89, 3-17-93, 10-17-94, 3-20-96, 4-2-00, 6-19-01,_____.

12A-1.011 Food and Drink for Human Consumption; Sales of Food or Drinks Served, Cooked, Prepared, or Sold by Restaurants or Other Like Places of Business.

(1) through (13) No change.

~~(14) Any federal excise tax on meals, if separately stated, is excluded for sales tax purposes and tax is figured on the price of the meal alone.~~

(15) through (28) renumbered (14) through (27) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02, 212.07(2), 212.08(1), (4)(a)1., (7), 212.18(2) FS. History—Revised 10-7-68, 6-16-72, 9-28-78, 10-29-81, Formerly 12A-1.11, Amended 12-8-87, 1-2-89, 8-10-92, 6-19-01,_____.

12A-1.022 Federal Excise Taxes, Gross Receipts Tax, and Other Fees.

(1) FEDERAL EXCISE TAXES. Federal excise taxes imposed upon the retailer shall be excluded from the price of tangible personal property in computing the sales and use tax thereon and only the net sales price shall be taxable.

~~(a)(2) The federal manufacturers excise tax imposed on the manufacturer of certain items is to be included in the sales price upon which sales and use tax is computed when the federal manufacturers tax is separately stated on a customer's bill, invoice, statement, or other evidence of sale even though the federal tax is listed as a separate item on the invoice. Examples of the federal manufacturers excise tax are the gas guzzler tax and the taxes on sporting goods, firearms, tires, gasoline, gasohol, kerosene, fuel, and coal.~~

(b) The federal retail excise taxes levied upon the retail sale of certain items are NOT included in the sales price upon which sales and use tax is computed when the federal tax is separately stated on a customer's bill, invoice, statement, or other evidence of sale. Examples of the federal retail excise tax are the luxury automobile tax and the heavy truck and trailer tax.

(2) TAXES AND FEES IMPOSED BY THE STATE OF FLORIDA.

(a) The gross receipts tax imposed under the provisions of Chapter 203, F.S., on the provider of electricity or natural or manufactured gas is included in the charge upon which sales and use tax is computed when the gross receipts tax is passed on to the customer and wholly or partially separately itemized on a customer's bill, invoice, statement, or other tangible evidence of sale.

(b) The following fees levied by the State of Florida are included in the sales price upon which sales and use tax is computed when the fee is separately stated on the customer's bill, invoice, statement, or other evidence of sale:

1. New tire fee levied under Section 403.718, F.S.;
2. Lead-acid battery fee levied under Section 403.7185, F.S.;
3. Rental car surcharge levied under Section 212.0606, F.S.; and
4. Motor vehicle warranty fee levied under Section 681.117, F.S.

(3) TAXES AND FEES IMPOSED BY POLITICAL SUBDIVISIONS OF THE STATE. Any excise or similar taxes levied by the federal government, any political subdivision of the State of Florida, or municipality, upon the purchase or sale of telephone or telegraph services or electrical power, when such tax is collected by the seller from the purchaser, shall be excluded from the price of such service when computing the sales or use tax thereon, and only the net sales shall be taxable.

(a) Any municipal public service tax imposed under subsection 166.231 or 166.232, F.S., by a municipality or a charter county on the purchase of electric power or energy,

natural gas, liquefied petroleum gas, fuel oil, or kerosene is NOT included in the sales price upon which sales and use tax is computed when the municipal public service tax is separately stated on a customer's bill, invoice, statement, or other evidence of sale.

(b) Each and every fee imposed by a municipality or other political subdivision of the State of Florida on the provider of utility services, such as a franchise fee, is included in the sales price upon which sales and use tax is computed when the fee is passed on to the customer and separately stated on the customer's bill, invoice, statement, or other tangible evidence of sale.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(16), 212.05(3), 212.0606, 403.718, 403.7185, 681.117 FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.22, Amended _____.

12A-1.053 Electric Power and Energy.

(1) No change.

~~(2) Any excise or similar taxes levied by the federal government, any political subdivision of the State of Florida or municipality upon the purchase of electric power or energy when such tax is collected by the seller from the purchaser shall be excluded from the price of such service when computing the sales or use tax thereon and only the net sales shall be taxable.~~

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

Cross Reference: Rule 12A-1.022, F.A.C., for guidelines on federal excise taxes, gross receipts tax, and other fees.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(2), (19), 212.05(1)(e), 212.06(1)(a), (b), 212.08(4), (7)(j), 212.18(2) FS. History-Revised 10-7-68, 6-16-72, Amended 12-11-74, 10-18-78, 6-3-80, 12-23-80, 7-20-82, Formerly 12A-1.53, Amended 10-2-01, _____.

12A-1.059 Fuels.

(1) through (2) No change.

Cross Reference: Rule 12A-1.022, F.A.C., for guidelines on federal excise taxes, gross receipts tax, and other fees; Rule 12A-1.087 and Rule subsection 12B-5.130(2), F.A.C.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05, 212.06(3), 212.08(4),(7)(b),(j) FS. History-Revised 10-7-68, 6-16-72, Amended 7-19-72, 12-11-74, 10-18-78, 7-3-79, 6-3-80, 12-23-80, 8-26-81, 12-31-81, 7-20-82, 10-13-83, Formerly 12A-1.59, Amended 12-13-88, 5-19-93, 9-14-93, 3-20-96, 10-2-01, _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Registration	12A-19.010
Religious and Educational Institutions Exemption from the Communications Services Tax	12A-19.043
Notification of Local Communication Services Tax Rate Changes and Permit Fee Elections	12A-19.050

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.010, F.A.C. (Registration), is to provide the methods by which a person may register with the Department for communications services tax purposes.

The purpose of the proposed amendments to Rule 12A-19.043, F.A.C., is to: (1) change the title to "Religious and Educational Institutions Exemption from the Communications Services Tax"; (2) change the terms "religious organization" and "educational organization" to "religious institution" and "educational institution" as those terms are defined in Section 202.125(4), F.S., as amended by section 1, Chapter 2002-48, L.O.F.; and (3) provide that sales by certain religious institutions are exempt from communications services tax under Section 202.125(4), F.S., as amended by section 1, Chapter 2002-48, L.O.F.

The purpose of the proposed amendments to Rule 12A-19.050, F.A.C. (Notification of Local Communication Services Tax Rate Changes and Permit Fee Elections), is to incorporate the provisions of section 6, Chapter 2002-48, L.O.F. This law amends Section 337.401(3)(j)3.b., F.S., and moves the required date of notification by a county or municipality to all communications services tax dealers in the jurisdiction that it has exercised its authority to collect permit fees to September 1.

The effect of these proposed amendments to these rule sections will: (1) provide current guidelines for registration with the Department for communications services tax; (2) provide guidelines regarding "religious institutions" and "educational institutions" consistent with the provisions of Section 202.125(4), F.S., as amended by section 1, Chapter 2002-48, L.O.F.; and (3) incorporate the changes to Section 337.401(3)(j)3.b., as amended by section 6, Chapter 2002-48, L.O.F.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is: (1) the proposed changes to Rule Chapter 12A-19, F.A.C., Communications Services Tax, necessary to implement the provisions of subsections 1 and 6, Chapter 2002-48, L.O.F.; and (2) the methods by which a person may register with the Department for communications services tax purposes.

SPECIFIC AUTHORITY: 202.21, 202.26(3)(c),(e),(h), 202.28(1)(b)2. FS.

LAW IMPLEMENTED: 92.525(2), 202.11(3),(7),(9), (13),(14),(16), 202.12(1)(b), 202.125(4), 202.13(2), 202.15, 202.16(4), 202.17(1),(3)(a),(4),(6), 202.20(2)(a), 202.21, 202.22(6)(a), 202.26(2), 202.27(6), 202.34(3), 337.401(3)(c),(j) FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4727

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-19.010 Registration.

(1)(a) Scope of rule. This rule provides guidelines regarding ~~governs~~ the procedures and requirements for the registration of persons providing communications services, users of substitute communications systems, and persons requesting a communications services tax direct pay permit.

(2)(a)(b) With the exception of the activities described in paragraph (3)(c)(e), a person that engages in the business of providing communications services must register with the Department to obtain a Communications Services Tax Certificate of Registration (form DR-700014).

(b) Registration with the Department for communications services tax purposes is available by using one of the following methods:

1. Registering through the Department's Internet site at the address shown in the parentheses (<http://www.myflorida.com/dor>) using the Department's "e-Services"; or

2.(e)1. ~~Filing To obtain a Communications Services Tax Certificate of Registration, a person must file an Application to Collect and/or Report Tax in Florida (form DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.,) with the Department, as indicated on the form.~~

(3)(a)2- No change.

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

(b)(d) Persons who must register for the communications services tax include persons who provide the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including cable services, to a point, or between or among points, by or through any

electronic, radio, satellite, cable, optical, microwave, or other medium or protocol used for such transmission or conveyance, for a consideration, except as provided in paragraph (c)(e).

(e) through (f) renumbered (c) through (d) No change.

(4)(2) Persons who purchase, install, rent, or lease a substitute communications system must obtain a Communications Services Tax Certificate of Registration (form DR-700014), as provided in subsection (2). ~~To obtain a certificate, an Application to Collect and/or Report Tax in Florida (form DR-1) must be filed with the Department at the address indicated on the form.~~

(a) through (c) No change.

(5)(3) In order to self-accrue the communications services tax, persons must obtain a Communications Service Tax Certificate of Registration (form DR-700014), as provided in subsection (2). ~~To obtain a Communications Services Tax Certificate of Registration, an Application to Collect and/or Report Tax in Florida (form DR-1) must be filed with the Department.~~ See Rule 12A-19.030, F.A.C., Communications Services Tax Direct Pay Permits.

(6)(4) No change.

Specific Authority 202.26(3)(e), (h) FS. Law Implemented 202.11(3),(7),(9), (13),(14),(16), 202.12(1)(b), 202.15, 202.17(1),(3)(a),(4), 202.22(6)(a), 202.27(6) FS. History--New 1-31-02, Amended

12A-19.043 Religious and Educational Institutions Organizations Exemption from the Communications Services Tax.

(1)(a) No change.

(b) This rule provides guidelines regarding sales by religious institutions and ~~governs~~ the documentation and recordkeeping requirements regarding the exemption for sales to religious or educational institutions organizations from the communications services taxes.

(2) SALES TO OR BY RELIGIOUS INSTITUTIONS ORGANIZATIONS.

(a) The sale of communications services by a religious institution is exempt from the Florida communications services tax and the local communications services tax when the religious institution:

1. Is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code; and

2. Has an established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on.

(b)(a) The sale of communications services to a religious institution organization, as defined by s. 202.125(4), F.S. this rule, is exempt from the Florida communications services tax and the local communications services tax when the religious institution is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code and is an organization which is:-

(b) As used in this rule, the term "religious organization" only refers to organizations that are exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code.

(c) For purposes of this rule, "religious organizations" include:

1. An organization owning and operating an Churches, synagogues, and established physical place places for worship at which nonprofit religious services and activities are regularly conducted and carried on;

2. A nonprofit corporation Nonprofit corporations the sole purpose of which is to provide free transportation services to religious institution church members, their families, and other religious institution church attendees;

3. A nonprofit Nonprofit state, nonprofit district, or other nonprofit governing or administrative office offices the function of which is to assist or regulate the customary activities of religious institutions;

4. A Any nonprofit corporation that owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public;

5. A Any nonprofit corporation the primary activity of which is making and distributing audio recordings of religious scriptures and teachings to blind or visually impaired persons at no charge; or and

6. A Any nonprofit corporation the sole or primary function of which is to provide, upon invitation, nonprofit religious services, evangelistic services, religious education, administrative assistance, or missionary assistance for a religious institution church, synagogue, or established physical place of worship at which nonprofit religious services and activities are regularly conducted.

(c)(4) DOCUMENTATION REQUIREMENTS.

1. To be entitled to exemption as a religious institution organization at the time of purchase, the purchaser must issue to the selling dealer a certificate signed by an authorized representative stating that the purchases are for a religious institution organization, as defined by Section 202.125(4), F.S. this rule, that is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code. Dealers are not required to obtain copies of Internal Revenue Service determination letters granting religious organizations exemption under Section 501(c)(3) of the Internal Revenue Code.

2. The following is a suggested format to be provided by a religious institution organization to the selling dealer.

EXEMPTION CERTIFICATE FOR PURCHASES OF COMMUNICATIONS SERVICES BY RELIGIOUS INSTITUTION ORGANIZATION

DATE: _____ TO: _____ (Selling Dealer's Business Name) _____ (Selling Dealer's Address)

I, the undersigned, am a representative of the exempt religious institution organization identified below. The purchases of communications services made on or after _____ from the business identified above are for use by the exempt religious institution organization identified below.

The charges for the purchases of communications services from the dealer identified above will be billed to and paid directly by the exempt religious institution organization identified below. These purchases are exempt from the Florida communications services tax and the local communications services tax because the entity is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code and is a "religious institution organization" as that term is defined by Section 202.125(4), F.S. the rules of the Department of Revenue.

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true.

AUTHORIZED SIGNATURE ON BEHALF OF THE EXEMPT INSTITUTION ORGANIZATION

PRINTED NAME OF AUTHORIZED SIGNATORY AND TITLE

NAME OF THE EXEMPT INSTITUTION ORGANIZATION

ADDRESS OF EXEMPT INSTITUTION ORGANIZATION (3) EDUCATIONAL INSTITUTIONS ORGANIZATIONS.

(a) The sale of communications services to an educational institution organization, as defined by Section 202.125(4), F.S. this rule, is exempt from the Florida communications services tax and the local communications services tax.

(b) The As used in this rule, the term "educational institution organization" only refers to organizations that are exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code.

(c) "Educational institutions" For purposes of this rule, "educational organizations" include:

1. State-tax supported, parochial, religious institution church, and nonprofit private schools, colleges, or universities that conduct regular classes and courses of study required for accreditation by or membership in the Southern Association of

Colleges and Schools, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc.;

2. through 6. No change.

(d) A state-tax supported school, college, or university that is exempt as a governmental organization described in Rule 12A-19.042, F.A.C., and as an educational institution organization as described in this rule may claim either exemption.

(e) DOCUMENTATION REQUIREMENTS. To be entitled to exemption as an educational institution organization at the time of purchase, the purchaser must issue to the selling dealer a certificate signed by an authorized representative stating that the purchases are for an educational institution organization, as defined by Section 202.125(4), F.S. ~~this rule~~, that is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code. Dealers are not required to obtain copies of Internal Revenue Service determination letters granting educational institutions organizations exemption under Section 501(c)(3) of the Internal Revenue Code.

(f) The following is a suggested format to be provided by an educational institution organization to the selling dealer.

EXEMPTION CERTIFICATE FOR PURCHASES OF COMMUNICATIONS SERVICES BY EDUCATIONAL INSTITUTIONS ORGANIZATIONS
DATE: _____
TO: _____ (Selling Dealer's Business Name)
_____ (Selling Dealer's Address)

I, the undersigned, am a representative of the exempt educational institution organization identified below. The purchases of communications services made on or after _____ from the business identified above are for use by the exempt educational institution organization identified below.

The charges for the purchases of communications services from the dealer identified above will be billed to and paid directly by the exempt educational institution organization identified below. These purchases are exempt from the Florida communications services tax and the local communications services tax because the entity is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code and is an "educational institution organization," as defined by Section 202.125(4), F.S. ~~the rules of the Department of Revenue.~~

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true.

AUTHORIZED SIGNATURE ON BEHALF OF THE EXEMPT INSTITUTION ORGANIZATION

PRINTED NAME OF AUTHORIZED SIGNATORY AND TITLE

NAME OF THE EXEMPT INSTITUTION ORGANIZATION

ADDRESS OF EXEMPT INSTITUTION ORGANIZATION

(4) No change.

Specific Authority 202.26(3)(c) FS. Law Implemented 92.525(2), 202.125(4), 202.13(2), 202.16(4), 202.26(2), 202.34(3), 213.37 FS. History--New 1-31-02, Amended.

12A-19.050 Notification of Local Communications Services Tax Rate Changes and Permit Fee Elections.

(1) through (2) No change.

(3) Permit Fee Elections.

(a) No change.

(b) If any local taxing jurisdiction that initially elected to not collect permit fees subsequently elects to collect permit fees, in addition to the effective date and notification procedures set forth in subsection (1), the following special rules apply:

1. through 2. No change.

3. Any county or municipality that changes its election and exercises its authority to collect permit fees must provide written notification to all dealers of communications services in the jurisdiction by the September July 1 immediately preceding the January 1 effective date of the change of election.

(c) No change.

(4) No change.

Specific Authority 202.21, 202.28(1)(b)2. FS. Law Implemented 202.20(2)(a), 202.21, 337.401(3)(c), (j) FS. History--New 1-31-02, Amended.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES:	RULE NOS.:
Imposition of the Gross Receipts Tax	12B-6.001
Administration	12B-6.002
Registration	12B-6.0021
Rate of Tax	12B-6.003
Exemptions	12B-6.004
Payment of Tax; Reports; Public Use Forms	12B-6.005
Public Service Tax Reporting Form	12B-6.0051
Collection and Distribution	12B-6.006
Assessment and Collection	12B-6.007
Interest	12B-6.008

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-6.001, F.A.C., is to: (1) change the title to "Imposition of the Gross Receipts Tax"; (2) define the term "utility services" for purposes of the rule chapter; (3) provide that gross receipts tax is imposed at the rate of 2.5 percent of gross receipts from utility services; (4) provide that charges for liquefied petroleum gas are not subject to gross receipts tax; (5) provide guidelines regarding how gross receipts tax is levied upon the provider of utility services; (6) provide that providers of utility services include public or private utilities, municipal corporations, or agencies thereof, and rural electric cooperative associations; (7) provide that receipts from the sale within this state of natural gas or electricity to a public or private utility for the purposes of resale are not subject to tax; (8) provide guidelines for public and private utilities on how to document sales for the purposes of resale; (9) provide that receipts from the sale of electricity as part of an electrical interchange agreement or contract between public or private utilities are not subject to tax; (10) provide that receipts for the connection, disconnection, suspension, or restoration of utility services are not subject to tax; (11) provide that receipts from fees for returned checks, late payments, and interest due on late payments are not receipts for purposes of the gross receipts tax; (12) provide that receipts from separately itemized charges for the sale, lease, rental, repair, or maintenance of customer premises equipment are not subject to gross receipts tax; (13) provide that line losses of electricity at no charge to the customer are not subject to gross receipts tax; (14) provide guidelines on how gross receipts tax is applied to charges for utility services separately itemized to customers as an amount for services based on a standard rate amount with a separate rate adjustment; (15) provide that each and every fee imposed by a municipality, charter county, or other political subdivision of the State of Florida that is passed on to the customer as a separately itemized charge is included in the gross receipts subject to tax; (16) provide that any municipal public service tax and any sales tax separately itemized to the customer is not included in the gross receipts subject to tax; and (17) provide recordkeeping requirements for providers of utility services.

The purpose of the proposed repeal of Rule 12B-6.002, F.A.C. (Administration), is to eliminate an unnecessary rule that restates statutory provisions regarding the administration of the gross receipts tax.

The purpose of the proposed amendments to Rule 12B-6.0021, F.A.C. (Registration), is to provide guidelines on how to register with the Department for purposes of the gross receipts tax.

The purpose of the proposed repeal of Rule 12B-6.003, F.A.C. (Rate of Tax), is to remove obsolete provisions regarding the gross receipts tax rate.

The purpose of the proposed repeal of Rule 12B-6.004, F.A.C., is to remove guidelines for exemptions from the gross receipts tax that are provided in Rule 12B-6.001, F.A.C. (Imposition of the Gross Receipts Tax), as amended.

The purpose of the proposed amendments to Rule 12B-6.005, F.A.C., is to: (1) change the title to "Payment of Tax; Reports; Public Use Forms"; (2) provide guidelines regarding the payment of the gross receipts tax and the filing of reports with the Department; (3) provide that taxpayers may elect to pay gross receipts tax on total billings for utility services for each month and how those taxpayers may take a credit or obtain a refund of tax paid on uncollectible amounts; and (4) incorporate by reference the public use forms used by the Department in the administration of the gross receipts tax and remove obsolete forms.

The purpose of the proposed amendments to Rule 12B-6.0051, F.A.C. (Public Service Tax Reporting Forms), is to adopt the changes to form DR-700001, Municipal Public Service Tax Data Base.

The purpose of the proposed repeal of Rule 12B-6.006, F.A.C. (Collection and Distribution), is to eliminate the unnecessary recitation of the constitutional provision requiring that all gross receipts tax collections be deposited into the Public Education Capital Outlay and Debt Service Trust Fund.

The purpose of the proposed repeal of Rule 12B-6.007, F.A.C. (Assessment and Collection), is to eliminate an unnecessary rule regarding the administration of the gross receipts tax.

The purpose of the proposed amendments to Rule 12B-6.008, F.A.C., is to: (1) change the title to "Interest"; and (2) remove provisions regarding the imposition of penalties that are clearly provided in s. 203.03, F.S.

These proposed changes to Rule Chapter 12B-6, F.A.C., will: (1) change the title of the rule chapter to "Gross Receipts Tax"; (2) remove obsolete language and language that restates statutory provisions, as mandated by s. 120.74, F.S.; and (3) provide current guidelines regarding the Department's administration of the gross receipts tax imposed by Chapter 203, F.S.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development workshop is the proposed guidelines regarding the gross receipts tax imposed by Chapter 203, F.S., on utility services provided in Rule Chapter 12B-6, F.A.C., Gross Receipts Tax, as amended.

SPECIFIC AUTHORITY: 166.233, 203.01, 203.02, 213.06(1) FS.

LAW IMPLEMENTED: 166.233, 203.01, 203.012, 203.013, 213.05, 213.235, 213.255, 213.37, 215.26 FS., Art. XII, Section 9, Subsection (2), Constitution of Florida (1968).

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

TIME AND DATE: 9:30 a.m., July 31, 2002

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407.

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 five (5) calendar days before such proceeding by contacting: Jamie Phillips, (850)488-0717. If you are hearing or speech impaired, please contact the Department using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-6.001 Imposition of the Gross Receipts Tax.

(1)(a) ~~Gross Receipts, Generally.~~ A tax is imposed on every person receiving payment for any utility service at the rate of 2.5 percent on the total amount of gross receipts derived from business done within this state or between points within this state. Gross receipts means total payments received either in money, goods, services, or other valuable consideration by every person (including, but not limited to, municipal corporations, public service corporations and private electric utilities) for "utility services." For purposes of this rule chapter, the term "utility service" means electricity for light, heat, or power and, for natural or manufactured gas for light, heat, or power; or for telecommunication services as defined or described in Chapter 203, F.S., as amended, including, but not limited to, local telephone service, toll telephone service, telegram and telegraph service, teletypewriter or computer exchange service, private communication service, cellular mobile radio, pagers, beepers, any mobile or portable one-way or two-way communication, two-way television, and any person who operates his own telecommunication system for his own use.

(a) Liquefied petroleum gas is sold in liquid form and transformed into gas when released from the container to be used for fuel. The term "utility services" does not include liquefied petroleum gas.

(b) The gross receipts tax is levied upon the provider of utility services. The tax may be wholly or partially separately itemized at the option of the utility provider on a customer's bill, invoice, statement, or other evidence of sale. When wholly or partially separately itemized, every person, including

governmental units, charitable, and religious organizations, is liable for the payment of the tax to the service provider. The gross receipts tax is a tax imposed on the privilege of doing business and is an item of cost to the service provider. The service provider remains fully and completely liable for the payment of the tax, even when the tax is wholly or partially separately itemized on the customer's bill, invoice, statement, or other evidence of sale.

~~(2)(b) Gross receipts, for purposes of this rule, does NOT shall not include:~~

~~(a) Receipts of any person derived from the sale of natural gas to a public or private utility, including municipal corporations, or agencies thereof, and rural electric cooperative associations, either for resale or for use as fuel in the generation of electricity;~~

~~(b) Receipts from the sale within this state of natural gas or electricity to a public or private utility, including a municipal corporation, an agency thereof, or rural electric cooperative association, for resale within the state, or as part of an electrical interchange agreement or contract between such utilities for the purpose of transferring more economically generated power or the sale of telecommunication services for resale of telecommunication services wholly or partially within this state; provided the person deriving gross receipts from such sale demonstrates that a resale in fact occurred and complies with the provisions of s. 203.01(3)(c), F.S.~~

1. A public or private electric or gas utility, including municipal corporations, or agencies thereof, and rural electric cooperative associations, that is required to report its sales for resale in an annual report filed with the Federal Energy Regulatory Commission, or the Rural Utilities Service of the U.S. Department of Agriculture (i.e., FERC Form No. 1, Electric Utility Annual Report, RUS Form 12, or equivalent) may demonstrate that a sale for resale occurred by maintaining copies of its reports in its books and records. If the annual report (FERC Form No. 1, RUS Form 12, or equivalent) has not been completed for a year under review, a taxpayer may demonstrate that the receipts are required to be reported as sales for resale on the required annual report. Receipts from sales for the purposes of resale, as reported in the applicable annual report or required to be reported when the annual report is completed, are not included in the utility's gross receipts for purposes of the tax.

2. A public or private electric or gas utility, including municipal corporations, or agencies thereof, and rural electric cooperative associations, may also document sales for resale by obtaining resale certificates obtained from customers who purchase utility services for the purposes of resale. The utility is only required to obtain one certificate for sales made for the purposes of resale from each customer making purchases for the purposes of resale. The certificate must contain the purchaser's name and address, the purchaser's gross receipts tax registration number and its effective date, a statement that

the purchases are for the purpose of resale, the signature of the purchaser or an authorized representative of the purchaser, and the date of issuance. The following is a suggested format of a resale certificate:

RESALE CERTIFICATE FOR GROSS RECEIPTS
TAX ON UTILITY SERVICES

This is to certify that the electricity for light, heat, or power or the natural or manufactured gas for light, heat, or power purchased after _____ (date) from _____ (seller's name) is purchased for the purpose of resale pursuant to Chapter 203, F.S.

I understand that if I fraudulently issue this certificate to evade the payment of gross receipts tax I will be liable for payment of the tax directly to the Department and subject to the penalties imposed under s. 203.03(2), F.S.

Under the penalties of perjury, I declare that I have read the foregoing certificate and the facts stated herein are true and correct to the best of my knowledge and belief.

Purchaser's Name _____

Purchaser's Address _____

Name and Title of Purchaser's Authorized Signature _____

Certificate of Registration Number _____

Effective Date of Registration _____

By _____
(authorized signature)

Date _____

(c) Receipts from the sale of electricity to a public or private utility, including a municipal corporation, or an agency thereof, or rural electric cooperative association, as part of an electrical interchange agreement or contract between such utilities for the purpose of transferring more economically generated power.

1. The electric utility is required to maintain a copy of the agreement or contract in its books and records and is not required to meet the provisions of this rule regarding sales for resale.

2. The internal use, including interdepartmental transfers, of the purchased power is not subject to tax.

(d) Receipts from customers for separately itemized charges for the connection, disconnection, suspension, or restoration of utility services.

(e) Receipts from customers for separately itemized charges for returned checks or other forms of payment, late payments, or interest due on late payments.

(f) Receipts from customers for separately itemized charges for the sale, lease, rental, repair, or maintenance of customer premises equipment.

(g) The loss of electricity resulting from the generation, transmission, or distribution of electricity, including line losses, generation losses, and any other losses for which charges are not made to the electric utility's customers.

~~(e) Gross receipts for telecommunication services do not include:~~

~~1. Charges for customer premises equipment, including equipment leased or rented by the customer from any source;~~

~~2. Charges made to the public for commercial or cable television, unless it is used for two-way communication. When two-way communication services are separately billed, only the charges made for the two-way communication service will be subject to the gross receipts tax;~~

~~3.a. Charges made by hotels and motels which are required under the provisions of s. 212.03, F.S., to collect transient rentals tax from tenants and lessees, for local telephone service or toll telephone service when such charges occur incidental to the right of occupancy;~~

~~b. Charges to customers by hotels and motels for the use or access to telecommunication service are not considered incidental to the right of occupancy when such charges are separately stated, itemized, or described on the bill, invoice, or other tangible evidence of the sale of the service.~~

~~4. Connection and disconnection charges, move or change charges, suspension of service charges, and service order, number change, and restoration charges;~~

~~5. Any tax collected from customers which has been separately stated as Florida gross receipts tax on the total amount of any bill, invoice, or other tangible evidence of the provision of taxable telecommunication services; or~~

~~6. Charges for the sale or lease of equipment by providers of cellular mobile telephone or telecommunication service, specialized mobile radio service, and pager and paging services provided that the amount for sale or lease of the equipment is separately stated, itemized or described on the bill, invoice, or other tangible evidence of the sale or lease of the equipment.~~

~~7. Charges for the maintenance or repair of customer premises equipment, whether owned or leased by the customer, provided that the amount of such charges are separately stated, itemized or described on the bill, invoice, or other tangible evidence of the maintenance or repair service.~~

~~(2) Liability for Tax. The tax is levied upon the person selling or providing the taxable item or service as enumerated in subsection (1) and may not be passed on to the consumer as a direct consumer's tax provided, however, in the case of telecommunications service the tax may be wholly or partially separately stated at the option of the vendor. When separately stated, every person, including but not limited to all governmental units, charitable, and religious organizations, is liable for payment of the tax to the vendor. The gross receipts tax is a tax on the privilege of doing business and is an item of cost to the seller or vendor. The vendor remains fully and completely liable for the tax even though the tax is separately stated.~~

~~(3) When charges for utility services are separately itemized as an amount for services based on a standard rate amount with a separate rate adjustment on the same billing,~~

invoice, statement, or other evidence of sale for services, gross receipts tax is due on the receipts for utility services after the application of the rate adjustment.

(a) Example: A customer purchases electricity from an electric utility under an energy management program. The customer is billed the standard residential rate. In addition, the customer receives load management monthly credits for allowing specified electrical equipment to be interrupted at the option of the electric utility. The charge for electric service after the load management credits are applied against the charge at the standard residential rate is the amount subject to the gross receipts tax.

(b) Example: A customer purchases electricity from an electric utility at the standard residential service rate. The electric utility charges each residential customer in this rate class an additional energy cost recovery factor, called "energy charges," on a per kilowatt hour basis. The customer is billed for electricity at the standard residential rate plus the applicable energy charges. The amount charged to the customer at the standard residential rate plus the amount of the energy charges is the amount subject to the gross receipts tax.

(4) Each and every fee imposed by a political subdivision of the State of Florida on the provider of utility services, such as a franchise fee, is included in the charge upon which the gross receipts tax is computed, when the fees are passed on to the customer and separately itemized on a customer's bill, invoice, statement, or other evidence of sale.

(5) Any municipal public service tax imposed under ss. 166.231 or 166.232, F.S., or any sales tax imposed under Chapter 212, F.S., on the sale or purchase of electric power or energy or natural or manufactured gas is NOT included in the charge upon which the gross receipts tax is computed when the municipal tax or sales tax is separately itemized on a customer's bill, invoice, statement, or other evidence of sale.

(6) RECORDKEEPING REQUIREMENTS. A provider of utility services must maintain copies of annual reports filed with the Federal Energy Regulatory Commission or the Rural Utilities Service of the U.S. Department of Agriculture, electrical interchange agreements or contracts, resale certificates, and other documentation required under the provisions of this rule chapter in its books and records until tax imposed under Chapter 203, F.S., may no longer be determined and assessed under s. 95.091, F.S.

Specific Authority 203.01(3)(b)(e), 213.06(1) FS. Law Implemented 203.01, 203.012, 213.37 FS. History—New 11-13-78, Amended 6-5-85, Formerly 12B-6.01, Amended 10-4-89, 1-8-90, _____.

12B-6.002 Administration.

The administration of Chapter 203, Florida Statutes, is vested in the Florida Department of Revenue, herein referred to as the Department, which shall prescribe suitable rules and regulations for the enforcement of the provisions thereof.

The Department may enter the premises of any taxpayer during normal working hours and examine or cause to be examined by any agent or representative designated by it for that purpose, any records, books, papers, and accounts bearing upon the amount of taxes payable, and to secure other information directly or indirectly relevant to the enforcement of Chapter 203, Florida Statutes.

Specific Authority 203.02, 213.06(1) FS. Law Implemented 213.05 FS. History—New 11-13-78, Formerly 12B-6.02, Repealed _____.

12B-6.0021 Registration.

(1) Prior to engaging in the business of providing or selling utility things or services, as defined included in Rule 12B-6.001, F.A.C., within this state or between points within this state Chapter 203, F.S., as amended, every person is required to register shall become registered with the Department this department by completing Form DR-1GR. Form DR-1GR. Those businesses providing or selling those things or services prior to the effective date of this rule shall register with this department on or before May 31, 1985 by completing Form DR-1GR.

(2) Registration with the Department for gross receipts tax purposes is available by using one of the following methods: Form DR-1GR, Application for Certificate of Registration Gross Receipts Tax, effective April 1, 1985, is hereby adopted by reference. This form is available without cost, upon written request directed to the Department of Revenue, Supply Room, Room 44, Carlton Building, Tallahassee, Florida 32301-8002.

(a) Registering through the Department's Internet site at the address shown in the parentheses (<http://www.myflorida.com/dor/>) using the Department's "e-Services"; or

(b) Filing an Application to Collect and/or Report Tax in Florida (form DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.), with the Department as indicated on the form.

Specific Authority 203.01, 213.06(1) FS. Law Implemented 203.01 FS. History—New 6-5-85, Formerly 12B-6.021, Amended _____.

12B-6.003 Rate of Tax Gross Receipts.

The rate of tax shall be 1.5%.

Specific Authority 213.06(1) FS. Law Implemented 203.01 FS. History—New 11-13-78, Formerly 12B-6.03, Amended 10-4-89, Repealed _____.

12B-6.004 Exemptions.

(1) Liquefied Petroleum Gas. Tax is not required on a product which was liquid when sold, but was transformed into gas and used for fuel for cooking when released from container. (Lee v. Wood, 126 Fla. 104; 170 So. 433 (1936).)

(2) Exempt Sales.

(a) All receipts derived from the sale of any of the things or services specified in Chapter 203, F.S. shall be taxable unless specifically exempt. The exempt status of the gross receipt must be established by the vendor and the tax shall be

paid by such vendor unless a valid resale certificate has been received from the vendee. However, a vendee's failure to register or to provide a valid resale certificate shall not negate the vendee's liability for the tax, in which event either the vendor or vendee shall be liable for the tax.

(b) Any taxable thing or service specified in Chapter 203, F.S., that is purchased for resale where a valid resale certificate has been supplied to the vendor and not resold within this state shall be deemed taxable to the vendee based on the purchased price of the thing or service not resold except:

1. Natural gas sold to a public or private utility either for resale or for use as fuel in the generation of electricity shall be exempt. The vendee shall be liable for the tax on any portion not resold or used as a fuel in the generation of electricity.

2. Electricity sold as part of an electrical interchange agreement or contract either to a municipal corporation, public service corporation or private electric utility or between municipal corporations, public service corporations or private electric utilities shall be exempt and a resale certificate shall not be required, provided the vendor retains a copy of the agreement or contract on file. The vendee shall be liable for the tax on any portion of the electricity purchased which is not resold. All loss of electricity resulting from the generation, transmission, or distribution thereof, including line losses, generation losses, and any other losses for which no receipts or repayments are received by a vendee shall be exempt from the gross receipts tax.

3. Telecommunication services which are taxable to the vendee as prescribed in paragraph (c) hereof.

(c) Effective January 1, 1985, access charges between telecommunication carriers shall be deemed to be for resale when the vendee acquires from the vendor access or right of access to the vendor's network and the vendee resells the same as an ingredient in its final sale to the ultimate consumer. The vendee shall furnish the vendor a resale certificate thereby exempting the vendor from the tax on the amount received as access charges. Intrastate toll activity is taxable to the vendee on the total toll revenues and the vendee shall furnish a resale certificate to the vendor providing access services. Interstate tolls shall be taxable as provided in Section 203.013, F.S.

(d) The department shall accept a valid resale certificate when submitted during the protest period but shall not accept same when submitted in any proceedings instituted under the provisions of Chapter 120, F.S., or any circuit court action instituted under Chapter 72, F.S.

(e) The department shall accept as valid any certificate dated and executed by an officer or authorized representative of the vendee that contains: the name and address of the vendee, the gross receipts tax registration number and its effective date, and the vendee's statement that its purchases are for resale, and that the vendee shall pay any taxes due on the things or services not resold as provided.

(f) Suggested Resale and Exemption Certificate Form:

This is to certify that the things or services purchased after _____ (date) from _____ (name) is or was purchased for resale pursuant to the exemption under Chapter 203, F.S. It is further certified that the undersigned vendee shall pay the tax on the things or services that are not resold pursuant to the exemption under Chapter 203, F.S., based upon the purchase price of the things or services, unless otherwise provided.

Purchaser _____
 Address _____
 Certificate of Registration Number _____
 Effective Date _____

I hereby declare that I have examined this certificate and to the best of my knowledge and belief it is true, correct and complete.

By _____ (authorized signature)
 Date _____

(3) Credit for Utility on Excise Taxes. Other utility, excise, or similar taxes levied by the federal government, any political subdivision of the State of Florida, or municipality, upon the sale of utility services, when such tax is collected by the seller from the purchaser, shall be excluded from the seller's gross receipts when computing the tax thereon.

(4) When a taxpayer elects to pay the tax on total billings for a taxable period, rather than actual cash receipts, any adjustments to customers' bills and net uncollectibles may be adjusted on a subsequent return.

Specific Authority 203.01, 213.06(1) FS. Law Implemented 203.01, 203.011, 203.012, 203.013 FS. History—New 11-13-78, Amended 6-5-85, Formerly 12B-6.04, Repealed.

12B-6.005 Payment of Tax; Reports; Public Use Forms.

(1) Payment of Tax. All taxes imposed by Chapter 203, Florida Statutes, shall be paid at the same time the reports are filed.

(1)(2) Reports.

(a) Generally. All taxes imposed under Chapter 203, F.S., shall for each month be due the Department of Revenue on the last day of the month following date of sale or transaction and shall be delinquent thereafter. Except as provided in Rule Chapter 12-24, F.A.C., and paragraph (c) below, all taxes imposed on utility services are due to the Department in any given month must either reach the office of the Department of Revenue or be postmarked on or before the last day of the month following the date of the sale or transaction to avoid penalty and interest for late filing. The payment and return must either reach the office of the Department or be postmarked on or before the last day of the month for receipts for utility services received in the preceding calendar month for a utility provider to avoid penalty and interest for late filing. When If the last day of the month falls on Saturday, Sunday, or a federal or state legal holiday, payments accompanied by returns will shall be accepted as considered

timely filed if postmarked or delivered to the Department of Revenue on the next succeeding day that which is not a Saturday, a Sunday, or a legal holiday. A tax return is required to shall be filed on or before the last day of each month even when no tax is whether or not any taxes are due. The report is required to shall be signed under oath by an officer or a representative duly authorized to act by the taxpayer. The fact that an officer has signed a return shall be prima facie evidence that the individual was authorized to sign such document on behalf of the taxpayer.

(b) For this purpose, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and Section 7503 of the 1986 Internal Revenue Code, as amended. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district. Telecommunications. Taxes and returns shall be filed in the same manner as in paragraph (a) above, except any person who has his own telephone or telecommunication system for his own use shall report and pay the tax annually with the Department on or before January 31 for the tax year which ended December 31 of the preceding year. The provisions of Rule 12-24, F.A.C., apply to such taxpayers.

(c) When quarterly, semiannual, or annual reporting is authorized by the Department pursuant to s. 203.01(1)(f), F.S., the tax is due on or before the last day of the month following the authorized reporting period and becomes delinquent on the first day of the next succeeding month.

(d)1. A taxpayer may elect to pay the gross receipts tax on total billings for utility services for each month or on the actual gross receipts for utility services received in that month.

2. When the utility provider elects to pay gross receipts tax on total billings for utility services, the provider may take a credit for net uncollectibles for which gross receipts tax has been previously paid to the Department. The credit must be reported on the provider's return within 3 years after the date the tax was paid in accordance with the timing provisions of s. 215.26(2), F.S.

3. In lieu of a credit for net uncollectibles, the provider may seek a refund of tax previously paid by filing an Application for Refund (form DR-26, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department. The application for refund must be filed within 3 years after the date the tax was paid in accordance with the timing provisions of s. 215.26(2), F.S., and must meet the requirements of s. 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C.

(2)(3) The following public-use forms and instructions are employed by the Department department in its dealings with the public related to the administration of utility services. These forms are hereby incorporated by reference in this rule. Copies of these forms are available, without cost, by one or

more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331. Copies may be obtained by application to the Department of Revenue, Carlton Building, Tallahassee, Florida 32399-0100.

Form Number	Title	Effective Date
DR-133	Gross Receipts Tax; Quarterly Report	
DR-1GR	Application for Registration	
(a) DR-133	Gross Receipts Tax Return (r.)	
(b) DR-133N	Instructions for Filing Gross Receipts Tax Return (r.)	

Specific Authority 213.06(1) FS., Section 22, Chapter 89-356, Laws of Florida. Law Implemented 203.01, 213.255, 213.37, 215.26 FS., Section 25, Chapter 89-356, Laws of Florida. History—New 11-13-78, Amended 7-1-80, 8-26-81, Formerly 12B-6.05, Amended 10-4-89, 12-19-89.

12B-6.0051 Public Service Tax Reporting Form.

(1) The public-use form provided in this rule is to be utilized by each municipality or charter county to report to the Department services taxed under ss. 166.231 and 166.232, F.S., and to report any other required information. The following public-use form is employed by the Department of Revenue for this purpose in its dealings with the public, and it is hereby incorporated in this rule these rules by reference. Copies of this form are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 1(800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331. This form is to be utilized by each municipality to report to the Department of Revenue the services taxed under ss. 166.231 and 166.232, F.S., and to report any other required information.

Form Number Title Effective Date
 (2) DR-700001 Municipal Public Service
 Tax Data Base (r. 10/01)
 (N. 8/97) 4/98

Specific Authority 166.233, 213.06(1) FS. Law Implemented 166.233 FS. History—New 4-5-98, Amended _____.

12B-6.006 Collection and Distribution.

~~All taxes collected pursuant to s. 203.01, F.S., shall be deposited into the Public Education Capital Outlay and Debt Service Trust Fund.~~

Specific Authority 213.06(1) FS. Law Implemented 203.01 FS., Art. XII, Section 9, Subsection (2), Constitution of Florida (1968). History—New 11-13-78, Formerly 12B-6.06, Amended 10-4-89, Repealed _____.

12B-6.007 Assessment and Collection.

~~The Department shall proceed to collect any delinquent taxes under Chapter 203, Florida Statutes, together with all penalties and interest due, the same as other delinquent taxes are collected.~~

Specific Authority 213.06(1) FS. Law Implemented 203.01 FS. History—New 11-13-78, Formerly 12B-6.07, Repealed _____.

12B-6.008 Penalties, Interest.

~~(1)(a) Penalties. When any person fails to make a return or report as required and pay the tax due timely, a delinquent penalty shall be added to the unpaid tax in the amount of 5 percent of any unpaid tax if the failure to pay is for less than 31 days. There shall be added an additional 5 percent delinquent penalty for each additional 30 days, or fraction thereof, until the tax is paid, but the total penalty for each month shall not exceed 25 percent. However, the penalty shall not be less than \$5 for each return even though no tax is due.~~

~~(b) Any person who is required to file and pay any tax and who falsely or fraudulently reports or unlawfully attempts to evade any tax imposed under Chapter 203, F.S., shall be liable for a penalty equal to 50 percent of any tax due in addition to any other penalties provided and is guilty of a misdemeanor of the second degree punishable as provided under s. 775.082 or s. 775.083, F.S.~~

~~(2) Interest.~~

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

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

~~(2)(b) No change.~~

~~(3) The Executive Director or the Executive Director's designee may compromise or settle the penalties or interest pursuant to s. 213.21, F.S.~~

Specific Authority 213.06(1) FS. Law Implemented 203.01, 203.03, 203.06, 203.07, 213.235 FS. History—New 11-13-78, Amended 6-5-85, Formerly 12B-6.08, Amended 10-4-89, 4-2-00, _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: RULE CHAPTER NO.:
 State Highway System Connection 14-96
 Permits

RULE TITLES:	RULE NOS.:
Purpose	14-96.001
Forms	14-96.0011
Definitions	14-96.002
General Provisions	14-96.003
Connection Categories and Fees	14-96.004
Application	14-96.005
Application Submittal, Review, Approval, and Conditions	14-96.007
Construction and Maintenance of Traffic Requirements	14-96.008
Non-conforming Connection Permits	14-96.009
Modification of Connections	14-96.011
Closure of Unpermitted Connections (Including Those to be Considered "Grandfathered")	14-96.012
Immediate Remedial Action Against Hazards	14-96.0121
Department Design and Construction Projects	14-96.015
Maintenance of Connections and Traffic Control Devices	14-96.016

PURPOSE AND EFFECT: Rule Chapter 14-96 is being amended to incorporate by reference new and revised forms and to generally revise and update the rules. Rule 14-96.012 is being repealed with the text of that rule being combined in Rule 14-96.011. The words "Administrative Process" also are being deleted from the title for Rule Chapter 14-96.

SUBJECT AREA TO BE ADDRESSED: This is a proposed amendment to Rule Chapter 14-96, relating to access management permits.

SPECIFIC AUTHORITY: 334.044(2), 335.182(2), 335.183, 335.184 FS.

LAW IMPLEMENTED: 334.044(14), 335.18-.187 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, Administrative and Management Support Level IV, 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:

14-96.001 Purpose.

This rule chapter is adopted to implement the State Highway System Access Management Act for the regulation and control of vehicular access and connection points of ingress to, and egress from, the State Highway System, and other transportation facilities under the Department's jurisdiction except for limited access facilities. This rule chapter does not apply to limited access facilities. The permitting of

connections within the controlled access portion of interchange areas, pursuant to Rule 14-97.003(1)(j), F.A.C., however, is subject to the permitting procedures in this rule chapter. This rule chapter describes the connection permit application process and procedures, a voluntary preapplication process, and requirements for relocation, alteration, modification or closure of connections to the State Highway System. ~~This rule chapter also is adopted to promote close cooperation with local governments in their site planning decisions that increase the safe traffic operations of the State Highway System.~~

Specific Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History—New 4-18-90, Amended 7-16-95, _____.

14-96.0011 Forms.

The following forms shall be used in the connection application administrative process and are incorporated by reference and made a part of the rules of the Department:

Title	Form Number	Date
Connection Permit Application – Category A	850-040-14	/02
Driveway/Connection Permit Application for All Categories	850-040-15	/02 11/94
Receipt of Connection Permit Application and Fee (or Waiver of Fee)	850-040-16	11/93
Record of Waived Requirements for All Categories	850-040-17	03/94
Driveway Connection Permit for All Categories	850-040-18	/02 11/93
Record Drawings Report by Permittee’s Professional Engineer	850-040-19	11/94
Security Instrument Receipt	850-040-20	04/93
State Highway Access Connection Completeness Review	850-040-21	11/94
Applicant Time Extension Form	850-040-22	04/93
Proposed State Highway Access Driveway/Connection Notice of Intent to Deny State Highway Access Connections Permit	850-040-23	/02 01/99
Proposed State Highway Access Connection Notice of Intent to Issue Permit for State Highway Access Connection	850-040-24	/02 01/99
Violation and Notice to Show Cause	850-040-26	/02 01/99

These forms are available from the Department of Transportation’s local area Maintenance Office, District Office, Urban Area Office, or Central Office at 605 Suwannee Street, Mail Station 19, Tallahassee, Florida 32399-0450.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.18-.187 FS. History—New 4-18-90, Amended 7-16-95, 6-24-99, _____.

14-96.002 Definitions.

For the purposes of this rule chapter the following definitions of the terms shall apply unless the context clearly indicates otherwise:

(1) “Applicant” means the person submitting a connection permit application. An applicant may be a property owner or the owner’s authorized agent. The Department will also accept a connection permit application by a person holding an unrecorded interest in the property, such as a lease, that includes the right of access to the property, upon written proof of authorization from the property owner to submit the application executed before a notary public.

(2)(+) “Application” means a completed Connection Permit Application – Category A, Form 850-040-14, /02, or Driveway/Connection Permit Application for All Categories, Form 850-040-15, /02 11/94, the required application fee, and related property, site, driveway, roadway, and traffic information required in this rule chapter.

(3)(2) “Average Daily Traffic (ADT)” means the ~~an~~ average number of vehicles passing a specific point on a connection or roadway on an average day.

(4)(3) “Connection” means as defined in Section 335.182(3)(a), Florida Statutes, ~~means driveways, streets, turnouts or other means of providing for the right of reasonable access to or from the State Highway System. Traffic control features and devices in the Department’s right of way are not part of the connection.~~

(5)(4) “Connection Category” means a Department assigned permit designation category for all ~~State Highway connections~~, based on estimated vehicle trips per day to and from the property as set forth by ~~the Rules 14-96.004, F.A.C., of the Department~~ or derived through ~~g~~Generally ~~a~~Accepted ~~p~~Professional ~~p~~Practice.

(6)(5) “Connection Permit” means a written authorization issued by the Department allowing for the ~~initiation~~ of construction of a specifically designed connection and any specific conditions related to the subject connection to the State Highway System at a specific location generating an estimated volume of traffic.

(7)(6) “Connection Relocation, Alteration, or Closure” (pursuant to Section 335.187, Florida Statutes) means ~~are~~ defined as follows:

(a) “Alteration” of a ~~c~~Connection² means Department action to substantially change ~~reduce~~ the width of a connection or to change the availability of ~~prohibit~~ right turn exits or right turn entries. For purposes of this provision, two connections, one providing right turn entry and the other providing right turn exit, shall be considered one connection if they are within functional proximity of each other.

(b) “Closure” of a connection² means a ~~Department~~ prohibition of the ability to enter and exit via the connection.

(c) “Relocation” of a connection” means an Department action to substantially move a connection, laterally or to move relocate a connection to a service road connected to the state highway.

~~(8)(7)~~ “Controlled Access Facility” for the purpose of this rule chapter means a transportation facility to which access is regulated through the use of a permitting process by the Department.

~~(9)(8)~~ “Department” means the Florida Department of Transportation.

~~(10)(9)~~ “Development Approval or Order” means an official action by the governmental authority having jurisdiction to approve a development site plan or to authorize ~~the developer or land owner to begin~~ construction of any permanent improvements on the property.

~~(11)(10)~~ “Directional Median Opening” means an opening in a restrictive median designed to control certain and specific turning movements from ~~either the state highway or the access connection.~~

~~(12)(11)~~ “Distance Between Connections” means the distance ~~between connections,~~ measured from the closest edge of pavement of the first connection to the closest edge of pavement of the second connection along the edge of the traveled way.

(13) “Florida Intrastate Highway System” means the system of limited access and controlled access facilities, which are part of the State Highway System, and are developed and managed to have the capacity to provide for high speed and high volume traffic movements in an efficient and safe manner. Highways on the Florida Intrastate Highway System may only be included as part of this system as designated pursuant to Sections 334.04 and 338.001, Florida Statutes.

~~(14)(12)~~ “Full Median Opening” means an opening in a restrictive median designed to allow all safe turning movements ~~(except U-turns in some instances) to take place from both the state highway and the adjacent connection.~~

~~(15)(13)~~ “Generally Accepted Professional Practice” for the purpose of this rule chapter means the use of professional engineering and planning knowledge in the applicable professional publications, such as traffic studies or traffic study guidelines done in accordance with the procedures of recognized traffic or transportation organizations and agencies such as the Transportation Research Board, Eno ~~ENO~~ Foundation, Institute of Transportation Engineers, or design standards or principles of the American Association of State Highway and Transportation Officials (AASHTO), the Department, or the Federal Highway Administration (FHWA).

~~(16)(14)~~ “Governmental Entity” means as defined in Section 11.45, Florida Statutes, a unit of local government or an officially designated transportation authority that has the responsibility for planning, construction, operation, maintenance, or jurisdiction over transportation facilities.

~~(15) “Intrastate Highway System” means the system of limited access and controlled access facilities, which are part of the State Highway System, and are developed and managed to have the capacity to provide for high speed and high volume traffic movements in an efficient and safe manner. Highways on the Intrastate Highway System may only be included as part of this system as designated pursuant to Sections 334.04 and 338.001, Florida Statutes.~~

~~(17)(16)~~ “Joint Use Connection” means a connection that provides access to more than one property or development including those in different ownerships.

~~(18)(17)~~ “Limited Access Facility” means a street or highway established as such a limited access facility pursuant to Section 338.01, Florida Statutes, and meeting the definition of Section 334.03(13), Florida Statutes, including interchange areas and other facilities within the limited access right of way.

~~(19)(18)~~ “Median” means the portion of a divided highway separating vehicular traffic traveling in opposite directions. See “Restrictive Median” ~~restrictive~~ and “Non-Restrictive Median” also defined.

(20) “Modification” of connection means relocation, alteration, or closure of a connection.

~~(21)(19)~~ “Non-Restrictive Median” means a median or painted centerline which does not provide a physical barrier between center traffic turning lanes or traffic lanes traveling in opposite directions. This includes highways with continuous center turn lanes and undivided highways. See “Restrictive Median” also defined.

~~(22)(20)~~ “Operational Characteristics of a Connection,” ~~(as specified in Section 335.184(3), Florida Statutes), means”~~ include, but are not limited to, turning movements, turning radii, channelization, grade, and connection width.

~~(23)(21)~~ “Property Owner” means the person or persons holding the recorded title to property abutting the state highway system, and other persons holding a recorded interest in such property that includes the right of access.

(24) “Public Road System” means the State Highway System, county roads, and city streets.

~~(25)(22)~~ “Reasonable Access” means the minimum number of connections, direct or indirect, necessary to provide safe and efficient ingress and egress to the State Highway System based on Section 335.18, Florida Statutes, the Access Management Classification, projected connection and roadway traffic volumes, and the type and intensity of the land use.

~~(23) “Reciprocal Agreement” means an agreement between the Department and a local government entity exempting each other from permit fees.~~

(26) “Replacement” means reconstructing an existing connection without alteration or relocation of the connection.

~~(27)(24)~~ “Restrictive Median” means the portion of a divided highway physically separating vehicular traffic traveling in opposite directions. Restrictive medians are re

include physical barriers that ~~restrict~~ prohibit movement of traffic across the median such as a concrete barrier, a raised curb island guard rail, or a grassed or a swaled median.

~~(28)~~(25) "Right of Way (R/W)" means land or interest therein, acquired for or devoted to transportation purposes. More specifically, land in which the governmental entity State, the Department, a county, or a municipality owns the fee simple title, has an easement devoted to or acquired for use as a public road and appurtenant facilities, or has established ownership by means of a published map pursuant to Section 95.361, Florida Statutes.

~~(29)~~(26) "Safety Upgrade Category" includes all modifications to existing connections initiated by the property owner, which improve upgrade the safety of the public road system(s) and the connection. This category is not applicable to connections involving significant change covered under "Significant Change," as defined in Section 335.182(3)(b), Florida Statutes. Examples of this type of work are include increase of turning radii, channelization, resurfacing, relocation to improve connection spacing, widening or narrowing of connection to better meet Department standards, and connection closure.

~~(30)~~ "Security Instrument" means a letter of credit or bond as described in Section 334.187, Florida Statutes.

~~(31)~~(27) "Significant Change," means as defined in 335.182, Florida Statutes, ~~means a change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding 25 percent more trip generation (either peak hour or daily) and exceeding 100 vehicles per day more than the existing use.~~ If the Department determines that the increased traffic generated by the property does not require modifications to the existing permitted connections, a new permit application shall not be required.

~~(32)~~(28) "State Highway System (SHS)" means the network of limited access and controlled access highways that have been functionally classified as such, and which are under the jurisdiction of the State of Florida pursuant to ~~as defined in~~ Section 334.03(25), Florida Statutes.

~~(33)~~(29) "Traffic Control Features and Devices" includes signs, markings, traffic signals, channelizing islands, medians, median openings, and turn lanes, and other features described in the *Manual on Uniform Traffic Control Devices (MUTCD)*, (incorporated by reference in Rule 14-15.010, F.A.C.).

~~(34)~~(30) "Traveled Way" means the portion of roadway for the movement of vehicles, not including shoulders and auxiliary lanes.

~~(35)~~(31) "Trip" means a one way vehicle movement. For example, one customer visiting an establishment in a car usually equals two trips, one in and one out.

~~(36)~~(32) "Trip Generation" means the number of trips, existing or projected, based on actual counts or the estimation methodology in the 6th 5th Edition of the Institute of Transportation Engineers *Trip Generation Report* or other Generally Accepted Professional Practice.

~~(37)~~(33) "Vehicle Trips Per Day (VTPD)" means the an average number of vehicle trips generated on an average day by a specific site development. For the purpose of this rule chapter VTPD will not be adjusted for roadway diversion, which estimates what percent of land use trips were already existing on the road system and not new trips specially generated by the land use.

Specific Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History--New 4-18-90, Amended 7-16-95, _____.

14-96.003 General Provisions.

(1) Local Permits and Approvals. Connection permits authorize the initiation of construction of connections within Department right of way and the maintenance of connection(s) according to the permit provisions and adopted Department standards. It is the responsibility of the applicant or permittee to obtain any other local permits or other agency approvals that may be required before the initiation of the connection construction ~~regardless of local government permits and approvals.~~ No person may construct, relocate, or substantially alter a connection without first obtaining a connection permit from the Department, as provided in this rule chapter, regardless of governmental entity permits and approvals.

(2) Pre-Application. Prior to filing an connection application and prior to receipt of development or site plan approval, all applicants, but in particular those applying for a Category C, D, E, F, or and G connections, are strongly encouraged to request a pre-application meeting to review on the site plan with the Department and other governmental entities, as appropriate, with respect to the proposed connection(s)' locations with the Department and other local agencies as appropriate. This review will be performed by the Department without a fee.

(a) Purpose of Pre-Application Meeting. The purpose of the pre-application meeting is to establish the connection(s) application category and the general location and design of the connection(s) to the property. Traffic study requirements may also be determined during this meeting.

(b) Non-Binding Nature of the Pre-Application Meeting. The pre-application meeting is advisory only and the results of this meeting are not non binding on the Department or and the applicant. An connection application must be submitted and a Connection Permit must be issued before the applicant can initiate construction.

~~(3) Connections Involving Drive-in Theaters. Connections involving drive-in theaters shall comply with the requirements of rule chapter 14-42, F.A.C.~~

~~(3)(4)~~ Cost of Construction.

(a) The cost of all construction related to the permit shall be the responsibility of the applicant ~~permittee~~.

(b) Existing permitted connections impacted by the Department's current construction activities and which require relocation, alteration, closure, ~~relocation~~, or safety upgrade ~~replacement~~ in order to meet current adopted Department standards shall be relocated, altered, closed, ~~relocated~~, or upgraded for safety ~~replaced~~ by the Department at no cost to the permittee.

~~(4)(5)~~ Traffic Control Features and Devices in the State Right of Way. Traffic control features and ~~Traffic Control~~ Devices in the Department's right of way, such as including, ~~but not limited to~~, traffic signals, channelizing islands, medians, median openings, and turn lanes ~~or any other transportation control features or measures in the state right of way~~ are operational and safety characteristics of the State Highway System and are not means of access. The Department may install, remove, or modify any present or future traffic control feature or ~~traffic control~~ device in the state right of way, ~~such as median opening, traffic signal or a feature affecting turning movements through a connection,~~ to promote traffic safety in the right of way or promote efficient traffic operations on the highway. A connection permit is only issued for connections and not for any present or future ~~median openings, signals, or~~ traffic control features or devices at or near the permitted connections. The permit may describe these features and/or devices, but such description does not create any type of ~~a vested~~ interest in such features.

~~(5)(6)~~ Other Review Processes, ~~such as Development of Regional Impact (DRI).~~ The Department shall not be obligated ~~bound~~ to permit or approve any connection, traffic control feature or device, or any other site related improvement that has been specified in a development approval process separate from the official connection approval process described in this rule chapter. However, early coordination may minimize conflicts at application time.

~~(6)(7)~~ Alternative Access Plans ~~not Consistent with Access Management Standards.~~ If the requirements of Rule Chapter 14-97, F.A.C., or other adopted Department access management standards, cannot be reasonably complied with, or if the standards can be met but the applicant desires to submit an alternative plan, the applicant may submit alternative access plans which will require approval of the Department's District Secretary or designee. The acceptance of any alternative access plans shall be based upon maximum achievement of the purpose of Rule Chapter 14-97, F.A.C., and Sections 335.18-188 ~~335.181~~, Florida Statutes. Any alternative access plan proposed under this section will need to provide documentation, in a traffic study, signed and sealed by a professional engineer registered in the State of Florida, of how the plan better serves the driving public and not just the applicant or its applicant's clients or customers. The

Department will also consider the transportation conditions stated in Section 335.184(3)(a), Florida Statutes. See also, Rules 14-96.007(4)(a)2. and 14-96.009, F.A.C.

~~(7)(8)~~ Limited Access Facilities. Owners of property abutting a limited access facilities ~~facility~~ have no right of access to such facilities. Requests for any access (such as new interchanges) to limited access ~~such~~ facilities will not be processed under this rule chapter.

Specific Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-187 FS. History--New 4-18-90, Amended 7-16-95.

14-96.004 Connection Categories and Fees.

All connections, public or private, shall be determined by the Department to be in one of the following categories:

(1) Standard Connection Categories. The following table summarizes the standard connection categories and application fees:

DESCRIPTION/PROJECTED AVERAGE VEHICLE TRIPS PER DAY OF SITE	APPLICATION FEE
Category A – Uses to 20 VTPD	\$ 50
Category B – Uses with 21 – 600 VTPD	\$ 250
Category C – Uses with 601 – 1,200 VTPD	\$1,000
Category D – Uses with 1,201 – 4,000 VTPD	\$2,000
Category E – Uses with 4,001 – 10,000 VTPD	\$3,000
Category F – Uses with 10,001 – 30,000 VTPD	\$4,000
Category G – Uses with 30,000 + VTPD	\$5,000

(2) Special Connection Categories.

(a) "Temporary Connection Category" provides a temporary, time limited, connection to the State Highway System for a specific property, use, and estimated traffic volume. Such uses may include forest land clearing and temporary agricultural or construction uses. This category may not be used for permanent construction at a site where it is reasonably expected that the use ~~this permanent construction~~ is the ultimate use of the property. Further, a temporary connection permit does not bind the Department, in any way, to the future issuance of a permanent connection permit at the temporary connection location. The permittee shall remove, at the permittee's own cost, the temporary connection at the end of the permit period or shall apply for an extension or a new permit. The fee for this category is \$250 for a six month period. The period will ~~may~~ be extended for increments of six months upon written request, payment of a new fee, and a showing of good cause, such as weather delays, natural disasters, ~~local~~ governmental entity coordination delays, or other technical problems not within the control of the applicant. However, in no event shall ~~may~~ the period extend beyond 24 consecutive months. The Department reserves the right to remove any temporary connection upon expiration of the permit.

(b) "~~Local~~ Government Public Street or Road Category" provides for a connection or connection modification for any new or substantially improved public road. The fee will be waived if the applicant is a ~~local~~ governmental entity ~~having a~~

reciprocal fee waiver agreement with the department if this is a local government sponsored project and the local government is the applicant. If the fee is not waived, then the fee shall be based on the fee schedule in subsection 14-96.004(1), F.A.C., using expected Average Daily Traffic for the Category determination.

(c) “Safety Upgrade Category” shall not be used for connections involving significant change. This category includes all modifications to existing connections not included as Substantial Connection Changes. This category allows for work to existing or operating connections or sites which upgrade the safety of the public road system and the connection. This category shall not be used for connections covered under “Significant Change” as defined in Section 335.182(3)(b), Florida Statutes. Examples of this type of work include increase of turning radii, channelization, turn lane construction, resurfacing, relocation to improve connection spacing, widening or narrowing of connection to better meet Department standards, and connection closure. These applications shall be initiated by the applicant and will not require a fee.

(3)(4) Phased Developments. New phases of an existing development requiring a new permit will have their fee based on the development in the individual phase.

(4)(3) Fee Payment Type. Full payment of fees shall be made by cashier’s check, certified check, cash, or money order, and shall be made payable to the State of Florida Department of Transportation at the time of application. Checks drawn on governmental entity accounts will be accepted by the Department. The use of pre-paid accounts are also allowed in accordance with the Department’s pre-paid account practices. Cash will not be accepted. If at any time during the application process a check for the fee is returned for insufficient funds, the applicant will be notified that the application is not complete and no further processing will occur until a cashier’s check, certified check, cash, or money order is presented. The application fee is non-refundable, as required by Section 335.183, Florida Statutes.

Specific Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History—New 4-18-90, Amended 7-16-95, _____.

14-96.005 Application.

(1) Connection Permit Application and Information. The Connection Permit Application – Category A, Form 850-040-14 (/02) and Driveway/Connection Permit Application for All Categories, Form 850-040-15, (/02) 4/94, and application information are available from the office of the local area Maintenance Engineer, District Office, or Urban Area Office. A complete application shall consist of the Connection Permit Application Form, (with original signatures, the number of signatures these to be determined by

the District staff) application fee, site plans, drawings, traffic data, and connection and roadway information specified in this rule chapter.

(a) The Department suggests that prior to submitting an application the applicant ask the Department about ~~inquire on~~ the level of detail and ~~on~~ additional information requirements pursuant to this rule chapter. [See Rule Section 14-96.003(2), F.A.C. “Pre-Application”].

(b) The Department will ~~reserves the right to~~ request clarification or additional information required in this rule chapter during the application review process where the applicant has failed to complete the application.

(c) Failure to provide the requested information within time limits specified within this rule chapter shall result in the review and decision being based on information provided.

(d) An application will not be accepted if the appropriate fee is not paid.

(e) The applicant shall be allowed to submit any site specific information which the applicant deems to be pertinent to the Department’s Permitting Authority’s review of the connection application.

~~(2) A connection permit application may be submitted by a property owner or his authorized agent. The Department will also accept a connection permit application by a person holding an unrecorded interest in the property, such as a lease, that includes the right of access to the property, upon written proof authorization to submit the application executed by a property owner.~~

(2)(3) Changes in Property Use.

(a) ~~Significant Change in Land Use as Defined in Section 335.182(3)(b), Florida Statutes~~. Where ~~such~~ additional traffic is projected due to expansion or redevelopment, the property owner shall contact the Department to determine if a new permit application and modifications ~~of~~ ~~to~~ existing connections will be required. If the Department determines that the increased traffic generated by the property results in a significant change, ~~does not require modifications to the existing permitted connections~~, a new permit application shall ~~not~~ be required.

(b) Failure to contact the Department to determine the need for connection modifications or to submit apply for a new application permit for such modifications prior to initiation of property improvements, land use changes, or traffic flow alteration actions which constitute significant change will, ~~defined as “Significant Change” in Section 335.182, Florida Statutes~~, may result in notification to the property owner of the Department’s intent to revoke or modify the existing permit and closure of the connection to the property as specified in Rule Section 14-96.011(2), F.A.C.

(c) Vacant or Abandoned Sites. For purposes of determining the “existing use” of a property under the definition of significant change, the following criteria apply: “Significant Change” in 335.182(3)(b), Florida Statutes.

1. For connections under Sections 335.187(1) and (2), Florida Statutes, (~~“Grandfathered”~~), the use of the property on July 1, 1988, shall be considered the existing use, unless thereafter discontinued for a period of one year or more.

2. For connections under Section 335.187(4), Florida Statutes, (~~normal permitted~~), the use of the property reflected in the permit shall be considered the existing use, unless thereafter discontinued for a period of one year or more.

3. The use of a property is considered discontinued when there has been a cessation of trips to the property ~~for a period of one year or more~~, except for trips to maintain or market the property associated with that use. The use of the property will also be considered discontinued where the business located on the property has been out of service for a period of one year or more.

4. If the use of a business property has been discontinued for the period of one year or more, ~~that period of discontinued use will be the “existing use” in calculating significant change when a new any use is proposed by an applicant shall constitute significant change.~~

(d) The applicant permittee is responsible for all costs associated with ~~connection removal, relocation, alteration, or closure of a connection if the need for relocation, alteration, or closure modification if removal, relocation or change is directly caused by the actions of the applicant permittee.~~

~~(3)(4) Information Required for:~~ All Applications. The following information is required of all applications for all connections categories: ~~Proposed features in the right of way, such as median openings and other traffic control devices, are not part of the connection(s) to be authorized by a connection permit and information regarding such features which is required by this rule chapter or the application for is used only to evaluate the proposed connection(s).~~

(a) Identification and signature of property owner and applicant. The ~~current~~ complete names, and current mailing addresses and telephone numbers of property owner(s), the developer(s), the applicant, and transportation and legal consultants representing the applicant (if any), will be noted on the appropriate application ~~forms~~ as detailed in this rule chapter.

(b) Notarized letter of authorization. If the property owner desires to have a representative sign, file, and handle the application, a notarized letter of authorization from the property owner designating the applicant and the authorized representative (~~if the applicant has one~~) shall be provided with the application package.

(c) Responsible officer. When the owner or applicant is a company, corporation, or other public agency, the name, address, and telephone number of the responsible officer shall be furnished with the application.

(d) Signatures. The names of all individuals signing the application and their titles shall be typed or printed directly below the signatures.

(e) Property use. The existing and planned property use shall be noted in sufficient detail to determine the appropriate connection category of the application.

(f) (~~Site Plan~~) Location of all ~~e~~Existing and ~~p~~Proposed ~~c~~Connections ~~on the Property~~. This will include a site plan indicating of any physical features (existing or proposed) that would have an impact on traffic circulation and sight distance on the ~~p~~Public ~~r~~Road ~~s~~System. Examples of such physical features are walls, fences, trees, mail boxes, gates, and utility poles, ~~etc.~~

~~(4)(5) Additional Information Required for Category C, D, E, F, and G Applications.~~ In addition to the information required on all applications, the following information is required will be necessary on all Category categories C, D, E, F, and G applications: ~~:-~~

(a) Trip ~~g~~Generation ~~d~~Data. The applicant will estimate the site’s ADT average vehicles trips per day (VTPD) and peak hour trip generation. The peak hour(s) will be proposed at the time of application or conceptual review based on the most critical hour for the proposed property use. This determination of the most critical peak hour will be made considering both the peaking characteristics of the proposed site and the surrounding road system. Estimates shall be made in accordance with the 6th 5th Edition Trip Generation Report, published by the Institute of Transportation Engineers, Washington D.C., or other gGenerally aAccepted pProfessional pPractice. If the Department determines, ~~based on Generally Accepted Professional Practice~~, that the trip generation data provided by the applicant are not accurate or not realistic, the Department will require further trip generation analysis signed, sealed, and dated by a Professional Engineer registered in the State of Florida ~~qualified in the area of Transportation Engineering~~.

(b) Site plan. Each site plan submitted with ~~the application for a Category Categories~~ C, D, E, F, or and G application shall contain the following (by phase): ~~(r~~Recent aerial photographs of sufficient scale and clarity ~~which are acceptable to the Department~~ may be used in conjunction with the following): ~~:-~~

1. Any physical features (existing or proposed) such as buildings, other structures, or natural features which would have an impact on traffic circulation and sight distances on the Public Road System.

2. Traffic circulation plan and parking lay out.

3. Right of way and property lines (surveys are acceptable, but not required, this is not necessarily a requirement for a full legally binding survey).

4. Any existing joint access or cross access connection features.

5. A plat map showing abutting parcels and ownership, may be required by the Department.

(c) Transportation Facility and Neighboring Connection Information. Each site plan submitted for a Category C, D, E, F, or G application shall also contain the following information:

1. Road names and highway numbers for all abutting roads and highways.

2. ~~The Florida Department's of Transportation~~ county section and milepost number (~~this identification is available at the Department~~).

3. Existing laneage for all roads abutting the development, including left and right turn storage and auxiliary lanes and medians.

4. Location of future roads (known to the applicant) and improvements to existing roads, abutting or entering the property.

5. Neighboring Connections and median ~~Median~~ Openings. The location and type of connections (on both sides of the road, ~~where applicable~~), median openings, intersections, and traffic signals within the following distances from the site's property lines:

a. If the posted speed limit is over ~~70 km/h (45 MPH)~~ then the distance of the features documented shall be ~~400 m (1320 feet ft.)~~, or to the closest public street intersection, (whichever is less.)

b. If the posted speed limit is ~~70 km/h (45 MPH)~~ or less, the distance of the features documented shall be ~~200 m (660 feet ft.)~~, or to the closest public street intersection, (whichever is less.)

c. Recent aerial photographs of sufficient scale and clarity to depict the site and the immediate area may be used to provide this information.

d. The Department will waive or reduce the requirement for neighboring connection information where restrictive medians or other physical features negate the need for this information.

e. If the Department determines that additional information is needed (such as connection driveway location ~~farther further~~ than the distances stated here) the Department shall request such information in writing and at the same time provide the justification for the need for information in writing justify and document this need before it can be required of the applicant.

(d) Connection Location and Design Information. Applications for connection categories C, D, E, F, and G, as well as public road system street connections and those connections requiring auxiliary lanes, shall contain detailed connection and design information, in accordance with the Department's Plans Preparation Manual, January 2000, or other generally accepted professional practice. This information shall be signed, sealed and dated by a Professional Engineer registered in the State of Florida ~~qualified in the area of Transportation Engineering~~. The connection location and design information will include:

1. Location of all proposed connections, connection profiles, as well as public road system street connections, and those connections requiring auxiliary lanes, connection width, connection radii, connection angle.

2. Design and cross section (to the Right of Way line) of auxiliary lanes and pavement to serve the requested connection(s).

3. Location and type of traffic control devices proposed.

4. Proposed pavement marking and signing.

5. Location and type of drainage features existing and proposed within the ~~state~~ right of way.

6. Median opening design and cross-section, for any new or modified median or median opening to be used by the property's traffic.

7. Type of roadway materials to be used.

8. Location and type of ~~e~~Existing utilities.

9. ~~Maintenance of Traffic Plan~~. The maintenance of traffic control plan must conform ~~conforming~~ to ~~Department standards set forth in~~ the *Federal Manual on Uniform Traffic Control Devices*, incorporated by reference in Rule 14-15.010, F.A.C. The maintenance of traffic plan must also conform to ~~and~~ the Department's *Roadway and Traffic Design Standards*, January ~~2002~~ ~~1994~~, or other generally accepted professional practice. The Topic #625-010-003-e, incorporated by referencee under Rule 14-96.008, and the expected time of roadway closure must be in accordance with the Department's *Roadway Plans and Preparation Manual, January 2000, 1989* edition, or other generally accepted professional practice as amended June 1994, Topic 625-000-101-b, incorporated by reference under Rule 14-96.008. A maintenance of traffic plan which does not conform to the Plans and Preparation Manual and the Roadway and Traffic Design Standards must be signed and sealed by a Professional Engineer registered in the State of Florida.

10. Horizontal and vertical curvature of abutting roads where severe topography or sight distance concerns warrant.

11. Indication of all proposed turning movements.

(e) Traffic Study Requirements. ~~Category A, B, and C applications will generally be exempted from traffic study requirements except where the Department identifies a special need based on operation or safety.~~ For Category C, D, E, F, and G applications, or any application requesting or requiring a new traffic signal, new median opening, auxiliary lane, or modified median opening, the following traffic study data requirements apply. The specific detail and content of the traffic study will vary depending upon the existing and projected traffic volumes, highway capacity, levels of service, and safety concerns. Any ~~Traffic Study~~ (except a cursory analysis, such as an indication of peak hour movements from the applicant's site) must be signed, dated, and sealed by a Professional Engineer registered in the State of Florida ~~qualified in the area of Transportation Engineering~~. All work submitted by such a Professional Engineer in a ~~Traffic Study~~

will be reviewed by or under the supervision of a Department Professional Engineer registered in the State of Florida qualified in the area of Transportation Engineering. The ~~Traffic Study~~ must include at least:

1. Critical peak hour turn movements from each proposed connection and abutting public road in graphic form.

2. Traffic operations analysis of sufficient depth to analyze the impacts of the development on the surrounding transportation system.

3. An appropriately sized study area and The size of the study area as well as the time horizon based upon will depend on the type and size of the development. ~~The specific detail and content of the report will vary depending upon the existing and projected traffic volumes, highway capacity, levels of service and safety concerns.~~

(f) Category C Exemptions. Category C applicants are will be exempted from some of the requirements listed above if the applicant can show that the information would have no significant bearing on the permitting decision process.

Specific Authority 334.044(2), (27), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History—New 4-18-90, Amended 7-16-95, _____.

14-96.007 Application Submittal, Review, Approval, and Conditions.

(1) Application Submittal. The application shall be submitted to the Department's District Permits Office or to the Department's District Maintenance Office. ~~Applications that are submitted to the local maintenance office or the urban offices of the Department will then be forwarded to the District Permits Office, however, the application will not be considered received until it arrives at the District Permits Office.~~

(2) Application Completeness Review. The Department shall notify the applicant within 30 days of submittal, using State Highway Access Connection Completeness Review, Form 850-040-21, (11/94), if additional information is needed, or if there are errors or omissions. This notification will list those items needed to complete the application, consistent with the requirements of this rule chapter or additional information needed to evaluate the application. If such a request for additional information is given to an applicant within the 30-day period, the application will be deemed incomplete until the additional requested information is supplied to the Department. An application that requires a fee will not be accepted without the fee.

(a) Unless otherwise indicated in the notice of completeness review, applicants must provide such requested information within 60 days of the receipt of the Access Connection Completeness Review Form.

(b) If the additional information has not been received by the Department within the prescribed time from the date of notification, the application shall be processed based upon with the information provided. ~~This may result in an automatic denial of the application.~~

(c) If no additional information is requested during the prescribed ~~30~~ 60 day Completeness Review Period, the application shall be deemed complete as of the date the Department received the application.

(3) Applicant Time Extension. If the applicant needs more time to provide additional information or correct deficiencies in the application; ~~than would be~~ allowed under this rule chapter, then the applicant may request a waiver of the time requirements by stating the reasons in writing on an Applicant Time Extension Form, Form 850-040-22, 04/93.

(4) Technical Planning and Engineering Sufficiency/ Compliance Review. The applicant will be notified within 90 days of receipt of a complete application, receipt of all required information, or expiration of the time period for receipt of additional or corrected information. The notification will include the Department's the important details regarding the analysis and decision of on access approval or denial of the application.

(a) Notice of Intent to Issue Permit. The Department shall send the applicant a ~~Proposed~~ State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, ~~(/02), if either: 11/93.~~

1. ~~The If~~ the Department determines that an application is consistent with Rule Chapters 14-96 and 14-97, F.A.C., and there is no need to exceed the minimum standards as stated in Section 14-97.003(1)(e), F.A.C.; or

2. ~~The If~~ the Department determines that an application is not consistent with Rule Chapters 14-96 and 14-97, F.A.C., but that denial of a connection would be denial of reasonable access and that such a connection would not jeopardize the safety of the public or have a negative impact upon the operational characteristics of the highway, consistent with Rule 14-96.007, F.A.C.

(b) Direct Permitting. If an applicant provides an application that otherwise meets all the requirements of Rule Chapters 14-96 and 14-97, F.A.C. ~~this rule chapter~~ and the Department is not imposing any additional conditions, the Department will issue a permit ~~directly~~.

(c) Notice of Intent to Deny. The Department shall send the applicant ~~Proposed~~ State Highway Access ~~Driveway/~~ Connection Notice of Intent to Deny Permit, Form 850-040-23, ~~(/02) 03/94~~, if the Department determines that an application applicant is not consistent with currently adopted Department rules and design standards or additional site specific operations and safety concerns as stated in Rule 14-97.003(1)(e), F.A.C., apply, and:

1. The Department determines that denial of a connection would not be a denial of reasonable access; or

2. The Department determines that denial of a connection would be a denial of reasonable access but that a connection would jeopardize the safety of the public or have a negative impact upon the operational characteristics of the highway.

(d) Additional Connections. When ~~For~~ permitted driveway/connections where one or more connections of a property to a state highway have previously been approved and an applicant seeks a permit for additional or alternative connection(s), the previously permitted approved connections are presumed to provide reasonable access to the a State Highway System unless the property owner shows:

1. ~~That~~ That there has been a change in the use of the property from that reflected in the application(s) for the previously approved connection(s), which change has or will cause an increase in the trip generation (peak hour or daily) of the property exceeding 25 percent more ~~trip generation (peak hour or daily)~~ than reflected in the prior application(s), and that such change in use and increase in trip generation was not reasonably foreseeable at the time the application(s) for the previously approved connection(s) was/were filed; or

2. ~~That~~ That the circumstances relating to traffic safety and efficiency, ~~efficiently~~ outside the control of the permittee, have arisen that were not reasonably foreseeable at the time of approval of the connections that prevent the connection(s) from providing reasonable access to the highway.

(e) Agreements made after Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, 01/99, is issued. If an agreement is made between an applicant and the Department which will allow the Department to approve a connection, this agreement will not be effective; nor supersede the Notice of Intent to Deny Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (/02) 01/99, unless it is in writing written, executed by the applicant and the Department, and appropriate revisions are reflected on signed and sealed construction plans before the ~~30-day~~ time period allowed for a denial challenge an appeal has expired. The agreement will completely describe the mutually agreed access plan.

(5) Conditions of the Notice of Intent to Issue Permit. The Notice of Intent to Issue Permit for Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (/02) 11/93, shall set forth all conditions not otherwise required by this rule chapter for issuance of a permit and maintenance of the connection(s). The notice will specify which of the conditions set forth in the notice must be met before issuance of a permit and those that must be met after the permit is issued.

(a) Not a Permit. The Notice of Intent to Issue Permit for Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (/02) 11/93, does not authorize the initiation of connection construction within the Department right of way but acknowledges completion of the Department review and indicates the Department's intent to issue a permit upon compliance with the conditions stated in

the ~~Proposed State Highway Access Connection~~ Notice of Intent to Issue Permit for State Access Connection, Form 850-040-24, (/02) 11/93.

(b) Time Period. A Notice of Intent to Issue Permit for Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (/02) 11/93, is valid for one year and may not be revoked during that period, provided that no material change has occurred in the proposed development or traffic characteristics on the abutting State Highway System. The Notice of Intent to Issue Permit for Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (/02) 11/93, may be extended, upon Department approval, upon a showing of good cause by the applicant (such as: weather delays, natural disasters, ~~local~~ governmental entity coordination delays, or other technical problems not within the control of the applicant). A Notice of Intent to Issue Permit for Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (/02) 11/93, may be assigned to a purchaser or new occupant within one year of issuance if there is ~~no-1. No~~ change in the land use or in the site plan and the-2. It has been reassigned within one year of issuance-3. The Department is notified of the reassignment by the original applicant.

(c) Standard Conditions. The following standard conditions will apply to all Notices of Intent to Issue Permit for State Highway Access Connection, Form 850-040-24, (/02), before a connection permit can be issued:

1. Development approval from the appropriate ~~local~~ governmental entity consistent with the Notice of Intent to Issue Permit for Proposed State Highway Access Connection, Form 850-040-24, (/02), Notice of Intent to Issue Permit;

2. Assurance of performance pursuant to Section 334.187, Florida Statutes, ~~(if required);~~

3. An indemnity agreement shall be executed by the applicant wherein it is agreed that the Department shall be indemnified, defended, and held saved harmless from any and all claims, demands, costs, or expense for loss, damage, or injury to persons or property of the other caused by, arising out of, or resulting from:

a. Any act or omission by the applicant or the applicant's contractors, agents, servants, or and employees in connection with any construction activities undertaken pursuant to the connection permit, within the right of way;

b. The negligence of the applicant or negligence of the applicant's contractors, agents, servants, or employees-4

c. Any other event or act that is the result of, or proximately caused by, the applicant or the applicant's contractors, agents, servants, or and employees in constructing or maintaining the connection or any other features.

4. Compliance with drainage requirements in R#rule Chapter 14-86, F.A.C.-5; and

5. Special requirements ~~may be added if necessary~~ to promote safety and efficiency, ~~and~~

6. Liability Insurance For All ~~Category~~ Categories C, D, E, F, and G Permits. Before construction is to begin, the applicant shall deliver to the Department proof of insurance verifying that the applicant or the applicant's contractor has coverage under a liability insurance policy issued by an ~~reputable~~ insurance company authorized to do business in the State of Florida naming ~~itself themselves~~ as insured, and the Department as an additional named insured, which policy shall contain a ~~broad form~~ contractual endorsement specifically covering the liabilities arising from the indemnity agreement.

a. The policy shall provide public liability insurance, including property damage, in the amount of \$500,000 combined single limit for each occurrence.

b. The above required policy shall be endorsed with a provision requiring the insurance company to notify the Department ~~30 thirty~~ days prior to the effective date of cancellation or of any material change in the policy if the change occurs during the construction period.

c. The applicant shall pay all premiums and other charges due on said policy and keep said policy, or a materially identical replacement policy, in force to insure ~~during~~ the entire period of construction of the connection.

(6) Issuance of Permit. A Driveway Connection Permit for All Categories, Form 850-040-18, (~~/02~~) ~~4/93~~, will be issued after the applicant provides satisfactory evidence of compliance with all conditions that must be met before issuance of a permit. ~~A Unless modified pursuant to an administrative proceeding, or negotiation with the applicant, a permit shall be subject to all the conditions set forth in the Notice of Intent to Issue Permit for Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (/02) 04/99. A permit authorizes construction is valid for one year from the date of issuance and expires if construction of the connection is not completed within that period.~~

(a) Failure to Comply. If the Department determines that the applicant has failed to comply with all conditions required prior to the issuance of a permit, it shall notify the applicant that the Department will not issue a permit and specify the conditions that have not been met. Notice of the Department's intended action will be provided in accordance with Rule ~~Chapter 28-106-11~~, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules ~~Chapter 28-106-104, 28-106-201, and 28-106-301~~, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule ~~Chapter 28-106-11~~, F.A.C.

(b) Permit Time Extension. The permit will be extended ~~beyond past~~ the one year time limit (only with Department approval) for good cause, such as weather delays, natural

disasters, ~~local~~ governmental entity coordination delays, or other technical problems not within the control of the permittee applicant.

(7) Concurrent ~~Local~~ Governmental Entity Review. Nothing contained herein shall preclude concurrent review of the permit application by the Department and governmental entities local government(s).

(8) Permit Conditions. Failure by the applicant ~~or~~ permittee to abide by the permit conditions provisions that are applicable after permit issuance shall be just cause for the Department to order alteration of the connection, or to revoke the permit and close the connection at the expense of the applicant permittee, subject to the provisions in this rule chapter, or for the Department ~~to exercise the Performance Bond~~ to have the necessary modifications made and seek payment from the applicant. The permit requirements shall be binding on the applicant permittee, the applicant's permittee's successors, heirs and assigns, the permit application signatories, and all future owners and occupants of the property. The Department may require permits these conditions to be recorded in the public records with the legal description of the property when cross or joint access exists, when permit conditions requiring future performance by the permittee exist such as installation of traffic control features or devices, or when other conditions warrant recording where cross access agreements or other applicable conditions apply.

(9) Government Owned Rail or Abandoned Non-Highway Vehicular Use Corridors. Corridors including separate pedestrian trails, bike trails, current or abandoned exclusive bus or transit corridors, current or abandoned rail corridors, or waterways. These corridors are not part of the State Hhighway Ssystem and are not subject to the provisions of the Access Management Act, Sections 335.18-335.188, Florida Statutes. These corridors, that about the a State Hhighway System, are considered intervening property and property on the other side of such a corridor ~~from a state highway~~ will not be considered to be abutting the State Hhighway System. Action will be taken under Rule 14-96.011, F.A.C. to ~~revoke, close, or~~ modify an existing connection access across a corridor if it interferes with the safe or efficient operation of the corridor or State Hhighway System. ~~In such event, revocation will be in accordance with Rule 14-96.011 or 14-96.012, F.A.C.~~

Specific Authority 334.044(2), 334.187(4), 335.182(2), 335.183 FS. Law Implemented 334.187, 335.181-.1825, 335.184, 335.185 FS. History--New 4-18-90, Amended 7-16-95, 6-24-99, _____.

14-96.008 Construction and Maintenance of Traffic Requirements.

All construction and maintenance on Department right of way shall conform to the Federal *Manual on Uniform Traffic Control Devices* (MUTCD), incorporated by reference under Rule 14-15.010, F.A.C. All construction and maintenance on Department right of way shall also conform to; the Department's *Roadway and Traffic Design Standards*, January

~~2000 1994, Topic #625-010-003-e; and the Standard Specifications for Road and Bridge Construction, 2000 1991 Edition, as amended, and the Department's Roadway Plans and Preparation Manual, January 2000, or other generally accepted professional practices 1989 Edition, as Amended June 1994, Topic #625-000-101-b. With the exception of the MUTCD, which already is incorporated by reference under Rule 14-15.010, F.A.C., the manuals and standards specifically listed in this section are hereby incorporated by reference and made a part of the rules of the Department of Transportation.~~

(1) Disruption of Traffic. For safety and operational purposes, the Department may require or restrict hours of construction to minimize disruption of traffic on the State Highway System. When construction activity on a connection causes undue disruption of traffic or creates safety hazards on a ~~s~~State ~~h~~Highway, the District Secretary or designee shall advise the permittee of the need for immediate corrective action by a specified time, and may issue a stop work order if deemed necessary.

(2) Connection Completion Time Limit. Construction shall be completed within one year of the date of issuance of the permit. Failure to comply with the one year time limit shall result in an automatic expiration of the permit unless extended by the Department as described in Section 335.185(2), Florida Statutes. A stop work order may be issued by the Department if work exceeds the imposed time ~~restrictions~~ limit. For any permit which expires for failure to construct the connection within the one year limit, the ~~applicant~~ permittee shall submit a new ~~a~~Application, including the payment of the required application fee prior to the initiation or continuation of any construction.

(3) Assurance of Performance. Assurance of performance pursuant to Section 334.187, Florida Statutes, will be required if the permit requires extensive work within the ~~state~~ right of way, such as auxiliary lanes, median modifications, relocation of structures, ~~and~~ or traffic signals.

(a) Prior to the issuance of a permit, the applicant shall provide ~~a~~ the security instrument in the estimated dollar amount of the improvements in the ~~state~~ Right of ~~w~~Way. The Department shall be named as the beneficiary. ~~The~~ This ~~said~~ security instrument shall be provided to the Department before the ~~Connection~~ pPermit is issued. The security instrument shall be valid for a sufficient time to cover the construction and inspection of the permitted work, but for not less than 18 months.

(b) The applicant shall provide the estimated cost of improvements on ~~state~~ right of way in a document as signed, sealed, and dated by a Professional Engineer registered in the State of Florida.

(c) Security Instrument Receipt, Form 850-040-20, (~~/02~~ 04/93 must be used.

(d) Such security instruments shall be required except ~~when in such cases or where~~ a performance bond covering the work on the ~~state~~ Right of ~~w~~Way is included as part of the bond necessary for development approval by the local governmental entity and the Department is ~~also~~ a named beneficiary.

(e) The Department will waive the security instrument requirement ~~when~~ ~~where~~ there is an agreement with the ~~appropriate~~ local governmental entity to withhold the certificate of occupancy until problems are corrected and there is no indication that the requirements of this rule chapter will be violated.

(f) The Department ~~shall~~ ~~may~~ require a security instrument for any connection or access feature, construction, or permit activity if ~~the~~ ~~this~~ activity is in relation to:

1. ~~An a discovered~~ unpermitted connection that is going through the process of becoming permitted;

2. ~~The~~ correction of a safety hazard caused by activities on the property; or

3. ~~M~~modification of an existing connection or traffic control ~~access~~ feature or device as per Rule 14-96.011, F.A.C., or 14-96.012 for changed conditions on the property.

(g) The security instrument will be returned to the applicant ~~permittee~~ when final inspection by the Department shows that the work has been completed ~~done~~ as permitted.

(4) Posting of Permit. The approved connection permit shall be displayed in a prominent location in the vicinity of the connection construction.

(5) Traffic Signals and Other Traffic Control Devices. Such devices, installed by ~~a~~ applicant ~~permittee~~, shall conform to the MUTCD and Department design and construction standards. The applicant ~~permittee~~ is responsible for securing any additional ~~state and local~~ permits or governmental entity ~~and~~ approvals needed for traffic signalization and regulatory signing and marking.

(6) Professional Engineer Statement of Construction for Extensive Roadway Construction or Large Developments. If the permit requires extensive work within the ~~state~~ right of way, such as auxiliary lanes, median modifications, relocation of structures, ~~and~~ or traffic signals, a statement from the project's Professional Engineer will be necessary. The applicant ~~permittee~~ will provide documentation by a Professional Engineer registered in the State of Florida ~~and qualified to inspect highway construction~~ that construction was accomplished in accordance with the requirements set out in the permit. This documentation shall include a statement that necessary inspections, tests, and physical measurements have been made, that construction was accomplished in accordance with the design information included with the connection ~~permit application~~ in accordance with this Rule Chapter 14-96, F.A.C., and that all materials entering into the work conform to the specifications in the connection permit, conform to the applicable specifications contained in the

Standard Specifications for Road and Bridge Construction, 2000 ~~1991~~ edition as amended, or otherwise conform to or meet generally accepted professional practices, incorporated by reference under Rule 14-96.008. The Record Drawings Report by Permittee's Professional Engineer, Form 850-040-19, 11/94, shall be used for this purpose.

(7) Utility and Right of Way User Notification. The applicant has the responsibility to determine and notify the users of the right of way of the permitted construction. ~~The applicant shall then notify all users within the right of way.~~ The applicant shall also resolve any conflicts within the right of way. Before a permit is issued, the applicant shall show documentation of this notification and resolution of conflicts.

Specific Authority 334.044(2), 334.187(4), 335.182(2), 335.184 FS. Law Implemented 334.044(14), 334.187, 335.181-.1825, 335.185 FS. History--New 4-18-90, Amended 7-16-95.

14-96.009 Non-conforming Connection Permits.

The ~~Department shall permitting authority may~~ issues a permit for a connection not meeting Department location and spacing criteria standards if the Department determines it finds that a conforming connection connecting is not attainable at the time of the permit application submittal, and that denial would leave the property without access a reasonable means of connection to the public road system and that the connection would not jeopardize the safety of the public or have a negative impact upon the operation of the highway. The ~~Department permitting authority~~ also shall issue a connection permit requiring a legally enforceable joint-use connection when determined to be in the best interest of the State for restoring or maintaining the operational efficiency and safety of the State Highway System. Non-conforming connection permits shall specify conditions or limits including:

- (1) The maximum vehicular usage of the connection.;
- (2) The construction of a conforming connection when future alternate means can be obtained with removal of the non-conforming connection.;
- (3) The properties to be served by the connection; ~~and any other conditions as necessary to carry out the provisions of the State Highway System Access Management Act.~~

Specific Authority 334.044(2), 335.182(3), 335.184 FS. Law Implemented 334.044(14), 335.18-.1825, 335.185 FS. History--New 4-18-90, Amended _____.

14-96.011 ~~Permit Modification or Revocation; Alteration or Closure of Permitted Connections.~~

~~Closing a connection, (unless it has an adverse effect on traffic safety or operations) resurfacing, or bringing a connection to current Department design standards, at the existing location may be considered a safety upgrade as in this rule chapter and will not require a permit.~~

(1) Validity of Existing Permits. All connection permits issued by the Department after July 1, 1988, ~~prior to the effective date of this rule chapter~~ remain valid until ~~revoked or~~ modified pursuant to the criteria set forth in this rule chapter.

The Department ~~will may~~ initiate action to ~~revoke or~~ modify any permit or existing permitted connection if any of the following occurs:

(a) A significant change, as defined in Section 335.18, Florida Statutes, has occurred.;

(b) The connection was not constructed at the location or in accordance with ~~to~~ the design specified in the permit.;

(c) Permit conditions are not met by the permittee. ~~or;~~

(d) Such revocation or modification is determined to be necessary because the connection poses a current or potential safety or operational problem on the State Highway System. This problem must be substantiated by an engineering study signed and sealed by a Professional Engineer registered in the State of Florida ~~qualified in transportation engineering.~~ Such engineering study shall consider, ~~but not be limited to,~~ the following:

1. Analysis of accidents ~~Accident~~ or operational analysis directly involving the connection access points or similar connections access points, or a traffic conflicts analysis of the site.

2. Analysis of the impact, ~~the closure,~~ modification of the connection, or relocation, will have on maintenance; or safety on the Public Road System.

3. Analysis of the impact, ~~closure,~~ modification of the connection, or relocation will have on traffic patterns and circulation on the Public Road System.

4. The principles of transportation engineering as determined by Generally Accepted Professional Practice.

(e) If the Department acts to revoke or modify a permit, the Department shall offer an opportunity to meet on site ~~on-site~~ with the ~~permittee,~~ property owner; or designated their representative. The Department will take into consideration the following:

1. Documents, reports, or studies obtained by the property owner and provided to the Department.

2. ~~Consideration and development of~~ Alternative solutions proposed by the property owner applicant.

(f) Also see 14-96.0051(2)(c), Vacant or Abandoned Sites.

(2) Notification Process for Permitted Connections. Notice of the Department's intended action will be provided in accordance with Rule Chapter 28-106-111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules Chapter 28-106-104, 28-106-201, and 28-106-301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule Chapter 28-106-111, F.A.C.

(a) If the reason for the ~~revocation or~~ modification is due to ~~permittee~~ noncompliance, this notice will include the Violation and Notice to Show Cause, Form 850-040-26, (/02) ~~01/99.~~ The notification shall state that, unless the deficiencies

are corrected, the permit shall be ~~revoked~~ or modified and the connection to the State Highway shall be ~~closed~~ or modified by the Department at the expense of the property owner.

(b) If the reason for ~~revocation~~ or modification is due to ~~significant change~~, as defined in Section 335.18, Florida Statutes, the notice will state the basis of the Department's determination for modification and the Department's intent to modify or revoke the permit by requiring the relocation, alteration, or closure of an existing connection. Where the Department's action has become final and no timely application for a new ~~access~~ connection permit has been filed, the Department will take immediate action to ~~close~~ or modify the connection in accordance with the notice.

(c) If the reason for revocation or modification is a safety or operational problem, the notice will state the basis of the Department's determination and describe the changes necessary to reduce the hazard or correct the situation.

(3) Unpermitted Connections.

(a) Grandfathered Connections to the State Highway System. Connections permitted or in existence prior to July 1, 1988, use of which have never been discontinued as described in Rule 14-96.005(2)(c)3., are considered "grandfathered" and shall not require the issuance of a permit and may continue to provide connection to the State Highway System except as provided in subsection (4).

(b) Unpermitted/Non-Grandfathered Connections. All other unpermitted connections are subject to closure in accordance with paragraph (5)(b).

(4) Modification of Grandfathered Connections.

(a) The Department will require that a permit be obtained in accordance with Rule Section 14-96.005(3), F.A.C., pursuant to the provisions of Section 335.187(1), Florida Statutes, if significant changes have occurred.

(b) The Department will modify a connection if such modification is determined to be necessary because the connection would jeopardize the safety of the public or have a negative impact on the operational characteristics of the state highway. The problem may be substantiated by an engineering study signed and sealed by a professional engineer registered in the State of Florida. Such engineering study shall consider the following:

1. Analysis of accidents or operational analysis directly involving the connection or similar connections, or a traffic conflicts analysis of the site.

2. Analysis of the impact modification of the connection will have on maintenance or safety on the public road system.

3. Analysis of the impact, modification of the connection will have on traffic patterns and circulation on the public road system.

4. The principles of transportation engineering as determined by generally accepted professional practice.

(c) If the Department acts to modify a connection, the Department shall offer an opportunity to meet on site with the property owner or designated representative. The Department will take into consideration the following:

1. Documents, reports, or studies obtained by the property owner or lessee and provided to the Department.

2. Alternative solutions proposed by the property owner.

(5) Notification Process for Modification of Unpermitted Connections. Notice of the Department's intended action will be provided in accordance with Rule Chapter 28-106, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rule Chapter 28-106, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule Chapter 28-106, F.A.C.

(a) The Department shall give written notice to the property owner, with a copy to the occupant, for a grandfathered connection if significant changes have occurred or if the connection is found to cause a safety or operational problem (as specified in this rule chapter). The notice will identify the specific information regarding the safety or operational problem and request that the problem be corrected or that a written agreement on a schedule for the correction be approved by the Department within 30 days of receipt of the notice.

1. If the reason for the modification is due to significant change the notice will state the basis of the Department's determination and require the filing of a permit application by a specified date. Where the Department's requirement to file an application has become final and no timely application has been filed, the Department will take immediate action to modify the connection in accordance with the notice at the owner's expense.

2. If the reason for the modification is a safety or operational problem, the notice will state the basis of the Department's determination and describe the changes necessary to reduce the hazard or correct the situation.

(b) If a timely request for an administrative proceeding is filed, or a permit application is filed within the 21 days, no further action shall occur until review of the application or the administrative proceeding is complete. If the connection is not closed and no timely application or request for an administrative proceeding is filed, the Department will take immediate action to install barriers across or modify the connection at the property owner's expense.

1. If a timely application is approved, the Department may allow the existing connection to be used for a period of time specified or until the connection specified in the permit application is constructed and the existing connection is closed. If necessary to ensure safety and highway integrity, modifications of unpermitted connections will be required by the Department as a requirement of permit approval, subject to

the requirements of this rule chapter and Chapter 120, Florida Statutes. If the application is denied, the Department shall notify the property owner or lessee of the denial, with a copy to the occupant, and shall immediately close the unpermitted connection(s), subject to the provisions of this rule chapter and Chapter 120, Florida Statutes.

2. In lieu of filing an application, the property owner or lessee may challenge the requirement to file a permit application by filing in accordance with Rule Chapter 28, F.A.C., a timely written request (within 21 days of receipt of notice) for an administrative proceeding stating the reasons why a permit is not required for the connection. In such a case, final action to modify the unpermitted connection shall be taken in accordance with the results of the administrative proceeding.

(6) Responsibility for Costs of Correcting Deficiencies. The property owner and current user of the connection shall be responsible for the costs of modifications required pursuant to actions taken in accordance with the procedure in Rule 14-96.011, F.A.C.

~~(3) Responsibility for Costs of Correcting Deficiencies. The permittee, assignee, or current user of the permit shall be responsible for the costs of correcting deficiencies and the closure due to revocation pursuant to the procedure in this rule chapter.~~

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.182, 335.185, 335.1825 FS. History—New 4-18-90, Amended 7-16-95, 6-24-99, _____.

14-96.012 Closure and Modification of Unpermitted Connections (Including Those to be Considered “Grandfathered”).

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.182, 335.185, 335.1825 FS. History—New 4-18-90, Amended 7-16-95, 6-24-99, Repealed _____.

14-96.0121 Immediate Remedial Action Against Hazards. This rule chapter shall not restrict the Department’s right to take immediate remedial action, including the modification closure of a connection if there is an immediate and serious danger to the public health, safety, and welfare as determined in writing by the District Secretary or designee. Upon determination that there is a need for immediate remedial action against hazards, the District Secretary or designee shall issue an order in compliance with Section 120.60(8), Florida Statutes, and the Department District shall provide the property owner and occupant with written notice of the Department’s immediate action to close or modify the connection and of the right to contest the decision pursuant to Rule Chapter 28-106, F.A.C. Department’s initiation of a formal revocation or modification of the connection and any permit issued for the connection.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 335.182, 120.60(8) FS. History—New 7-16-95, Amended _____.

14-96.015 Department Design and Construction Projects. When existing connections are modified affected by a Department project, access will be provided to abutting properties, subject to reasonable regulations as referred to in Section 335.181(2)(b), Florida Statutes will be provided to abutting properties. To the maximum extent feasible, this new access will should be consistent with adopted Department connection standards.

(1) Corridors will be examined during the preliminary engineering and design phases to determine if existing connections, median openings, and signals spacing and design standards are in conformance, or can be brought into reasonable conformance, with adopted Department standards.

(2) When a permitted or grandfathered connections is are made or modified as part of a Department construction project, replacing or modifying existing permitted connections, and not due pertaining to a sSignificant cChange of land use, as defined in 335.18, Florida Statutes, no additional permit shall be required.

(3) Where connections are to be modified closed or substantially re-located as part of a Department construction improvement project, and the Department is not planning to acquire any portion of the property for the project, the Department will provide notice and opportunity for an administrative proceeding pursuant to Rrules 14-96.0011, F.A.C., or 14-96.012 and Chapter 120, Florida Statutes. For purposes of paragraph 14-96.011(1)(d), F.A.C., construction plans for a Department project signed and sealed by a Professional Engineer registered in the State of Florida shall substantiate a connection’s non-conformance with Department standards or potential safety or operational problem, and a separate engineering study shall not be required.

(4) The construction of new connection points, if approved by the Department, through the permit process in this rule chapter, shall be done at the property owner’s expense by either the Department’s contractor as part of the construction project roadway improvement or by the owner’s contractor.

(5) The Department will bear the cost of modification routine replacement of existing approved connections necessitated solely by Department construction projects.

(6) The Department shall require that work done by the owner’s contractor be accomplished without interfering with the Department’s contractor.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.182-.1825 FS. History—New 4-18-90, Amended 7-16-95, _____.

14-96.016 Maintenance of Driveways, Roadway Connections and Traffic Control Devices.

(1) Maintenance of Driveways and Roadway Connections.

(a) Rural Section. Department maintenance shall extend out to five feet from the edge of pavement (including auxiliary lanes) or to the limits of paved shoulders. The remainder of any paved or unpaved connection area on the right of way shall be maintained by the owner or the authorized agent.

(b) Urban (Curb and Gutter) Section. Department maintenance of pavement shall extend to the existing or maintained right of way line or to the back of sidewalk ~~back of sidewalk~~, whichever distance is less.

(c) Drainage. Control and maintenance of drainage facilities within the right of way shall be solely the responsibility of the Department, unless otherwise specified in differently by the connection Department permit.

(2) Maintenance of Traffic Control Devices.

(a) The maintenance and operation of highway lighting, traffic signals, associated equipment, and other necessary devices shall be the responsibility of the governmental entity ~~public agency~~ having maintenance jurisdiction of the equipment or devices. During the construction of connection(s), the permittee will be responsible for the operation, repair, replacement, or provision of temporary maintenance, ~~if the above~~ traffic control devices are impacted by the permittee's operations.

(b) All pavement markings on the State Highways System, including acceleration and deceleration lane markings, and signing installed for the operation of the State Highway System shall be maintained by the Department.

(c) All signing and markings required for the operation of the connection (such as stop bars and stop signs for the connection) shall be the responsibility of the property owner and permittee, current user owner, entity responsible for the connection, or governmental entity having jurisdiction over the connection, road, or intersection of the state highway regardless of the owner of the right of way as provided stated in Chapter 316, Florida Statutes.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.182-.1825 FS. History—New 7-16-95, Amended.

LAND AND WATER ADJUDICATORY COMMISSION

Circle Square Woods Community Development District

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Circle Square Woods Community 42S-1
Development District

RULE TITLE: RULE NO.:

Boundary 42S-1.002

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to amend the boundaries of the Circle Square Woods Community Development District ("District"), a community development district (CDD) established pursuant to Chapter 190, F.S. The petition was filed by Circle Square Woods Community Development District with offices at 8447 S. W. 99th St., Ocala, Florida 34481. The District requests that the Commission adopt an amendment to Chapter 42S-1, FAC, to delete approximately 1,737.03 acres from the existing boundaries of the District. After contraction, the District's boundaries will consist of approximately 718.75 acres within the jurisdictional boundaries of Marion County. The District has written consent to the contraction of 100% of the

landowners within the contraction parcel. The services and facilities currently provided by the District to the contraction parcel consist of water treatment and distribution, wastewater collection, treatment, and residual disposal. The contraction parcel is currently undeveloped land and is projected for development in the future.

SUBJECT AREA TO BE ADDRESSED: Contraction of the boundaries of the Circle Square Woods Community Development District.

SPECIFIC AUTHORITY: 120.53(1), 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Monday, August 5, 2002

PLACE: Room 1703G, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty at (850)488-7793 at least 2 business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Fred F. Harris, Jr., Esquire, Greenberg Traurig, Post Office Drawer 1838, Tallahassee, Florida 32302, telephone (850)222-6891, or Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Facility Management and Building Construction

RULE TITLES: RULE NOS.:

Purpose and Scope 60-8.001

Definitions 60-8.002

Prohibition 60-8.003

Non-Smoking Areas 60-8.004

Action By Department Officials and Employees 60-8.005

Posting of Signs 60-8.006

Enforcement, Penalties 60-8.007

PURPOSE AND EFFECT: To implement the "Florida Clean Indoor Air Act," Chapter 386, Part II, Florida Statutes, and to assure a smoke-free environment to protect the health and well being of state employees and members of the public who do business with state agencies.

The rules define smoking, prohibit smoking in all buildings and offices owned, leased or rented by the Department of Management Services and all Department owned vehicles.

SUBJECT AREA TO BE ADDRESSED: Smoking in state buildings, offices and vehicles.

SPECIFIC AUTHORITY: 386.205 FS.

LAW IMPLEMENTED: 386.202, 386.203, 386.204 FS.

IF REQUESTED 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., August 7, 2002

PLACE: Department of Management Services, 4050 Esplanade Way, Room 310, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Julia P. Forrester, Assistant General Counsel, Office of the General Counsel, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, FL 32399-0950, (850)414-0240, forresj@dms.state.fl.us.

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

Construction Industry Licensing Board

RULE TITLE: Abandonment of Applications

RULE NO.: 61G4-12.0065

PURPOSE AND EFFECT: The Board proposes to create text for a rule to address the subject of Abandonment of Applications.

SUBJECT AREA TO BE ADDRESSED: Abandonment of Applications.

SPECIFIC AUTHORITY: 489.111, 489.115, 489.119, 455.213 FS.

LAW IMPLEMENTED: 489.111, 489.115, 489.119, 489.1195, 455.213 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: Robert A. Crabill, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G4-12.0065 Abandonment of Applications.

(1) The Board shall consider a certification or registration application to be abandoned whenever an applicant fails to complete an application within ninety (90) days of the date of the original notice of deficiencies.

(2) An abandoned application shall not be reinstated; however, the applicant may file a new application accompanied by the required fee.

Specific Authority 489.111, 489.115, 489.119, 455.213 FS. Law Implemented 489.111, 489.115, 489.119, 489.1195, 455.213 FS. History-New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Examination for Embalmer Applicants

RULE NO.: 61G8-16.001

PURPOSE AND EFFECT: The Board proposes to review this rule to determine the necessity of amendments.

SUBJECT AREA TO BE ADDRESSED: Examination for embalmer applicants.

SPECIFIC AUTHORITY: 455.217, 470.005, 470.006 FS.

LAW IMPLEMENTED: 455.217, 470.006 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: Leon Biegalski, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Examination Requirements

RULE NO.: 61G8-23.002

PURPOSE AND EFFECT: The Board proposes to review this rule to determine the necessity of amendments.

SUBJECT AREA TO BE ADDRESSED: Examination requirements.

SPECIFIC AUTHORITY: 470.017 FS.

LAW IMPLEMENTED: 470.017 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: Leon Biegalski, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF HEALTH

RULE TITLES: Registration Requirements, Fees
Scope of Responsibility for Medical and Clinical Directors

RULE NOS.: 64-2.001
64-2.002

PURPOSE AND EFFECT: In accordance with section 456.0375, F.S., the Department of Health is developing rules specifying limitations on the number of registered clinics and licensees for which a medical or clinical director may assume responsibility. Additional rules proposed are necessary for the continued implementation of the clinic registration program, and will address a clinic's changes to its original registration.

SUBJECT AREA TO BE ADDRESSED: Registration of certain clinics, pursuant to the requirements of section 456.0375, F.S.

SPECIFIC AUTHORITY: 456.0375 FS.

LAW IMPLEMENTED: 456.0375 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 TO RECEIVE A PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Program Operation Administrator, 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 Clinical Laboratory Personnel

RULE TITLE: Definitions

RULE NO.: 64B3-2.003

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

SUBJECT AREA TO BE ADDRESSED: Definitions.

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

LAW IMPLEMENTED: 483.803, 483.811, 483.821, 483.823 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: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-2.003 Definitions.

(1) through (19) No change.

(20) 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 cytopreparatory staining; and measuring and aliquoting specimens; and direct primary inoculation of microbiology cultures.

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 590-2.003, Amended 3-19-98, 12-13-98, 3-28-99, 9-12-99, 11-15-99, 3-24-02.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Curriculum Requirements for Clinical Laboratory Personnel Training Programs

RULE NO.: 64B3-3.003

PURPOSE AND EFFECT: The Board proposes to add new language to the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Curriculum Requirements for Clinical Laboratory Personnel Training Programs.

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

LAW IMPLEMENTED: 483.800, 483.809, 483.811 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: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-3.003 Curriculum Requirements for Clinical Laboratory Personnel Training Programs.

(1) No change.

(2) All programs not accredited by the National Accrediting Agency for Clinical Laboratory Science (NAACLS), the Council on Accreditation of Allied Health Education Programs (CAAHEP), or the Accrediting Bureau of Health Education Schools (ABHES) except for those in the categories of cytology, cytogenetics or histocompatibility shall adopt the curriculum standards defined in the Florida

Department of Education Program Standards as designated in Section 229.565, F.S., for the categories in which training occurs as follows:

- (a) through (d) No change.
- (3) through (8) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.800, 483.809, 483.811 FS. History–New 5-9-95, Amended 12-4-95, 4-24-96, Formerly 590-3.003, Amended 3-19-98, 9-20-98, 1-11-99,_____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:	RULE NOS.:
Supervisor	64B3-5.002
Technologist	64B3-5.003
Technician	64B3-5.004
Director; Limitations and Qualifications	64B3-5.007

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Supervisor; Technologist; Technician; Director; Limitations and Qualifications.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.002 Supervisor. Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. In order to be licensed as a supervisor, an applicant shall have one hour ~~four hours~~ of Board approved HIV/AIDS continuing education and one of the following:

- (a) through (i) No change.
- (2) No change.

Specific Authority 483.805(4), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.815, 483.823 FS. History–New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 590-5.002, Amended 5-26-98, 1-11-99, 6-10-99, 3-11-01, 9-19-01, 5-23-02,_____.

64B3-5.003 Technologist.

(1) Technologist Qualifications. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or, if foreign education, equated pursuant to subsection 64B3-6.002(6), F.A.C. All associate degrees used to qualify shall include, at a minimum, 60 semester hours of academic credit including a total of 16 semester hours of academic biological and/or chemical science. Applicants for technologist licensure in the categories of microbiology, serology/immunology, chemistry, hematology, immunohematology, radioassay, histocompatibility, blood banking and blood gas analysis shall have one hour ~~four hours~~ of Board approved HIV/AIDS continuing education and at a minimum have one of the following:

- (a) through (k) No change.
- (2) through (3) No change.
- (4) Qualifications for Cytogenetics Technologists. In the category of cytogenetics, applicants for technologist licensure shall have a minimum of a baccalaureate degree in clinical laboratory, chemical or biological science, four hours of Board approved HIV/AIDS continuing education and have one of the following:

- (a) Successfully completed a technologist level, accredited or Board approved program in cytogenetics.
- (b) One year of pertinent clinical laboratory experience in cytogenetics.
- (c) Successfully passed the cytogenetics examination given by NCA (National Certification Agency for Medical Laboratory Personnel).
- (5) through (6) No change.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History–New 12-6-94, Amended 7-12-95, 9-10-95, 12-4-95, Formerly 590-5.003, Amended 5-26-98, 1-11-99, 7-5-01, 3-24-02,_____.

64B3-5.004 Technician.

(1) No change.

(2) Qualifications for General Laboratory Technicians. In order to be licensed as a general laboratory technician which includes the categories of microbiology, serology/immunology, chemistry, hematology, and immunohematology, an applicant shall have one hour ~~four (4) hours~~ of Board approved HIV/AIDS continuing education, a minimum of a high school diploma or a high school equivalency diploma and one of the following:

- (a) through (e) No change.
- (3) through (6) No change.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History–New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 590-5.004, Amended 5-26-98, 9-20-98, 1-11-99, 8-31-99, 9-27-00, 12-26-00, 4-29-02,_____.

64B3-5.007 Director; Limitations and Qualifications.

(1) through (3) No change.

(4) Qualifications – Non-Physician Directors. Degrees or semester hours of academic credit required in this section shall be obtained at an accredited college or university or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. Currently licensed directors who no longer meet the provisions of Rule 64B3-5.007, F.A.C., can retain and renew their director’s license. In order to be licensed as a director, an applicant shall have one hour ~~four hours~~ of Board approved HIV/AIDS continuing education and shall meet the following requirements: holds an earned doctoral degree with a chemical, biological or clinical laboratory science as a major and is certified in one of the laboratory specialties by an agency recognized by the U.S. Department of Education or the U.S. Department of Health and Human Services which includes the American Board of Medical Microbiology, the American Board of Clinical Chemistry, the American Board of Medical Genetics, the American Board of Bioanalysis, the American Board of Medical Laboratory Immunology, and the American Board of Histocompatibility and Immunogenetics.

Specific Authority 483.051, 483.805(4) FS. Law Implemented 483.041(5), 483.051(1), 483.811(2), 483.823(1), 483.824 FS. History–New 6-6-85, Formerly 10D-41.67, Amended 3-11-90, Formerly 10D-41.067, Amended 7-1-97, Formerly 59O-5.007, Amended 5-26-98, 3-2-99, 3-24-02, _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: COURSE TITLE: COURSE NO.:
Courses Required for Initial Licensure, 64B5-12.019
Renewal, or Reactivation

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text with regard to courses required for licensure, renewal or reactivation.

SUBJECT AREA TO BE ADDRESSED: Courses required for initial licensure, renewal, or reactivation.

SPECIFIC AUTHORITY: 456.031, 456.033 FS.

LAW IMPLEMENTED: 456.031, 456.033, 456.013 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: COURSE TITLE: COURSE NO.:
Courses Required of Licensees for 64B5-12.020
Renewal and Reactivation

PURPOSE AND EFFECT: The purpose of the amendments is to update the rule text with regard to required courses.

SUBJECT AREA TO BE ADDRESSED: Courses required of licensees for renewal and reactivation.

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 456.013(6),(7),(8), 466.0135, 466.014 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Nursing

RULE CHAPTER TITLE: COURSE TITLE: COURSE NO.:
Certified Nursing Assistants 64B9-15

PURPOSE AND EFFECT: The Board proposes to discuss and review this entire chapter to determine if amendments and/or new rules are necessary pertaining to all matters concerning certified nursing assistants.

SUBJECT AREA TO BE ADDRESSED: Certified nursing assistants.

SPECIFIC AUTHORITY: 464.204 FS.

LAW IMPLEMENTED: 456.072, 464.204 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: Dan Coble, Executive Director, Board of Nursing /MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3252 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: RULE NO.:

Continuing Education Credits 64B16-26.103

PURPOSE AND EFFECT: The Board proposes to update rule text to conform with Section 465.009, Florida Statutes as amended by Chapter 2002-184, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Continuing education credits per biennium period.

SPECIFIC AUTHORITY: 456.033, 465.009 FS.

LAW IMPLEMENTED: 456.013(7), 456.033, 465.009 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: John Taylor, 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:

64B16-26.103 Continuing Education Credits.

(1) No biennial renewal certificate shall be issued by the Board until the applicant submits proof satisfactory to the Board that during ~~each year of the biennial period preceding the renewal period the applicant that he~~ has participated in not less than ~~30~~ 15 hours of approved courses of continued professional pharmaceutical education ~~for a total of not less than 30 hours in the biennial period preceding the renewal period.~~

(2) through (8) No change.

Specific Authority 456.033, 465.009 FS. Law Implemented 456.013(7), 456.033, 465.009 FS. History--New 3-19-79, Formerly 21S-6.07, Amended 1-7-87, Formerly 21S-6.007, Amended 7-31-91, 10-14-91, Formerly 21S-26.103, 61F10-26.103, Amended 7-1-97, Formerly 59X-26.103, Amended 7-11-00, 10-15-01, 1-2-02,_____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: RULE NO.:

Manner of Application – Examination 64B16-26.203

PURPOSE AND EFFECT: To provide approval for certain educational courses in prevention of medication errors taken by students as part of their academic course work.

SUBJECT AREA TO BE ADDRESSED: Requirements for taking an educational course in medical error prevention prior to licensure.

SPECIFIC AUTHORITY: 456.033, 465.005 FS.

LAW IMPLEMENTED: 456.013(1),(7), 456.033, 465.007, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Taylor, 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:

64B16-26.203 Manner of Application – Examination.

All applicants for licensure shall complete a course on HIV/AIDS prior to licensure. The course shall be no less than 3 contact hours and shall cover the subjects listed in subsection 64B16-26.103(3), F.A.C. For those applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on HIV/AIDS will be accepted by the Board as an educational course under this section, provided such course work is no less than 3 contact hours and that it covers the subjects listed in subsection 64B16-26.103(3), F.A.C., as evidenced by a letter attesting to subject matter covered from the Dean of the University. All applicants for licensure shall complete a course on medication errors prior to licensure. The course shall be no less than 2 contact hours and shall cover the subjects listed in subsection 64B16-26.103(4), F.A.C. For those applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on medication errors will be accepted by the Board as an educational course under this section, provided such course work is no less than 2 contact hours and that it covers the subjects listed in subsection 64B16-26.103(4), F.A.C., as evidenced by a letter attesting to subject matter covered from the Dean of the University.

(1) through (3) No change.

Specific Authority 456.033, 465.005 FS. Law Implemented 456.013(1),(7), 456.033, 465.007, 465.022 FS. History--New 10-17-79, Formerly 21S-12.04, 21S-12.004, Amended 7-31-91, 10-14-91, Formerly 21S-26.203, 61F10-26.203, Amended 7-1-97, Formerly 59X-26.203, Amended 8-17-99, 10-15-01, 1-2-02,_____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: RULE NO.:

Continuing Education – Ordering and Evaluation of Laboratory Tests 64B16-26.320

PURPOSE AND EFFECT: The Board proposes to update rule text to conform to Section 465.009, Florida Statutes as amended by Chapter 2002-184, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for licensure renewal per biennial period.

SPECIFIC AUTHORITY: 465.0125(3), 465.009 FS.

LAW IMPLEMENTED: 465.0125(2), 465.009 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: John Taylor, 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:

64B16-26.320 Continuing Education – Ordering and Evaluation of Laboratory Tests.

(1) through (2) No change.

(3) A consultant pharmacist may apply the three (3) hour initial certification course and the one (1) hour recertification course toward the requirement that a consultant pharmacist biennially ~~annually~~ complete twenty-four (24) ~~twelve (12)~~ hours of continuing education for renewal of a consultant pharmacist license under Rule 64B16-26.300, or may apply such continuing education hours toward the requirement that a pharmacist biennially ~~annually~~ complete thirty (30) ~~fifteen (15)~~ hours of continuing education for renewal of a pharmacist license under Rules 64B16-26.103 and 64B16-26.606, but may not use the same continuing education hours to satisfy both requirements. A Doctor of Pharmacy who is not a consultant pharmacist may apply the three (3) hour initial certification course and the one (1) hour recertification course toward the requirement that a pharmacist biennially ~~annually~~ complete thirty (30) ~~fifteen (15)~~ hours of continuing education for renewal of a pharmacist license under Rules 64B16-26.103 and 64B16-26.606.

Specific Authority 465.0125(3), 465.009 FS. Law Implemented 465.0125(2), 465.009 FS. History–New 2-23-98, Amended 6-15-98, _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Number of Required Hours

RULE NO.: 64B16-26.606

PURPOSE AND EFFECT: The Board proposes to update rule text to conform to Section 465.009, Florida Statutes as amended by Chapter 2002-184, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Number of required hours of continuing education per biennial period.

SPECIFIC AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 465.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Taylor, 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:

64B16-26.606 Number of Required Hours.

As a condition of the biennial renewal of his license a registered pharmacist must submit proof in the form of certification to the Board the completion of not less than thirty (30) ~~fifteen (15)~~ hours ~~per year~~ of continuing professional education during the preceding biennium which fulfills the requirements of this rule. A pharmacist, upon request by the Board office, shall provide additional proof of the required continued pharmaceutical education credits as provided by Rule 64B16-26.603, F.A.C. At least ten (10) ~~five (5)~~ of the required thirty (30) ~~fifteen (15)~~ hours ~~per year~~ must be obtained either at a live seminar, a live video teleconference, or through an interactive computer based application.

Specific Authority 465.005 FS. Law Implemented 465.009 FS. History–New 10-17-79, Formerly 21S-13.07, 21S-13.007, Amended 7-31-91, Formerly 21S-26.606, 61F10-26.606, 59X-26.606, Amended 2-23-98, _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Nuclear Pharmacist – Continuing Education

RULE NO.: 64B16-28.904

PURPOSE AND EFFECT: The Board proposes to update rule text to conform with Section 465.009, Florida Statutes as amended by Chapter 2002-184, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Continuing education hours per biennium period.

SPECIFIC AUTHORITY: 465.0126, 465.022, 465.009 FS.

LAW IMPLEMENTED: 465.0126, 465.009 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: John Taylor, 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:

64B16-28.904 Nuclear Pharmacist – Continuing Education.

(1) Proof satisfactory that a nuclear pharmacist licensed pursuant to this section has met the requirements necessary for biennial renewal of this license shall be constituted by the following:

(a) The licensee has completed no less than twenty-four (24) additional hours per biennium (~~12 hours per year~~) of coursework each two year period by or through a Committee-approved provider, instructionally designed to provide in-depth treatment of nuclear pharmacy practice with suggested matter set out in (2).

(b) The number of hours if applied to the twenty-four (24) required for nuclear pharmacist renewal may not be used toward the continuing education credits as set forth in Rule 64B16-26.606. However, if any additional nuclear pharmacist program hours earned are not used for nuclear pharmacist renewal, these hours may be applied toward the continuing professional education requirements of 64B16-26.606.

(2) No change.

Specific Authority 465.0126, 465.022, 465.009 FS. Law Implemented 465.0126, 465.009 FS. History–New 10-28-91, Formerly 21S-28.904, 61F10-28.904, 59X-28.904, Amended.

Section II
Proposed Rules

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Clinical Laboratory Personnel
PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

RULE NO.: 64B3-2.002

SUMMARY: The Board is clarifying the definition for director as used in the rules and is correcting out-of-date references to other rules.

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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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

LAW IMPLEMENTED: 483.035(1), 483.803, 483.811(3),(4) FS.

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

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 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-2.002 Clinical Laboratory Personnel.

(1) Director means a Clinical Laboratory Director ~~person~~ qualified ~~to be a director~~ pursuant to the Board’s rules who is responsible for and assures the overall operation and administration of the clinical laboratory and fulfills the responsibilities specified in Rule 64B3-13.001, ~~64B3-5.007(5)~~, F.A.C.

(2) Supervisor means a person qualified to be a supervisor pursuant to the Board’s rules who is responsible for the day-to-day supervision and oversight of technical and scientific operations in a clinical laboratory and fulfills the responsibilities specified in Rule 64B3-13.002, ~~64B3-5.002(3)~~, F.A.C.

(3) Technologist means a person qualified to be a technologist under the Board’s rules who represents the first level of independent practice and under general supervision, fulfills the responsibilities specified in Rule 64B3-13.003, ~~64B3-5.003(5)~~, F.A.C.

(4) Technician means a person qualified as a technician pursuant to the Board’s rules who practices the profession and may perform tests classified as highly complex pursuant to 42 CFR 493.17 (September 7, 1999), incorporated by reference herein, only when under direct supervision of a licensed technologist, supervisor, or director unless the technician meets the minimum qualifications contained in 42 CFR 493.1489 (September 7, 1999), incorporated by reference herein, and the requirements contained in Rule 64B3-5.004(5) and fulfills the responsibilities specified in Rule 64B3-13.004, ~~64B3-5.004(7)~~, F.A.C.

(5) through (6) No change.

(7) Direct supervision means supervision by a qualified director, licensed supervisor, or licensed technologist who is on the premises; or is available to the laboratory when test procedures are being performed and is responsible for the oversight of testing and reporting of results.

Specific Authority 483.805(4), 483.811(4) FS. Law Implemented 483.035(1), 483.803, 483.811(3),(4) FS. History–New 11-4-93, Formerly 61F3-2.002, Amended 11-21-94, 7-12-95, 5-15-96, Formerly 59O-2.002, Amended 3-19-98, 12-13-98, 9-27-00, _____.

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: October 19, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2001

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Citations RULE NO.: 64B3-12.002

PURPOSE AND EFFECT: The Board proposes to update and add to the existing citation violations.

SUMMARY: This rule increases the penalty for citation violations, adds two minor offenses to citation violations and requires the Department to recover the costs of investigation.

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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.077(1),(2), 483.805(4), 483.827 FS.

LAW IMPLEMENTED: 456.077(1),(2), 483.827 FS.

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

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 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-12.002 Citations.

(1) through (3) No change.

(4) The Board designates the following initial offenses as citation violations, which shall result in a penalty of \$250 \$100:

(a) Failure to renew license during which time the person continues to practice up to 60 days.

(b) Issuing a bad check to the Department for payment of licensure or renewal.

(c) Failure to notify the Department of a change of address within 60 days.

(d) Failure to respond to a continuing education audit.

(e) Failure to pay required fees and/or fines in a timely manner.

(f) Failure to comply with continuing education requirements.

(5) In addition to the penalties established in this rule, the Department ~~shall may~~ recover the costs of investigation. ~~The in accordance with its rules. When the Department intends to assess the costs of investigation,~~ the penalty specified in the citation shall be the sum of the penalty established by this rule plus the Department's cost of investigation.

(6) No change.

Specific Authority 456.077(1),(2), 483.805(4), 483.827 FS. Law Implemented 456.077(1),(2), 483.827 FS. History--New 8-3-93, Formerly 61F3-12.002, 59O-12.002, Amended 4-10-01,_____.

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: October 19, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 4, 2002

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Requirements for Prevention of Medical Errors Education RULE NO.: 64B17-8.002

PURPOSE AND EFFECT: The Board proposes to create an education rule relating to the prevention of medical errors.

SUMMARY: This rule requires attendance at a two-hour course relating to medical error prevention for all applicants and for license renewal. The course must cover certain topics, may include one-hour offered at certain facilities, and may be part of home study hours.

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

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

SPECIFIC AUTHORITY: 456.013(7) FS.

LAW IMPLEMENTED: 456.013(7) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

REQUIREMENT FOR INSTRUCTION ON HUMAN IMMUNODEFICIENCY VIRUS/ACQUIRED IMMUNE DEFICIENCY SYNDROME AND PREVENTION OF MEDICAL ERRORS

64B17-8.002 Requirements for Prevention of Medical Errors Education.

(1) To receive Board approval for biennial renewal, courses on medical error prevention shall be two contact hours and include:

- (a) Medical documentation and communication.
- (b) Contraindications and indications for physical therapy management, and
- (c) Pharmacological components of physical therapy and patient management.

(2) Applicants for initial licensure must have completed at least two contact hours of medical error education. The Board shall accept coursework from accredited schools of physical therapy provided such coursework was completed after January 1, 2002.

(3) If the course is being offered by a facility licensed pursuant to Chapter 395, F.S., the Board may apply up to one hour of the two-hour course if specifically related to error reduction and prevention methods used in that facility.

(4) The course may be used as part of the home study continuing education hours.

Specific Authority 456.013(7) FS. Law Implemented 456.013(7) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 24, 2002

DEPARTMENT OF HEALTH
Division of Environmental Health

RULE TITLES:	RULE NOS.:
Definitions	64E-2.001
Emergency Medical Technician	64E-2.008
Paramedic	64E-2.009
Voluntary Inactive Certification	64E-2.0094
Examinations	64E-2.010
Records and Reports	64E-2.013
Prehospital Requirements for Trauma Care	64E-2.015
Emergency Medical Services Grants Procedures	64E-2.030
Do Not Resuscitate Order (DNRO) Form and Patient Identification Device	64E-2.031

Convicted Felons Applying for EMT or Paramedic Certification or Recertification	64E-2.033
Training Programs	64E-2.036
Guidelines for Automatic External Defibrillators (AED) in State Owned or Leased Facilities	64E-2.039

PURPOSE AND EFFECT: Emergency Medical Technician/Paramedic Certification and Recertification Applications: The rule is being amended to determine availability to staff special need shelters and to conform application requirements for refresher and continuing education courses and to conform the application requirements regarding American Red Cross and American Heart Association Cardiopulmonary Resuscitation and American Heart Association Advanced Cardiac Life Support equivalents.

Felons Applying for Certification or Recertification – The rule conforms language to the statutory requirement for an applicant to report felony convictions.

Examination Review – The rule establishes procedures for an applicant or applicant’s attorney to review examination questions and answers.

Aggregate Data – Rule amends DH Form 1304 to clarify data collection requirements, adds a report year to the form and organizes the quarterly time periods to reflect a calendar year for data reporting.

Training Programs – The rule revises and clarifies standards which must be met to be approved to conduct emergency medical technician or paramedic training for the purpose of initial certification or recertification.

Automatic External Defibrillators – Rule establishes guidelines on the placement of automated external defibrillator devices in buildings or portions of buildings owned or leased by the state and to provide recommendations on the deployment of these devices in such buildings.

Do Not Resuscitate Orders – Amendment deletes language from DH Form 1896, Florida Do Not Resuscitate Order which indicates authority for use of the form by facilities not licensed or regulated by the Department of Health.

Grants – Rule combines the rural and general matching grant booklets and also provides more effective and efficient allocation and use of state EMS grant funds with improved clarify for grant applicants.

Repeal Rules – Amends the current rule to delete language which lacked statutory authority or was unnecessary.

SUMMARY: (see above)

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 119.07, 381.0011, 395.1041, 395.4045, 401.27, 401.2701, 401.30, 401.35, 401.113, 401.121, 401.45, 401.411, 408.061 FS.

LAW IMPLEMENTED: 119.07, 381.0011, 395.1041, 395.4045, 401.27, 401.2701, 401.2715, 401.273, 401.30, 401.34, 401.35, 401.45, 408.061 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE LISTED BELOW.

TIME AND DATE: 10:00 a.m., August 6, 2002

PLACE: Division of Emergency Medical Services and Community Health Resources, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida 32311-7829

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pam Lesley, Government Analyst, Division of Emergency Medical Services and Community Health Resources, 4052 Bald Cypress Way, Bin C-18, Tallahassee, Florida 32399-1735, (850)245-4440, Ext. 2733, or FAX (850)921-8162

(INCORPORATIONS ARE AVAILABLE UPON REQUEST)

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-2.001 Definitions.

(1) through (18) No change.

(19) Training Program – means an educational institution having one designated program director, one designated medical director, and single budget entity; for the purposes of providing EMT-Basic (EMT-B) EMTF or EMT-Paramedic (EMT-P) paramedic education programs, as approved by the department.

(20) through (25) No change.

Specific Authority 381.0011(13), 395.401, 395.4025(13), 395.405, 401.121, 401.35 FS. Law Implemented 381.0011, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.121, 401.211, 401.23, 401.25, 401.35, 401.435 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, 11-2-86, 4-12-88, 8-3-88, 8-7-89, 6-6-90, Formerly 10D-66.485, Amended 12-10-92, 11-30-93, 10-2-94, 1-26-97, Formerly 10D-66.0485, Amended 8-4-98, 7-14-99, 2-20-00,_____.

64E-2.008 Emergency Medical Technician.

(1) Qualifications and Procedures for Certification in addition to those contained in Section 401.27, F.S. – To be qualified for EMT-B EMTF certification, an individual must:

(a) Successfully complete an initial EMT-B EMTF training program that was conducted in accordance with the 1994 U.S. DOT EMT-Basic (EMT-B) NSC, which is incorporated by reference and is available for purchase from the Government Printing Office by telephoning (202)512-1800, or

(b) Currently hold a valid EMT-B EMTF certification from the National Registry of Emergency Medical Technicians or be currently certified in another state or U.S. territory and have the certifying authority submit to the department DH Form 1164, January 00, Statement of Good Standing which is incorporated by reference and available from the department; and,

(c) Apply for Florida EMT-B EMTF certification on DH Form 1583, April 02, February 02; Emergency Medical Technicians and Paramedics Certification Application/ Examination Scheduling Application which is incorporated by reference and available from the department.

(2) Recertification – To be eligible for recertification as an EMT-B EMTF an individual shall submit DH Form 622, April 02, January 00; EMT/Paramedic Recertification Application, which is incorporated by reference and available from the department; and within 2 years prior to the expiration date of his or her EMT certification complete one of the following:

(a) Complete 30 hours of EMT-B EMTF refresher training based on the 1994 U.S. DOT EMT-Basic EMT-B NSC, an additional includes the performance parameters for adult and pediatric emergency medical clinical care; 2 hours of HIV AIDS refresher training, in accordance with Section 381.0034, F.S.; and, also maintain a current CPR card as provided in Section 401.27(4)(e)2., F.S., and Rule 64E-2.038, F.A.C. for the professional rescuer CPR which may be included in the 30 hours of refresher training, provided that the CPR training is taken with a continuing education provider recognized by the department pursuant to Section 401.2715, F.S. The 1994 U.S. DOT EMT-B NSC shall be the criteria for department approval of refresher training courses. The department shall accept either the affirmation of a licensed EMS provider’s medical director; or a certificate of completion of refresher training from a department approved Florida training program or a department approved continuing education provider as proof of compliance with the above requirements. Effective December 2, 2002, the 30 hours of EMT-B refresher training shall be conducted in accordance with the 1996 U.S. DOT EMT-Basic Refresher NSC which is incorporated by reference and available for purchase from the Government Printing Office by telephoning (202)512-1800.

(b) Successfully pass the EMT-B EMTF certification examination during the certification cycle; and complete 2 hours of HIV AIDS refresher training, in accordance with Section 381.0034, F.S.; and maintain a current CPR BLS card for the professional rescuer. Prior to taking the examination, a candidate shall submit DH Form 1583, April 02, Feb-02; Emergency Medical Technicians and Paramedics Certification Application/Examination Scheduling Application to the department so as to be received by the department no later than 30 calendar days prior to the date of the certification examination for which the applicant desires to be scheduled, and pay the required fees.

(c) through (4)(b) No change.

Specific Authority 381.0011, 381.0034, 381.0035, 401.23, 401.27, 401.35 FS. Law Implemented 381.001, 401.23, 401.27, 401.34, 401.35, 401.41, 401.411, 401.414 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.56, Amended 11-2-86, 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.056, Amended 8-4-98, 1-3-99, 9-3-00, 4-15-01, 6-3-02,_____.

64E-2.009 Paramedic.

(1) Qualifications and Procedures for Certification in addition to those contained in Section 401.27, F.S. To be qualified for EMT-Paramedic paramedic certification, an individual must:

(a) Successfully complete an initial paramedic training program that was conducted in accordance with the 1998 U.S. DOT EMT-Paramedic (EMT-P) Paramedic NSC, which is incorporated by reference and is available for purchase from the Government Printing Office by telephoning (202)512-1800, or

(b) Currently hold a valid EMT-P paramedic certification from the National Registry of Emergency Medical Technicians or be currently certified in another state or U.S. territory and have the certifying authority submit to the department DH Form 1164, January 00, Statement of Good Standing, which is incorporated by reference in Rule 64E-2.008, F.A.C., and

(c) Apply for Florida EMT-P paramedic certification on DH Form 1583, April 02 Feb. 02, Emergency Medical Technicians and Paramedics Certification Application/Examination Scheduling Application which is incorporated by reference in Rule 64E-2.008, F.A.C.

(2) Recertification – To be eligible for recertification as a EMT-P paramedic an individual shall submit DH Form 622, April 02, January 00, EMT/Paramedic Recertification Application which is incorporated by reference in subsection 64E-2.008(2), F.A.C., and within 2 years prior to the expiration date of his or her EMT-Paramedic paramedic certification complete one of the following:

(a) Complete 30 hours of EMT-P paramedic refresher training based on the 1998 U.S. D.O.T. EMT-Paramedic Paramedic NSC, an additional and includes the performance parameters for adult and pediatric emergency medical clinical care, 2 hours of HIV AIDS refresher training in accordance with Section 381.0034, F.S., and also maintain a current Advanced Cardiac Life Support (ACLS) card as provided in Section 401.27(4)(e)2, F.S., and Rule 64E-2.038, F.A.C. ACLS shall which may be included in the 30 hours of refresher training, provided that the ACLS training is taken with a continuing education provider recognized by the department pursuant to Section 401.2715, F.S. The department shall accept either the affirmation of a licensed EMS provider's medical director; or a certificate of completion of refresher training from a department approved Florida training program, or a department approved continuing education provider as proof of compliance with the above requirements. Effective December 2, 2002, the 30 hours of paramedic refresher training shall be conducted in accordance with the 2001 U.S. DOT EMT-Paramedic Refresher NSC which is incorporated by reference and available for purchase from the Government Printing Office by telephoning (202)512-1800.

(b) Successfully pass the EMT-P paramedic certification examination during the certification cycle; complete 2 hours of HIV AIDS refresher training in accordance with Section 381.0034, F.S.; and also maintain a current ACLS card. Prior to taking the examination, a candidate shall submit DH Form 1583, April 02, Feb. 02, Emergency Medical Technicians and Paramedics Certification Application/Examination Scheduling Application, to the department so as to be received by the department no later than 30 calendar days prior to the date of the certification examination for which the applicant desires to be scheduled, and pay the required fees.

(3) through (4) No change.

Specific Authority 381.0011, 381.0034, 381.0035, 401.27, 401.35 FS. Law Implemented 381.001, 401.23, 401.27, 401.34, 401.35, 401.41, 401.411, 401.414 FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.57, Amended 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.057, Amended 8-4-98, 1-3-99, 9-3-00, 4-15-01, 6-3-02,

64E-2.0094 Voluntary Inactive Certification.

An EMT-B EMT or EMT-P paramedic who is currently certified can place their certificate on inactive status by sending a written request to the department and paying a fee of \$50. Any EMT-B EMT or EMT-P paramedic whose certificate has been placed on inactive status shall not function as an EMT-B EMT or EMT-P paramedic until such time as he or she has completed the following requirements for reactivating the certificate:

(1) No change.

(a) For an EMT-B EMT, send verification of having a current American Heart Association Basic Life Support Course or an American Red Cross Professional Rescuer CPR course completion certificate and meet the continuing education requirements identified in paragraph 64E-2.008(2)(a), F.A.C.

(b) For an EMT-P a-paramedic, send verification of a current American Heart Association Advanced Cardiac Life Support (ACLS) course completion certificate and meet the continuing education requirements identified in paragraph 64E-2.009(2)(a), F.A.C.

(2) An EMT-B EMT whose certificate has been on inactive status for more than 1 year can activate his or her certificate by completing the following:

(a) 30 hours of EMT-B EMT refresher training which shall be based on the 1994 U.S. DOT EMT-B EMT NSC and 2 hours of human immunodeficiency virus and acquired immune deficiency syndrome (HIV AIDS) training. Effective December 2, 2002, the 30 hours of EMT-B refresher training shall be conducted in accordance with the 1996 U.S. DOT EMT-Basic Refresher NSC. The training:

1. Shall have been completed after the EMT-B EMT certificate was placed on inactive status and have been completed no more than 2 years prior to the date of receipt of the request for return to active status; and,

2. Shall have been completed at a department approved ~~EMT-B EMT~~ training program or have been approved by the medical director of a licensed EMS provider.

(b) Hold ~~either a current CPR American Heart Association Basic Life Support Cardiopulmonary Resuscitation course card or an American Red Cross Cardiopulmonary Resuscitation course card~~ pursuant to Section 401.27(4)(e)1., F.S., and Rule 64E-2.038, F.A.C., or equivalent pursuant to Rule 64E-2.038, F.A.C.

(c) through (e) No change.

1. DH Form 622, ~~April 02, January 00~~, EMT/Paramedic Recertification Application which is incorporated in subsection 64E-2.008(2), F.A.C.

2. DH Form 1583, ~~April 02, Feb. 02~~, Emergency Medical Technicians and Paramedics Certification Application/ Examination-~~Scheduling Application~~, which is incorporated by reference in Rule 64E-2.008, F.A.C.

3. No change.

(3) A ~~EMT-P paramedic~~ whose certificate has been on inactive status for more than 1 year can activate his or her certificate by completing the following:

(a) 30 hours of paramedic refresher training which shall be based on the ~~1998 1985~~ U.S. ~~DOT EMT-Paramedic DOT-Paramedic~~ NSC and 2 hours of human immunodeficiency virus and acquired immune deficiency syndrome (HIV AIDS) training. Effective December 2, 2002, the 30 hours of EMT-Paramedic refresher training shall be conducted in accordance with the 2001 U.S. DOT EMT-Paramedic refresher NSC. The training:

1. Shall have been completed after the ~~EMT-P paramedic~~ certificate was placed on inactive status and have been completed no more than 2 years prior to the date of receipt of the request for return to active status; and,

2. Shall have been completed at a department approved ~~EMT-P paramedic~~ training program or have been approved by the medical director of a licensed EMS provider.

(b) Hold a current ACLS card pursuant to Section 401.27(4)(e)2., F.S., and Rule 64E-2.038, F.A.C. ~~American Heart Association Advanced Cardiac Life Support course card; or equivalent.~~

(c) through (e) No change.

1. DH Form 622, ~~April 02 January 00~~, EMT/Paramedic Recertification Application which is incorporated by reference in subsection 64E-2.008(2), F.A.C.

2. DH Form 1583, ~~April 02 Feb. 02~~, Emergency Medical Technicians and Paramedics Certification Application/ Examination-~~Scheduling Application~~ which is incorporated by reference in Rule 64E-2.008, F.A.C.

3. No change.

(3) No change.

(a) 30 hours of ~~EMT-P paramedic~~ refresher training which shall be based on the ~~1998 1985~~ U.S. ~~DOT EMT-P DOT-Paramedic~~ NSC and 2 hours of human immunodeficiency virus and acquired immune deficiency syndrome (HIV AIDS) training. Effective December 2, 2002, the 30 hours of EMT-Paramedic refresher training shall be conducted in accordance with the 2001 U.S. DOT EMT-P refresher NSC. The training:

1. No change.

2. Shall have been completed at a department approved ~~EMT-Paramedic paramedic~~ training program or have been approved by the medical director of a licensed EMS provider.

(b) Hold a current ACLS card pursuant to Section 401.27(4)(e)2., F.S., and Rule 64E-2.038, F.A.C. ~~American Heart Association Advanced Cardiac Life Support course card; or equivalent.~~

(c) (e) No change.

1. DH Form 622, ~~April 02, January 00~~, EMT/Paramedic Recertification Application which is incorporated by reference in subsection 64E-2.008(2), F.A.C.

2. DH Form 1583, ~~April 02, Feb. 02~~, Emergency Medical Technicians and Paramedics Certification Application/ Examination ~~Scheduling Application~~ which is incorporated by reference in Rule 64E-2.008, F.A.C.

3. No change.

Specific Authority 401.27, 401.35 FS. Law Implemented 401.27, 401.34, 401.35 FS. History—New 8-4-98, Amended 1-3-99, 9-3-00, 4-21-02, 6-3-02, _____.

64E-2.010 Examinations.

(1) through (2) No change.

(3) Examination Review.

(a) The candidate shall notify the department, in writing, that he or she desires an examination review within 30 days of the date indicated on the failure notice and include the required review fee of \$30 payable by cashier's check or money order to the department. Upon payment of the fee, an examination review by candidate can be scheduled ~~department's Office of EMS.~~

(b) Each candidate, who has taken the examination, shall have the right to review the examination booklet and a copy of his or her answer sheet.

(c) The candidate's attorney can be present at the review.

(d) Examination reviews shall be conducted in the presence of a representative of the department and scheduled at a location designated by the department. The review shall be conducted between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding official state holidays. A candidate shall attend only one review per examination administration. If the candidate is scheduled for an examination review date and fails to appear, the review fee shall be forfeited.

(e) The candidate shall be allowed the time, not to extend beyond the time allowed for the original administration of the examination, to review the examination. Neither the candidate nor the attorney shall be allowed to bring any material for documenting or recording any test material into the review session.

(f) A representative of the department shall remain with the candidate throughout the review process. The representative shall inform the candidate that the representative cannot defend the examination, attempt to answer or refute any question during the review.

(g) The candidate shall be instructed that he or she is exercising his or her right of review.

(h) The department representative shall provide the candidate with a writing utensil and paper to document his or her review questions. The candidate shall not copy questions from the examination booklet. The candidate shall write any objection or question concerning the examination.

(i) The candidate shall leave the written objections and questions with a representative of the department when he or she leaves the review.

(j) The candidate's objections shall then be analyzed by a representative of the department. If the representative finds that he original grade awarded was consistent with the grading criteria, then the candidate shall be notified in writing.

(k) If the department representative finds that the candidate's objection requires further review, the representative, in conjunction with the Chief, shall review each objection and grade the items in accordance with the standards established to govern the examination.

(l) If the department finds that the original grade was not rendered in accordance with the grading criteria, the representative shall re-grade the examination. At the conclusion if the re-evaluation of the examination, the candidate shall be notified in writing of the decision and the candidate's review fee shall be refunded.

(4) No change.

(5) To be rescheduled for the state certification examination, ~~the requestor an applicant~~ shall submit DH Form 1583, ~~April 02, Feb. 02~~, Emergency Medical Technicians and Paramedics Certification Application/Examination ~~Scheduling Application~~ which is incorporated by reference in Rule 64E-2.008, F.A.C. The ~~request application~~ shall be submitted so as to be received by the department no later than 30 calendar days prior to the date of the scheduled examination.

(6) No change.

Specific Authority 381.0011, 401.27, 401.35 FS. Law Implemented 381.001, 401.27, 401.35 FS. History—New 4-26-84, Amended 3-11-85, Formerly 10D-66.575, Amended 4-12-88, 12-10-92, 12-10-95, 1-26-97, Formerly 10D-66.0575, Amended 8-4-98, 6-3-02, _____.

64E-2.013 Records and Reports.

(1) No change.

~~(a) Current service license issued by the department which shall be publicly displayed in the provider's main office.~~

~~(a)(b)~~ Vehicle registration, copy of past department inspection reports, proof of current vehicle permit, and proof of current insurance coverage.

~~(b)(e)~~ Personnel records for each employee, to include date of employment, training records, employee application, copy of current certification card, and confirmation that each driver is in compliance with Section 401.281, F.S.

~~(c)(d)~~ Copy of up-to-date department approved TTPs.

(2) through (11) No change.

~~(12) Each EMS provider shall have a disaster plan which integrates into both the local and regional disaster plans.~~

~~(12)(13)~~ A fixed wing air ambulance provider shall have an air medical crew member document the cabin altitude hourly. The cabin pressure shall be documented on the patient care record.

~~(13)(14)~~ Each provider shall document and submit to the department, the information contained on DH Form 1304, ~~May 02, September 99~~, "EMS Aggregate Prehospital Report and Provider Profile Information Form", which is incorporated by reference and available from the department as defined and required in DHP 150-445, ~~May 02, September 99~~, "Department of Health, Bureau of Emergency Medical Services (EMS) Instruction Manual for the: EMS Aggregate Pre-hospital and Provider Profile Information Form (DH 1304)", which is incorporated by reference and available from the department.

(a) through (b) No change.

(c) Paragraph ~~64E-2.013(13)(a) 64E-2.013(14)(a)~~ through (c), F.A.C., shall become effective 24 months from the effective date of this rule.

Specific Authority 381.0011, 395.405, 401.30, 401.35 FS. Law Implemented 381.001, 381.0205, 395.401-395.405, 401.23, 401.25, 401.27, 401.30, 401.35, 401.411 FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.60, Amended 11-2-86, 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.060, Amended 7-14-99, 2-20-00, 4-15-01, _____.

64E-2.015 Prehospital Requirements for Trauma Care.

(1) through (5) No change.

~~(6) As rapidly as possible after receipt of a request for emergency inter-hospital transfer of a trauma patient, each EMS provider shall dispatch, or cause to be dispatched, an EMS vehicle or air ambulance.~~

~~(6)(7)~~ Each EMS provider shall have department-approved TTPs which include at a minimum:

~~(7)(8)~~ Any EMS provider located in a trauma service area with a department-approved local or regional trauma agency shall submit a copy of proposed or revised TTPs to the agency any time the EMS provider submits an initial or renewal license application, or revised TTPs, to the department. The EMS provider shall ensure that the agency's copy of the proposed or revised TTPs is received on or before the date that the initial or renewal license, or revised TTPs, are due to the department.

~~(8)~~⁽⁹⁾ A hospital licensed in another state which meets the criteria provided in paragraph 64E-2.015(3)(c), F.A.C., may be identified in the TTPs as a hospital to which the EMS provider may transport a trauma alert patient, in accordance with the requirements in Rule 64E-2.015, F.A.C.

~~(9)~~⁽¹⁰⁾ A hospital in another state which has received approval from the appropriate governmental agency in that state to operate as a trauma center may be identified in TTPs as an approved trauma center.

Specific Authority 395.4045, 395.405, 401.35 FS. Law Implemented 395.401-395.403, 395.404-395.405, 395.4045, 401.30, 401.35 FS. History—New 8-3-88, Amended 12-10-92, 11-30-93, Formerly 10D-66.100, Amended 8-4-98, 7-14-99, 2-20-00,_____.

64E-2.030 Emergency Medical Services Grants Application Procedures.

(1) In order to apply for a matching emergency medical services grant, applicants ~~shall~~ ~~must~~ submit DH Form 1767, ~~June 02, Feb. 99~~, EMS Matching Grant Application contained in the EMS Matching Grant Program; Application Packet, ~~June 02, Manual, January 1998~~. This ~~application packet is form and manual~~ are incorporated by reference and available from the department. The ~~application packet manual~~ contains the following forms which are also incorporated by reference and available from the department: DH Form 1767, ~~EMS Matching Grant Application, June 02, Feb. 99~~; DH Form 1767P, ~~Request for Grant Fund Distribution, June 02, Request for Advance Payment, Feb. 99~~; DH Form 1767A, ~~Assurances, Feb. 99~~; DH Form 1767W, ~~Radio Equipment Worksheet, Jan. 98~~; DH Form 1684A, ~~EMS Grant Program 1767E, Expenditure Report, June 02, Feb. 99~~; DH Form 1767R, ~~Request for Reimbursement, Feb. 99~~; DH Form 1684C, ~~1767C, EMS Grant Program Change Request, June 02, Request for Change, Jan. 98~~; ~~DH Form 1767M, Mandatory Criteria, Feb. 99~~; DH Form 1767G, ~~Matching Grants Evaluation Worksheet, June 02 Feb. 99~~.

(2) The department shall advertise grant availability in the Florida Administrative Weekly (FAW). The FAW notice shall establish the deadline for submission of applications. Following the review by the grant review team and approval by the Secretary of the Department of Health, the department shall publish in the FAW the date, time, and location of the posting of the grant awards.

(3) All grant award decisions shall be posted on a date and time certain at a specific location in Tallahassee, Florida. All grant award notices shall be published on the Bureau of Emergency Medical Services website at www.doh.state.fl.us/ems, at the date and time established in the FAW notice as outlined in subsection (2) above. The 21 days for denied applicants to file a petition for an administrative hearing as provided in Section 120.569 and 120.57, F.S., shall commence at the date and time of the award posting. If any award denial results in a timely and legally sufficient petition for administrative hearing as provided by Rules 28-106.201 and

~~28-106.301, F.A.C., no award shall be made until final order and, if applicable, appellate proceedings have concluded, on the action of the denied applicant. The department shall proportionately adjust awards should the results of an administrative proceeding dictate.~~

(4) All matching grant applications submitted to the department shall have the envelope or other container marked in large bold letters “EMS GRANT APPLICATION”. Upon receipt of the completed application the department shall date stamp the application and it shall remain unopened until the official opening date published in the FAW.

(5) The grant review team for matching grant applications eligible for a grant of 75% of approved budgets shall consist of at least five persons appointed by the Chief. The Chief shall appoint a minimum of three department staff to review rural applications eligible for a grant of at least 90% of their approved budgets.

~~(2) In order to apply for a rural emergency medical services grant, applicants must submit DH Form 1925, Jan. 98, EMS Rural Matching Grant Application contained in the EMS Rural Matching Grant Program, Application Manual, January 1998. This form and manual are incorporated by reference and available from the department. The Manual contains the following forms which are also incorporated by reference and available from the Department: DH Form 1925, Application, Jan. 98, DH Form 1925P, Request for Advance Payment, Jan. 98, DH Form 1925A, Assurances, Jan. 98, DH Form 1767W, Radio Equipment Worksheet, Jan. 98, DH Form 1925E, Expenditure Report, Jan. 98, DH Form 1925R, Request for Reimbursement, Jan. 98, DH Form 1925C, Request for Change, Jan. 98.~~

~~(6)~~⁽³⁾ In order to apply for a county award grant, applicants ~~shall~~ ~~must~~ submit DH Form 1684, ~~EMS County Grant Application, June 02, January 1998~~, Emergency Medical Services County Grant Application contained in the Florida EMS County Grant Program Application Package, ~~June 02, Manual, January 1998~~. This ~~application packet is form and manual~~ are incorporated by reference and available from the department. The ~~application packet manual~~ contains the following forms which are also incorporated by reference and available from the department: DH Form 1684, ~~EMS County Grant Application, June 02, Application, Jan. 98~~; DH Form 1767W, ~~Radio Equipment Worksheet, Jan., 98~~; DH Form 1684C, ~~EMS Grant Program Change Request, June 02, EMS County Grant Program Request for Change, Jan. 98~~; DH Form 1684A, ~~EMS Grant Program Expenditure Report, June 02, EMS County Grant Program Activity Report, Jan. 98~~; ~~DH Form 1767P, Request for Grant Fund Distribution, June 02.~~

Specific Authority 401.121 FS. Law Implemented 401.111, 401.113, 401.121 FS. History—New 6-6-90, Amended 12-10-92, 1-26-97, Formerly 10D-66.205, Amended 8-4-98,_____.

64E-2.031 Do Not Resuscitate Order (DNRO) Form and Patient Identification Device.

(1) No change.

(a) Upon the presentation of an original or a completed copy of DH Form 1896, Florida Do Not Resuscitate Order Form, May 2002 February 2000, which is incorporated by reference and available from the department at no cost, or, any previous edition of DH Form 1896; or

(b) through (6) No change.

Specific Authority 381.0011, 401.45(3) FS. Law Implemented 381.0205, 401.45, 765.401 FS. History—New 11-30-93, Amended 3-19-95, 1-26-97, Formerly 10D-66.325, Amended 2-20-00.

64E-2.033 Convicted Felons Applying for EMT or Paramedic Certification or Recertification.

(1) An applicant for certification or recertification as an EMT-B EMT or EMT-P paramedic who has been convicted of or plead no contest, regardless of adjudication, to a felony shall submit and has complied with the requirements of Chapter 940, F.S., and provides documentation of restoration of Civil Rights shall become certified provided that the requirements of Section 401.27, F.S., and Rule 64E-2.009, F.A.C., for EMT or Section 64E-2.009, F.A.C., for paramedic have been met and no other basis for denial exists.

(2) ~~The department shall consider an applicant for certification or recertification as an EMT or paramedic with a felony conviction whose civil rights have not been restored, upon the submission of the following documentation:~~

(a) No change.

(b) All probation documents, including plus the name and telephone number of the probation officer.

(c) No change.

(d) Any and all information related to the conviction, or plea and any and all information in support of the application, which the department deems necessary to base a decision for approval or denial.

Specific Authority 401.27, 401.35 FS. Law Implemented 401.27, 401.41, 401.411, 401.414, 401.421 FS. History—New 1-3-99, Amended

64E-2.036 Training Programs.

(1) Qualifications and procedures for EMT-B EMT and EMT-P paramedic training programs in addition to those contained in Section 401.2701, F.S., are as follows:

(a) Each applicant shall must demonstrate that EMT-B EMT and EMT-P paramedic students are not subject to call while participating in class, clinical or field sessions.

(b) Each applicant shall must demonstrate that each EMT-B EMT and EMT-P paramedic student function under the direct supervision of an EMS preceptor and shall not be in the patient compartment alone during patient transport and shall not be used to meet staffing requirements.

(c) No change.

(d) Each applicant shall require that the instructor(s) who have the primary responsibility of conducting the training course shall:

1. Be certified as a paramedic in Florida at all times he or she is instructing a course.

2. Have 3 years experience as a paramedic.

3. Have an associates degree in education or accrue 6 college semester hours, or 9 college quarter hours or 90 contact hours from a post secondary institution in techniques and methods of adult education. These hours can be accrued through a combination of quarter, semester and contact hours, provided the total combined hours are the equivalent of having accrued all semester or quarter or contact hours.

4. Receive the approval of the training program's medical director. The medical director's approval shall remain on file at the training center during the period the instructor remains on staff at the institution.

(e) Course directors shall submit a roster of students eligible to take the state certification examination to the department within 14 days after course completion; but not before course completion. This roster shall be signed by the program director.

(2) To be approved as an EMT-B EMT Training Program, an entity shall must submit a completed DH Form 1698E, April 02, September, 99, Application for Approval of an Emergency Medical Technician – Basic (EMT-B) EMT Training Program, which is incorporated by reference and available from the department.

(3) To be approved as a EMT-P Paramedic Training Program, an entity shall must submit a completed DH Form 1698P, April 02 September, 99, Application for Approval of an Emergency Medical Technician-Paramedic (EMT-P) a Paramedic Training Program, which is incorporated by reference and available from the department.

(4) If any changes of the training program are made to the application on file as approved by the department, then these changes shall be submitted to the department for review of compliance within 30 days of the change.

(5)(4) Commencing with the effective date of this rule and expiring December 1 of even numbered years thereafter, entities not licensed as an emergency medical services provider or a department approved Florida training program shall be approved to conduct EMT-B EMT or EMT-P paramedic recertification training providing they meet the requirements contained in Section 401.2715, F.S., and this section. To be approved as an EMS Recertification Training Program, each applicant shall must:

(a) No change.

(b) Submit a non-refundable fee of \$300 for approval of continuing education which is valid for a period of 2 years concurrently with the EMT-B EMT and EMT-P paramedic recertification cycle.

(c) Submit the following for each course offering:

1.a. through b. No change.

2. Subject matter:

a. ~~Shall~~ ~~Must~~ reflect the professional educational needs of the student.

b. through 3.a. No change.

b. When the subject matter includes advanced life support, a physician, nurse or paramedic with expertise in the content area ~~shall~~ ~~must~~ be involved in the planning and instruction.

4. through 4.a. No change.

b. Responsibilities of physician ~~shall~~ ~~must~~ be clearly stated on contract.

5. through 7. No change.

~~(6)(5)~~ All training offered for the purpose of recertification of ~~EMT-Basics~~ ~~EMTs~~ and ~~EMT-Paramedics~~ ~~paramedics~~ ~~shall~~ ~~must~~ be documented through a system of record keeping which shall include: program title, course outline, course objectives, dates offered, name of instructor, contact hours and roster of attendees. Each entity shall submit a roster of students that have completed training to the department within 14 days after completion; but not before course completion. The course director shall sign this roster.

~~(7)(6)~~ Recertification Training Programs, which maintain current approval from the department, and have an assigned approval code, may submit additional courses for approval during the current recertification cycle without paying an additional fee. The training program shall comply with the other requirements contained in subsection 64E-2.036(4), F.A.C.

~~(8)(7)~~ The department shall periodically conduct monitoring site visits to entities conducting recertification training to verify that the training is being documented through record keeping that verifies compliance with the recertification requirements of Rules 64E-2.008 and 64E-2.009, F.A.C., for all training conducted. These training records shall be retained for a minimum of 4 years, which shall include the 2 year period within each certification cycle and the immediate 2 year period following that certification cycle.

~~(9)(8)~~ A medical director's affirmation of completion of recertification training as provided in Section 401.2715(3), F.S., is the physician's confirmation that the certificate holder has completed recertification training consisting of at least 30 hours, ~~including the performance parameters for adult and pediatric emergency medical clinical care~~, and is based on the requirements of paragraph 64E-2.008(2)(a) or 64E-2.009(2)(a), F.A.C.

Specific Authority 401.27, 401.2715 FS. Law Implemented 401.27, 401.2715 FS. History—New 9-3-00, Amended 4-15-01, 4-21-02,_____.

64E-2.039 Guidelines for Automatic External Defibrillators (AED) in State Owned or Leased Facilities.

(1) Management of any state owned or leased facilities considering the placement of automatic external defibrillators (AEDs) should seek cooperation of facility personnel and local training, medical, and emergency response resources.

(2) An Automated External Defibrillator (AED) is obtained by a prescription from a licensed physician. The prescription must accompany the order for the AED.

(3) Several elements should be considered to determine the appropriate number, placement, and access system for AEDs. Facility managers should consider:

(a) Physician oversight provided by either a facility's medical staff or contracted through a designated physician. A physician should be involved as a consultant in all aspects of the program.

(b) Response Time: The optimal response time is 3 minutes or less. This interval begins from the moment a person is identified as needing emergency care to when the AED is at the side of the victim. Survival rates decrease by 7 to 10 percent for every minute that defibrillation is delayed.

(c) Lay Responder or Rescuer Training.

1. Pursuant to Section 401.2915(1), F.S., all persons who use an AED shall have the required training.

2. Overall effectiveness of AEDs shall be improved as the number of trained personnel increases. Where possible, facility managers should establish in-house training programs on a routine basis.

3. Nationally recognized organizations such as the American Heart Association, American Red Cross and National Safety Council, provide cardiopulmonary resuscitation and AED training.

4. In addition to training on use of the AED, it is important for lay responders or rescuers to be trained on the maintenance and operation of the specific AED model in the facility.

5. Training is not a one-time event and formal refresher training should be conducted at least every 2 years. Computer-based programs and video teaching materials permit more frequent review. Facility management should make periodic contact with a training entity to assure that advances in techniques and care are incorporated into their program. In addition to formal annual recertification, mock drills and practice sessions are important to maintain current knowledge and a reasonable comfort level by lay responders or rescuers. The intervals for conducting these exercises should be established in consultation with the physician providing medical oversight.

(d) Demographics of the Facility's Workforce: Management should examine the make up of the resident workforce and consider the age profile of workers. Facilities hosting large numbers of visitors are more likely to experience an event, and an appraisal of the demographics of visitors should be included in an assessment. Facilities where strenuous work is conducted are more likely to experience an event. Specialty areas within facilities such as exercise and work out rooms should be considered to have a higher risk of an event than areas where there is minimal physical activity.

(e) Physical Layout of Facility: Response time should be calculated based upon how long it will take for a lay responder or rescuer with an AED and walking at a rapid pace to reach a victim. Large facilities and buildings with unusual designs, elevators, campuses with several separate buildings, and physical impediments all present unique challenges. In some larger facilities, it may be necessary to incorporate the use of properly equipped "golf cart" style conveyances to accommodate time and distance conditions.

(f) Suggestions for proper placement of AEDs:

1. A secure location that prevents or minimizes the potential for tampering, theft, and or misuse, and precludes access by unauthorized users.

2. An easily accessible position (e.g., placed at a height so those shorter individuals can reach and remove, unobstructed access).

3. A location that is well marked, publicized, and known among trained staff. Periodic "tours" of locations are recommended.

4. A nearby telephone that can be used to call backup, security, or 911.

5. Written protocols addressing procedures for activating the local emergency medical services system. These protocols should include notification of EMS personnel of the quantity, brands, and locations of AEDs within the facility.

6. Equipment stored in a manner whereby the removal of the AED automatically notifies security, EMS, or a central control center. If such automatic notification is not possible, emphasis should be placed on notification procedures and equipment placement in close proximity to a telephone.

(g) It is recommended that additional items necessary for a successful rescue be placed in a bag and be stored with the AED. Following are items that may be necessary for successful utilization of the AED:

1. Simplified directions for CPR and use of the AED.

2. Non-latex protective gloves.

3. Appropriate sizes of CPR face masks with detachable mouthpieces, plastic or silicone face shields, one-way valves, or other type of barrier device that can be used in mouth to mouth resuscitation.

4. Pair of medium sized bandages.

5. Spare battery and electrode pads.

6. Two biohazard or medical waste plastic bags.

7. Pad of paper and pen for writing.

8. Absorbent towel.

Specific Authority 2001-76 (House Bill 1429), Laws of Florida. Law Implemented 2001-76 (House Bill 1429), Laws of Florida. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Lesley, Government Analyst

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Roger Twitchell, Acting Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2002

NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 15, 2002, April 5, 2002

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Fee for Inactive Status
RULE NO.: 64B3-9.006

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 5, February 1, 2002 has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE RULE WITHDRAWAL IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

Section IV Emergency Rules

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLE: Firesafety Standards for Educational and Auxiliary Facilities
RULE NO.: 4AER02-1

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The State Fire Marshal hereby states that the following circumstances constitute an immediate danger to the public health, safety, and welfare.

1. This emergency rule is necessary because of passage of House Bill 443 in the 2002 legislative session, which transferred the responsibility for adopting rules for firesafety standards for educational facilities from the Department of Education to the State Fire Marshal. The bill did not contain

language explicitly maintaining the Department of Education rule during the pendency of the State Fire Marshal's rulemaking. This makes the existence of firesafety regulation for schools in question.

2. The effective date of House Bill 443 is July 1, 2002. However, House Bill 443 did not become law until June 30, 2002. There is insufficient time from the date House Bill 443 becomes law until its effective date for the State Fire Marshal to adopt rules relating to firesafety standards for educational facilities.

3. Without the provisions of this emergency rule, from the effective date of House Bill 443, July 1, 2002, until the effective date of the rules adopted by the State Fire Marshal, there may be no firesafety standards relating to educational facilities.

4. No firesafety standards relating to educational facilities would create an immediate serious danger to the public health, safety, and welfare because the health and lives of the state's children and adult men and women attending, visiting, or employed by the educational facility would be at risk, and their health, safety, and welfare is paramount in the view of the State Fire Marshal.

5. The adoption of this emergency rule maintains the substance of the rules of the Department of Education that were in effect on June 30, 2002, during the interim period while the State Fire Marshal adopts permanent rules relating to firesafety in educational facilities, thereby providing the required firesafety standards during that interim period.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Division of State Fire Marshal believes that adopting an emergency rule is the fairest method available to protect the public and particularly the children and adult men and women attending, visiting, or employed at educational facilities. Due to the time constraints of Chapter 120, Florida Statutes, there is insufficient time to adopt a permanent rule from the date that HB 443 becomes law to its effective date. Therefore, the State Fire Marshal has adopted the emergency rule in a manner that preserves the standards previously in place as adopted by the Department of Education, but only specifically as they pertain to firesafety standards.

SUMMARY OF THE RULE: This emergency rule adopts only those portions of Chapter 5 of the State Requirements for Education Facilities (SREF) which relate to firesafety for a period of 90 days from July 1, 2002, to allow the permanent rulemaking to occur.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)922-3171

THE FULL TEXT OF THE EMERGENCY RULE IS:

4AER02-1 Firesafety Standards for Educational and Auxiliary Facilities.

(1) Existing Facilities.

(a) This emergency rule establishes uniform requirements to provide a reasonable degree of safety from fire in existing educational and auxiliary facilities and educational facilities under a school board or a community college board of trustees' jurisdiction.

(b) Nothing in this emergency rule is intended to be more restrictive than a similar requirement for new construction.

(c) This emergency rule includes procedures for withdrawal of sites and facilities from use until unsafe conditions are corrected.

(2) Definitions. As used in this emergency rule, the following definitions apply:

(a) "Astragal" means a horizontal or vertical molding attached to the meeting edge of one leaf of a pair of doors to retard the passage of smoke, flame, or gases during a fire, and, in the case of a Dutch door, also to ensure that the lower leaf of the door closes in conjunction with the upper leaf.

(b) "Board" means a district school board, a community college board of trustees, and the Board of Trustees for the Florida School for the Deaf and Blind. The term "board" does not include the State Board of Education or any board of any university.

(c) "Coordinator" means a device used on pairs of swinging doors that prevents the active leaf from closing before the inactive leaf closes.

(d) "Division" means the Division of State Fire Marshal.

(e) "Door Closer" means a device that automatically closes a door.

(f) "Double-acting" means a door that swings in both directions.

(g) "Florida Building Code" means the Florida Building Code as adopted in Rule 9B-3.047, F.A.C., adopted pursuant to Section 552.73, Florida Statutes.

(h) "Leaf" means one section of a double door.

(i) "Means of Egress" means a continuous and unobstructed way of travel from any point in a building or structure to a public way consisting of 3 separate and distinct parts:

1. The exit access,

2. The exit, and

3. The exit discharge.

(j) "NFPA 101" means National Fire Protection Association Code 101, Life Safety Code, adopted in Rule 4A-3.012, F.A.C.

(k) "Public Way" means a street, alley, or other similar parcel of land essentially open to the outside air deeded, dedicated, or otherwise permanently appropriated to the public for public use and having a clear width and height of not less than 10 feet.

(l) "Relocatable Building" means a building which is designed with the capability of being moved to a new location.

(j) The definitions in Section 235.011, Florida Statutes, of words and terms found in Section 235.06, Florida Statutes, apply to this emergency rule.

(3) Administration.

(a) The Division of State Fire Marshal in consultation with the Department of Education hereby adopts firesafety rules for the use by boards and local fire authorities when conducting firesafety inspections of existing facilities to ensure the safety of occupants.

(b) Each local fire official shall conduct at least one firesafety inspection of each building of each educational and ancillary plant in its jurisdiction, whether owned or leased, each calendar year to determine compliance with this emergency rule.

(4) Annual Firesafety Inspections.

(a) Annual firesafety inspections on new construction, remodeling, or renovations shall begin 1 year after the facility has been occupied.

(b) All board-owned, lease-purchased, and leased permanent buildings, relocatable buildings, auxiliary facilities and ancillary plants, and related sites shall be inspected annually to assess compliance with uniform fire and life safety standards for existing facilities.

(c) Pursuant to Section 235.06, Florida Statutes, the local fire official is required to annually inspect educational facilities within its fire control district. All inspections required by Section 235.06, Florida Statutes, shall be in accordance with this rule and, when referenced in this rule in accordance with the appropriate sections of NFPA 101.

(5) Annual Local Fire Control Inspections of All Buildings.

(a) Local fire officials shall provide annual local fire control inspections of all educational and auxiliary facilities and educational facilities.

(b) Local fire officials shall inspect educational facilities within their fire control districts.

(c) Reports shall be filed with the school board and the local site administrator.

(d) A schedule for correction of each deficiency shall be developed in conjunction with the board and adopted by the board.

(6) Annual Firesafety Inspection of All Property Provided by the Board.

(a)1. The firesafety inspection reports required by Section 235.06, Florida Statutes for all permanent and relocatable buildings shall be submitted to the board and to the Division by June 30 of each year.

2. A plan for correction of each deficiency shall be included in each report.

3. Serious life safety hazards as set forth in Section 235.06, Florida Statutes, and in (b) below require prompt corrective action by the board or withdrawal of the educational or ancillary plants from use until corrected.

(b)1. Serious life safety hazards include:

a. Non-functional fire alarm systems;

b. Non-functional fire sprinkler system;

c. Doors with padlocks or other locks or devices which preclude egress at any time;

d. Inadequate exits;

e. Hazardous electrical system conditions;

f. Potential structural failure;

g. Storage conditions that create a fire hazard;

2. Other conditions may be identified to the division by the inspection authority for designation as a serious life safety hazard, including:

a. Placement of functional smoke and heat detectors in a manner not consistent with NFPA 72, adopted in Rule 4A-3.012, F.A.C.;

b. Inaccessible or expired fire extinguishers; and

c. Fire doors with doorstops or wedges holding them open.

(c) Firesafety inspectors shall be certified by the Division of State Fire Marshal.

(d) Each building of each facility shall be accounted for on the inspection form.

(e)1. The board shall forward one copy of the completed inspection report to the Division and retain one copy for its files.

2. The board shall maintain with each yearly inspection report a list of corrected deficiencies from the prior fiscal year report.

(f) Remodeling and Renovation.

1. Remodeling and renovation of any portion of an existing educational or ancillary plants or auxiliary facility shall be equivalent to or exceed the requirements for new construction.

2. All correction of deficiencies shall be equivalent to or exceed the construction requirements at the time of original installation.

(g) Returning Facilities to Use. Any existing facility which has been removed from instructional use for more than 180 days shall be inspected for deficiencies, and remodeled, renovated, or deficiencies corrected in accordance with the new construction requirements of the Florida Building Code before returning it to instructional purposes.

(h) Abandoned Facilities. Board facilities no longer in use and abandoned, but still owned, shall be free of combustible waste and secured in such a manner as to prevent safety hazards, unlawful entry, and undue vandalism from occurring.

(7) Relocatable buildings.

(a) Sites/Master Plan. After July 1, 2001, for sites where relocatable buildings have been in use for more than 2 years where there is no identifiable permanent replacement facility under construction to house the students or programs, campus master plans shall be developed indicating:

1. The maximum design capacity of core facilities;
2. The locations of relocatable buildings;
3. The locations of covered accessible walks; and
4. Related infrastructure.

(b) Separation of Units. Type V or Type VI (wood frame) relocatable buildings shall be separated from each other and any permanent buildings by 10 feet in each direction for any wall with unprotected openings, and 6 feet in each direction for walls rated at 1 hour to prevent the spread of fire.

(c) 1. Relocatable buildings shall be located to allow access to at least one elevation of each building by emergency vehicles as approved by the local fire fighting authority that services the site.

2. Required fire lanes shall be provided with the inner edge of the roadway no closer than 10 feet and no farther than 30 feet from the building.

3. Fire lanes shall have a surface designed to accommodate fire apparatus with a minimum weight of 32 tons.

(d) Type IV (noncombustible) relocatable buildings shall be separated as required by the Florida Building Code.

(e) Minimum Setbacks.

1. The minimum setback for wood frame relocatable buildings shall be at least 25 feet from a property line, unless a greater setback is required by local zoning.

2. The minimum setback for Type IV (non-combustible) relocatable buildings shall be as required by local zoning.

(f) Structure. Structural integrity of each relocatable building shall be consistent with the Florida Building Code, including roof, wall, foundations, and floor systems.

(g) Connections. Connections shall not be damaged from movement, not rusted, and required nails or screw connectors shall be secure.

(h) Tie-downs. Tie-downs from the foundations to the relocatable building shall not be damaged or rusted.

(i) Doors. Doors in relocatable buildings shall be provided as follows:

1. Two Doors. Single classroom units of Type V or Type VI (wood) construction shall have two remotely located doors opening directly to the outside.

2. Door and Rescue Window.

a. Multi-classroom units of Type IV (non-combustible) construction shall have a primary exit door and an emergency rescue opening in each space occupied by ten or more students, or by six or more students for relocatable buildings designed after October 18, 1994.

b. An emergency rescue opening is not required when there is a door opening directly to the outside.

3. Door Swing. Exit doors shall swing in the direction of exit travel.

4. Hardware. Exit doors shall be equipped with:

a. A lockset, which shall be readily opened from the side from which egress is to be made;

b. A threshold;

c. Heavy duty hinges; and

d. A door closer.

(j) Platform. All exterior doors shall open onto a 5 foot by 5 foot platform which shall be level with the interior floor and connect with an accessible ramp or step equipped with handrails.

(k) Time-Out.

1. Time-out rooms, when provided, shall be equipped with doors which allow egress at all times in the event of an emergency.

2. Locking devices on time-out rooms are prohibited.

(l) Operable Windows. Classroom units shall have operable windows in at least one wall equal to at least 5 percent of the floor area of the classroom.

(m) Emergency Rescue.

1. Each multi-classroom unit of Type IV (non-combustible) construction shall have an operable single-action window available for emergency rescue from each classroom or student occupied space.

2. The window shall be openable from the outside without the use of tools, and shall provide a clear opening of not less than 20 inches (51 cm) in width, 24 inches (61 cm) in height, and 5.7 square feet (0.53 sq. m) in area.

3. The bottom of the window shall be not more than 44 inches (112 cm) above the floor, and any latching device shall be capable of being operated from not more than 54 inches (137 cm) above the finished floor.

(n) Projections. Walks, ramps, steps, and platforms shall be free of any awning, casement, or window that projects into the air space above.

(o) Fire Extinguisher. At least one fire extinguisher shall be provided, inspected, and maintained in accordance with NFPA 10, the edition as adopted in Rule 4A-3.012, F.A.C., in each relocatable building and in each classroom of multi-classroom units.

(p) Child Care/TAP.

1. Standard classroom units of Type VI (wood) construction housing birth to age three children, including Teenage Parent Programs (TAP), shall be less than 2000 gross square feet, and shall comply with additional safety requirements outlined in this section.

2. If a residential-type kitchen is provided in these units, it shall include a residential range hood mechanically exhausted to the outside and a fire extinguisher located within 10 feet of the range.

(q) Electrical. Electrical systems shall be checked for damage, and operate properly. Required life safety and emergency systems must have been tested and operate properly in accordance with the applicable standards of this rule.

(r) Illumination. Lighting fixtures shall be maintained in a safe, secure, and operational condition at all times.

(s) Emergency Lighting. Each classroom and spaces used for student occupancy shall be equipped with emergency lighting.

(t) Fire Alarm Systems.

1. Fire alarm systems shall be installed and inspected as required by NFPA 72, the edition as adopted in Rule 4A-3.012, F.A.C.

2. Each relocatable building, other student use spaces, and each multi-classroom unit shall be provided with approved fire alarm devices meeting the requirements for existing educational buildings as required by this emergency rule.

3. The fire alarm in the permanent facility shall be audible from inside any relocatable building located within 200 feet of a permanent building.

4. Relocatable buildings shall be sited for access to a manual pull station within 200 feet.

(u)1. Heat and Smoke Detectors in Wood Construction. In Type V and Type VI (wood) construction, heat or smoke detectors connected to the buildings fire alarms system shall be installed in every classroom, unsupervised spaces, storage spaces, and custodial closets.

2. Heat and Smoke Detectors in Non-Combustible Construction. In Type IV (non-combustible) construction, heat or smoke detectors connected to the buildings fire alarm system shall be installed in storage and custodial closets.

(v) Local Agency Inspection Report.

1. An inspection report shall be provided from the local fire official indicating that they have inspected each relocatable building and have found that no serious life safety hazards exist which would preclude continued occupancy.

2. The letter identifying each relocatable building by district inventory identification nomenclature and shall be conspicuously posted within the building.

(w) Abandoned or Warehoused Facilities.

1. Board facilities no longer in use which are abandoned, or in storage but still owned, shall be free of combustible waste and secured in such a manner as to prevent safety hazards, unlawful entry, and undue vandalism.

2. Abandoned or stored facilities returned to use shall be inspected and certified as meeting the standards for existing "satisfactory" relocatable buildings prior to occupancy.

(x) Roads and streets.

1. Site access shall consist of a primary road and an emergency means of access.

2. Stabilized wide shoulders of the primary road shall satisfy the requirement for emergency means of access if they are unobstructed by plantings, signs, light poles, or other obstructions.

(y)1. Fire fighting and other emergency equipment shall have free access to any part of the educational plant.

2. Fencing with gates wide enough to allow entry of fire fighting and emergency equipment is allowed.

(z)1. Annual inspections shall be performed by board staff and biennial inspections shall be performed by a structural engineer.

2. A Certificate of Inspection provided to the district by a structural engineer of all concrete, structural members, stadiums and bleachers, masonry, masonry veneers, metals, structural steel, and parking structures shall be on file in the district office, and shall be made available to the fire official upon request.

(aa) Doors and Windows. Doors and windows, including those in relocatable buildings, shall meet the following minimum safety requirements, as applicable:

1. Doors and windows shall be maintained in an operable, safe, and secure condition at all times and shall be free of splinters, sharp projections, broken glass, broken hardware, and other hazards.

2 All doors shall be operable from the inside by a single operation and without the use of tools.

3. Egress and Exit Doors.

a. In buildings designed before October 18, 1994, egress doors and gates, regardless of use or location, shall swing in the direction of exit travel, except in rooms occupied by fewer than 20 persons.

b. In buildings designed on or after October 18, 1994, all rooms with an occupant load of 6 or more shall have doors which swing in the direction of exit travel.

4. Doors shall be readily opened from the side from which egress is to be made.

5.a. Single egress doors shall be a minimum of 32 inches in width and a minimum of 6 feet 8 inches in height.

b. EXCEPTION: In existing buildings, the existing door leaf width shall not be less than 28 inches.

6. Doors opening into interior corridors shall be either:

a. Recessed and hinged to swing 90 degrees; or

b. Not recessed and hinged to swing 180 degrees.

7. Where self-closing doors are used, the sweep period shall be adjusted so that from an open position of 90 degrees the door takes a minimum of 20 seconds to move to a closed position.

8. The swing and force to open doors shall be in accordance with Chapter 7 of NFPA 101.

9.a. Doors shall be free of any chain, padlock, bar, or other device which would render the door inoperable at any time the building is occupied.

b. A building is considered occupied at any time it is open to the public, or at any other time it is occupied by more than 10 persons.

10. Doors used as a secondary means of egress shall:

a. Be accessible;

b. Be operable from the side of egress;

c. Be free of blockage by any materials that may interfere with its use; and

d. Shall have a readily visible sign adjacent to the opening in letters not less than 1" high on a contrasting background that reads "EMERGENCY ESCAPE".

11. Fire-Rated Doors. Fire-rated doors, frames, and hardware in corridors, stairwells, and other required means of egress shall be labeled with permanently affixed, legible labels located on the door and frame.

12. When a pair of fire-rated doors is located within a corridor, they shall:

a. Swing in the same direction and have a fixed center jamb; or

b. Be equipped with a coordinator and an overlapping astragal.

13. Glazing in fire-rated doors shall be equivalent to fire-rated glazing or wire glass set in a steel frame.

14.a. Carpet shall not extend through fire-rated doorways and shall be separated by a non-combustible threshold.

b. Class I or II carpet may be run under 20 minute, Class C or Class B labeled door assemblies.

c. Carpet shall not be installed under a Class A labeled door assembly and shall be separated by a non-combustible threshold.

15. Fire-rated doors shall be self-closing and equipped with positive latching devices to hold them in a closed position.

16. Fire-rated doors, when provided with approved electro-magnetic hold-open devices, shall release the door within 10 seconds upon activation of the fire alarm or smoke detection system.

17. Smoke Stop Doors.

a. Smoke stop doors shall be solid core wood, or equivalent.

b. Smoke stop doors may be used:

(I) To create a secondary means of egress from interior instructional spaces; or

(II) To divide corridors into segments not to exceed 300 feet in aggregate length.

c. View panels of clear fire-rated glazing (including wire glass) mounted in steel frames shall be permitted in smoke stop doors.

d. When a pair of smoke stop doors is located within a corridor, each leaf shall be designed to swing in a direction opposite from the other and each leaf in the pair of doors shall swing in a right-hand direction.

e. Smoke stop doors shall have a head, jamb, and sill clearance of not more than 1/8 inch and shall be free of grills or louvers.

f. Door stops shall be provided at the head and sides of door frames.

g. Door frames shall be free of center mullions.

h. Smoke stop doors shall be free of locking devices.

i. When held in the open position, the doors shall release within 10 seconds upon activation of the smoke detectors or fire alarm system.

j. When smoke stop doors are held open by smoke detectors, at least one detector shall be installed on each side of the door opening.

k. The free edge of all smoke stop doors, when in an open position, shall be protected so that the doors cannot be accidentally closed by hand.

18. Smoke stop barriers (walls and partitions) shall be continuous from wall to wall and from the floor through any concealed space in a corridor, such as a suspended non-rated ceiling, to the floor or roof deck above.

19. Special Function Doors. Special function doors shall not be used as a means of egress, and shall comply with NFPA 101 and the following:

a. Revolving Doors. Revolving doors shall

(I) Have a side-hinged exit door within 10 feet and within the same wall; or

(II) Have an emergency break-away feature.

b. Turnstiles. When used, turnstiles shall:

(I) Be placed to allow free access through a means of egress; or

(II) Have an emergency break-away feature.

c. Folding Doors and Folding Partitions. Where permanently mounted folding or movable partitions are used to divide a room into smaller spaces containing 10 or more persons, or 6 or more persons in buildings designed on or after October 18, 1994, a separate exit from each space or a permanent full height 5 foot wide opening between the spaces shall be provided.

d. Shutters and Roll-Up Doors.

(I) Fire-resistance rated shutters, and roll-up doors in fire-resistance rated walls, shall be equipped with fusible links and an automatic self-closing device.

(II) In buildings designed on or after October 18, 1994, these doors shall be also equipped with a bottom sensing edge that will stop and reverse the door's travel when meeting an obstruction.

e. Overhead Doors. These doors, whether manual or power operated, shall be in good repair and operate as intended.

f. Power Operated Doors. When used, these doors shall be equipped with a manual opening device for use in the event of a power failure.

g. Darkroom Doors.

(I) In darkrooms with a capacity of 10 or more persons, a revolving darkroom door, if used, shall:

(A) Have a pop-out safety feature; and

(B) Be equipped with a remotely located side-hinged door for secondary egress.

(II) In darkrooms with a capacity of fewer than 10 people, a revolving darkroom door with a pop-out safety feature may be used as the primary means of egress.

(III) Revolving darkroom doors with a pop-out safety feature shall be conspicuously labeled.

(IV) In buildings designed on or after October 18, 1994, the requirements of this section apply to darkrooms with an occupancy of 6 or more.

h. Overhead and Sliding Security Grills. Security grills shall remain secured in the fully open position when the building is occupied.

i. Gates. Gates used to secure buildings or used for egress shall be side-hinged and readily opened from the side from which egress is to be made.

j. Screen and Storm Doors. Screen and storm doors on exits shall be hinged on the same side as the exit door and swing in the direction of exit travel.

k. Vault Doors. Vault doors shall be equipped with emergency release hardware to allow egress from the inside at all times.

20. Hardware.

a.(I) Doors and gates shall be equipped with hardware which allows egress at all times without assistance.

(II) Projecting hardware on doors swinging into a means of egress is not considered an obstruction if the door opens flat against the wall.

b. Unsafe Locking Devices. All doors shall be free of any padlock, chain, hasp, lock, deadbolt, or other device which would prevent free use of the door for egress at any time.

c. Special Function Door Locking Devices. Special function doors in a path of egress shall be equipped with emergency release hardware to allow egress from the inside at all times.

d. Panic Hardware. Panic release hardware shall be installed on exit doors serving spaces containing 100 or more persons.

e. Self-closing doors. Fire-rated doors shall be self-closing doors.

f. Door Stops. Interior fire-rated self-closing doors shall be free of any manual hold-open devices such as door stops, wedges, or other devices.

g. Locksets. All required exit doors shall be equipped with locksets which are not lockable from inside the space.

h. Electro-Magnetic Hold-Open Devices. Approved devices which release the door upon activation of the fire alarm system, approved automatic sprinkler system, heat detector, or smoke detector shall be installed on smoke stop doors, and may be installed on fire-rated doors.

i. Security Hardware and Alarms. Door opening delay devices shall not be installed on egress and exit doors unless they are installed in such a manner that they will release instantly upon activation of the building fire alarm system and meet all of the other requirements of NFPA 101-7.2.1.6.

j. Doors may contain alarms that sound when the door is opened.

21. Glazing. Glazing shall:

a. Be secured on all sides;

b. Be free of any loose or broken pieces;

c. Be in good repair; and

d. Comply with the following:

(I) Fire-Rated Glazing. Fire-rated glazing material shall have a permanent stamp, mark, or manufacturer's label identifying the product and fire rating.

(II) Hazardous locations shall be glazed with:

(A) Safety plastic;

(B) Tempered glass;

(C) Safety glass; or

(D) In fire-rated assemblies, impact-resistant fire-rated glazing material.

(III) Wire glass and fire-rated glazing shall be installed in fire-rated and smoke stop doors set in steel frames.

(IV)(A) Glazed panels in 1 hour and 1/2 hour fire-resistance rated walls and partitions shall be limited to either:

(i) 1/4 inch thick wired glass or 1/4 inch thick fire rated glazing material installed in steel frames; or

(ii) Labeled glass block panels installed in steel channels.

(B) Glazed panel sizes shall be as follows:

(i) The glazing shall be 1296 square inches or less, with no dimension greater than 54 inches.

(ii) The glass block shall 120 square feet or less with no dimension greater than 12 feet.

(iii) The glazing or block shall be not more than 25 percent of the wall area containing the glazing or block as viewed from inside the space.

(V) Areas of exterior glazing shall be maintained in a safe and secure manner and shall be free of loose or broken pieces of glass.

22. Windows.

a. Windows used for emergency access, emergency rescue, and secondary means of egress shall be maintained in an operable, safe, and secure condition and shall be free of any loose or broken pieces of glass.

b. Emergency Access Openings.

(I) Exterior walls accessible to emergency vehicles shall have emergency access openings every 50 lineal feet around the perimeter of the building on each floor level.

(II) Where a large single use space, such as a gym, has doors or windows leading directly to the exterior, emergency access openings are not required.

(III) The openings shall be a minimum of 28 inches wide by 42 inches in height, with the bottom of the opening not more than 44 inches above finished grade.

(IV) In buildings equipped with an approved automatic sprinkler system, emergency access openings shall be spaced not more than 200 lineal feet apart.

23. Emergency Rescue Openings (Secondary Means of Egress)

a. In non-sprinklered buildings, every instructional space, and other spaces normally subject to student occupancy of 10 or more, shall have at least one window, panel, or door leading to the exterior or to a separate atmosphere.

b. For buildings designed after October 18, 1994, the emergency rescue opening shall be provided in rooms over 250 square feet used for classroom or other educational purposes or normally subject to student occupancy, as required by NFPA 101.

c. Secondary means of egress and emergency rescue openings shall be identified by permanently mounted signs indicating either "EMERGENCY ESCAPE" or "EMERGENCY RESCUE – KEEP AREA CLEAR."

d. Secondary means of egress or emergency rescue openings shall be provided by one of the following:

(I) A window or panel.

(A) The window or panel shall have a clear opening a minimum of:

(i) 20 inches wide by 24 inches in height, with the bottom of the opening not more than 44 inches above the finished floor; or

(ii) For buildings designed on or after October 18, 1994, 32 inches wide by 48 inches in height with the bottom of the opening not more than 32 inches above the finished floor

(B) Windows and panels shall be operable from the inside by a single operation and without the use of tools.

(C) The window or panel latching device shall be mounted not more than:

(i) 54 inches above the finished floor; or

(ii) For buildings designed after October 18, 1994, not more than 48 inches above the finished floor.

(D) If a security screen or grill is installed on a window or panel, it shall be operable from the inside by a single operation and without the use of tools. The release device shall be readily identifiable and accessible.

(III) A side-hinged door a minimum of 28 inches wide and 6 feet eight inches tall opening directly to the exterior at ground level. Interior instructional spaces shall be provided with side-hinged or double acting communicating doors providing for secondary means of egress and emergency rescue complying with the following:

(A) The door shall be free of any locking device.

(B) The door shall provide direct access to:

(i) The exterior;

(ii) A separated exit corridor;

(iii) A separate atmosphere; or

(iv) At least one enclosed exit stair.

(C) The maximum travel distance from the instructional space to the exterior shall be not more than:

(i) 150 feet in an unsprinklered building; and

(ii) 200 feet in a sprinkled building.

(IV) An illuminated exit sign indicating the direction of exit travel shall be permanently mounted at the head of each side-hinged door.

(V) A sign indicating "EMERGENCY ESCAPE" or "EMERGENCY EGRESS – KEEP AREA CLEAR" shall be mounted on each side of the double-acting communicating door.

(bb) Finishes. Finish materials shall be permanently affixed to an educational and ancillary plant and shall include interior movable walls and partitions. Finishes shall meet the following minimum safety requirements for interior and exterior wall, ceiling, and floor finish materials, including finishes used in relocatable buildings, as applicable:

1. Interior Finish General Requirements. Educational and ancillary plants shall be free of any interior finish material shown by test or known to present a safety or health hazard due to its flammability or the character of the products of decomposition.

a. Wall and ceiling finishes shall be free of textile materials, including carpet, having a napped, tufted, looped, woven, non-woven, or similar surface.

b. Wall or ceiling finishes shall be free of cellular or foamed plastic materials.

c. Window, blackout, and stage curtain materials shall:

(I) Be flameproof or shall be treated periodically, as specified by the manufacturer, to renew the flame retardant properties;

(II) Have a label verifying flame proofing;

(III) Be kept clean and dust free.

d. Interior finishes, including interior plywood paneling, shall comply with Chapter 10 of NFPA 101.

e. Any furnishings or decoration shall comply with NFPA 101.

2. Ceilings.

a. The minimum ceiling height shall be such that ceiling fans, light fixtures, HVAC equipment, fire system, and life safety equipment will not endanger, or be disabled by, the occupants.

b. Boiler, electrical, and mechanical rooms.

(I) Exterior ceilings and soffits and ceilings in shall be of a solid, moisture-resistance material.

(II) Ceiling finish shall be free of any carpet.

c. Where a fire-rated ceiling is required, such as in corridors, means of egress, and stairs, a fire-rated solid type ceiling or a fire-rated suspended lay-in type ceiling shall be used.

2. Walls.

a. A fire-resistant rated walls shall:

(I) Be continuous from the floor to the floor or roof deck above; or

(II) Terminate at a fire-rated deck below the roof deck or floor deck above.

b. Fire walls shall extend from the foundation through the roof.

3. Floors. Floor finish materials shall be permanently affixed to an educational or ancillary plant and shall comply with the following:

a. Interior floors shall have surfaces which are even and substantially level.

b. Ramps and stairs shall be finished with a non-slip surface.

c.(I) Carpet installed under a fire-rated door shall be separated by a flat non-combustible threshold.

(II) Class I and Class II carpet may run continuously through all openings except Class A (3-hour) fire-rated openings

d. The original carpet certification shall be on file and shall be available for inspection.

(8) General Safety Requirements.

(a) Rooms used for pre-kindergarten through grade 1 shall not be located above or below the level of exit discharge.

(b) Rooms used for grade 2 students shall not be located more than 1 story above the level of exit discharge.

(c)1. All hazardous work and storage areas shall be posted with appropriate caution signs.

2. Appropriate signage shall be used to identify:

a. The means of egress.

b. Room capacity.

c. Directional and exit marking.

d. Room numbers and names, and

e. Evacuation routes.

(d) Interior corridors and stairwells shall be free of piping systems for flammable liquids or gases.

(e) Means of Egress. Every building and space shall have sufficient exits so arranged to provide safe egress for occupants, and every occupied space shall be maintained and operated so as to permit prompt egress in case of fire or emergency.

(f) Handrails on stairs and ramps shall not project more than 3 1/2 inches inside the measured width on each side of a means of egress.

(g) The clear width of a means of egress shall be free of any pipes, lockers, planters, water fountains, fire hose cabinets, or other projections.

(h) All required means of egress at the level of exit discharge shall terminate at a public way or at an exterior exit discharge.

(i) Every floor of every building shall have a minimum of two separate exits as remote from each other as practicable.

(j)1.(A) Every classroom and space normally subject to student occupancy, except in fully sprinklered buildings, shall have at least one window or door to the exterior.

(B) The window or door shall be operable from the inside without the use of tools.

(II) Every classroom or space normally subject to student occupancy shall have:

(A) At least one door opening directly to the exterior; or

(B) A protected interior means of egress of at least 1/2 hour rating.

(III) Accessory rooms serving as adjunct facilities to a larger room may exit through the larger room.

(IV)(A) EXCEPTION: Under the NFPA principle of "Equivalency Concepts" referred to in NFPA 101, Section 1-5, as an alternative method of exiting interior classrooms where existing classrooms are surrounded by existing corridors, and in lieu of a full fire sprinkler system, classrooms shall have 2 doors at opposite ends of each classroom exiting into separate smoke compartments of a smoke-proof corridor.

(B) Opposite swinging smoke stop doors in smoke partitions within the corridor shall provide the separation between the exits from each classroom.

(C) Smoke stop doors shall be held in the open position by electro-magnetic devices which release the doors when smoke detectors activate the fire alarm system.

(D) All doors in the corridor shall be self-closing doors.

(E) Door stops or other unprotected openings in the corridor wall shall be prohibited.

(F) Exit signage shall clearly identify separate egress paths from each classroom.

(k)1. Exits shall be maintained so that the total length of travel from any point in the building (including places of assembly) to an exit does not exceed 150 feet.

2. EXCEPTION:

a. In a building equipped with a fully automatic fire sprinkler system, the travel distance to an exit may be increased to 200 feet.

b. Exit distance shall be measured along the path of natural travel.

(l) Open mezzanines shall be permitted to exit to the exterior from within the space below.

(m) Every corridor, aisle, balcony, and other means of egress to exits and exit discharge shall be in accordance with the following:

1. Corridors shall be arranged so that each end leads to an exit and shall be without pockets or dead ends more than 20 feet in length.

2.a. The clear width of all interior corridors shall be maintained to a minimum width of 6 feet.

b. Hallway widths in office or service areas shall be a minimum of 44 inches in width and shall not exceed 50 feet in length.

3. Interior corridors, including contiguous dead-end and cross corridors, shall be divided by smoke stop doors into sections not to exceed 300 feet in length.

4. Exterior (open) corridors or balconies serving as a required means of exit shall be open to the outside air and shall be enclosed only by a guardrail or balustrade.

5.a. Balconies shall have guardrails or balustrades a minimum of 42 inches high with balusters spaced not more than six inches apart.

b. A bottom rail shall be spaced not more than 2 inches above finished floor.

c. In facilities designed on or after October 18, 1994, balusters shall be spaced at not more than 4 inches apart.

6.a. The facility shall have stairs or exits from each exterior corridor or balcony to the level of exit discharge.

b. Floors of balconies, exterior corridors, and stairs shall be solid and without openings.

c. Floors of balconies and exterior corridors shall be designed to minimize water accumulation on their surfaces.

d. The minimum clear width of exterior corridors and balconies shall be maintained at no less than 60 inches of clear width.

(n) Interior Stairs, Exterior Stairs and Smoke-Proof Towers.

1. Interior stairs, exterior stairs, and smoke-proof towers shall:

a. Be maintained in a safe and secure condition at all times; and

b. Be free of any loose or broken treads or risers.

2. Treads shall be designed with a uniform depth, and risers shall be designed with a uniform height in any flight of stairs.

3. Stair treads and landings shall be:

a. Solid.

b. Without perforations, and

c. Free of projections that would be present a trip hazard.

4. Differences in floor elevations that require less than 3 risers shall be ramped.

5. The maximum difference in floor elevation at doorways in a path of egress shall be 1/2 inch.

6. The minimum clear width of stairways serving as a required means of egress shall be maintained at a minimum of 44 inches.

7.a. All interior stairways shall be enclosed and shall open directly to the exterior or into a protected vestibule or into a corridor that opens to the exterior.

b. EXCEPTION: Stairways need not be enclosed when:

(I) Serving only one adjacent floor and the stair is not connected to a corridor or other stairways serving other floors; or

(II) Stairways lead directly to an open mezzanine.

8. The open space beneath a required stair shall not be used as a closet, for storage, or any other purpose.

9. Exterior (open) stairs and ramps serving as required means of egress shall be enclosed only by a handrail or balustrade.

10. Openings within 15 feet of the stairway shall be protected by fire doors, fire-rated glazing, or fixed labeled wire glass.

11. For existing facilities constructed after April 28, 1997, exterior stairs shall be required to provide protection on the walls for 10 feet horizontally and vertically.

12. Handrails no less than 34 inches and no more than 38 inches in height shall be provided on both sides of required stairs and ramps.

13. Any stair 88 inches or more in width shall have an intermediate handrail.

14. Non-required stairs that are less than 44 inches in width and all stage steps shall have a minimum of one handrail.

15. Handrails shall be maintained in a safe and secure condition at all times and shall be capable of supporting a human impact applied at any point and in any direction.

16. Handrails shall allow for continuous grasp of the rail.

17. Doors separating enclosed stairways from egress corridors shall be self-closing fire doors and swing in the direction of exit travel.

18. Doors held open with approved devices shall release the door within 10 seconds upon activation of the fire alarm.

19. Balconies open to the outside air shall connect smoke proof towers to the permanent building.

20. Stairways shall be completely enclosed by non-combustible materials, and walls separating the enclosure from the building shall be free of any openings.

21. Access to smoke-proof towers shall be provided from every floor by vestibules or balconies, and all balconies or vestibules shall have guardrails.

22. Wall openings in exposed balconies or vestibules shall be protected from fire exposure.

23. Fire escape stairs, where existing, shall not constitute more than 50 percent of the required exit capacity and shall be maintained in a safe and secure condition at all times.

(o) Separation of Spaces.

1.a.(I) A separate storage space shall be provided for all material that is flammable, poisonous, or hazardous, and

(II) All equipment powered by internal combustion engines and fuels.

b. These separate storage spaces shall be enclosed to prevent the spread of fire and smoke, and shall open to the exterior only.

2. Interior vertical openings such as stairways, elevator shafts, light and ventilation shafts and all service chutes between floors shall be enclosed or protected to prevent the spread of fire and smoke, and shall be maintained in their original fire and smoke-tight condition.

3. Hazardous areas such as boiler rooms and kitchens shall be enclosed to prevent the spread of fire and smoke, and shall be maintained in a fire and smoke-tight condition.

4.a. Openings in walls or ceilings which were designed with fire-resistant rated construction to prevent the spread of fire or smoke shall have fire doors and rated assemblies (frame, door closer, hardware) and fire-rated glass assemblies (wire or fire-rated glass in steel frames) consistent with the fire-rating of the wall or ceiling.

b. Such protection shall be maintained to prevent the spread of fire or smoke.

c. Penetrations in fire-resistant rated construction shall be sealed with approved materials and methods to maintain original fire- and smoke-tight condition.

5. Firestopping. Any concealed space, such as a utility chase, attics, crawl spaces, or other vertical or horizontal opening between floors in which combustible material is exposed shall either:

a. Be firestopped and provided with a heat detector, or

b. The space shall be provided with automatic fire sprinklers.

(p) Fire Sprinklers.

1. Each automatic fire sprinkler system, when provided, shall:

a. Be in accordance with the appropriate NFPA standard, and

b. Provide complete coverage for all portions of the areas to be protected.

2.a. The fire sprinkler system shall be tested and maintained to be operable at all times.

b. The current inspection certificate shall be on file and available for review.

(q) Fire Alarms and Heat or Smoke Detectors.

1. Fire alarms and heat or smoke detectors shall be provided and maintained in an operable condition at all times.

2. The current inspection certificate shall be on file and available for review.

(r) Interior Signage. Interior signage and graphics shall comply with the following

1. Permanent and temporary interior signage shall be uniform in color, height, size, and graphics.

2. Interior signage shall include the following:

a. Emergency rescue openings: "EMERGENCY RESCUE – KEEP AREA CLEAR."

b. Secondary means of egress/emergency egress openings: "EMERGENCY ESCAPE" or "EMERGENCY EGRESS – KEEP AREA CLEAR."

3. Capacity signs shall be in each instructional and assembly space with a capacity of 50 or more occupants.

4. The signs shall be mounted adjacent to the main entrance door.

5. Room numbers and names shall be provided for each space.

6. Illuminated exit and directional signs shall be provided.

7. Signs shall indicate accessible access routes, entrances, and rooms within a building.

8.a. Except when an exit door from a self-contained classroom opens directly to the exterior, a graphic diagram of primary and secondary evacuation routes shall be posted adjacent to the primary exit door from each student-occupied space.

b. The diagram shall clearly indicate, by contrasting color and number, the primary and secondary route of evacuation.

9. In educational facilities that house pre-kindergarten through grade 3, including auxiliary spaces used by these students, signage shall be:

a. Mounted at a maximum height of 42 inches above finished floor on the latch side of doors; and

b. Contain raised and Braille characters and the international accessibility symbol.

10. In educational facilities that house grade 4 and above, auxiliary facilities not used by pre-kindergarten through grade three students, community colleges, vocational centers, and other facilities primarily used by adults, signage shall:

a. Be mounted at 60 inches above finished floor on the latch side of doors; and

b. Contain raised and Braille characters and the international accessibility symbol.

11. Internal illumination of signs, including exit signs, shall be maintained.

(s) Fire Protection Cabinets. Fire hose, fire blanket, and fire extinguisher cabinets shall have glazed panels of tempered glass, safety glass, or safety plastic.

(t) Storage Shelving. Shelving shall be:

1. Free of any sharp corners, splinters, or any construction feature that would be hazardous to the occupants, and

2. Constructed to carry the loads imposed.

(u) Shelving in science, lab, and shop storage rooms, and other areas which may contain hazardous materials shall:

1. Have 1/2 inch lip on the front edge of each shelf, and

2. Be constructed of non-corrosive material.

(v) Custodial, maintenance, and paint storage areas shall have shelves constructed of non-corrosive and non-combustible materials.

(w) Equipment. Equipment shall meet the following minimum requirements for safety, and operational features, including relocatable buildings, as applicable:

1. Fire Extinguishers and Fire Blankets. Fire extinguishers and fire blankets shall be provided as follows:

a. Fire extinguishers and fire blankets shall be placed in locations which shall be readily accessible and suitable for the hazard present and shall be readily visible.

b. Extinguishers and blankets shall be on hangers, brackets, shelves, or cabinets so that the top of the extinguisher or blanket shall be not more than 5 feet above finished floor.

c. Class A fire extinguishers shall be located throughout an educational facility so that the travel distance from any point in the facility to an extinguisher is not more than 75 feet.

d. Class A fire extinguishers of at least 4-A capacity shall be installed in spaces where wood and paper are stored, such as woodworking shops and storerooms, and in each portable or relocatable building.

e. Class B fire extinguishers of at least 20-B:C capacity shall be installed in spaces where flammable liquids are stored, such as science labs, auto shops, boiler rooms, duplicating stations, and areas where the bulk storage of paints exist.

f. Class B fire extinguishers shall be located so that the travel distance from any point in the space to an extinguisher is not more than 50 feet of travel.

g. Alkaline dry chemical extinguishers, such as sodium bicarbonate or potassium bicarbonate, shall be installed within 15 feet of cooking equipment in kitchens, home economics labs, teacher lounges, and classrooms.

h. Class C fire extinguishers of at least 20-B:C capacity shall be installed in locations where electrical devices are likely to overheat, such as electronic labs and equipment rooms.

i. Extinguishers shall be maintained so as to be fully charged and operable at all times and shall be tagged to indicate compliance, including the date of inspection.

j. Fire extinguishers shall be readily accessible at all times.

k. Fire extinguishers may be located inside student-occupied spaces provided:

(I) The fire extinguisher is located adjacent to the primary exit door;

(II) The door remains unlocked when the facility is occupied; and

(III) A permanently affixed sign, with a red background and white letters reading "FIRE EXTINGUISHER INSIDE" is placed adjacent to the door outside the room where the fire extinguisher is located.

2. Fire blankets shall be located in each laboratory, shop, kitchen, or other area where a personal fire hazard exists.

(x) Facility exit doors shall be operable from the inside at all times without the use of special keys, tools, or equipment.

(y) Incinerators.

1. Existing on-site incinerators and waste burners shall be equipped with a wire screen stack guard and shall be used for burning Class A materials only.

2. Incinerators shall be maintained in a safe and secure condition at all times.

(z) Residential Appliances. Residential-type appliances, such as stoves, hoods, refrigerators, washers, dryers, ovens, and unit kitchens when used in classrooms, labs, lounges, and shops, shall be maintained in a safe and secure condition at all times.

(aa) Furnishings. Furnishings shall meet the following minimum safety requirements for furnishings and decorations, including furnishings used in relocatable buildings:

1. Hazardous Materials. Educational and ancillary plants shall be free of furnishings and decorations made of explosive, highly flammable, or toxic materials.

2. Means of Egress. Means of egress (corridors, exit doors, etc.) shall be free of any furnishings, decorations, or other objects which would obstruct egress.

3. Concealed Exits. Exit doors shall be free of any hangings, drapery, or mirrors which may confuse, obstruct, or conceal the exit or the direction of exit.

4. Window Coverings. Materials used for window coverings, black-out curtains, and stage curtains shall be labeled to indicate that they comply with flame resistant requirements.

5. Classroom and Office Furniture. Exits shall be free of any classroom or office furniture which would impede access through a means of egress.

6. Floor Mats and Grates. Exits and means of egress shall be free of any obstructions caused by floor mats and grates.

(bb) Auditorium and Theater Seating.

1. Auditorium and theater fixed and movable seats shall be accessible and maintained in a safe and operational condition at all times.

2. Seats shall be free of any torn or loose materials and fittings which may pose a hazard to the users.

(cc) Interior Plants and Planters.

1. Exits and means of egress shall be free of any obstruction caused by interior planters and plants.

2. Artificial plants, and plastic or wood planters shall be flame resistant.

(dd) Abandoned Structures. Abandoned structures owned by the board shall be maintained and secured to eliminate hazards, unlawful entry, and vandalism.

(9) Ancillary plants.

(a) Ancillary plants, such as central administration buildings, warehouses, and bus garages, shall comply as defined below with the existing occupancy section in NFPA 101 for the type of occupancy.

1. Inspection of assembly occupancies shall include the adjacent and related spaces associated with the main seating area such as stages, dressing rooms, storage, lobby, public restrooms, kitchens, and work rooms.

2. A permanently affixed sign in each assembly space, adjacent to the primary entrance, shall state the actual capacity of the space.

3. Exits from assembly occupancies shall lead directly to the exterior or to separate atmospheres which then lead directly to the exterior as required by NFPA 101.

4. Seating.

a. In places of assembly accommodating more than 200 persons, seats shall be securely fastened to the floor, except when seats are fastened together in groups of not fewer than 3 nor more than 7.

b. EXCEPTION: In cafeterias, gymnasiums, lunchrooms, or other assembly areas where fastening of seats to the floor may be impractical, seats not secured to the floor are permitted, provided that in the area used for seating, excluding stage and storage:

(I) There shall be at least 10 square feet of net floor area per seat, and

(II) The aisles to reach exits shall be clear at all times.

5. All seats in balconies and galleries shall be securely fastened to the floor.

6. Fixed seats shall be maintained in a secure and safe condition at all times and shall be free of any hazard such as loose or torn materials or fittings.

7. When continental seating is used, there shall be not more than 100 seats in any one row between aisles.

8. In assembly spaces with continental seating, exit doors shall:

a. Be maintained in operable condition along each side aisle, and

b. Discharge to the exterior of the building, or into a foyer or lobby.

9. Aisles Serving Seating.

a. Every portion of any assembly occupancy that contains a theater or similar type seating facility shall be provided with aisles leading to exits.

b.(I) The width of aisles shall be at least 36 inches in clear unobstructed space.

(II) Aisle steps and ramps shall be maintained in a safe and secure condition at all times.

(III) When lighting is provided, lamps shall be clean and in good working condition.

c. A contrasting marking stripe shall be provided on each tread at the nosing or leading edge so that the location of the tread is readily apparent, particularly when viewed in descent, and shall be in compliance with NFPA 101.

10. Aisles Serving Seating at Tables.

a. Fixed or loose chairs, tables, and similar furnishings or equipment shall be arranged and maintained such that a path of travel to an aisle or exit is provided.

b. Rectangular tables used for dining, or purposes having similar seating configurations where the path of travel to an aisle exceeds 10 feet, shall be spaced:

(I) 54 inches or more apart where seating occurs back-to-back; and

(II) 36 inches or more where seating is on one side only.

c. The path of travel to an aisle or exit shall not exceed 20 feet.

d. When loose seating occurs bordering on the aisle, a 36 inch aisle shall be provided plus:

(I) An additional 19 inches for a chair on one side of the aisle; or

(II) An additional 38 inches for chairs on both sides of the aisle.

11. Aisles Serving Bleachers and Grandstands.

a.(I) When bleacher and grandstand seating is provided, including fixed, folding, and telescopic seats, vertical aisles shall be provided.

(II) Seating without backs shall require aisles only when such seating is more than 11 rows high.

b. Vertical aisles, where provided in bleachers and grandstands, shall be free of any dead end in excess of 16 rows.

12. Railings.

a. The fascia/front wall of boxes, balconies, and galleries shall be:

(I) At least 26 inches above the adjacent floor; or

(II) Have substantial railings at least 26 inches above the adjacent floor.

b. Ramped aisles and aisle steps shall be provided with handrails at least 30 inches high at one side or along the centerline.

c. Railings at the bottom end of ramped aisles shall be at least:

(I) 36 high for the full width of the aisle; and

(II) 42 inches high for the width of the aisle where steps occur.

d.(I) Cross aisles shall be provided with railings at least 26 inches above the adjacent floor.

(II) Railings are not required where the backs of seats on the front of the aisle project 24 inches or more above the adjacent floor of the aisle.

e. Railings at least 42 inches high shall be provided at the top and sides of bleachers and grandstands.

13. Waiting Spaces. In auditoriums and similar places of public assembly where persons are admitted to the building and are allowed to wait in a lobby or similar space until seats are available, the required means of egress and exiting shall remain clear and unobstructed.

14. Auxiliary Spaces. Auxiliary spaces within an educational plant, such as administrative suites, libraries, and food service areas, shall be considered as educational occupancies and shall be included in the annual fire inspections of existing facilities.

15. Boiler Rooms.

a.(I) Boiler room walls, floors, and ceilings shall be of solid construction and shall be equipped with heat detectors connected to the fire alarm system.

(II) Boilers shall comply with Chapter 554, Florida Statutes, and Rule 4A-51, F.A.C.

b. The door shall open directly to the outside and, if opening toward a building, shall have a fire-rating label.

c. If an additional door opens into the interior of the building, the door shall swing into the boiler room and have a fire-rating label.

d. Boiler rooms shall be free of any equipment or materials not required for operation of the boiler.

e. A valid boiler inspection certificate of compliance shall be displayed and clearly visible.

16. Child Care/Day Care Facilities. Child care/day care facilities located on board-owned property shall comply with the requirements of Chapter 402, Florida Statutes, and the specific requirements as follows:

a. Construction Requirements.

(I) A residential-type kitchen, when provided, shall include:

(A) A residential-type range hood vented to the outside, and

(B) A fire extinguisher located within 15 feet of the range and within the same room.

(II) Areas designated for children's sleeping mats, cots, or cribs shall include a clearly marked exit passageway.

b. EXCEPTION: Child care/day care facilities requiring a Department of Health or Department of Children and Family license shall also be required to comply with local building codes and other agency construction requirements.

(10) Community Colleges. Community college facilities and buildings shall comply with the following:

(a) Existing dormitories on college property shall comply with Chapters 28 and 29 of NFPA 101.

(b) Existing dormitories not located on college property that are provided by private individuals, corporations, and foundations shall comply with the requirements of NFPA 101.

(c) High-Rise Buildings.

1. All existing structures and buildings over 4 stories or 45 feet in height shall be equipped with automatic fire sprinkler systems that shall be maintained in proper working condition at all times.

2. Buildings which are 3 stories or more, and were constructed after January 1, 1994 shall be equipped with fire sprinklers pursuant to Chapter 553.895, Florida Statutes.

(d) Kilns.

1. Kiln rooms and areas shall be provided with adequate exhaust to dispel emitted heat to the exterior.

2. Kilns shall be located away from paths of egress or exits.

3. Kilns shall be located in separate rooms when serving students through grade three.

4. Kiln rooms shall be provided with smoke/heat detectors.

(e) Kitchens and Food Service Facilities.

1. Range hoods, duct systems, grease removal devices, and fire extinguishing equipment shall be provided in all food service and instructional kitchens and shall be serviced regularly and maintained in a safe, secure, and operational condition at all times.

2. When the automatic fire extinguishing systems are activated:

a. Kitchen ventilation and heating systems shall shut down;

b. Fuel valves shall close;

c. Electrical appliances shall de-energize; and

d. The school fire alarm shall activate.

3. Automatic fire extinguishing systems using dry or wet chemicals shall be serviced regularly and maintained in a safe, secure, and operational condition at all times.

4. EXCEPTION: Home Education Kitchens. A residential-type kitchen, when provided, shall include:

a. A residential-type range hood vented to the outside, and

b. A fire extinguisher located within 15 feet of the range and within the same room.

(f) Laboratories and Shops. Laboratories and shops shall comply with the following:

1. Master Control Valves and Switches.

a. Master control valves or switches shall be provided in each laboratory type space and each shop type space that is equipped with unprotected gas cocks, compressed air valves, water service, and electric service that is easily accessible to students.

(I) Examples of laboratory type spaces are chemistry, physics, and home economics labs.

(II) Examples of shop type spaces are automobile, wood working, and welding shops.

b. Emergency shut-offs are not required for ordinary office machines, non-hazardous machines, and domestic sewing.

(I) The master control valves and switches shall be clearly labeled and located in a non-lockable space accessible at the instructor's station to allow for emergency cut-off of services.

(II) Valves shall be completely shut-off with a 1/4 turn.

c.(I) The master control valves and switches shall be in addition to the regular main gas supply cut-off.

(II) The main supply cut-off shall shut down upon activation of the fire alarm system.

3. Laboratory and shop spaces shall be provided with exhaust systems as follows:

a. Chemistry laboratories shall have:

(I) A high capacity emergency exhaust system;

(II) A source of positive ventilation; and

(III) Signs providing instructions permanently installed at the emergency exhaust system fan switch.

b.(I) Chemistry labs shall be provided with fume hoods.

(II) Fume hood supply fans shall automatically shut down when the emergency exhaust fan is turned on.

c. Woodworking areas shall have dust collectors and exhaust systems.

d. Welding shops shall have fume removal and exhaust systems.

4. Hazardous work and storage areas shall be identified by appropriate caution signs.

(g) Library and Media Centers. Library and media centers shall:

1. Comply with the requirements of this rule.

2. Turnstiles and book detectors placed at doorways shall allow unobstructed passage and exit from the space.

(h) Open Plan Schools.

1. An open plan building, or portion of a building, is a building subdivided into smaller areas by use of partial partitions, movable partitions, or movable furnishing, which by location and type makes it possible for persons in one area of the plan to be immediately aware of an emergency situation in any other area of the plan.

2.a. In open plan unsprinklered buildings or portions thereof, the maximum distance from any point to an exit shall be 150 feet.

b. In open plan sprinklered buildings or portions thereof, the maximum distance from any point to an exit shall be 200 feet.

3. Exiting shall comply with the following:

a. Each space occupied by more than 50 persons shall have 2 or more means of egress.

b. Open plan assembly areas shall have exits leading directly to the exterior and shall be separated from other required exits of the open plan.

(i) Paint Spray Booths and Rooms.

1. Paint spray booths and rooms shall be provided with fresh air intake and shall be vented to the outside.

2. Vents shall be filtered to permit paint particles, toxic, or obnoxious fumes to be exhausted from the facility.

3. The exhaust shall be oriented away from occupied areas, parking lots, and other areas that may be adversely affected by the exhaust.

(j) Performing Arts Theaters and Auditoriums Serving the Public. Performing arts theaters and auditoriums, including the adjacent and related spaces associated with the main seating area such as stages, dressing rooms, storage, lobby, public restrooms, work rooms, and kitchens, shall be in compliance with NFPA 101.

(k) Public Shelters.

1. All emergency generators shall be tested under load conditions.

2. Fire alarms and emergency lights shall be inspected in accordance with NFPA 101.

(l) Relocatable buildings. All relocatable building units shall comply with the requirements of this rule and the specific criteria below.

1. The minimum setback for relocatable building units shall be at least 25 feet from a property line unless a lesser setback is permitted by a local zoning ordinance.

2. Relocatable buildings shall be separated from each other and any permanent buildings by sufficient distance in each direction to prevent the spread of fire and to allow access by emergency vehicles, as determined jointly by the local fire fighting authority that services the site and district policy.

3.a. A facility designed primarily of relocatable buildings, or "modular schools," has all relocatable buildings and any permanent facilities connected by covered walks.

b. Standard classroom units for temporary use are not required to be connected to other facilities by covered walks, including toilets.

4. A residential-type kitchen provided in relocatable buildings shall include:

a. A residential range hood vented to the outside; and

b. A fire extinguisher located within 10 feet of the range.

5. Doors in relocatable buildings shall be provided as follows:

a. Standard classroom units of Type VI construction shall have 2 remotely located doors opening directly to the outside.

b.(I) Multi-classroom units of Type IV construction shall have a primary exit door and an emergency rescue opening in each space occupied by 10 or more students, or by 6 or more students for relocatable buildings designed after October 18, 1994.

(II) An emergency rescue opening is not required when a door opens directly to the outside.

c.(I) Interior and exterior doors shall be a minimum of 3 feet wide and 6 feet eight inches high.

(II) Exit doors shall swing in the direction of exit travel.

d.(I) Exterior doors shall be equipped with a lockset which shall be readily opened from the side from which egress is to be made.

(II) All exterior doors shall open onto a platform which:

(A) Is level with the interior floor; and

(B) Connects with an accessible ramp or step equipped with handrails.

(III) An accessible ramp need only be provided at one of the two required doors from a standard classroom unit.

e. Time-out rooms, when provided, shall be equipped with doors which allow egress at all times in the event of an emergency.

f. Standard classroom units shall have operable windows in at least one wall.

g. Each multi-classroom unit of Type IV construction shall have a single action operable window available for emergency rescue.

6. Firesafety features, by the type of construction and the programs housed, shall be as follows:

a. In Type VI construction, heat or smoke detectors that activate the fire alarm shall be installed in every classroom, storage space and custodial closet.

b. In Type IV construction, heat or smoke detectors that activate the fire alarm shall be installed in unsupervised spaces, such as storage and custodial closets.

7.a. Each standard relocatable building and each multi-classroom unit shall be provided with an approved fire alarm system, including pull stations, horns, and flashers, either self-contained or connected to the main building alarm system; or,

b. If a single relocatable building, shall be within 200 feet of a sending station and located so that the main fire alarm system for the educational plant is audible to occupants of the relocatable building.

8. At least one 2-A fire extinguisher of an approved type shall be provided in each standard relocatable building and in each classroom of a multi-classroom unit.

9. Each relocatable building shall be equipped with emergency lighting.

(m) Shade or Greenhouses shall comply with the general requirements of Chapter 11 of NFPA 101 and the specific requirements of this section.

1. If fuel-fired heaters are used, shade or greenhouses shall be located:

a. At least 60 feet from any permanent building; and

b. At least 100 feet from any permanent facility.

2. Shade or green houses shall be separated from other shade or green houses by a minimum of 15 feet.

3.a. A minimum of 2 remotely located doors shall be provided.

b. Doors shall be side hinged and shall swing in the direction of egress.

c. Self-closing doors are not required.

4. A minimum of one accessible walkway shall be provided inside the shade or greenhouse.

5. The exterior siding shall consist of breakaway type panels constructed of material other than glass, such as tear-away fabric, which is securely fastened to the structural frame.

6. A minimum of one type 2-A-10B:C fire extinguisher shall be provided for each 3000 square feet of space in each shade or greenhouse.

7. Fire alarm pull stations shall be located within 200 feet of any shade or greenhouse.

8. Fire alarm horns shall be mounted on a permanent building and shall be audible inside the shade or greenhouse.

9. Space heaters, when provided, shall be mounted at least 6 feet, 8 inches above finished floor.

(n) Stadiums, grandstands, bleachers, and other places of assembly shall comply with the life safety requirements of NFPA 101.

(o) Working stages, non-working stages, platforms, and thrust stages, including props and equipment, in grades pre-kindergarten through 12 and community college educational facilities shall conform to the fire protection and general requirements of NFPA 101 and the specific requirements of this section.

1. General requirements for all stages:

a. All curtains and flies on stages shall have attached labels verifying their flame resistance.

b. Scenery or stage props shall be free of any foam plastics.

c. All working stages shall comply with the following:

(I) Stage vent(s) shall be operable from the stage floor and provide for both opening and closing the vent doors for periodic testing.

(II) The testing controls shall be located on the back wall of the stage no more than six feet above finished floor.

(III) Hand winches may be employed to facilitate manual operation of the vents.

d. The proscenium opening of a stage shall be provided with a fire curtain maintained in operable condition at all times.

e. The fire curtain shall be capable of manual operation and shall be kept in the normally closed position at the conclusion of each day's performances.

f. Each stage shall have at least one exit on each side leading directly to the exterior.

g. Stages over 1,000 square feet:

(I) Shall be fully sprinklered;

(II) Shall have at least:

(A) Two means of egress leading to separate atmospheres, available from every dressing room; and

(B) One means of egress from fly galleries.

(III) EXCEPTION: Fire sprinklers are not required if:

(A) The stage is less than 1000 square feet; and

(B) The stage curtains and scenery retract horizontally.

h. All combustible or flammable paint, liquids, or gases used in workshops shall be stored in a safe, secure, and orderly condition at all times.

i. Standpipes located on each side of the stage shall be readily accessible and kept operational at all times.

j.(I) Curtains, flies, drops, scenery or other effects on a non-working stage shall be stationary and allow for exiting from the stage at all times.

(II) A retractable main curtain may be used.

k. The space between the floor and the stage of a platform above shall be free of storage or any use other than electrical wiring or plumbing to stage equipment.

(p) Storage.

1. The areas above or below exit stairs and ramps, whether interior or exterior, shall be free of any storage rooms or closets and shall not be used for storage of any kind.

2. General storage areas shall be kept separated from mechanical spaces and shall be equipped with shelving, racks, bins, or other devices necessary to protect the stored materials, supplies, equipment, and books.

(q) Chemical and hazardous storage areas shall comply with the following:

1. Rooms and cabinets used for the storage, handling, and disposal of chemicals shall:

a. Be lockable;

b. Be vented to the exterior; and

c. Have shelves with a 1/1 inch lip on the front.

2. Door locks shall be operable at all times from the inside of the room, even if key locked from the outside.

3. Rooms shall be:

a. Kept at the manufacturers recommended temperatures for the materials stored therein; and

b. Well illuminated.

4. Buildings and rooms used for the storage, handling, and disposal of flammable, poisonous, or hazardous materials or liquids; and equipment powered by internal combustion engines and their fuels, shall be kept in a safe, secure, and orderly condition at all times and shall comply with NFPA 101.

(r) Explosion-proof heat detectors, electrical fixtures, switches, and outlets in flammable storage rooms shall be maintained in an operational condition at all times.

(s) Custodial Work Areas and Storage spaces shall be in accordance with Section 15.3 of NFPA 101.

(t) Walk-In Coolers and Freezers.

1. Walk-in cooler and freezer doors shall be operable from the inside at all times.

2. Interior surfaces shall be kept clean and sanitary at all times.

(u) Conveying Systems. Conveying systems shall meet the following minimum safety requirements for elevators, dumbwaiters and platform lifts, including conveying systems used in relocatable buildings, as applicable.

1. Elevators. Passenger elevators shall comply with Rule 4A-47 and Chapter 61C-5, F.A.C.

2. Dumbwaiters. Car and counterweight safety devices shall:

a. Be maintained in an operable condition;

b. Lock the car or counterweight to the guide rails; and

c. Disconnect power if hoist cables separate or become slack.

(v) Mechanical. Mechanical systems shall meet the following minimum safety requirements for ventilation and building service equipment including relocatable buildings, as applicable:

1. Ventilation. All occupied rooms and other rooms where odors or contaminants are generated shall be provided with either natural or mechanical ventilation.

a. Windows, louvers, or other openings utilized for natural ventilation shall be maintained in operable condition at all times.

b. Mechanical ventilation systems shall be maintained in an operable condition at all times.

2. Building Service Equipment.

a. Mechanical equipment rooms and air-handler rooms shall be free of any type of storage.

b.(I) Air-handling equipment (air-conditioning and heating) shall immediately shut down upon activation of the building fire alarm system by any manual or automatic station.

(II) EXCEPTION: Air-conditioning equipment serving a single student-occupied space with a capacity of fewer than 50, including any related adjunct office, storeroom, or individual toilet room, need not be shut down upon activation of the building fire alarm system by any manual or automatic station.

c.(I) Smoke detection devices shall be installed in the supply and return systems of air handling equipment.

(II) EXCEPTION: Smoke detection devices need not be installed in supply and return systems of air handling equipment serving a single student-occupied space of a capacity of fewer than 50, including any related adjunct office, storeroom, or individual toilet room.

3. Fire Sprinklers.

a. Each automatic fire sprinkler system, when provided, shall be maintained in an operable condition at all times and shall provide complete coverage for all portions of the areas to be protected.

b. The area within 18 inches of a sprinkler head shall be free and unobstructed by storage, equipment, or any device which might reduce the effectiveness of the sprinkler head.

c. Required periodic system test results and inspection reports shall be maintained in the administrator's office.

(w) Electrical. Electrical systems shall meet the following minimum safety requirements for illumination, fire alarms and detection systems, including electric system in relocatable buildings, as applicable.

1.a. Illumination of Means of Egress.

(I) Illumination of means of egress shall be continuous during building occupancy.

(II) Lighting fixtures shall be maintained to provide the minimum required foot candles in accordance with Section 7.8 for every building and structure where required in Chapters 11 through 41, NFPA 101.

b.(I) Means of egress shall be illuminated at all points, including angles and intersections of corridors and passageways, stairways, landings of stairs and exit doors to average values of not less than one foot-candle measured at the floor.

(II) In auditoriums and other places of assembly, the illumination at the floors of exit access may be reduced as required during performances to average values of not less than 1/5 foot-candle.

(III) Illumination shall be maintained so that the failure of any single lighting unit, such as the failure of an electric bulb, will not leave any area in darkness.

2. Emergency Lighting.

a. Emergency lighting maintained in an operational condition at all times shall be provided in all student-occupied areas and group toilets.

b. All externally or internally illuminated exit signs shall be continuously illuminated in the general or emergency power mode.

3. Emergency Power. The emergency power source shall be maintained in an operational condition at all times and shall activate within 10 seconds of primary power failure.

(x) Fire Alarms and Heat/Smoke Detectors. Fire alarms and heat or smoke detectors shall be maintained in an operational condition at all times and shall comply with the following:

1. A switch for silencing the alarm signal sounding equipment shall be provided only if it:

a. Is key-operated or in a locked cabinet;

b. Transfers the alarm indication to a lamp or other visual signal on the display panel; and

c. Allows subsequent alarm signals.

2. The fire alarm shall be capable of functioning independently of all other systems.

3. Manually operated sending stations maintained in an operable condition at all times shall be located:

a. Near all main exits; and

b. In the natural path of escape from fire at readily accessible and visible points, which points shall be free of any obstruction.

4. As authorized by NFPA 101, when facilities are provided with a 2-way communicating system between all normally-occupied spaces and a continuously manned location where a general alarm can be sounded, the manual sending stations may be omitted; except in spaces with a capacity of 100 or more or in other spaces as required by the authority having jurisdiction, provided the following conditions are met:

a. The communication system shall be a two-way system with the capability of originating calls from any station.

b. Stations shall be located in all student-occupied areas.

c. The manned location shall be attended continuously while the building is occupied.

c. The communication system shall be connected to emergency power.

e. The system shall be tested periodically to assure proper operation.

f. The fire alarm system shall be free of any drill switches.

g.(I) Sending stations located inside student-occupied spaces shall:

(A) Be adjacent to the primary exit door;

(B) Have a permanently affixed sign reading "FIRE ALARM PULL STATION INSIDE" placed outside that space, adjacent to the door.

(II) The door to the occupied space shall be unlocked at all times the facility is occupied.

h. Required fire alarm system sounding devices shall be used for fire alarm purposes only.

i. The audible alarm device shall be required in accordance with NFPA 101.

j. Alarm sounding devices shall be distinctive in pitch and quality from all other sounding devices.

k. The recall signal shall be separate and distinct from, and cannot be mistaken for, any other signal.

l. The recall controls, push buttons, or other control shall be securely maintained at all times.

m. The recall system shall be:

(I) Capable of being heard in both the interior and exterior of all areas and buildings simultaneously; and

(II) Controlled from the central control panel for all areas and buildings.

n. The annunciator control panel shall be located in accordance with NFPA 101.

o.(I) Activation of the fire alarm system shall be permitted to accomplish incidental functions such as:

(A) The release of self-closing doors,

(B) Elevator capture,

(C) Stairwell pressurization,

(D) Smoke venting,

(E) Shutting off supplies of gas and fuel oil which may be hazardous or:

(i) Do not feed emergency power sources,

(ii) Do not feed kitchen equipment, or

(ii) Are not essential to preservation of life, and

(F) Stopping air supply fans.

(II) On or after October 18, 1994, elevator capture shall also be provided by smoke detector in elevator lobby.

p. On or after October 18, 1994, gas supply to the kitchen shall not shut off upon activation of fire alarm.

(y) All doors in smoke and fire barriers, horizontal exits, and stairway enclosures shall be self-closing or release by a fail-safe door holder when activated by the alarm system.

(z)1. Kitchen hood fire-suppression systems shall shut down required cooking appliances under the hood.

2. The gas supply to the hood shall be controlled by the hood fire-suppression system only.

(aa)1. Initial and back-up sources of emergency power shall be maintained and ready for operation at all times.

2. Back-up power shall be capable of operating the fire alarm system under maximum normal load for 24 hours and then operating in the alarm mode for 5 minutes.

3.a. The automatic transfer to back-up power shall be within 10 seconds of power loss.

b. The backup source may be batteries or an automatic starting engine-driven generator.

(bb) Arrangements shall be made for notification of the public fire department or such other outside assistance as may be available in case of fire or other emergency.

(cc)1.a. Air-handling equipment (cooling and heating) shall immediately shut down upon activation of the building's fire alarm system by any manual or automatic station.

b. EXCEPTION: Air-conditioning equipment serving a single student-occupied space of capacity fewer than 50, including any related adjunct office, storeroom, or individual toilet room, need not be shut down upon activation of the building fire alarm system by any manual or automatic station.

2.a. Smoke detection devices shall be located in the supply and return systems of all air handling equipment.

b. EXCEPTION: Smoke detection devices need not be installed in supply and return systems of air-handling equipment serving a single student-occupied space of capacity fewer than 50, including any related adjunct office, storeroom, or individual toilet room.

3. Smoke detectors shall be maintained to operate reliably in case of smoke in any part of the air stream.

4. Smoke detectors shall be required only in the return systems for new construction.

5. Smoke detection devices are not required in 100 percent outside air supply ducts.

(dd)1. Rooms or spaces used for storage, custodial closets, spaces under stages with wood structures, and other unoccupied or unsupervised spaces in a building that has automatic fire or heat detection devices installed at the ceiling or these rooms shall be sprinklered, if they are in a fully sprinklered building.

2. Rooms for air handling equipment with detectors on supply and return air ducts which do not use the room for air plenums are exempt from this requirement.

(ee) Explosion-proof detectors shall be installed in flammable storage rooms.

(ff) The fire alarm system may be activated by any or all of the following methods:

1. Activation of any automatic detector.

2. Activation of the fire sprinkler system.

3. Activation of an alarm manual pull station .

(gg) Interference with or malfunction of any power or tamper switch or failure of any fire alarm system component shall illuminate a signal light on the fire alarm control panel.

(hh) Self-closing fire and smoke stop doors shall be maintained in an operational condition at all times and shall release upon activation of the fire alarm system.

(ii) Required periodic system test results and inspection reports shall be maintained on the premises.

(jj) Power, Electrical wiring and equipment shall be maintained in a safe and secure condition at all times and shall comply with the following:

1. Electrical outlets:

a. All outlets shall be grounded.

b. A ground fault circuit interrupt protection device (GFCI) shall be provided for all convenience outlets installed within 2 feet (within six feet for new construction) of:

(I) Water supplies,

(II) Wet locations,

(III) Toilet rooms, and

(IV) The exterior with direct grade level access.

c. The ground fault circuit interrupt protection device is not required for grounded receptacles serving only water coolers, if the receptacle is single or covered behind the water cooler enclosure.

d. Outdoor ground fault interrupter protected outlets shall be provided for all buildings.

e. Flammable storage rooms shall be free of electrical receptacles.

f.(I) Extension cords shall not:

(A) Be stapled to any surface, or

(B) Run through or over doors, windows, or walls.

(II) Extension cords shall be used only in continuous lengths and without splice or tape.

(III) Adapters shall:

(A) Be listed by Underwriters Laboratory (UL), and

(B) Be equipped with over-current protection with a total rating of no more than 15 amperes.

2 Lighting controls:

a. Electric panels, cabinets, and rooms shall be accessible only to authorized persons.

b. Main service panels and switches shall be located in a dedicated and lockable room.

- c. Electrical rooms shall be free of any storage.
- d. Unobstructed access shall be provided to all electrical panels.

3. Emergency Shut-Off Switches.

a. Every laboratory space which has electrical receptacles at student work stations shall have an unobstructed emergency shut-off switch within fifteen (15) feet of the instructor’s work station.

b.(I) Every shop space which has power machinery accessible to students shall have two unobstructed emergency shut-off switches which shut off power to student accessible machines and student accessible receptacles in the shop.

(II) One emergency shut-off switch shall be located near the machinery and one emergency shut-off switch shall be located in a supervised location that provides a clear view of the entire shop area.

(III) Non-hazardous machines not requiring emergency shut-off include:

- (A) Office machines,
- (B) Computers,
- (C) Sewing machines,
- (D) Potter’s wheels, and
- (E) Residential cooking equipment in home economics labs.

c.(I) A “panic” switch to deactivate power to the heating equipment shall be provided inside sauna and steam room(s).

(II) The switch shall be labeled to indicate its intended function.

(11) This rule shall take effect on July 1, 2002.

Specific Authority 235.06 FS. Law Implemented 235.06 FS. History—New 7-1-02.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE
EFFECTIVE DATE: July 1, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 434, GOLD FEVER RULE NO.: 53ER02-35

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 434, “GOLD FEVER,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-35 Instant Game Number 434, GOLD FEVER.

(1) Name of Game. Instant Game Number 434, “GOLD FEVER.”

(2) Price. GOLD FEVER lottery tickets sell for \$1.00 per ticket.

(3) GOLD FEVER lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning GOLD FEVER lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any GOLD FEVER lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The “WINNING NUMBERS” play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners. A ticket having a number in the “YOUR NUMBERS” play area that matches either number in the “WINNING NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to four matching sets of numbers. The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$100, \$1,000, \$5,000. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a GOLD FEVER lottery ticket which

entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 434 are as follows:

GAME PLAY TICKET	WIN \$1 TICKET	ODDS OF 1 IN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS
			PER POOL
\$1	\$1	12.50	806,400
\$2	\$2	25.00	403,200
\$1 x 4	\$4	100.00	100,800
\$4	\$4	150.00	67,200
\$1 + (\$2 x 2)	\$5	75.00	134,400
\$5	\$5	100.00	100,800
\$1 + (\$2 x 2) + \$5	\$10	300.00	33,600
(\$2 x 3) + \$4	\$10	600.00	16,800
\$10	\$10	600.00	16,800
\$15	\$15	300.00	33,600
(\$5 x 3) + \$10	\$25	600.00	16,800
\$50	\$50	3,157.89	3,192
\$25 x 4	\$100	336,000.00	30
(\$25 x 2) + \$50	\$100	336,000.00	30
\$100	\$100	336,000.00	30
\$1,000	\$1,000	916,363.64	11
\$5,000	\$5,000	2,016,000.00	5

(10) The estimated overall odds of winning some prize in Instant Game Number 434 are 1 in 3.68. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(11) For reorders of Instant Game Number 434, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a GOLD FEVER lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for GOLD FEVER lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 6-28-02.

THE EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 28, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 438, SUPER 7’S
 RULE NO.: 53ER02-36
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 438, “SUPER 7’S,” for which the Department of the Lottery will start selling tickets on a date to

be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-36 Instant Game Number 438, SUPER 7’S.

(1) Name of Game. Instant Game Number 438, “SUPER 7’S.”

(2) Price. SUPER 7’S tickets sell for \$5.00 per ticket.

(3) SUPER 7’S lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning SUPER 7’S lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any SUPER 7’S lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(6) The legends are as follows:

INSERT SYMBOLS

(7) Determination of Prize Winners. There are seven games on a SUPER 7’S lottery ticket. A ticket having three “7’s” in any one row, column or diagonal in the play area of one game shall entitle the claimant to the corresponding prize shown for that game. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$200, \$250, \$500, \$1,000, \$2,000, \$5,000, \$10,000, \$100,000. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of

a \$5.00 instant ticket or any combination of instant and on-line tickets that totals \$5.00, except as follows. A person who submits by mail a SUPER 7'S lottery ticket which entitles the claimant to a prize of a \$5.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$5.00 in lieu of an actual ticket.

(8) The estimated odds of winning, value, and number of prizes in Instant Game Number 438 are as follows:

GAME PLAY TICKET	WIN \$5 TICKET	ODDS OF 1 IN	NUMBER OF WINNERS IN 42 POOLS OF 120,000 TICKETS PER POOL
\$1 x 5	\$5	60.00	84,000
(\$1 x 3) + \$2	\$5	60.00	84,000
\$1 + (\$2 x 2)	\$5	30.00	168,000
\$5	\$5	30.00	168,000
\$2 x 5	\$10	30.00	168,000
\$5 x 2	\$10	30.00	168,000
(\$1 x 4) + (\$2 x 3)	\$10	60.00	84,000
\$1 + (\$2 x 2) + \$5	\$10	80.00	63,000
\$10	\$10	240.00	21,000
(\$2 x 5) + \$5	\$15	60.00	84,000
\$5 x 3	\$15	120.00	42,000
\$5 + \$10	\$15	120.00	42,000
\$5 x 5	\$25	400.00	12,600
(\$5 x 3) + \$10	\$25	400.00	12,600
(\$2 x 5) + \$5 + \$10	\$25	200.00	25,200
\$1 + (\$2 x 2) + (\$5 x 4)	\$25	272.73	18,480
\$1 + (\$2 x 2) + (\$10 x 2)	\$25	400.00	12,600
\$5 + (\$10 x 2)	\$25	400.00	12,600
\$50	\$50	120.00	42,000
\$1 + (\$2 x 2) + (\$10 x 2) + (\$25 x 2)	\$75	12,000.00	420
(\$5 x 5) + (\$25 x 2)	\$75	12,000.00	420
(\$10 x 5) + \$25	\$75	12,000.00	420
\$25 x 3	\$75	17,142.86	294
\$25 + \$50	\$75	17,142.86	294
(\$10 x 5) + (\$25 x 2)	\$100	24,000.00	210
\$25 x 4	\$100	24,000.00	210
\$50 x 2	\$100	24,000.00	210
\$100	\$100	24,000.00	210
(\$50 x 4) + (\$100 x 3)	\$500	252,000.00	20
\$250 x 2	\$500	252,000.00	20
\$500	\$500	252,000.00	20
(\$100 x 5) + (\$250 x 2)	\$1,000	504,000.00	10
(\$200 x 3) + (\$100 x 4)	\$1,000	504,000.00	10
\$250 x 4	\$1,000	504,000.00	10
\$500 x 2	\$1,000	504,000.00	10
\$1,000	\$1,000	504,000.00	10
(\$1,000 x 5) + \$5,000	\$10,000	2,520,000.00	2
\$2,000 x 5	\$10,000	2,520,000.00	2
\$10,000	\$10,000	2,520,000.00	2
\$100,000	\$100,000	1,680,000.00	3

(9) The estimated overall odds of winning some prize in Instant Game Number 438 are 1 in 2.77. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(10) For reorders of Instant Game Number 438, the estimated odds of winning, value and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing a SUPER 7'S lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(12) Payment of prizes for SUPER 7'S lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 6-28-02.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 28, 2002

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS GIVEN that the Agency for Health Care Administration has received a request for waiver from Coral Gables Convalescent Center. The Request was filed June 26, 2002. Coral Gables Convalescent Center seeks a waiver of Florida Building Code Chapters 420.1.14 Table I (40) (formerly Chapter 59A-4.133) (F.A.C.) to allow a permanent variance from the emergency generator requirement for the expansion and renovation of Coral Gables Convalescent Center to accommodate the relocation for five beds (5) of the eighty seven (87) bed skilled nursing facility.

A copy of the variance may be obtained by writing: Leland McCharen, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 3, Tallahassee, Florida 32308.

Please refer all comments to: James R. Gregory, Office of Plans and Construction, Agency for Health Care Administration, 2727 Mahan Drive, Fort Knox Building 1, Mail Stop 24, Tallahassee, Florida 32308.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP received on June 21, 2002, a petition from CSX Transportation, (Lakeland Facility, FDEP #538624364) for a waiver pursuant to subparagraph 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S.

The full text of this notice is 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."

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on June 20, 2002, a petition from JEA seeking a variance under Section 120.542, F.S., from the requirement under subsection 62-610.463(2), Florida Administrative Code, that specifies continuous on line monitoring for turbidity before application of the disinfectant when there is public access reuse of reclaimed water. Comments must be received no later than 14 days from the date of publication of this notice.

The full text of this notice is 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." For more information or a copy of the notice, call Betsy Hewitt, (850)921-9935.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Department of Health received an Emergency Petition for Temporary Waiver filed by Kelly Dee Anderson on June 24, 2002, seeking a temporary waiver from the provisions of subsection (1) of Rule 64B-1.002, F.A.C., which establishes that after a decision is made that an applicant meets the lawful requirements for a licensure examination, he or she be scheduled by the department to take the next examination for which space is available that begins at least forty-five (45) days after the applicant is certified or after ninety (90) days from receipt of a complete application.

To obtain a copy, or to file comments on the Petition, contact the: Agency Clerk, Department of Health, 4052 Bald Cypress Way, Bin CO1, Tallahassee, Florida 32399-3251.

The Board of Medicine hereby gives notice that it has received a petition filed on behalf of Francesco Serafini, M.D., on June 26, 2002, seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frame for passage of the USMLE. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Library and Information Services** announces the Florida Library Network Council Meeting.

DATE AND TIME: Wednesday, July 24, 2002, 10:00 a.m. – 3:00 p.m.

PLACE: The State Library of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and recommend approval of the Florida Virtual Library Plan to the Division; to review plans for implementation; and, to review a proposal by the Online Computer Library Center, Inc., to pilot a statewide union catalog.

For additional information contact: Barratt Wilkins, State Librarian, (850)245-6600 or Suncom 205-6600.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6600 or TDD (850)922-4085.

DEPARTMENT OF LEGAL AFFAIRS

The Bylaws Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Tuesday, July 23, 2002, 3:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Annual Report Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Wednesday, July 24, 2002, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Women's Hall of Fame Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Wednesday, July 24, 2002, 3:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The **Florida Elections Commission** announces a meeting. Parts of the meeting are confidential.

DATE AND TIME: Thursday, August 15, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Hyatt Regency Orlando International Airport, Mirabel Meeting Room (tentative), 9300 Airport Blvd., Orlando, Florida 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and adjudication of cases relating to alleged violations of Chapters 104, 105.071 and 106, Florida Statutes, and to the late filing of campaign treasurer’s reports.

For a copy of the agenda call: Patsy Rushing, (850)922-4539.

If you need an accommodation because of disability in order to participate, please call Patsy Rushing, at least 48 hours before the meeting.

If a person decides to appeal any decision of the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and will need to assure that a verbatim record of the proceedings is made.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a public meeting of the Pesticide Review Council to which all persons are invited.

DATE AND TIME: Thursday, July 25, 2002, 9:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, Division of Plant Industry Auditorium, 1911 Southwest 34th Street, Gainesville, Florida 32608-1201

GENERAL SUBJECT MATTER TO BE CONSIDERED: regular meeting of the council during which there will be a review of pertinent pesticide issues impacting on human health and environment.

A copy of agenda may be obtained by contacting: Bureau of Pesticides, 3125 Conner Boulevard, Mail L-29, Tallahassee, Florida 32399-1650.

DEPARTMENT OF EDUCATION

The Florida **Board of Education** announces a public meeting of the Governor’s Blue Ribbon Task Force on Accommodations and Access for Students with Disabilities to which all interested persons are invited.

DATES AND TIMES: Monday, July 22, 2002, 9:00 a.m. – 5:00 p.m.; Tuesday, July 23, 2002, 8:30 a.m. – 3:00 p.m. Public input is scheduled for Monday, July 22, 2002, from 3:00 p.m. – 4:00 p.m.

PLACE: Crowne Plaza Universal, 7500 Universal Blvd., Orlando, FL 32819, telephone (407)355-0550

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Task Force will gather information through expert presentations and public testimony relevant to Executive Order No. 02-108, Office of the Governor, State of Florida. Such information will include reasonable assessment accommodations, high school credentials and diploma options, and access to postsecondary education for students with disabilities.

A copy of the agenda may be obtained by writing: Florida Department of Education, Room 432, Turlington Building, Tallahassee, Florida 32399-0400, by calling the Bureau of School Improvement at (850) 487-8780 or Suncom 278-8780, or from the web page at www.flboe.org.

Any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours in advance by calling the number indicated above.

The **Polk County School Readiness Coalition, Inc.** announces the following meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 17, 2002, 8:30 a.m.

PLACE: Citrus & Chemical Bank, 3rd Floor, 600 N. Broadway Avenue, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regularly scheduled monthly meeting of the Board of Directors to discuss School Readiness issues.

For more information access the following website: www.pcsb.k12.fl.us/parents/coalition.htm.

The **Florida Institute of Phosphate Research** announces a meeting of the Board of Directors to which all persons are invited.

DATE AND TIME: Friday, July 26, 2002, 9:00 a.m. – 4:30 p.m.

PLACE: Citrus & Chemical Bank, 3rd Floor, 600 N. Broadway Avenue, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider funding of research proposals and other business pertaining to the operation of the Institute.

A copy of the minutes of the April 27, 2002, Board Meeting may be obtained by writing: Dr. Paul R. Clifford, Executive Director, Florida Institute of Phosphate Research, 1855 West Main Street, Bartow, Florida 33830.

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District 2 announces a public hearing to which all persons are invited.

DATE AND TIME: August 1, 2002, 7:00 p.m.

PLACE: The RideOut Elementary School, 3065 Apalachicola Blvd., Middleburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of Financial Project ID 211560-2 and Federal Aid Project ID 28960035; otherwise known as County Road 209 Bridge over Black Creek in Clay County, Florida. The Florida Department of Transportation is recommending that the existing bridge be replaced with a new 2-lane urban type bridge on the existing alignment utilizing a temporary bridge constructed west of the existing bridge to maintain traffic during construction. The new replacement bridge will provide 12-foot wide travel lanes, a 12-foot wide center turn lane, 5.5-foot shoulders and 6.5-foot sidewalks. The new approach roadway improvements will provide a divided urban 2-lane roadway with 12-foot wide travel lanes, a 12-foot wide center turn lane, 4-foot wide shoulders and 5-foot wide sidewalks. The roadway improvements will be extended north approximately one mile connecting to the existing 3-lane section. The bridge replacement and roadway improvements will require additional right of way.

Anyone needing project or public hearing information, or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call (386)758-3700 or 1(800)749-2967. Special accommodations requested under the Americans with Disabilities Act should be made at least seven days prior to the Public Hearing.

A copy of the agenda may be obtained by writing: Mr. Aage Schroder, District Secretary, Florida Department of Transportation, District 2, 1109 S. Marion Avenue, Lake City, Florida 32025-5874.

DEPARTMENT OF CITRUS

NOTICE OF CANCELLATION – The **Department of Citrus** announces a public meeting of the Citrus Abscission Registration Committee of July 9, 2002, 1:15 p.m. has been canceled. The meeting was to be held at Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida. The committee was meeting to discuss natural abscission compounds, economics of abscission and public relations, recommended research development plans and budget for 2002-2003, and other business that might come before the council for consideration.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 24, 2002, 9:00 a.m.

PLACE: Florida Parole Commission, Bldg. C, Third Floor, 2601 Blairstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980). A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone (850)488-3417.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive Committee

DATE AND TIME: July 25, 2002, 6:00 p.m.

PURPOSE: To conduct the regular business of the Executive Committee.

MEETING: Regional Planning Committee

DATE AND TIME: July 25, 2002, 6:00 p.m.

PURPOSE: To conduct the regular business of the Regional Planning Committee.

MEETING: Clearinghouse Committee

DATE AND TIME: July 25, 2002, 6:30 p.m.

PURPOSE: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: July 25, 2002, 8:00 p.m.

PURPOSE: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Holiday Inn Restaurant, I-75 and U.S. 90, Lake City, Florida

Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meeting, may need to make a verbatim record of the proceedings.

A copy of any of these agendas may be obtained by emailing ncfrpc@ncfrpc.org or writing: NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653.

Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive/Budget Committee

DATE AND TIME: Monday, July 8, 2002, 8:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

MEETING: Tampa Bay Regional Planning Council

DATE AND TIME: Monday, July 8, 2002, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

MEETING: TBRPC Legislative Committee

DATE AND TIME: Monday, July 8, 2002, 11:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

MEETING: Agency On Bay Management

DATE AND TIME: Thursday, July 11, 2002, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management.

MEETING: Clearinghouse Review Committee

DATE AND TIME: Monday, July 22, 2002, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee.

PLACE: 9455 Koger Blvd., Suite 219, St. Petersburg, FL 33702 (Please call to confirm date, time and location)

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: July 25, 2002, 10:30 a.m. (Eastern Time), 9:30 a.m. (Central Time)

PLACE: Holiday Inn Select, 316 W. Tennessee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue, East, Suite 1, Blountstown, FL 32424 or calling (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, July 25, 2002, 9:00 a.m.

PLACE: Department of Transportation, Burns Building Auditorium, 605 Suwannee St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials also will be available from 8:00 a.m. to 5:00 p.m., Monday through Friday at 2822 Remington Green Circle, Suite 101, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting the Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

METROPOLITAN PLANNING ORGANIZATION

The Florida **Metropolitan Planning Organization** Advisory Council (MPOAC) announces a meeting of the Staff Directors' Advisory Committee to which all persons are invited:

DATE AND TIME: July 25, 2002, 1:00 p.m. – 3:00 p.m.

PLACE: Florida Department of Transportation Urban Office, 133 South Semoran Blvd., Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state, and federal agencies.

A copy of the agenda may be obtained by contacting: Heidi Langston, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, Telephone 1(800)399-5524 or e-mail: heidi.langston@dot.state.fl.us

The Florida **Metropolitan Planning Organization** Advisory Council (MPOAC) announces a meeting of the Governing Board to which all persons are invited:

DATE AND TIME: July 25, 2002, 4:00 p.m. – 7:00 p.m.

PLACE: Florida Department of Transportation Urban Office, 133 South Semoran Blvd., Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state, and federal agencies.

A copy of the agenda may be obtained by contacting: Heidi Langston, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, Telephone 1(800)399-5524 or e-mail: heidi.langston@dot.state.fl.us.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited:

DATE AND TIME: July 25, 2002, 12:00 Noon (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee meeting – to discuss District issues.

DATE AND TIME: July 25, 2002, 1:00 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business.

DATE AND TIME: July 25, 2002, 1:15 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Regulatory Matters – to consider regulatory matters.

DATE AND TIME: July 25, 2002, 1:30 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Land Acquisition Matters – to discuss land acquisition matters.

PLACE: District Headquarters, 10 miles west of Tallahassee on U.S. Highway 90, Tallahassee, FL

A copy of the agendas may be obtained by contacting: Carolyn Wise, NWFWM, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at www.state.fl.us/nwfwmd).

If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Division of Hotels and Restaurants** announces a meeting of the Hotels and Restaurants Advisory Council to which all persons are invited:

DATE AND TIME: July 19, 2002, 11:00 a.m. – 4:00 p.m.

PLACE: The Division of Alcoholic Beverage and Tobacco, Northwood Centre, Conference Room, 1940 North Monroe Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Routine meeting of the Hotels and Restaurants Advisory Council.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Lee M. Cornman, Management Review Specialist, (850)488-9263. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by contacting: Lee Cornman, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, (850)488-9263.

The person to be contacted regarding the meeting is: Lee M. Cornman, Management Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, (850)488-9263. The Johns Building, 725 South Bronough Street, Tallahassee, FL.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Sumter County and the Florida **Department of Environmental Protection** announces a meeting for the Florida Organics Recycling Center for Excellence to which all persons are invited.

DATE AND TIME: Wednesday, July 24, 2002, 9:30 a.m. – 2:00 p.m.

PLACE: Sumter County Public Works, 319 E. Anderson, Bushnell, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public meeting of the technical advisory group for the Florida Organics Recycling Center for Excellence (FORCE) project being developed by Sumter County under a Department contract. Sumter County and the Department will seek guidance as the project progresses and tasks associated with Year Two of the project continue.

If accommodation for a disability is needed to participate in this activity, please notify Miriam Zimms, (813)971-8333, at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service at 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing or calling: Miriam Zimms, Kessler Consulting, Inc., 14620 N. Nebraska Ave., Bldg. D, Tampa, FL 33613, (813)971-8333, Extension 22.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Tuesday, July 30, 2002, 7:00 p.m. (EDT)
PLACE: Fort Cooper State Park, Recreation Hall, 3100 Old Floral City Road, Inverness, FL 34450

PURPOSE: To present the proposed land management plans for Fort Cooper State Park and Withlacoochee Trail State Park to the public.

The full text of this notice is published on the Internet at the Department of Environmental Protection's homepage at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces an advisory group meeting.

DATE AND TIME: Tuesday, July 31, 2002, 9:00 a.m. (EDT)
PLACE: Fort Cooper State Park, Recreation Hall, 3100 Old Floral City Road, Inverness, FL 34450

GENERAL SUBJECT MATTER TO BE ADDRESSED: To review the proposed land management plans for Fort Cooper State Park and Withlacoochee Trail State Park with the Advisory Group members.

The full text of this notice is published on the Internet at the Department of Environmental Protection's homepage at <http://www.dep.state.fl.us> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

The **Department of Health, Board of Pharmacy** announces a public meeting to which all persons are invited.

DATE AND TIME: August 13, 2002, 8:00 a.m. (EST) or shortly thereafter
PLACE: Crowne Plaza, 5555 Hazeltine National Drive, Orlando, FL 32812, (407)856-0100

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Rules Committee/Rules Workshop meeting will be held to consider the establishment or revision of Board rules and additional comments/suggestions.

A copy of the board agenda may be obtained by writing: John D. Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Page Merkison, (850)245-4292, Ext. 3600, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Pharmacy** announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2002, 8:00 A.M. (EST) or shortly thereafter

PLACE: Holiday Inn Select, 316 West Tennessee Street, Tallahassee, FL 32301, (850)222-9555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Rules Committee meeting will be held to consider the establishment or revision of Board rules and additional comments/suggestions.

A copy of the board agenda may be obtained by writing: John D. Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Page Merkison, (850)245-4292, Ext. 3600, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Physical Therapy Practice** announces a meeting to which all persons are invited:

DATE AND TIME: August 2, 2002, 8:00 a.m. or soon thereafter

PLACE: Crowne Plaza Hotel, 5555 Hazeltine National Drive, Orlando, FL 32812, (407)856-0100

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Tallahassee, FL 32399-3255 or by calling (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the Board Office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Psychology** announces a conference call to which all persons are invited.

DATE AND TIME: July 19, 2002, 9:00 a.m. or soon thereafter

PLACE: Call: (850)488-2854, Suncom 278-2854

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the consideration and review of applications for examination/licensure and Child Custody Evaluation Committee Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by contacting the Board Office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the Board Office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Correctional Medical Authority** announces a Budget and Personnel Committee meeting held in Tallahassee, Florida, to which all persons are invited to participate.

DATE AND TIME: July 25, 2002, 10:00 a.m. – 1:00 p.m.

PLACE: Correctional Medical Authority, Conference Room, Suite 120, Prather Building, 2585 Merchants Row Boulevard, Tallahassee, FL 32399-1732

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of correctional health care budget and personnel issues.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Florida Local Advocacy Council**, Service Area 11 announces a public meeting to which all persons are invited.

DATE AND TIME: July 16, 2002, 9:30 a.m.

PLACE: Benton Regional Service Center, Room 335, 337 North 4th Street, Fort Pierce, FL 34950

A copy of the agenda may be obtained by contacting: Ellen Higinbotham, FLAC Staff, (561)467-4176.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlle Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1 (800)955-8771 (TDD).

NAVIGATION DISTRICTS

The Board of Commissioners of the Florida **Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 19, 2002, 8:00 a.m.

PLACE: The Sea Turtle Inn, One Ocean Blvd., Atlantic Beach, Duval County, Florida

PURPOSE: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Personnel, Manatee Sign, and Land Acquisition and Management Committees will meet.

Please contact the District office at 1314 Marcinski Road, Jupiter, FL 33477, telephone (561)627-3386, for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public workshop and meeting of the Board of Directors to which all interested parties are invited:

Fiscal Committee

Guarantee Committee

Combined Cycle Committee

Multifamily Revenue Bond Committee

Board Meeting

DATE AND TIME: August 23, 2002, 9:00 a.m. – Until adjourned

PLACE: City Hall, Commission Chambers, 891 South Adams Street, Tallahassee, FL 32301, (850)891-0000

GENERAL SUBJECT MATTER TO BE ADDRESSED:

1. Consider, review, and take action on matters brought to the Fiscal Committee and to consider recommendations made by the Fiscal Committee to the Board.
2. Consider, review, and take action on matters brought to the Guarantee Committee and to consider recommendations made by the Guarantee Program Committee to the Board.
3. Consider, review, and take action on matters brought to the Combined Cycle Committee and to consider recommendations made by the Combined Cycle Committee to the Board.
4. Consider, review, and take action on matters brought to the Multifamily Revenue Bond Committee and to consider recommendations made by the Multifamily Revenue Bond Committee to the Board.
5. Authorize the Corporation Staff to proceed with all actions necessary for the sale of bonds of pending multifamily issues, which have satisfied the requirements for funding.
6. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
7. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
8. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
9. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
10. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
11. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.

12. Consideration of all necessary actions with regard to the Multifamily Bond Program.
13. Consideration of approval of underwriters for inclusion on approved master list and teams.
14. Consideration of all necessary actions with regard to the HOME Rental Program.
15. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
16. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
17. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
18. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
19. Consideration of all necessary actions with regard to the Home Ownership Programs.
20. Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.
21. Consideration of Appeals from Combined Cycle ranking and grading with entry of final orders.
22. Consideration of workouts or modifications for existing projects funded by the Corporation.
23. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
24. Consideration of funding additional reserves for the Guarantee Fund.
25. Consideration of audit issues.
26. Evaluation of Professional and Consultant performance.
27. Such other matters as may be included on the Agenda for the June 21, 2002, Board Workshop and Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Administrative Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sheila Freaney, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a

verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

CRIMINAL JUSTICE STANDARDS AND TRAINING COMMISSION

The Region III, Training Advisory Council of the Florida **Criminal Justice Standards and Training Commission** announce a public meeting to which all interested persons are invited:

DATE AND TIME: July 18, 2002, 9:00 a.m.

PLACE: Pat Thomas Law Enforcement Training Academy, U.S. Highway 90, 14 miles west, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE ADDRESSED: This is a regularly scheduled meeting of the Region III Training Advisory Council of the Florida Criminal Justice Standards and Training Commission. The primary business will be to discuss training issues.

A copy of the agenda for the above meeting may be obtained by writing: Kathy Morris, 85 Academy Drive, Havana, Florida 32333

H. LEE MOFFETT CANCER CENTER AND RESEARCH INSTITUTE

The **H. Lee Moffitt Cancer Center and Research Institute**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 24, 2002, 1:30 p.m.

PLACE: Moffitt Board Room, 12902 Magnolia Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE ADDRESSED: To conduct general business of the Joint Finance and Planning Committee of the Board of Directors.

A copy of the agenda may be obtained by writing: Ms. Barbara Sawyer, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, FL 33612

Persons requiring special accommodations due to disability or physical impairment should contact Ms. Barbara Sawyer by Friday, July 19, 2002.

SUNSHINE STATE ONE CALL OF FLORIDA

Mark your calendars for **Sunshine State One Call of Florida**, Inc.'s strategic planning and July board and committee meetings. Casual attire will be acceptable.

PLACE: Hilton Daytona Beach Oceanfront Resort, 2637 South Atlantic Avenue, Daytona Beach, FL 32118, (386)767-7350

STRATEGIC PLANNING MEETING

DATE AND TIME: July 24, 2002, 7:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Development session, board operational issues, board travel and review of last years goals.

STRATEGIC PLANNING MEETING

DATE AND TIME: July 25, 2002, 8:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2002/2003 goal setting session for committees, long term vision of SSOCOF and staff action plans for implementation of amendments to 556.

BOARD AND COMMITTEE MEETINGS

Executive Review Committee

DATE AND TIME: July 26, 2002, 7:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finalize review for the current Executive Director.

Committee Meetings

DATE AND TIME: July 26, 2002, 8:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The following committees will meet concurrently: Finance, Operations, Safety and Compliance.

Board of Directors Meeting

DATE AND TIME: July 26, 2002, 10:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Directors report, committee reports, review 2002/2003 meeting and travel schedule for the board of directors.

NOTE: Any person requiring an accommodation at this meeting because of a physical impairment should call the One-Call Notification Center, (386)575-2000, at least five calendar days prior to the activity. Any person who is hearing or speech impaired should contact the One-Call Notification Center through the Florida Relay Center at 1(800)955-8771.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors has received a Petition for Declaratory Statement with regard to Section 491.014(3), Florida Statutes, which was filed June 20, 2002, by Charles B. Holliday, III, representative of River of Life, PCA. Petitioner requests a declaratory statement from the Board regarding specific groups of counselors who are exempt from licensure.

A copy of the Petition for Declaratory Statement may be obtained by writing: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

The Board of Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed by Tammie L. Hilton, R.N. The Petitioner seeks the Board's interpretation of the application of Section 458.303(2), Florida Statutes.

Specifically, the Petitioner asks whether “vein harvesting” to include making the incision, controlling bleeding with hemostats, use of electrosurgical pencils, and removing the vein in Coronary Artery Bypass Graft (CABG) surgical patients constitutes the practice of medicine that cannot be delegated to persons other than licensed physicians. The Petitioner’s request is precipitated by a ruling in Case No. 99-19728-CA-M/C in the Circuit Court of the Eighteenth Judicial Circuit In and For Brevard County, Florida.

The Board will consider this petition at its meeting scheduled for August 2-3, 2002, in Orlando, Florida. Copies of the petition may be obtained by writing: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

NOTICE TO CONSTRUCTION MANAGERS

Florida State University announces that construction management services will be required for the project listed below:

Project No.: BR-217

Project and Location: Alumni Center
Florida State University
Tallahassee, Florida

The project consists of renovation of the historic Macintosh House (the President’s House) to provide a welcome center for the Alumni Association. It also includes the demolition of the existing swimming pool and tennis courts, and the construction of an Alumni Hall of approximately 22,800 gsf of administrative space for the operations of the Alumni Association. Also included are a series of site improvements, including parking, landscaping, storm water improvements, and site utilities. The construction of a new residence for the University President will be considered in the site planning and design of the Alumni Center, and may be included in this project based on phasing and funding. The construction budget is approximately \$4,200,000.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager’s contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm’s personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview

requirements and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and the completed Florida State University "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Florida State University Construction Manager Qualifications Supplement form and the Project Fact Sheet may be obtained on line at www.fpc.fsu.edu or by contacting: Lynetta Mills, Facilities Planning & Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile.

For further information on the project, contact: Lisa Durham, Senior Project Manager, at the address and phone listed above.

Four (4) bound copies of the required proposal data shall be submitted. Submittals must be received in the FSU Facilities Planning & Construction Office by 2:00 p.m., local time, on Friday, August 9, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

DEPARTMENT OF REVENUE

INVITATION TO BID

The Florida Department of Revenue (FDOR), Child Support Enforcement (CSE) Program, is soliciting bids for an attorney to provide Quality Assurance Review (QAR) and oversight assessment services on the performance of eight (8) Legal Service Provider (LSP) attorneys assigned to the LSP pilot contract in the following counties: Charlotte, Collier, Glades, Hendry, Lee and Palm Beach. Qualifications and experience:

1) A minimum of 15 years experience as a practicing attorney; 2) A minimum of 5 years litigation experience and court room skills; 3) A minimum of 5 years experience in Florida Family Law and/or Child Support; 4) Excellent communication skills (Verbal and/or Written); and 5) Must be an attorney licensed to practice law in the State of Florida and a current member in good standing with the Florida Bar Association. Bid documents may be obtained after July 8, 2002, by accessing the Vendor Bid System (VBS) through myflorida.com on the Internet. Contact David Donaldson, (850)922-9561 or Bo Searce, (850)922-2994 for assistance. Bids will be received and processed by the FDOR Purchasing office, located at 501 South Calhoun Street, Carlton Building, Room 143, Tallahassee, Florida 32399-0100 until 3:00 p.m., August 7, 2002.

Any person with a qualified disability shall not be denied equal access and effective communication regarding any proposal document or attendance at any related meeting or proposal opening. If accommodations are needed because of a disability, please contact the FDOR Purchasing Office, (850)488-2625.

METROPOLITAN PLANNING ORGANIZATION

REQUEST FOR PROPOSALS

The Pinellas County Metropolitan Planning Organization (MPO) is accepting proposals from qualified professional financial auditors to audit the financial records and transactions of the MPO on an annual basis for a period of three years with three one-year options for renewal of each fiscal year starting October 1, 2002.

Equal Opportunity Statement and Disadvantaged Business Enterprise Program Statement: The MPO does not discriminate on any basis, as required by 49 USC 5332 (which prohibits discrimination on the basis of race, color, creed, national origin, sex or age, and prohibits discrimination in employment or business opportunity), Title VI of the Civil Rights Act of 1964, as amended, 42 USC 2000d to 2000d-4 and Title 49 CFR, Part 21. The MPO ensures, in accordance with 49 CFR Part 26, that certified Disadvantaged Business Enterprise Program participants have an equal opportunity to receive and participate in Department of Transportation assisted contracts.

TO RESPOND: Auditing firms, qualified pursuant to law, are required to submit a Letter of Interest to the MPO office by 4:30 p.m., Friday August 2, 2002. Letters received after the deadline will not be considered. The letter must be brief and include, at a minimum, the following information:

1. Name and Address of Submitting Firm.
2. Contact Person and Telephone Number.
3. Relevant Past Experience.
4. Mention of Disadvantaged Business Enterprise Certification, if Applicable.

Selection Process: From the letters of interest received, the MPO shall shortlist and notify by mail a minimum of three firms. The shortlisted firms are required to supply a written proposal to the MPO office by 4:30 p.m., Tuesday, September 3, 2002. The MPO reserves the right to reject any or all proposals received with or without cause.

MPO Mailing Address

Attention: Brian K. Smith, Executive Director
Pinellas County Metropolitan Planning Organization
600 Cleveland Street, Suite 750
Clearwater, FL 33755
Telephone (727)464-8200

WATER MANAGEMENT DISTRICTS

Request for Qualifications 01/02-072 LA
Approved Appraiser List

To ensure a consistent level of quality in appraisal reports and reduce administrative costs, the Suwannee River Water Management District maintains a list of appraisers who are prequalified for District assignments.

Appraisers interested in being considered for District appraisal work should complete an Appraiser Respondent Form and mail it to the following address prior to 1:00 p.m. August 8, 2002:

Gwen Lord, Administrative Assistant
Suwannee River Water Management District
9225 CR 49
Live Oak, FL 32060

The Appraiser Respondent Form is available on the District's website (<http://www.srwmd.state.fl.us/services/bids+and+contract/default1.htm>). A resume containing qualifications, experience level, client list (with phone numbers and addresses) and other data about your qualifications may be submitted along with the respondent form.

The completed Appraiser Respondent Form and additional information must be received by the District prior to 1:00 p.m. August 8, 2002. Any responses received after that time will not be eligible for consideration.

Please contact Gwen Lord, Administrative Assistant, (386)362-1001 or 1(800)226-1066 with any questions regarding this Request for Qualifications.

DEPARTMENT OF MANAGEMENT SERVICES

ELECTRONIC POSTING

Pursuant to Section 287.042(3)(b)2. of the Florida Statutes, the Department of Management Services hereby provides notice of the following URL for the centralized website that will be used for electronically posting solicitations, decisions or intended decisions, and other matters relating to procurement: http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

REQUEST FOR SOLICITATION OF QUALIFICATIONS RFSOQBDRS 01-02/03

PROPOSAL DUE DATE: 3:30 p.m., Tuesday, August 13, 2002

This Request for Solicitation of Qualifications (RFSOQ) is for State of Florida licensed general contractors, as part of a state wide continuing services contract, to provide labor, material and equipment for historic restoration services at Florida State Parks and other state owned facilities throughout the state. All responses to the solicitation are welcome.

Solicitation packages may be obtained at the above address by calling (850)488-5372. Please specify the solicitation package by the DEP Solicitation Number provided above. Minority businesses are encouraged to participate. The Department reserves the right to reject any or all proposals.

The full text of this notice is 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."

REQUEST FOR PROPOSALS

RFPBDRS 01-02/03

Proposal Due Date: 3:30 p.m., Tuesday, August 13, 2002

This Request for Proposal (RFP) is for licensed contractors, in the State of Florida to provide all labor, material and equipment to restore the lighthouse located on Anclote Key in the Gulf of Mexico, west of Tarpon Springs. The lighthouse is a skeletal, tubular cast iron plate tower. The scope of work will include restoring the lighthouse, installing a solar power light and providing lead-based paint abatement services. Contractors submitting for the RFP will initially demonstrate their expertise and experience in lighthouse restoration.

After selecting qualified contractors the Department will solicit for competitive bids, from the selected qualified contractors, for the work to restore the lighthouse. Construction documents and permits will be provided by the Department of Environmental Protection.

Access to the project site will involve crossing wetland areas on the island. All responses to the Request for Proposals are welcome. Contact the Contracts Section, (850)488-5372.

Please specify the solicitation package by the DEP Solicitation Number provided above. Minority businesses are encouraged to participate. The Department reserves the right to reject any or all proposals.

The full text of this notice is 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 MILITARY AFFAIRS**CERTIFIED OR REGISTERED CONTRACTORS AND
PROFESSIONAL CONSULTANTS
REQUEST FOR DESIGN-BUILD SERVICES**

The State of Florida, Department of Military Affairs, request qualifications from Design-Build firms for the following Design-Build project.

PROJECT NUMBER: 201167

PROJECT NAME: PROVOST MARSHALL AND WELCOME CENTER BUILDING, Camp Blanding Training Site (CBTS), Starke, Florida.

PROJECT DESCRIPTION: Design and Construct a new building to house the Provost Marshall (Military Police Unit) and Welcome Center consisting of approximately 1800 SF. To include all A/E services, permitting, site investigation, site preparation, utility hook-ups and all necessary work required for a complete and usable facility. Basic exterior construction of the structure will be of masonry type walls, concrete floors, and a pitched standing seam metal roof. The interior of the building will consist of the following functional areas; Operations Room, 300 SF; Office, 100 SF; Customer Reception Area, 150 SF; Unisex Toilet for Customer Area, 60 SF each; Break and Vending Room, 140 SF; Male and Female Locker room and Shower, 520 SF; Supply Room, 150 SF; and a Mechanical Room, 70 SF. Supporting items will include the following, 315 SY Parking, 300 LF Sidewalk, all utilities, Grading and fine seeding, Landscaping and Anti-Terrorism Force Protection Measures.

ESTIMATED CONSTRUCTION BUDGET: \$350,000.00, including design.

PROJECT MANAGER: CW2 John Eckert, Department of Military Affairs, Construction and Facility Management Office, 2305 State Road 207, St. Augustine, Florida 32086, (904)823-0271.

RESPONSE DUE DATE: August 2, 2002, 3:00 p.m. (Local Time)

DATE AND LOCATION OF SHORT LIST: COB August 16, 2002

DATE AND LOCATION FOR INTERVIEWS: TBD

This advertisement is issued to give advance notice of our Design-Build intentions, to allow interested parties to form Design-Build teams and to submit letters of interest for the advertised Design-Build project. A selection Committee shall select no less than three firms, as finalists, deemed to be most highly qualified to perform the required services under Rule 60D-13.007, F.A.C. Determination of ability shall be based on related building experience, financial capability, scheduling/

cost control, office and on-site staff training and experience, location, past performance, experience and ability of consultants and current workload. Each of these finalist will be eligible for consideration in accordance with Rule 60D-13.009, F.A.C. "Competitive Negotiation for Design-Build Services." Finalist may be required to make oral presentations, and the Selection Committee may reject all proposals and stop the selection process at any time. Award of contract is contingent on the availability of funds.

INSTRUCTIONS

Applicants desiring to provide these services shall apply for consideration by submitting an original and three copies of the following:

1. Letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Professional Qualifications Supplement and Financial Statement.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. References from prior clients received within the last five years.
6. For corporations only, a copy of the current Corporate Charter Certificate showing validation date and designation of professionals qualifying the corporation to practice in the discipline for which it is applying.
7. A current SF-254.
8. A current SF-255.

Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Facsimile (FAX) submittals are not acceptable and will not be considered. Applicants that do not comply with these instructions or those that do not include the requested data will not be considered. All information received will be maintained with the project file and will not be returned. Any protests of the selection must be made within 72 hours of posting the selection results. If no protest is received within 72 hours, the contract award and negotiation will proceed with the selected firms. Selection results will be published in the Florida Administrative Weekly.

**Section XII
Miscellaneous**

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Saturn Corporation intends to allow the establishment of Saturn of The Lakes as a dealership for the sale of Saturn vehicles at 200 East Burleigh Boulevard, Tavares (Lake County), Florida 32778, on or after July 31, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Saturn of The Lakes are dealer operator(s) and principal investor(s): George E. Nahas, George Nahas Oldsmobile, Inc., 200 E. Burleigh Blvd., Tavares, FL 32778.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jerry Bryant, Franchise Administration, Saturn Corporation, 100 Westwood Place, Maryland Farms Office Park, Suite 420, Brentwood, TN 37027.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH ADMINISTRATION

FOR EXPEDITED CERTIFICATE OF NEED (CON) REVIEW

A public hearing will be held on expedited CON #9592; a proposal to convert 20 adult psychiatric beds to 20 acute care beds at Lake City Medical Center in the Agency's District 3.

DATE AND TIME: Thursday, July 18, 2002, 3:00 p.m.

PLACE: North Central Florida Health Planning Council Conference Room, 18 N. W. 33rd Court, Gainesville, FL 32607

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection announces a public hearing to determine whether or not Florida Power and Light's Manatee Unit 3 power plant expansion project is in conformance with existing land use plans and zoning ordinances, pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501, *et seq.*, Florida Statutes.

The full text of this notice is 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

On June 28, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Robert Lee McReynolds, R.N. McReynolds holds license number RN 960692. McReynolds last known address is 2025 S. E. Rainier Road, Port St. Lucie, Florida 34952. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN June 24, 2002
and June 28, 2002**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF EDUCATION
State Board of Education

6A-4.0021	6/26/02	7/16/02	28/19	
6A-6.03019	6/24/02	7/14/02	28/16	28/22
6A-15.0001	6/26/02	7/16/02	28/19	
6A-15.001	6/26/02	7/16/02	28/19	
6A-15.002	6/26/02	7/16/02	28/19	
6A-15.006	6/26/02	7/16/02	28/19	
6A-15.007	6/26/02	7/16/02	28/19	
6A-15.009	6/26/02	7/16/02	28/19	
6A-15.010	6/26/02	7/16/02	28/19	
6A-15.011	6/26/02	7/16/02	28/19	
6A-15.012	6/26/02	7/16/02	28/19	
6A-15.013	6/26/02	7/16/02	28/19	
6A-15.014	6/26/02	7/16/02	28/19	
6A-15.015	6/26/02	7/16/02	28/19	
6A-15.019	6/26/02	7/16/02	28/19	
6A-15.020	6/26/02	7/16/02	28/19	
6A-15.021	6/26/02	7/16/02	28/19	
6A-15.022	6/26/02	7/16/02	28/19	
6A-15.023	6/26/02	7/16/02	28/19	
6A-15.024	6/26/02	7/16/02	28/19	
6A-15.025	6/26/02	7/16/02	28/19	
6A-15.026	6/26/02	7/16/02	28/19	
6A-15.027	6/26/02	7/16/02	28/19	
6A-15.028	6/26/02	7/16/02	28/19	
6A-15.029	6/26/02	7/16/02	28/19	
6A-15.030	6/26/02	7/16/02	28/19	

Florida International University

6C8-3.017	6/28/02	7/18/02	Newspaper	
6C8-3.018	6/28/02	7/18/02	Newspaper	
6C8-6.008	6/28/02	7/18/02	Newspaper	

DEPARTMENT OF TRANSPORTATION

14-85.004	6/25/02	7/15/02	28/12	28/21
14-112.001	6/26/02	7/16/02	28/20	
14-112.203	6/26/02	7/16/02	28/20	
14-112.301	6/26/02	7/16/02	28/20	
14-112.402	6/26/02	7/16/02	28/20	
14-112.403	6/26/02	7/16/02	28/20	
14-112.405	6/26/02	7/16/02	28/20	
14-112.406	6/26/02	7/16/02	28/20	
14-112.412	6/26/02	7/16/02	28/20	
14-112.501	6/26/02	7/16/02	28/20	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
14-112.503	6/26/02	7/16/02	28/20	
14-112.510	6/26/02	7/16/02	28/20	
14-112.511	6/26/02	7/16/02	28/20	
14-112.512	6/26/02	7/16/02	28/20	
14-112.513	6/26/02	7/16/02	28/20	
14-112.514	6/26/02	7/16/02	28/20	
14-112.801	6/26/02	7/16/02	28/20	
14-112.901	6/26/02	7/16/02	28/20	

STATE BOARD OF ADMINISTRATION

19-8.028	6/27/02	7/17/02	28/16	
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PUBLIC SERVICE COMMISSION

25-6.0345	6/26/02	7/16/02	28/19	
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DEPARTMENT OF CORRECTIONS

33-208.002	6/27/02	7/17/02	28/18	
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WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

40D-4.041	6/26/02	7/16/02	28/19	
40D-40.302	6/26/02	7/16/02	28/19	

AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid Program Office

59G-6.010	6/24/02	7/14/02	28/16	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

61-20.504	6/25/02	7/15/02	28/13	28/22
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Board of Accountancy

61H1-19.007	6/24/02	7/14/02	28/19	
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DEPARTMENT OF HEALTH
Board of Medicine

64B8-12.006	6/25/02	7/15/02	28/21	
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Board of Optometry

64B13-4.001	6/25/02	7/15/02	28/20	
64B13-4.002	6/25/02	7/15/02	28/20	
64B13-4.004	6/25/02	7/15/02	28/20	
64B13-15.009	6/25/02	7/15/02	28/20	

Board of Orthotists and Prosthetists

64B14-5.002	6/28/02	7/18/02	28/3	28/22
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Division of Environmental Health and Statewide Programs

64E-3.002	6/26/02	7/16/02	28/20	
64E-3.0031	6/26/02	7/16/02	28/20	