

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: RULE NO.:

Forms Incorporated by Reference 69O-204.100

PURPOSE AND EFFECT: To adopt forms for viatical settlement agreements.

SUBJECT AREA TO BE ADDRESSED: Forms requirements.

SPECIFIC AUTHORITY: 624.308(1), 626.9913(2) FS.

LAW IMPLEMENTED: 624.307(1), 626.9913 FS.

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

TIME AND DATE: 9:00 a.m., June 9, 2004

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ted Straughn, Bureau of Specialty Insurers, Office of Insurance Regulation, e-mail: straughnt@dfs.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: RULE NO.:

Forms Incorporated by Reference 69O-207.002

PURPOSE AND EFFECT: To adopt updated forms, and update form availability and filing requirements.

SUBJECT AREA TO BE ADDRESSED: Forms requirements.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1) FS.

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

TIME AND DATE: 9:00 a.m., June 9, 2004

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Amy Groszos, Bureau of Specialty Insurers, Office of Insurance Regulation, e-mail: groszosa@dfs.state.fl.us

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

**Section II
Proposed Rules**

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Comprehensive Management Information System 6A-1.0014

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise existing requirements of the statewide comprehensive management information system in order to implement changes recommended by school districts and to make changes in state reporting and local recordkeeping procedures for state and/or federal programs. The effect is to maintain compatibility among state and local information systems components. The statewide comprehensive management information system provides the data on which the measurement of school improvement and accountability is based.

SUMMARY: The rule incorporates revisions to selected data elements, procedures and timelines for state reporting, local recordkeeping, and statewide records transfer which are to be implemented by each school districts and the Department within the automated statewide comprehensive management information system. The rule contains the security, privacy and retention procedures to be used by the Department for school district, student, staff, and finance records collected and maintained at the state level.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.53(1)(b), 1001.02(1), 1008.385(3) FS.

LAW IMPLEMENTED: 1002.22(3)(d)3., 1008.385(2), 1010.305(3), 1001.23 FS.

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

TIME AND DATE: 9:00 a.m., June 15, 2004

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lavan Dukes, Department of Education, 325 West Gaines Street, Room 852, Tallahassee, Florida 32399-0400, (850)245-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0014 Comprehensive Management Information System.

(1) No change.

(2) The data elements, procedures and timelines for state reporting, local recordkeeping and statewide records transfer to be implemented by each school district and the Department within its automated information system component as prescribed in the publications entitled "DOE Information Data Base Requirements: Volume I - Automated Student Information System, 2003 2002" "DOE Information Data Base Requirements: Volume II - Automated Staff Information System, 2003 2002," and "DOE Information Data Base Requirements: Volume III - Automated Finance Information System, 1995." These publications which include the Department procedures for the security, privacy, and retention of school district student and staff records collected and maintained at the state level are hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained from Education Information and Accountability Services, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a cost to be established by the Commissioner not to exceed actual cost.

Specific Authority 1001.02(1), 1008.385(3) FS. Law Implemented 1001.23, 1002.22(3)(d)3., 1008.385(2), FS. History--New 2-19-87, Amended 12-21-87, 12-13-88, 3-25-90, 3-24-91, 3-17-92, 12-23-92, 2-16-94, 3-21-95, 7-4-96, 5-19-97, 10-13-98, 10-17-00, 5-19-03.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lavan Dukes, Information Accountability, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jay Pfeiffer, Education Information and Accountability, Department of Education

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

DATE NOTICE OF PROPOSED DEVELOPMENT PUBLISHED IN FAW: April 9, 2004

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion RULE NO.: 6A-1.094221

PURPOSE AND EFFECT: The purpose of this rule is to provide the acceptable level of performance on the approved alternative standardized reading assessment and the criteria for the use of a student portfolio for good cause exemptions from

retention for third grade students who scored Level 1 on the reading portion of the Florida Comprehensive Assessment Test (FCAT).

SUMMARY: Section 1008.25(6)(b)3., Florida Statutes, requires the State Board of Education to approve the alternative assessment used for the good cause exemption from retention in third grade. This rule was amended to also include the criteria for use of a student portfolio as a good cause exemption approved by the State Board of Education on January 21, 2003.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1008.25(8)(b) FS.

LAW IMPLEMENTED: 1008.25(6)(b)3. FS.

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

TIME AND DATE: 9:00 a.m., June 15, 2004

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Laura Openshaw, Director, Just Read, Florida!, 325 West Gaines Street, Tallahassee, Florida 32399-0400; (850)245-0503

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.094221 Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion.

(1) Pursuant to Section 1008.25(6), Florida Statutes, relating to the statewide public school student progression law eliminating social promotion, students who score at Level 1 on the grade three reading Florida Comprehensive Assessment Test (FCAT) may be promoted to grade four if the student demonstrates:

(a) An acceptable level of performance on the Norm Referenced Test (NRT) portion of the FCAT or the SAT-9 alternative assessment; or

(b) Reading on grade level as evidenced through mastery of the Sunshine State Standards in reading equal to at least Level 2 performance on the grade three reading FCAT.

(2) The acceptable levels of performance on the alternative assessments for grade three for the 2003-2004 2002-2003 school year are as follows:

(a) To promote a student using the grade three reading NRT portion of the FCAT as an alternative assessment good cause exemption, the grade three student scoring at Level 1 Reading FCAT must score at or above the 51st percentile on the grade three reading NRT portion of the FCAT.

(b) To promote a student using the SAT-9 as an alternative assessment good cause exemption, the grade three student scoring at Level 1 Reading FCAT must score at or above the 51st percentile on a parallel form of the SAT-9. The SAT-9 may only be administered one (1) time.

~~(c)~~ The earliest the alternative assessment may be administered for student promotion purposes is following the receipt of the grade three student reading FCAT scores or during the last two (2) weeks of school, whichever occurs first.

(3)(a) To promote a student using a student portfolio as a good cause exemption there must be evidence that demonstrates the student's mastery of the Sunshine State Standards in reading equal to at least a Level 2 performance on the grade three reading FCAT. Such evidence shall be an organized collection of the student's mastery of the Sunshine State Standard Benchmarks for Language Arts that are assessed by the grade three reading FCAT.

(b) The student portfolio must meet the following criteria:

1. Be selected by the student's teacher.
2. Be an accurate picture of the student's ability and only include student work that has been independently produced in the classroom.

3. Include evidence that the benchmarks assessed by the grade 3 reading FCAT have been met. Evidence is to include multiple choice items and passages that are approximately sixty (60) percent literary text and forty (40) percent information text, and that are between 100-700 words with an average of 350 words. Such evidence could include chapter or unit tests from the district's/school's adopted core reading curriculum that are aligned with the Sunshine State Standards or teacher-prepared assessments.

4. Be an organized collection of evidence of the student's mastery of the Sunshine State Standard Benchmarks for Language Arts that are assessed by the grade 3 reading FCAT. For each benchmark, there must be at least five (5) examples of mastery as demonstrated by a grade of "C" or above, and

5. Be signed by the teacher and the principal as an accurate assessment of the required reading skills.

Specific Authority 1008.25(8)(b) FS. Law Implemented 1008.25(6)(b)3. FS. History--New 5-19-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Mary Laura Openshaw, Director, Just Read, Florida!

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Winn, Chief of Staff, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2004

DATE NOTICE OF PROPOSED DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF EDUCATION

State Board of Education

| | |
|---|------------|
| RULE TITLES: | RULE NOS.: |
| Calendar | 6A-14.004 |
| Meetings of Boards of Trustees | 6A-14.0243 |
| Powers and Duties of Boards of Trustees | 6A-14.0247 |
| Duties and Responsibilities of the President | 6A-14.0262 |
| Responsibilities of Community Colleges for Vocational Education | 6A-14.0341 |
| Drug Abuse Education | 6A-14.039 |
| Annual Contracted under Certain Conditions | 6A-14.0412 |
| Accreditation | 6A-14.063 |
| Expenditures | 6A-14.073 |
| Travel | 6A-14.0732 |
| Petty Cash Fund | 6A-14.0735 |
| Bank Depository | 6A-14.0751 |
| Depository Transactions | 6A-14.0752 |
| Use of Auxiliary Enterprise Funds and Undesignated Gifts | 6A-14.0771 |
| Auxiliary Funds and Funds Received in Trust | 6A-14.0772 |
| Delinquent Accounts | 6A-14.078 |

PURPOSE AND EFFECT: These repeals are necessary due to the statutory elimination of the State Board of Community Colleges, changes in governance and subsequent transfers of powers and duties to the State Board of Education.

SUMMARY: These rules are repealed to reflect changes made in the Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.053(1), 240.325, 240.311, 240.313, 240.319, 240.335, 240.363, 1001.02(1)(9) FS.

LAW IMPLEMENTED: 229.053, 240.311, 240.313, 240.319 FS.

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

TIME AND DATE: 9:00 a.m., June 15, 2004

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edward L. Cisek, Vice-Chancellor for Financial Policy, Department of Education, 325 West Gaines Street, Rm. 1324, Tallahassee, Florida 32399-0400, (850)245-0448

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.004 Calendar.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 229.053(2)(c), 240.311, 240.325(4) FS. History—Formerly 6A-8.78, Repromulgated 12-19-74, Amended 4-8-75, 12-26-77, 7-2-79, 2-4-81, 10-27-81, 1-6-83, 7-7-83, 7-26-84, Formerly 6A-14.04, Repealed.

6A-14.0243 Meetings of Boards of Trustees.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.311, 240.313 FS. History—Formerly 6A-8.062, Repromulgated 12-19-74, Amended 12-26-77, 7-26-84, Formerly 6A-14.243, Repealed.

6A-14.0247 Powers and Duties of Boards of Trustees.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 113.05, 116.34, 240.311, 240.319, 240.339, 240.345 FS. History—Formerly 6A-8.066, Repromulgated 12-19-74, Amended 10-28-75, 7-6-76, 2-14-77, 12-26-77, 9-26-78, 4-10-79, 10-23-79, 2-4-81, 4-27-82, 7-26-84, Formerly 6A-14.247, Amended 8-13-96, Repealed.

6A-14.0262 Duties and Responsibilities of the President.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.313, 240.319, 240.335 FS. History—Formerly 6A-8.771, Repromulgated 12-19-74, Amended 12-9-75, 2-14-77, 12-26-77, 7-16-79, 4-27-82, 7-26-84, Formerly 6A-14.262, Amended 6-1-86, Repealed.

6A-14.0341 Responsibilities of Community Colleges for Vocational Education.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 233.068, 240.301, 240.319, 240.355 FS. History—Formerly 6A-8.56, Repromulgated 12-19-74, Amended 12-26-77, 8-14-84, Formerly 6A-14.341, Repealed.

6A-14.039 Drug Abuse Education.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 233.067, 240.325 FS. History—Formerly 6A-8.54, Repromulgated 12-19-74, Amended 1-17-85, Formerly 6A-14.39, Repealed.

6A-14.0412 Annual Contracts under Certain Conditions.

Specific Authority 229.053(1) 1001.02(1), 240.325 1001.02(9), 240.339 1012.83, 240.335 1012.855 F.S. Law Implemented 240.339 1012.83 F.S. History—Formerly 6A-8.34, Repromulgated 12-19-74, Formerly 6A-14.412, Repealed.

6A-14.063 Accreditation.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.325, 240.349 FS. History—New 10-28-75, Amended 4-7-85, Formerly 6A-14.63, Repealed.

6A-14.073 Expenditures.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.363 FS. History—Formerly 6A-8.12, Repromulgated 12-19-74, Amended 12-26-77, 5-14-85, Formerly 6A-14.73, Amended 9-1-98, Repealed.

6A-14.0732 Travel.

Specific Authority 229.053(1) 1001.02(1), 240.325 1001.02(9) FS. Law Implemented 112.061, 240.311(3)(n) 1001.64(18) FS. History—Formerly 6A-8.71, Repromulgated 12-19-74, Amended 8-29-85, Formerly 6A-14.732, Repealed.

6A-14.0735 Petty Cash Fund.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.363 FS. History—Formerly 6A-8.16, Repromulgated 12-19-74, Amended 10-28-75, 5-14-85, Formerly 6A-14.735, Amended 12-21-87, Repealed.

6A-14.0751 Bank Depository.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 136.01, 240.363, 658.60 FS. History—Formerly 6A-8.13, Repromulgated 12-19-74, Amended 10-23-79, 4-27-82, 5-14-85, Formerly 6A-14.751, Repealed.

6A-14.0752 Depository Transactions.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 215.85, 240.363 FS. History—Formerly 6A-8.132, Repromulgated 12-19-74, Amended 7-8-80, 12-7-82, 5-14-85, Formerly 6A-14.752, Repealed.

6A-14.0771 Use of Auxiliary Enterprise Funds and Undesignated Gifts.

Specific Authority 229.053(1) 1001.02(1), 240.325 1001.02(9), 1010.08 FS. Law Implemented 240.377 1010.08 FS. History—Formerly 6A-8.181, Repromulgated 12-19-74, Amended 11-18-84, Formerly 6A-14.771, Repealed.

6A-14.0772 Auxiliary Funds and Funds Received in Trust.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 229.053, 240.319, 240.325(7), 240.363 FS. History—Formerly 6A-8.182, Repromulgated 12-19-74, Amended 6-27-85, Formerly 6A-14.772, Repealed.

6A-14.078 Delinquent Accounts.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.365 FS. History—Formerly 6A-8.191, Repromulgated 12-19-74, Amended 6-27-85, Formerly 6A-14.78, Amended 5-16-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Edward L. Cisek, Vice-Chancellor for Financial Policy, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

David Armstrong, Chancellor, Community Colleges, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

April 30, 2004

DEPARTMENT OF EDUCATION

State Board of Education

| RULE TITLES: | RULE NOS.: |
|--|------------|
| Campus, Center, Special Purpose Center and Instructional Site Designations | 6A-14.0061 |
| Composition of Boards of Trustees | 6A-14.024 |
| Employment of a President | 6A-14.026 |
| Staff and Program Development | 6A-14.029 |
| Instruction and Awards in Community Colleges | 6A-14.030 |
| Withdrawal and Forgiveness | 6A-14.0301 |
| Personnel Contracts | 6A-14.041 |
| Issuance of Continuing Contracts | 6A-14.0411 |
| Personnel Records | 6A-14.047 |
| Instructional Personnel – Availability to Students | 6A-14.0491 |
| Student Fees | 6A-14.054 |
| Student Fee Refunds | 6A-14.0541 |
| Student Activities | 6A-14.057 |
| Accountability Standards | 6A-14.060 |
| Community College Budgets | 6A-14.0716 |

Financial Records and Reports 6A-14.072
 Procurement Requirements 6A-14.0734
 Receipt, Deposit, and Withdrawal of Funds 6A-14.075
 FTE Calculation for the Community
 College Program Fund 6A-14.076
 Investment of Funds 6A-14.0765
 Auxiliary Services and Enterprises
 and Undesignated Gifts 6A-14.077

PURPOSE AND EFFECT: The purpose of the amendments is to ensure consistency with the governing Florida Statutes. The amendments also reflect the abolishment of the State Board of Community Colleges and the establishment of the State Board of Education as the governing entity. The purpose is consistency in law and rule.

SUMMARY: These rules are amended to reflect changes made in the Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1001.02(1)(9), 1001.03, 1001.64, 1010.01, 1010.02, 1001.64, 1001.65, 1012.83 FS.

LAW IMPLEMENTED: 1001.02(1)(9), 1001.03, 1001.64, 1010.01, 1010.02, 1012.83 FS.

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

TIME AND DATE: 9:00 a.m., June 15, 2004

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edward L. Cisek, Vice-Chancellor for Financial Policy, Department of Education, 325 West Gaines Street, Rm. 1324, Tallahassee, Florida 32399-0400, (850)245-0448

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.0061 Campus, Center, Special Purpose Center and Instructional Site Designations.

The Division of Community Colleges shall receive proposals from local boards of trustees to establish campuses, centers, and special purpose centers, and shall recommend for or against the establishment of the requested site to the State Board of Education. The State Board of Education shall approve or disapprove the proposal for a new site. The following shall apply.

(1) through (6) No change.

(7) Exceptions to (5) and (6) herein are authorized when justified in the judgment of the ~~State Board of Education~~ State Board of Community Colleges due to the nature of the services to be provided, the number and types of students to be served, the population to be served, transportation problems, the

availability of acceptable sites and facilities, urban density, energy conservation, or population shifts. Urban density refers to sites where no additional land is available to expand existing campuses and where the urban build-up limits any campus expansion.

(8) The ~~Division State Board~~ of Community Colleges may use the services of the office of Educational Facilities and of others to evaluate proposals and develop recommendations.

Specific Authority 1001.02(1)(7)(e), 1001.64(b), 1013.36 240.311(2)(3)(f) FS. Law Implemented 1013.36, 1001.64(4)(b), 1001.64(26)(37), 1013.40 235.19, 240.311(3)(g)(1)(j), 240.319(3)(e)(f), 240.327 FS. History—New 2-27-84, Formerly 6H-1.40, Amended 6-22-87, Formerly 6H-1.040, Amended

6A-14.024 Composition of Boards of Trustees.

(1) The number of trustees on community college boards of trustees shall be:

(a) One (1) county district boards – five (5) or seven (7) trustees as decided by the board.

(b) Two (2) county district boards – five (5) trustees from the county of location and four (4) from the cooperating county. However, if the county of location has more than five (5) times the population of the cooperating county as determined by the U. S. Census, there shall be three trustees from the cooperating county.

(c) Three (3) and four (4) county district boards – three (3) trustees from the county of location and two (2) from each cooperating County.

(d) Five (5) county district boards – three (3) trustees from the county of location, two (2) from each of the two (2) more populous cooperating counties, and one from each of the two (2) less populous cooperating counties.

(e) Six (6) county district boards – three (3) trustees from the county of location, two (2) from the most populous cooperating county, and one (1) from each of the remaining counties.

(2) Population shall be determined by the most recent population estimates published by the Legislative Office of Economic and Demographic Research.

(3) Notwithstanding (1), the number of trustees for the boards of trustees of the following community colleges shall be:

(a) South Florida Community College – four trustees from Highlands County, two trustees from Hardee County, and two from DeSoto County.

(b) Gulf Coast Community College – five trustees from Bay County, three trustees from Gulf County, and one trustee from Franklin County.

(c) Edison Community College – three trustees from Lee County, two trustees from Charlotte County, two trustees from Collier County, one trustee from Glades County, and one trustee from Hendry County.

~~(4)(2)~~ Trustees shall be appointed for terms of four years and may be reappointed. Terms shall expire on May 31 of the year of expiration, or as soon thereafter as the successors shall be qualified to serve. Residential address shall determine a trustee's county of origin.

~~(5)(3)~~ Changes in board composition may be caused by population changes and by changes in the county composition of the district. In such cases, In the event of a violation of this rule, adjustments to comply with (1) herein shall be made immediately, except that the number of trustees from a county shall not be reduced until terms expire or resignations are tendered which may delay the adjustments under (1) herein. In the case of a newly added county, the governor may appoint an adviser from the county with the approval of four (4) members of the State Board of Education. The adviser shall be recognized by the board of trustees as the official adviser to the board from the newly appointed county until the appointment of a trustee from the county. The adviser shall receive reimbursement for expenses on the same basis as the trustees.

~~(6)(4)~~ When changes in board composition and numbers are required by law or by this rule subsection (3) above, the Governor shall stagger the length of terms of the board positions next in line for appointment in such a manner as to provide for future position expiration dates as equal in number as possible in each succeeding year for each county. In such cases, where eight or more trustee positions will exist in any college, then at least two terms will expire each year. Where less than eight trustee positions will exist, then at least one but not more than two trustee positions will expire each year.

~~(5)~~ Exceptions to (1) herein may be provided by law.

(7) Community colleges shall annually report to the Chancellor the composition of their boards of directors, including the name, residential address (with county), e-mail address, home and business telephone numbers, and end of term.

Specific Authority 1001.02(1), 1001.02(9), 1001.61(1) 229.053(1), 240.325, 240.313 FS. Law Implemented 1001.61(1), 240.313 FS. Laws 1984 Ch. 84-336, 44, History-Formerly 6A-8.06, Repromulgated 12-19-74, Amended 12-26-77, 7-26-84, 11-5-85, Formerly 6A-14.24, Amended 12-6-90,

6A-14.026 Employment of a President.

Boards of trustees shall notify the State Board of Education Community Colleges of the appointment, suspension, or dismissal of presidents immediately upon such action.

~~(1)~~ Selection. Boards of trustees, in appointing presidents, shall select persons qualified for the position and competent to perform the duties and responsibilities of the position. The minimum basic qualification is an earned doctorate or the equivalent. If a board chooses to recognize an equivalency, it shall specify the education, experience, and other elements deemed to constitute equivalency, and notify the State Board of Community Colleges of them. The boards shall seek and interview persons with the highest qualifications for educational leadership. The boards shall consider particularly

the candidates' education, experience in community colleges and related fields, understanding of community college programs, and demonstrated leadership ability.

~~(2)~~ Contract. The president shall be provided a contract. The contract shall be for at least one year, but no more than four years.

~~(3)~~ Evaluation. At the time the contract is issued, the board of trustees shall inform the president of duties and responsibilities, of the procedure by which performance shall be evaluated, and of the criteria for evaluation. Evaluations shall cover each duty and responsibility, whether assigned by the board of trustees or specified in law or rule. The board shall evaluate the president annually. After completion of the evaluation and acceptance by the board of trustees, the notice of findings shall be submitted to the Chancellor of the Division of Community Colleges for review. The evaluation and the findings shall be in writing, and shall be submitted, immediately after acceptance by the board of trustees, to the State Board of Community Colleges for review.

~~(4)~~ Suspension. The responsibility for suspending and dismissing the president remains with the board of trustees, except that the Commissioner, with State Board of Education approval, may suspend a president for cause; in which case, the board of trustees shall meet immediately to review the evidence establishing cause and to continue the suspension, or dismiss or reinstate the president. The board of trustees shall report immediately its action and rationale to the State Board of Education.

~~(5)~~ When the position of president becomes vacant, the board of trustees may appoint an acting president. The term of the appointment shall be for no more than six (6) months. There may be one reappointment for a like term.

Specific Authority 1001.02(1), 1001.02(9)(a), 1001.02(7)(b), 1001.64(19) 229.053(1), 240.325(1), 240.311, 240.319(4)(a) FS. Law Implemented 1001.10, 1001.64(18)(19), 1001.61, 1001.64 229.512, 240.311(6), 240.313, 240.349 FS. History-Formerly 6A-8.30, Repromulgated 12-19-74, Amended 10-28-75, 12-26-77, 7-26-84, Formerly 6A-14.26, Amended _____.

6A-14.029 Staff and Program Development.

~~(1)~~ Each community college shall adopt policies on staff and program development. Effective July 1, 1996, based on its policies, each community college shall allocate from its resources available for current operations during the fiscal year, an amount not less than two percent (2%) of the previous year's allocation from the state community college program fund to fund staff and program development activities. The allocation of each community college for staff and program development shall be spent according to a plan developed by the college and updated annually. Each community college shall identify within its annual operating budget funding to support staff and program development activities as defined herein, as well as activities to achieve its goals for implementation of its 1985-88 Educational Equity Act plan and other related EA/EO activities. In the event of appropriations shortfall during the fiscal year, the board of

trustees may approve a recommendation of the president to reduce the two percent minimum and shall provide an explanation for this action to the State Board of Community Colleges.

(2) Staff and program development plans and activities shall follow the definitions herein.

(a) Staff development is the improvement of staff performance through activities which update or upgrade competence specified for present or planned positions. Staff includes all college employees.

(b) Program development is the evaluation and improvement of existing programs, including the design of evaluation instruments to establish bases for improvements, as well as the designing of new programs. ~~It is program initiation or improvement rather than maintenance or expansion. Development may be in any of the community college functions: instruction, organized research, public service, academic support, student support, institutional support, physical plant operations and maintenance, student financial assistance. Program development includes researching, planning, designing, and evaluating; salary payment; and purchasing of equipment for program initiation.~~

(3) ~~Each community college shall submit a report to the State Board of Community Colleges on funds expended for staff and program development pursuant to their annual plan. The report shall be due on a date and in a format approved by the executive director. The report shall include information relating to: (1) the number of participants and activities in staff development; (2) a description of programs improved and initiated; and (3) an evaluation of the effectiveness of staff and program development expenditures relative to college policies.~~

Specific Authority 1001.02(1), 1001.02(9)(d), 1001.64(18) 229-053(1), 240.325 FS. Law Implemented 1001.02(1), 1001.64(2), 1010.01, 1010.02, 1011.82(1) 240.311(2), 240.319(1), 240.349(1), 240.363 FS. History—Formerly 6A-8.761, Repromulgated 12-19-74, Amended 12-26-77, 7-2-79, 7-6-82, 3-8-83, 8-10-83, 7-26-84, 8-29-85, Formerly 6A-14.29, Amended 8-19-86, 9-16-87, 1-8-91, 7-30-91, 10-6-92, 9-5-93, 7-19-94, 8-28-95, _____.

6A-14.030 Instruction and Awards in Community Colleges.

Community colleges are authorized to provide instruction and to confer degrees, certificates, and diplomas only as prescribed herein. Any degree program, certificate, or diploma program offered at a community college shall be offered at the established standard credit hour length. Revisions to the standard credit hour lengths and the lengths of new programs added to the Statewide Program Inventory list must be approved by the Division of Community Colleges State Board of Community Colleges.

(1) Associate in arts degree. Each community college shall provide programs of instruction consisting of courses offered to freshmen and sophomores in baccalaureate programs. The courses shall be classified in the Community College Management Information System as advanced and professional courses. Satisfactory completion of courses within

the programs shall be recognized by the award of units of measure called college credit. The associate in arts degree shall be awarded upon satisfactory completion of a planned program of sixty (60) college credits, unless otherwise provided by law, after demonstration of the attainment of predetermined and specified performance requirements. Courses not accepted in the State University System shall not be included in the sixty (60) credits required for the degree.

(2) Associate in science degree. Each community college is authorized to provide programs of instruction consisting of college level courses to prepare for entry into employment. The courses shall be based in theory and of sufficient complexity, rigor, and theory to be college level. The courses shall be classified in the Community College Management Information System as advanced and professional courses or postsecondary vocational courses. The programs shall not include courses classified as postsecondary adult vocational courses. Satisfactory completion of courses within the programs shall be recognized by the award of units of measure called college credit. Effective with the Fall Term 2000, the associate in science degree shall be awarded upon satisfactory completion of a planned program of study comprised of the standard credit hour length established, including demonstration of the attainment of predetermined and specified performance requirements, and subject to law and rule. Courses not accepted in the State University System shall not be included in the general education core required for the degree. Associate in science degrees that articulate with baccalaureate degrees under the provisions of paragraph 6A-10.024(6)(c), F.A.C., shall meet the specific provisions contained therein. The standard credit hour length of all associate in science degree programs shall be kept according to the Department of Education publication "Florida Community College System Program Length Document: 2003" incorporated herein by reference. Copies may be obtained through the Division of Community Colleges, Department of Education, Tallahassee, Florida 32399-0400. The standard credit hour length is:

| Program Name | Required Standard |
|---|-------------------|
| Business, Marketing and Hospitality Discipline | |
| Accounting Technology | 64 |
| Customer Service Technology | 62 |
| Business Administration & Management | 64 |
| Financial Services | 64 |
| Fashion Marketing Management | 63 |
| Marketing Management | 64 |
| Travel & Tourism Industry Management | 64 |
| Restaurant Management | 64 |
| Hospitality & Tourism Management | 64 |
| Culinary Management | 64 |
| Diving Business & Technology | 62 |

| | | | |
|---|----|--|----|
| Agricultural & Natural Resources Technologies | | Human Service Technologies Discipline | |
| Discipline Agribusiness Technology | 60 | Early Childhood Management | 63 |
| Agricultural Production Technology | 60 | Child Development & Education | 63 |
| Aquaculture Management | 63 | Human Services—Generic Program | 65 |
| Citrus Production Technology | 62 | Human Services—Addiction Counseling Specialty | 73 |
| Forest Technology | 62 | Instructional Services Technology | 63 |
| Forest Management | 75 | Sign Language Interpretation | 72 |
| Irrigation Management | 68 | Recreation Technology | 64 |
| Landscape Technology | 68 | Social Services Technology | 62 |
| Marine Environmental Technology | 60 | Public Service Technologies Discipline | |
| Environmental Horticulture Technology | 60 | Criminal Justice Officer Administration | 64 |
| Pest Control Technology | 62 | Criminal Justice Technology | 64 |
| Golf Course Operations | 69 | Crime Scene Technology | 60 |
| Turf Equipment Management | 67 | Fire Science Technology | 60 |
| Zoo Animal Technology | 66 | Emergency Administration & Management | 60 |
| Construction Technologies Discipline | | Environmental Technologies Discipline | |
| Air Conditioning, Refrigeration & Heating Systems Technology | 64 | Environmental Science Technology | 64 |
| Architectural Design & Construction Technology | 66 | Safety Engineering Technology | 64 |
| Building Construction Technology | 64 | Chemical Technology | 64 |
| Interior Design Technology | 70 | Office Systems, Secretarial, Court Reporting Discipline | |
| Drafting & Design Technology | 62 | Court Reporting Technology (Non-Accredited) | 67 |
| Civil Engineering Technology | 63 | Court Reporting Technology (Accredited) | 73 |
| Aviation Technologies Discipline | | Office Systems Technology | 63 |
| Professional Pilot Technology | 64 | Communications and Entertainment Technologies | |
| Aviation Administration | 64 | Discipline Film Production Technology | 64 |
| Aviation Maintenance Management | 83 | Music Production Technology | 63 |
| Engineering (Electronic & Electrical) Technologies Discipline Computer Engineering Technology | 68 | Radio & Television Broadcast Programming | 64 |
| Electrical Power Technology | 68 | Theater & Entertainment Technology | 64 |
| Electronics Power Technology | 68 | Graphic Arts Technology | 64 |
| Biomedical Equipment Engineering Technology | 68 | Photographic Technology | 64 |
| Biomedical Laboratory Technician | 61 | Graphic Design Technology | 64 |
| Telecommunications Engineering Technology | 64 | Multimedia Technology | 64 |
| Engineering (Manufacturing) Technologies Discipline Plastics Engineering Technology | 64 | Technical Writing—Publications Technology | 65 |
| Manufacturing Technology | 64 | Imaging Technologies Discipline | |
| Industrial Management Technology | 60 | Diagnostic Medical Sonography Technology | 72 |
| Micro Electronics Manufacturing Technology | 68 | Nuclear Medicine Technology | 75 |
| Mechanical Technologies Discipline Automotive Service Management Technology | 68 | Radiation Therapy | 77 |
| Dealer Specific Automotive Technology | 74 | Radiography | 77 |
| Marine Engineering Management & Seamanship | 66 | Dental Technologies Discipline | |
| Computer Technologies Discipline Database Technology | 63 | Dental Hygiene | 88 |
| Computer Information Technology | 63 | Dental Laboratory Technology and Management | 68 |
| Computer Programming & Analysis | 63 | Health Information and Health Management Discipline Health Services Management | 62 |
| Internet Services Technology | 63 | Health Information Management | 67 |
| Networking Services Technology | 63 | Occupational and Physical Therapy Discipline Occupational Therapy Assistant | 70 |
| | | Physical Therapist Assistant | 74 |
| | | Vision Care Technologies Discipline Ophthalmic Technology | 72 |
| | | Optical Management | 60 |

| | | | |
|---|---------------------------|---|----|
| Vision Care Technology/Opticianry | 72 | Fashion Marketing Management | 63 |
| Emergency Medical Services Discipline | | Marketing Management | 64 |
| Emergency Medical Services | 73 | Travel & Tourism Industry Management | 64 |
| Medical and Histologic Technology Discipline | | Restaurant Management | 64 |
| Histologic Technology | 76 | Hospitality & Tourism Management | 64 |
| Medical Laboratory Technology | 76 | Culinary Management | 64 |
| Radiation Protection Discipline | | Diving Business & Technology | 62 |
| Radiation Protection Technology | 65 | Agricultural & Natural Resources Technologies | |
| Nursing and Midwifery Discipline | | Discipline Agribusiness Technology | 60 |
| Nursing (Associate Degree) R.N- | 72 | Agricultural Production Technology | 60 |
| Midwifery | 90 | Aquabusiness Management | 63 |
| Respiratory Therapy Discipline Respiratory Care | 76 | Citrus Production Technology | 62 |
| Veterinary Technology Discipline Veterinary Technology | 73 | Forest Technology | 62 |
| Funeral Services Discipline Funeral Services | 72 | Forest Management | 75 |
| Dietetic Technician Discipline Dietetic Technician | 64 | Irrigation Management | 68 |
| Legal Assistant Discipline Legal Assisting | 64 | Landscape Technology | 68 |
| Legal Assisting (ABA Accredited) | 68 | Marine Environmental Technology | 60 |
| Cardiopulmonary (Cardiovascular) Technology | | Environmental Horticulture Technology | 60 |
| Discipline Cardiovascular Technology | 77 | Pest Control Technology | 62 |
| Cardiopulmonary Technology | 83 | Golf Course Operations | 69 |
| (3) Associate in Applied Science Degree. Each community college is authorized to provide programs of instruction consisting of college-level courses to prepare for entry into employment. The courses shall be based in theory and be of sufficient complexity, rigor, and theory to be college level. The courses shall be classified in the Community College Management Information System as advanced and professional courses or postsecondary vocational courses. The programs shall not include courses classified as postsecondary adult vocational courses. Satisfactory completion of courses within the programs shall be recognized by the award of units of measure called college credit. Effective with the Fall Term 2000, the associate in applied science degree shall be awarded upon satisfactory completion of a planned program of study comprised of the standard credit hour length established, including demonstration of the attainment of predetermined and specified performance requirements, and subject to law and rule. <u>The standard credit hour length of all associate in applied science degree programs shall be kept according to the Department of Education publication "Florida Community College System Program Length Document: 2003" incorporated herein by reference. Copies may be obtained through the Division of Community Colleges, Department of Education, Tallahassee, Florida 32399-0400. The standard credit hour length is:</u> | Turf Equipment Management | 67 | |
| Program Name | Required | Zoo Animal Technology | 66 |
| | Standard | Construction Technologies Discipline | |
| Business, Marketing and Hospitality Discipline | | Air Conditioning, Refrigeration & Heating | |
| Accounting Technology | 64 | Systems Technology | 64 |
| Customer Service Technology | 62 | Architectural Design & Construction Technology | 66 |
| Business Administration & Management | 64 | Building Construction Technology | 64 |
| Financial Services | 64 | Interior Design Technology | 70 |
| | | Drafting & Design Technology | 62 |
| | | Civil Engineering Technology | 63 |
| | | Aviation Technologies Discipline | |
| | | Professional Pilot Technology | 64 |
| | | Aviation Administration | 64 |
| | | Aviation Maintenance Management | 83 |
| | | Engineering (Electronic & Electrical) Technologies | |
| | | Discipline Computer Engineering Technology | 68 |
| | | Electrical Power Technology | 68 |
| | | Electronics Engineering Technology | 68 |
| | | Biomedical Equipment Engineering Technology | 68 |
| | | Biomedical Laboratory Technician | 61 |
| | | Telecommunications Engineering Technology | 64 |
| | | Engineering (Manufacturing) Technologies Discipline | |
| | | Plastics Engineering Technology | 64 |
| | | Manufacturing Technology | 64 |
| | | Industrial Management Technology | 60 |
| | | Micro Electronics Manufacturing Technology | 68 |
| | | Mechanical Technologies Discipline | |
| | | Automotive Service Management Technology | 68 |
| | | Dealer Specific Automotive Technology | 74 |
| | | Marine Engineering Management & Seamanship | 66 |

| | | | |
|---|----|---|----|
| Computer Technologies Discipline | | Occupational and Physical Therapy Discipline | |
| Database Technology | 63 | Occupational Therapy Assistant | 70 |
| Computer Information Technology | 63 | Physical Therapist Assistant | 74 |
| Computer Programming & Analysis | 63 | Vision Care Technologies Discipline | |
| Internet Services Technology | 63 | Ophthalmic Technology | 72 |
| Networking Services Technology | 63 | Optical Management | 60 |
| Human Service Technologies Discipline | | Vision Care Technology/Opticianry | 72 |
| Early Childhood Management | 63 | Emergency Medical Services Discipline | |
| Child Development & Education | 63 | Emergency Medical Services | 73 |
| Human Services—Generic Program | 65 | Medical and Histologic Technology Discipline | |
| Human Services—Addiction Counseling Specialty | 73 | Histologic Technology | 76 |
| Instructional Services Technology | 63 | Medical Laboratory Technology | 76 |
| Sign Language Interpretation | 72 | Radiation Protection Discipline | |
| Recreation Technology | 64 | Radiation Protection Technology | 65 |
| Social Services Technology | 62 | Nursing and Midwifery Discipline | |
| Public Service Technologies Discipline | | Nursing (Associate Degree) R.N.- | 72 |
| Criminal Justice Officer Administration | 64 | Midwifery | 90 |
| Criminal Justice Technology | 64 | Respiratory Therapy Discipline | |
| Crime Scene Technology | 60 | Respiratory Care | 76 |
| Fire Science Technology | 60 | Veterinary Technology Discipline | |
| Emergency Administration & Management | 60 | Veterinary Technology | 73 |
| Environmental Technologies Discipline | | Funeral Services Discipline | |
| Environmental Science Technology | 64 | Funeral Services | 72 |
| Safety Engineering Technology | 64 | Dietetic Technician Discipline | |
| Chemical Technology | 64 | Dietetic Technician | 64 |
| Office Systems, Secretarial, Court Reporting Discipline | | Legal Assistant Discipline | |
| Court Reporting Technology (Non-Accredited) | 67 | Legal Assisting | 64 |
| Court Reporting Technology (Accredited) | 73 | Legal Assisting (ABA Accredited) | 68 |
| Office Systems Technology | 63 | Cardiopulmonary (Cardiovascular) Technology Discipline | |
| Communications and Entertainment Technologies | | Cardiovascular Technology | 77 |
| Discipline Film Production Technology | 64 | Cardiopulmonary Technology | 83 |
| Music Production Technology | 63 | | |
| Radio & Television Broadcast Programming | 64 | (4) A Technical Certificate consisting of a program of instruction of less than sixty (60) credits of college-level courses, which is part of an associate in applied science degree (A.S.) or an associate in applied science degree (A.A.S.) program offered in the State of Florida and which prepares students for entry into employment, may be awarded to students who evidence satisfactory completion of the program. | |
| Theater & Entertainment Technology | 64 | (5) An Applied Technology Diploma consisting of a course of study that is part of an associate in science degree (A.S.) or an associate in applied science degree (A.A.S.), is less than sixty (60) credit hours, and leads to employment in a specific occupation may be awarded to students who have met the requirements of that diploma. An applied technology diploma program may consist of either <u>technical</u> vocational credit or college credit. | |
| Graphic Arts Technology | 64 | (6) An Advanced Technical Certificate consisting of a program of instruction of nine (9) hours or more but less than forty-five (45) credit hours of college-level courses may be awarded to students who have already received an associate in | |
| Photographic Technology | 64 | | |
| Graphic Design Technology | 64 | | |
| Multimedia Technology | 64 | | |
| Technical Writing—Publications Technologies | 65 | | |
| Imaging Technologies Discipline | | | |
| Diagnostic Medical Sonography Technology | 72 | | |
| Nuclear Medicine Technology | 75 | | |
| Radiation Therapy | 77 | | |
| Radiography | 77 | | |
| Dental Technologies Discipline | | | |
| Dental Hygiene | 88 | | |
| Dental Laboratory Technology and Management | 68 | | |
| Health Information and Health Management Discipline | | | |
| Health Services Management | 62 | | |
| Health Information Management | 67 | | |

science degree or an associate in applied science degree and are seeking an advanced specialized planning program of study to supplement their associate degree.

(7) Career and Technical Vocational Certificate. Each community college and postsecondary technical center may with a department designated as an area vocational education school, shall provide programs of instruction consisting of noncollege-level courses to prepare for entry into employment as do the postsecondary area vocational technical centers assigned to public school boards. The courses shall be classified in the Community College Management Information System as postsecondary adult career and technical vocational courses. Satisfactory completion of courses within the programs shall be recognized by the award of units of measure called technical vocational credit. Upon satisfactory completion of a planned program, including the demonstration of the attainment of predetermined and specified performance requirements, and subject to law and rule, the career and technical vocational certificate shall be awarded. A community college without a department designated as an area vocational education school may provide vocational certificate programs of instruction under an agreement with a public school board in the community college district.

(8) Continuing Workforce Education Supplemental instruction. Each community college may shall provide, within the limits of its assigned responsibility for vocational education and according to the needs for job skills improvement by people employed in its service area, continuing education vocational instruction tailored to individual needs and designed to improve job performance. Such instruction shall be classified in the Community College Management Information System as continuing workforce education, supplemental, a noncredit classification.

(9) High school diploma. Each community college with assigned responsibility for adult basic and secondary instruction, shall provide, within the limits of the assignment, adult basic and secondary instruction as defined in Section 1004.02, 239.105, Florida Statutes. Such instruction shall be classified in the Community College Management Information System as adult basic and secondary, a noncredit classification. Upon satisfactory completion of a planned high school program, including the demonstration of the attainment of predetermined and specified performance requirements, and subject to law and rule, the high school diploma shall be awarded.

(10) Preparatory instruction. Each community college shall provide, according to the needs of its students, instruction to remedy deficiencies in the knowledge and skills judged necessary upon entry into a degree or certificate program of instruction in order to progress satisfactorily through the program. Such instruction shall be classified in the Community

College Management Information System as preparatory. Satisfactory completion of such instruction shall be recognized by the award of units of measure called preparatory credit.

(a) College preparatory. Preparatory instruction for students to enroll in college credit instruction shall be classified in the Community College Management Information System as college preparatory. Satisfactory completion of such instruction shall be recognized by the award of units of measure called college preparatory credit.

(b) Vocational preparatory. Preparatory instruction for students to enroll in technical vocational credit instruction shall be classified in the Community College Management Information System as vocational preparatory. Satisfactory completion of such instruction shall be recognized by the award of units of measure called vocational preparatory credit.

(11) Lifelong learning instruction. Each community college shall provide instructional activities to address community social and economic issues related to health and human relations, government, parenting, consumer economics, and senior citizens. Such instructional activities shall be classified in the Community College Management Information System as lifelong learning, a noncredit classification.

(12) Recreational and leisure time instruction. Each community college shall provide instructional activities to develop recreational or leisure time skills. Such instructional activities shall be classified in the Community College Management Information System as recreational and leisure time, a noncredit classification.

(13) These provisions shall not prevent community colleges from conferring honorary degrees, certificates, or diplomas.

Specific Authority 1001.02(9)(c),(d), 1001.02(1), 1001.03(12), 1004.02, 1004.94, 240.325, 229.053(1), 239.205(1) FS. Law Implemented 1001.03(12), 1004.93, 1004.91, 239.213, 229.551(1), 239.205, 239.301, 240.325 FS. History—Formerly 6A-8.50, Repromulgated 12-19-74, Amended 8-27-84, 8-29-85, Formerly 6A-14.30, Amended 5-14-91, 11-10-92, 5-2-95, 2-13-96, 12-30-99, 5-3-01, _____.

6A-14.0301 Withdrawal and Forgiveness.

Community colleges shall adhere to the following procedures relating to student withdrawal from courses and to conditions under which forgiveness for grades earned will be granted to the student.

(1) Withdrawal.

(a) The student may withdraw without academic penalty from any course by the mid-point in the semester. Midpoint shall be defined as the point after which midterm assessments are completed, not to exceed 70 percent of the term. Withdrawals after that date would be granted only through established institutional procedures.

(b) The student will be permitted a maximum of two (2) withdrawals per course. Upon the third attempt, the student will not be permitted to withdraw and will receive a grade for that course.

(2) Forgiveness. Each college shall publish, in the catalog or student handbook, a statement which:

(a) Limits forgiveness to courses where D and F grades were earned.

(b) Limits to two (2) the number of times a course grade may be forgiven.

(c) Advises students regarding the potential impact of forgiven courses in the computation of a student's grade point average in transferring to other institutions, either public or private, and the need to consider the impact of retaking a course on their specific financial aid package.

(d) Courses may be repeated if they are designated as repeatable, such as choir, music, or journalism or are individualized courses of study; or if they are required to be repeated by a regulatory agency; or are being repeated as part of a regulatory requirement for continuing education to stay current in a field, such as teacher certification.

(3) Total attempts. A student may have only three (3) attempts per course including the original grade, repeat grades, and withdrawals at any point in the semester. A fourth attempt may be allowed only through an academic appeals process based on major extenuating circumstances.

(4) The number of total attempts allowed per course may be restricted for students enrolled in limited enrollment programs. Notification of such restrictions must be provided to students in writing upon admission to the limited enrollment program.

(5)(4) Audit enrollments shall not count as attempts unless such enrollment is declared after the end of the drop/add period. College preparatory students, who are required to be certified as completing competency-based college preparatory instruction, shall not be enrolled as audits.

(6)(5) Exceptions to the above provisions may be granted through an academic appeals process in accordance with the policies of the local board of trustees.

(7)(6) Effective date. These procedures shall be implemented by the community college no later than the Fall 1997 academic term.

Specific Authority 1001.02(1), 1001.02(9), 1001.03 229.053(1), 240.325 FS. Law Implemented 1001.02(9) 240.325 FS. History--New 8-13-96, Amended 8-17-98, 1-23-00, _____.

6A-14.041 Personnel Contracts.

~~(1) Contract forms for college full time instructional and administrative personnel shall be prescribed by the Commissioner. Contract forms for part time instructional and administrative personnel and for other personnel shall be prescribed by the board of trustees. Counselors and librarians shall be considered instructional personnel for contract purposes.~~

~~(2) Periods of service. Contracts shall specify definite terms of service, indicating beginning and ending dates. Contracts for full-time personnel shall meet requirements of the Division of Retirement for a full year of retirement service~~

~~credit. Full-time administrative personnel may be given multi-year contracts not to exceed three (3) years, but other contracts, except for the president, shall not exceed twelve (12) months, which may include parts of two (2) fiscal years.~~

~~(3) Payment. Contracts shall specify definite amounts, according to the appropriate salary schedule, to be paid in regular installments. No payment shall be made to contract personnel until the provisions of this rule are met.~~

~~(4) Instructional personnel contracts may be conditioned on a minimum number of students. Only in personnel contracts funded by grants or special project funds may the payment of salary be conditioned on the availability of funds.~~

~~(5) Anyone who accepts in writing a written offer of position, then reneges without board of trustees approval, shall be reported to the executive director, who shall notify presidents. The person shall be ineligible for Florida community college employment for one year from the date of the infraction.~~

~~(6) Beginning with Term I, 1986-87, a retired employee may be reemployed as an instructor on a noncontractual basis during the first year of retirement when reemployed under the provisions of Section 121.091(9)(b)2., Florida Statutes.~~

~~(3)(7) A Annual contract shall not create the expectancy of employment beyond the term of the contract. Non-renewal of a an annual contract shall not entitle the person to the reasons for non-renewal or to a hearing.~~

Specific Authority 1001.02(1), 1001.02(9), 1001.64(18), 1012.83, 1012.855 229.053(1), 240.325, 240.339, 240.335 FS. Law Implemented 1012.83 240.335, 240.339 FS. History--Formerly 6A-8.31, Repromulgated 12-19-74, Amended 1-29-76, 12-26-77, 7-16-79, 1-6-83, 9-11-84, 11-5-85, Formerly 6A-14.41, Amended 12-25-86, _____. c.f. Rules of the Department of Administration, Division of Retirement, Chapter 22B-2, F.A.C. Creditable Service.

6A-14.0411 Issuance of Continuing Contracts.

Continuing contracts are to be awarded for service in a full-time faculty capacity as determined by the college consistent with the following rules an instructional capacity only:

(1) In order to be eligible for a continuing contract, faculty must meet the following minimum requirements:

~~The board shall provide a continuing contract in a form approved by the Commissioner for each instructional employee in a community college who is classified under the provisions of subsection 6A 14.002(1), FAC., and who meets all of the following requirements:~~

(a) Completion of three (3) years of satisfactory service in the same college during a period not in excess of five (5) years with such service being continuous except for leave duly authorized and granted. Has completed three (3) years of satisfactory service in the same college during a period not in excess of five (5) successive years with such service being continuous except for leave duly authorized and granted, provided that a board may issue a continuing contract to a member of the instructional staff after two (2) years of

employment in the college, provided such individual has previously held a continuing contract in a county school system or a public community college within this state. All continuing contracts issued shall be based upon satisfactory service performed in an instructional position;

(b) Has been reappointed for the fourth year without any reservations or specifications as provided by Rule 6A-14.0412, F.A.C.; and

(b)(e) Recommendation Has been recommended by the president and approval by the board for continuing contract based on successful performance of duties and demonstration of professional competence.

(2) Other criteria for a continuing contract colleges may consider including, without limitation, educational qualifications, efficiency, compatibility, character and capacity to meet the educational needs of the community, and the length of time the duties and responsibilities of this position are expected to be needed. Colleges shall provide in writing to faculty a copy of the criteria for a continuing contract.

(3)(2) The continuing contract shall be effective at the beginning of the annual college contractual periods, ~~which are commensurate with approved year round operation, in which all requirements are completed on or before September 1.~~

(4)(3) Each employee issued to whom a continuing contract has been issued as provided herein shall be entitled to continue in a faculty position at in the college at the salary schedule authorized by the board without the necessity for annual nomination or reappointment until such time as the employee resigns except as otherwise provided in this rule or his contractual status is changed as prescribed below.

(4) Any employee who is under continuing contract may be dismissed or may be returned to annual contract status for another three (3) years at the discretion of the board when a recommendation to that effect is submitted in writing to the board on or before April 1 of any college year giving good and sufficient reasons therefor by the president and provided the president's recommendation is approved by a majority of the board. The employee whose contract is under consideration shall be duly notified in writing at least seven (7) days prior to the filing of the written recommendation with the board and such notice shall include a copy of the charges and the recommendation to the board. Should the board determine that it will consider the charges filed against the employee, it shall direct that a petition conforming to the requirements of the model rules of procedure adopted pursuant to Section 120.54(10), Florida Statutes, and including notification to the employee of his or her hearing rights, be filed with it and a copy served upon the employee. If the employee wishes a public hearing, he or she shall notify the board in writing within ten (10) days after the date of service of the petition. Upon receiving such a request, the board shall within fifteen (15) days notify the employee of the time and place of the public hearing on the charges which shall not be less than

fourteen (14) days from the service of the notice unless a different time is agreed to by all parties. The hearing shall proceed in accordance with the provisions of Chapter 120, Florida Statutes, and should be in substantial compliance with the model rules of procedure, Chapter 28, FAC, unless the parties mutually agree to an alternative hearing procedure. In the event the employee does not request a public hearing the board shall proceed to take appropriate action. Any decision adverse to the employee shall be made by a majority vote of the full membership of the board.

(5)(a) The college may dismiss an employee under continuing contract or return the employee to an annual contract upon recommendation by the president and approval by the board. The president shall notify the employee in writing of the recommendation, and upon approval by the board, shall afford the employee the right to a hearing in accordance with the policies and procedures of the college. As an alternative to the hearing rights provided by college policies and procedures, the employee may elect to request an administrative hearing in accordance with the guidelines of Chapter 120, Florida Statutes, by filing a petition with the board within twenty one (21) days of receipt of the recommendation of the president. Should the board have to choose from among its personnel who are on continuing contract to which should be retained, among the criteria to be considered shall be educational qualifications, efficiency, compatibility, character and capacity to meet the educational needs of the community. Whenever a board is required to or does consolidate or reduce its program, the board may determine on the basis of the foregoing criteria from its own personnel and any other instructional personnel, which college employees shall be employed for service at the college and any employee no longer needed may be dismissed. The decision of the board shall not be controlled by any previous contractual relationship. In the evaluation of these factors, the decision of the board shall be final.

(b) Upon consolidation, reduction, or elimination of a community college program or restriction of the required duties of a position by the board. The board may determine on the basis of the criteria set forth in (1) and (2), which employees should be retained on a continuing or annual contract and which dismissed. The decision of the board shall not be controlled by any previous contractual relationship. In the evaluation of these factors, the decision of the board shall be final.

(6) Any employee classified under the provisions of Rule 6A-14.002(1)(a)(b), F.A.C., may be suspended, or dismissed by the board upon recommendation of the president at any time during the college year, provided that no such employee may be dismissed during the college year without opportunity to be heard at a public hearing after at least fourteen (14) days notice of the charges against the employee and of the time and place of hearing; and provided further that the charges must be based

on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness or conviction of any crime involving moral turpitude. A petition conforming to the requirements of the model rules of procedure, Title 28, F.A.C., specifying the charges and notifying the employee of his or her hearing rights shall be filed with the board and copy served upon the employee. Whenever such charges are made against any such employee, the board may suspend such employee without pay, pending a speedy, informal hearing, if requested by the employee. At any such informal hearing the board shall determine the necessity to suspend and withhold pay, and whether probable cause exists to support the charges. If the board determines that probable cause exists to support the charges and there exists a necessity of continuing the suspension without pay then it may do so, but if the charges are not sustained upon final hearing the employee shall be immediately reinstated and back salary shall be paid. If the board determines that there is no necessity to suspend without pay, then it shall reinstate the employee with pay and, further, it may dismiss the charges if it determines that probable cause does not exist to support same. In cases where a petition for dismissal of an employee has been filed with the board, the board shall hold a public hearing in accordance with the provisions of Section 120.57, Florida Statutes, and the model rules of procedure, Title 28, FAC, unless the parties mutually agree to an alternative hearing procedure. If a hearing is requested by the employee, after notice as provided above, the board shall determine upon the evidence as submitted whether the charges have been sustained and if the charges are sustained, either to dismiss said employee or fix the terms under which said employee may be reinstated. If such charges are sustained by a majority vote of the full membership of the board and such employee is discharged, the contract of employment shall be thereby canceled. Nothing in this rule shall preclude a board from utilizing the services of a hearing examiner to conduct either formal or informal hearings.

(7) Any employee who is employed in a cooperative education program in this state may be immediately placed on continuing contract with the board wherein the cooperative education program is produced if, at the time of employment, such person is on a continuing contract in a college which is participating in support of the particular cooperative education program in which the person is employed; provided that if at the time of reappointment of personnel, during the first three (3) years, said person is not recommended for continued employment in the cooperative education program, he or she shall automatically revert to continuing contract status in the college of immediate prior employment; and provided further that in meeting the requirements for a continuing contract prescribed herein, prior successive years of service rendered in any college participating in the support of the particular

cooperative education program may be counted as years of probationary service for a continuing contract with the board wherein the cooperative education program is produced.

~~(6)(7) Any employee holding a continuing contract who accepts an offer of annual employment in a capacity other than that in which the continuing contract was awarded may be granted an administrative leave of absence pursuant to the college's administrative rules shall lose continuing contract status, unless said employee has been granted an administrative leave of absence pursuant to board rules that recognize the interim assignment and provide for returning to the original contractual status at the end of the annual appointment.~~

Specific Authority ~~1001.02(1), 1001.02(9), 1012.83, 1012.855, 229.053(1), 240.325, 240.339, 240.335~~ FS. Law Implemented: ~~1012.83, 240.339~~ FS. History—Formerly 6A-8.33, Repromulgated 12-19-74, Amended 12-9-75, 2-14-77, 12-26-77, 7-16-79, Formerly 6A-14.411, Amended _____.

6A-14.047 Personnel Records.

(1) Personnel records shall contain information for efficient personnel administration which shall include, but not be limited, to dates of appointment, periods of employment, contract status, duties performed, records of leave, absences from duty, and evidence of ~~for each~~ factors used to calculate salary, retirement system records, and related documentation as determined by the college. ~~Certifications from previous employers may be included.~~

~~(2) Records about employee performance shall be released only according to Section 1012.81, Florida Statutes. Records about employee performance shall be released only according to Section 240.337, Florida Statutes.~~

~~(3) Personnel records and limited access files shall be maintained by custodians designated by the college president. Record of leave shall be determined from college records or:~~

~~(a) Retirement system records.~~

~~(b) An authentic document, contemporary with the time of leave, showing the leave was authorized and granted.~~

~~(c) Affidavits from the president and two other college employees in positions of authority and responsibility enabling them to certify that leave was authorized and granted. Such affidavits shall be considered only when no other proof is available, shall be used only to establish that leave was authorized and granted, and shall not be employed to grant leave retroactively.~~

~~(4) Personnel records shall be kept in locked containers certified against damage from fire for at least one hour. The president or designee shall have sole custody of the keys.~~

Specific Authority ~~1001.02(1), 1001.02(9), 1012.81, 229.053(1), 240.325, 240.337~~ FS. Law Implemented ~~1012.855, 1012.81, 240.335, 240.337~~ FS. History—Formerly 6A-8.751, Repromulgated 12-19-74, Amended 6-27-78, 12-19-84, Formerly 6A-14.47, Amended _____.

6A-14.0491 Instructional Personnel – Availability to Students.

Each community college board of trustees shall establish a policy on the availability of instructional personnel to students. The policy shall require full-time instructional faculty to schedule a minimum total of twenty-five hours per week for classroom contact hours and office hours as adjusted for assignments during non-traditional academic terms and non-traditional delivery. The policy shall require that the schedule of these hours to be publicly posted. Full-time instructional faculty shall be available to students during these posted hours according to the policy of the local board of trustees. Part-time faculty shall be available to students as prescribed by board policy.

Specific Authority 1001.02(9), 1001.64(18) FS. Law Implemented 1001.64(18) FS. History–New _____.

6A-14.054 Student Fees.

Each board of trustees shall establish, publish, collect, and budget student fees, and shall establish dates for paying fees. The dates shall be not later than the last day of the drop and add periods established by the boards.

(1) The percentage of the cost of education to be paid by students shall be computed annually from the Community College Program Fund by the Division State Board of Community Colleges, on behalf of the State Board of Education, for three (3) categories of instructional classifications: ~~(1) advanced and professional, postsecondary vocational, and college preparatory;~~

~~(2) Postsecondary adult vocational; and (3) supplemental vocational. The full cost of each category shall be calculated by applying the percentage factors from the most recent annual cost analysis of the general current fund to the Community College Program Fund of the prior year. Support costs shall be allocated to each category based on a uniform amount per credit hour or credit hour equivalent, and added to the direct instructional costs to determine the full cost of each category. Student fee revenue for each category shall be calculated from the assigned enrollment in the annual appropriations act. Standard fee rates shall be multiplied by the assigned enrollment to determine the student fee revenue for each category. Student fee revenue divided by full cost shall determine the percentage of the cost of education paid by students for each category.~~

~~(2) Tuition shall be defined as fees assessed to students for enrollment in college credit courses and postsecondary education programs specified in Section 239.117(1), Florida Statutes, at any of the community colleges. Tuition consists of the following fees, depending on whether a student is a resident or a non-resident:~~

~~(a) Resident tuition shall be defined as the matriculation fee charged an enrolled student who qualifies as a Florida resident.~~

~~(b) Non-resident tuition, comprised of the following, shall be defined as the fees charged an enrolled student who does not qualify as a Florida resident:~~

~~1. Matriculation fee.~~

~~2. Non-resident fee.~~

~~(3) Standard fee schedule. The standard matriculation and non-resident fees per credit hour or credit hour equivalent effective beginning with the fall term 1997 are:~~

| Matriculation | Non-resident | |
|---|-------------------------|---------------------|
| Advanced and professional, postsecondary vocational, and college preparatory | \$32.02 | \$96.08 |
| Postsecondary adult vocational | \$13.23 | \$52.91 |
| Supplemental vocational | \$28.93 | \$102.57 |

~~(4) Matriculation fees. Each board of trustees shall establish a matriculation fee for each category in subsection (1) that shall not vary more than ten (10) percent from the standard matriculation fees in subsection (2) or from superseding fee ranges established in an appropriations act. Each board of trustees shall establish the same matriculation fees for adult basic, adult secondary, and vocational preparatory as established for postsecondary adult vocational.~~

~~(5) Non-resident fees. Each board of trustees shall establish a non-resident fee for students who do not qualify as residents for tuition purposes for each category in subsection (1) that shall not vary more than ten (10) percent from the standard non-resident fees in subsection (2) or from superseding fee ranges established in an appropriations act. Each board of trustees shall establish the same non-resident fees for adult basic, adult secondary, and vocational preparatory as established for postsecondary adult vocational. Non-resident fees shall be charged in addition to matriculation fees.~~

~~(2)(6) Tuition fees shall be charged only for instruction provided by the college. Tuition fees shall not be charged for the assessment of prior learning or the awarding of credit based on prior learning, regardless of whether the prior learning was acquired through instruction provided by the college or through instruction or experience external to the college.~~

~~(3)(7) Each board of trustees may allow a discount or charge a premium to tuition or out-of-state matriculation or non-resident fees for the purpose of resource management. The resultant tuition and out-of-state matriculation and non-resident fees shall be within the ranges specified in Section 1009.23(4), Florida Statutes.~~

~~(8) Lifelong learning instruction. Each board of trustees shall establish fees for lifelong learning instruction to supplement state appropriations for such instruction.~~

~~(4)(9) Recreational and leisure time instruction. Each board of trustees shall establish fees for recreational and leisure time instruction which generate annual revenue at least equal to the full cost of such instruction as provided for in Section 239.117(6), Florida Statutes.~~

~~(5)(10)~~ Audit fees. Students who audit courses shall pay the same fees as required of students enrolled for credit.

~~(6)(11)~~ Each board of trustees may establish user fees in addition to tuition fees for ~~courses and other instructional and noninstructional~~ services that incur unusual costs. ~~Such fees shall not exceed the estimated unusual costs, and shall not be charged to students not in the course or to persons or agencies not receiving the other services.~~ Such user fees shall not exceed the cost of the goods or services provided and shall only be charged to students or agencies receiving those goods or services may include, but not limited to, laboratory, application, graduation, parking, examination, and transcript fees.

~~(7)(12)~~ Each board of trustees shall have the authority to negotiate tuition fees for courses and programs contracted by external agencies and companies which vary from the tuition fee provided for in this rule. Such negotiated fees may exceed the full cost of instruction. The courses and programs of instruction funded from these negotiated fees shall not be reported for state funding purposes.

~~(13)~~ Each board of trustees may establish other fees, specifically:

~~(a)~~ A student financial aid fee for college credit instruction pursuant to Section 240.35(10), Florida Statutes, and for noncollege credit instruction pursuant to Section 239.117(7), Florida Statutes.

~~(b)~~ A student activity and service fee for college credit instruction pursuant to Section 240.35(9), Florida Statutes, and budgeted pursuant to subsection 6A-14.057(1), F.A.C.

~~(c)~~ A capital improvement fee for college credit instruction pursuant to Section 240.35(13), Florida Statutes, and for noncollege credit instruction pursuant to Section 239.117(16), Florida Statutes.

~~(8)(14)~~ Veterans and other eligible students under Section ~~1009.27(2)~~ 240.345(2)(b)1., Florida Statutes, shall receive, upon request, one (1) deferment per academic year for the payment of registration fees. Upon request, such persons shall receive an additional deferment each time there is a delay in receipt of such benefits. Such deferments shall be for sixty (60) days, except they shall not extend beyond the end of the term.

~~(9)(15)~~ When institutional, state, or federal financial aid other than veterans' benefits is delayed in being transmitted to students through circumstances beyond their control, registration fees may be deferred up to sixty (60) days, but not beyond the end of the term, unless the institutions, state, or federal rules or regulations require additional time, events, or documentation that cannot be completed within the prescribed sixty (60) day period. Failure to make timely application for such aid shall not be a reason for granting deferral. The deferment shall be in accordance with rules adopted by the board of trustees setting forth the conditions under which the deferment shall be granted. A list of persons for whom fees are deferred and the amount of fees deferred shall be maintained.

~~(10)(16)~~ When Florida Prepaid College Postsecondary Education Expense Program benefits are delayed in being paid from the program to the community college through circumstances beyond the control of the student, registration fees covered by the benefits shall be deferred until the benefits are paid. The community college shall notify the State Board of Community Colleges if the benefits are not paid on a timely basis.

~~(11)(17)~~ When the college has a written promise of payment from business, industry, government unit, nonprofit organization, or civic organization, fees may be deferred as determined by the board of trustees.

~~(12)(18)~~ Registration fees are defined as tuition, out-of-state, matriculation, non-resident, student financial aid, activity and service, capital improvement, laboratory, and all other fees collected during the registration process.

~~(19)~~ Exemptions and waivers:

~~(a)~~ Exemptions. Registration fees shall not be assessed for:

~~1.~~ Students without high school diplomas or the equivalent enrolled in adult basic skills education, adult secondary education, or vocational preparatory instruction.

~~2.~~ Students with high school diplomas or the equivalent who demonstrate on tests approved in Subsection 6A-6.014(4) or Rule 6A-10.040, F.A.C., that their academic skills are limited to the eighth grade level or below and are enrolled in adult basic skills education, adult secondary education, or vocational preparatory instruction.

~~3.~~ Students engaged in dual enrollment, including early admission, pursuant to Sections 239.117 and 240.116, Florida Statutes.

~~4.~~ Students enrolled in apprenticeship programs defined in Section 446.021, Florida Statutes.

~~5.~~ Students for whom the state is paying foster care board payments and who are enrolled under provisions in Sections 239.117 and 240.35, Florida Statutes.

~~6.~~ Students enrolled in employment and training programs pursuant to Section 409.029, Florida Statutes, under provisions in Sections 239.117 and 240.35, Florida Statutes.

~~7.~~ Students who are homeless pursuant to and enrolled under provisions in Section 239.117, Florida Statutes.

~~(b)~~ Exemptions. One half of the matriculation fees, non-resident fees, student financial aid fees, activity and service fees, and capital improvement fees shall not be assessed for designated students who are members of the Florida National Guard enrolled in college credit courses pursuant to Section 250.10(6), Florida Statutes, and Rule 6A-10.045, F.A.C.

~~(c)~~ Waivers. Registration fees shall be waived for:

~~1.~~ Students who are spouses of deceased state employees and eligible for workers' compensation death benefits and are enrolled pursuant to Section 440.16, Florida Statutes.

~~2. Students who are children of law enforcement officers killed in the line of duty and are enrolled pursuant to Section 112.19, Florida Statutes.~~

~~3. Students who are children of firefighters killed in the line of duty and are enrolled pursuant to Section 112.191, Florida Statutes.~~

~~4. Students enrolled in postsecondary adult vocational instruction, supplemental vocational instruction, or vocational preparatory instruction and granted fee waivers authorized in a General Appropriations Act.~~

~~5. Students enrolled in college credit instruction and granted fee waivers authorized in Section 240.35(14), Florida Statutes.~~

~~(13)(20)~~ When registration fees are waived by a board of trustees, a list of persons for whom fees are waived, documentation supporting the waivers, and the amount of fees waived shall be maintained.

Specific Authority ~~1001.02(1), 1001.64(4)(b), 1001.02(9), 1009.27, 1009.23(4), 229.053(1), 240.319(3)(e), 240.325, 240.345(2), 240.35 FS. Law Implemented 1001.02(9), 1001.64, 1004.65, 1004.93, 1007.271, 1009.23, 1009.27, 239.117(5), 239.301, 240.116(2)(a), 240.301(5), 240.319, 240.325, 240.345(2), 240.35(5) FS. History—Formerly 6A-8.611, Repromulgated 12-19-74, Amended 4-8-75, 9-8-76, 1-10-77, 12-26-77, 9-6-78, 4-10-79, 7-2-79, 3-30-81, 7-16-81, 11-12-81, 8-16-82, 3-17-83, 12-20-83, 12-19-84, 5-14-85, 9-10-85, Formerly 6A-14.54, Amended 6-1-86, 11-13-86, 11-24-87, 9-15-88, 11-12-90, 7-1-92, 2-18-93, 2-16-94, 3-21-95, 3-20-96, 11-13-96,~~

6A-14.0541 Student Fee Refunds.

Each community college board of trustees shall establish a rule for the refund of ~~matriulation~~, tuition, out-of-state fees, and other fees assessed pursuant to Rule 6A-14.054, FAC. Such rule shall include the following:

(1) A one hundred percent (100%) refund of ~~matriulation~~, tuition, out-of-state fees, and other fees when official drop notification is received and approved prior to the end of the college's published drop/add period.

(2) Criteria for refunds when a student drops a course due to circumstances determined by the college to be exceptional and beyond the control of the student which may include but not be limited to serious illness, death, involuntary call to active military duty, or other emergency circumstance or extraordinary situations identified by college rule.

(3) Exceptions to the hundred percent (100%) refund provision in subsection (1) shall be made pursuant to federal rules for prorated refunds.

(4) Notwithstanding the provisions of subsection 6A-14.076(3), FAC., refunds made pursuant to subsections (2) and (3) shall not affect the calculation of full-time equivalent students.

Specific Authority ~~1001.02(1)(9), 1001.03, 1010.58(1), 229.053(1), 240.325 FS. Law Implemented 1001.02(9), 1001.64, 1004.65(8), 1009.23, 1010.02, 1010.58(1), 228-072, 240.301(5), 240.311(3)(g), 240.319, 240.325, 240.345, 240.35, 240.363 FS. History—New 3-24-92, Amended 5-16-94,~~

6A-14.057 Student Activities.

(1) Expenditures from student activity and service fees shall be according to a budget prepared jointly by students and college staff and approved by the president. Each board of trustees shall adopt procedures for student participation in the development of the budget for expenditures funded from the student activity and service fee. Such procedures shall require the budget to be based upon an estimate of total funds generated from this fee as well as an estimate of funds carried forward from the prior year. All lawful expenditures which benefit the student body may be funded from the student activity and service fee fund if such expenditures are included in the approved budget for this fee. Non-religious and religious student organizations may participate without respect to viewpoint and whether or not officers are required to abide by a statement of orthodoxy or faith. Sponsors shall be appointed for student activities so financed.

(2) Student organizations not so financed may be permitted on campus with faculty or staff advisors and under rules of the board of trustees. A college as a service to the organizations, or if necessary for the protection of student members, may provide that organization funds be placed with the college business office to be held in a custodial account and to be withdrawn and expended upon requisition according to the organization's approved budget.

Specific Authority ~~1001.02(1)(9), 1009.23(7), 1010.02, 240.325, 240.35(10), 240.363, 229.053(1) FS. Law Implemented 1001.64, 1009.23(7), 1010.02(9)(e), 1009.26(1)(8), 1010.02, 240.319, 240.35(10), 240.363, 240.325(5), 240.35(5), 240.363 FS. History—Formerly 6A-8.19, Repromulgated 12-19-74, Amended 12-26-77, 4-17-85, Formerly 6A-14.57, Amended 12-18-94,~~

6A-14.060 Accountability Standards.

The standards herein provide a basis for quality improvement and for accountability. Each community college shall:

(1) Adopt and follow a periodic needs assessment process to determine the educational services needed within the community college district. The process shall use accurate and current information about the educational services which could be provided by the college pursuant to its purpose. Needs assessment shall be conducted in cooperation with other institutions and agencies serving the district.

(2) Provide a system to enable its students to set educational goals for themselves and to use its services to attain the goals. The system shall recognize that many students establish their goals without direct assistance from the institution. Consideration of student goals shall be an important part of the institutional planning process.

(3) Establish a process to select and retain employees who are successful in helping the college accomplish its purpose. The process shall involve selection, evaluation, development, and retention procedures related to successful performance of the responsibilities for which the personnel are employed.

(4) Provide equal access to and equal opportunity in employment, programs, and services without regard to race, color, age, national origin, religion, marital status, or sex or disability and shall not discriminate against any qualified handicapped person.

(5) Develop a comprehensive, long-range program plan, including program and service priorities. Statements of expected outcomes shall be published, and facilities shall be used efficiently to achieve such outcomes. Periodic evaluations of programs and services shall use placement and follow-up data, shall determine whether expected outcomes are achieved, and shall be the basis for necessary improvements.

(6) Establish adequate and sound control of expenditures, efficient operations including energy conservation, and a budget process producing the greatest benefits to the service area. Efficiency is the economical use of resources to support programs. The emphasis is the operation of an effective program at a reasonable cost.

(7) Differentiate between the policy making responsibility of the board of trustees and the management responsibility of the president.

Specific Authority 1001.02(1)(9), 1001.03, 229.053(1), 240.325 FS. Law Implemented 1001.02(9) 240.311, 240.325 FS. History—Formerly 6A-8.40, Repromulgated 12-19-74, Amended 10-28-75, 12-26-77, 8-25-82, 10-12-82, 3-13-85, Formerly 6A-14.60, Amended _____.

6A-14.0716 Community College Budgets.

Each fiscal year, each community college shall prepare a budget in such form as prescribed by the State Board of Education for the Current Unrestricted Fund. Two copies of the budget approved by the board of trustees shall be submitted to the Chancellor, as designee of the Commissioner of Education, executive director by June 30 or on a later date established by the Chancellor executive director. The original or facsimile signature of the president on both copies shall certify board approval.

(1) The Chancellor, as designee of the Commissioner of Education, executive director shall approve the operating budget for have each community college after an examination budget examined for completeness, correctness, conformity with law and rule, State Board of Education Community Colleges' guidelines and preparation according to accepted accounting standards educational and fiscal principles.

(a) Anticipated budgeted revenues shall be reasonable and transfers from general current funds shall not handicap current operations.

(b) A contingency reserve not exceeding two (2) percent of the total available for appropriation is authorized in the general current fund.

(2) ~~Within thirty (30) days after the executive director receives a community college budget, the State Board of Community Colleges shall approve it or disapprove it and~~

~~point out deficiencies. The board of trustees shall submit a corrected budget within thirty (30) days after the date on the deficiency notice.~~

(2)(3) Until a budget is approved, ordinary expenses may be paid at the same monthly rate as budgeted for the preceding year.

(4) ~~In the execution of budgets, no expenditures or obligations shall exceed the amount budgeted in any class in any fund.~~

(3)(5) Boards of trustees are authorized to amend budgets. Amended budgets are required to be in compliance with laws, rules and accepted educational accounting standards and fiscal principles.

(a) Budget amendments approved by the board of trustees may reallocate funds between organizational units of a fund and between object codes.

(b) The following budget amendments require approval by the chancellor State Board of Community Colleges:

1. Transfer of funds appropriations from the Current Unrestricted Fund.

2. Amendments which cause the unencumbered fund balance to be inconsistent with the statutory guidelines specified in Section 1011.84(3)(e) 240.359(3)(e), Florida Statutes.

(c) ~~Overdrafts, or expenditures, shall not be created in any fund or depository account. If cash on hand is insufficient to pay salaries, a current loan shall be negotiated and repaid from the first funds available for that purpose.~~

(d) Salary deductions shall be made as required by law or as authorized by the board of trustees and approved in writing by the employee, and shall be remitted promptly.

(4)(6) Each fiscal year, as a part of the official budget, each community college board of trustees shall adopt a capital outlay budget for the capital outlay needs of the college for the entire fiscal year. This budget shall designate the proposed capital outlay expenditures by project for the year from all fund sources. Separate project accounts shall be kept in the Unexpended Plant Fund for all capital outlay projects.

Specific Authority 1001.02(1)(9), 1011.01, 1011.30 229.053(1), 240.325, 240.361, 237.031, 237.041 FS. Law Implemented 1010.01, 1010.02, 1011.30, 1011.31, 1011.84, 1013.61 116.34, 235.18, 240.311(5), 240.359, 240.361, 240.363, 240.367 FS. History—New 9-30-96, Amended _____.

6A-14.072 Financial Records and Reports.

(1) Each community college shall keep financial records according to the Department of Education publication, "Accounting Manual for Florida's Public Community Colleges, 2001," incorporated herein by reference. Copies may be obtained through ~~from~~ the Division of Community Colleges, Department of Education, Tallahassee, Florida 32399-0400.

(2) Enrollment related financial records shall be kept for all instruction so as to facilitate verification, confirmation, and comparison.

(3) If financial reports are not received from a community college when due, the Chancellor, as delegate of the Commissioner of Education, State Board of Community Colleges may withhold apportionments of state funds to the college until the reports are received.

Specific Authority 1001.02(1)(9), 1010.01(3) 229.053(1), 240.325-240.363, 237.01, 237.041 FS. Law Implemented 1010.01, 1001.02(9) 240.325, 240.363 FS. History—Formerly 6A-8.11, Repromulgated 12-19-74, Amended 12-26-77, 7-2-79, 5-14-85, Formerly 6A-14.72, Amended 11-12-91, 7-7-92, 2-16-94, 12-18-94, 11-27-95, 11-13-96, 12-9-97, 5-18-99, 2-29-00, 7-29-01, _____ c.f. Accounting Manual for Florida's Public Community Colleges.

6A-14.0734 Procurement Bidding Requirements.

(1) Colleges shall, as the circumstances require, publicly solicit the submittal of competitive offers request bids from at least three (3) sources, or solicit a request for proposals as defined in Section 287.012(16), Florida Statutes, when purchasing services or commodities exceeding the amount as specified in Section 287.017, Florida Statutes, for Category Two. Solicitations of competitive offers are defined as:

(a) "Competitive sealed bids", "competitive sealed proposals" or "competitive sealed replies", means the process of receiving competitive offers transmitted by secured electronic means or written bids, proposals, or replies.

(b) "Competitive solicitations" or "solicitations" means an invitation to bid, a request for proposal, request for quote, or an invitation to negotiate.

Boards of trustees may adopt smaller amounts beyond which to require the solicitation of competitive offers bidding. The college president or designee reserves the right to Colleges may reject any or all offers submitted in response to the college's solicitation, and/or solicit new offers as deemed in the college's best interest bids or proposals and request new bids or proposals. When accepting responsive offers to the college's solicitations, bids or proposals, colleges shall accept the lowest or best responsive offer bid or proposal. If other than the lowest bid or best offer proposal meeting specifications is accepted, the college shall maintain a public record of the justification. Recommendation for awards Bids for purchases not exceeding the Category Five threshold as specified in Section 287.017, Florida Statutes, may be approved or rejected by the president or a designee if such authority is delegated in policy adopted by the board of trustees. Recommendation for awards Bids for purchases exceeding the Category Five threshold as specified in Section 287.017, Florida Statutes, shall be approved or rejected by the board of trustees.

(2) Exceptions to the three bid requirement to solicit competitive offers are:

(a) Purchases under Sections 946.515 and 946.519, Florida Statutes.

(a)(b) Educational tests, textbooks, printed instructional materials and equipment, films, filmstrips, video tapes, disc or tape recordings or similar audio-visual materials, graphic artistic services as defined in Section 278.012(3), Florida

Statutes including, but not limited to, film, video and television production services, and computer based instructional software.

(b)(e) Library books, reference books, periodicals, and other library materials and supplies.

(c)(d) Purchases at the unit or contract prices established through competitive solicitations by any unit of government established by law or non-profit buying cooperatives in county contracts, district school board contracts, Department of Management Services state term contracts/state negotiated agreement for price schedules (SNAPS), state university system cooperative bid agreements, cooperative contracts with other community colleges, and bid agreements of other community colleges.

(d)(e) Food.

(e)(f) Services or commodities available only from a single or sole source. Non-competitive items available from one source, items for resale, and used books.

(f)(g) Professional services, including, but not limited to, artistic services, instructional services, health services, academic program reviews, lectures by individuals, as defined in Section 287.057(3)(f), Florida Statutes; attorneys, legal services, auditors, and management consultants architects, engineers, and land surveyors. Services of architects, engineers, and land surveyors shall be selected and negotiated according to Section 287.055, Florida Statutes.

(g)(h) Information technology resources as defined as all forms of technology used to create, process, store, transmit, exchange and use information in various forms of voice, video and data, and shall also include the personnel costs and contracts that provide direct information technology support consistent with each individual college's information technology plan in Section 282.303(10), Florida Statutes. Acquisitions of data processing equipment or software shall be in accordance with the college's long-range Information Resource Technology plan.

(h) Single source procurements for purposes of economy or efficiency in standardization of materials or equipment.

(i) Items for resale.

(3) The college president or designee, may waive solicitation requirements in emergencies when there is an imminent threat to students, employees, or public safety or in cases when necessary to prevent damage to the facilities caused by an unexpected circumstance in accordance with rules established by the local board of trustees. The executive director may waive bidding requirements in emergencies when requested and justified by the board of trustees.

(4) When a board of trustees solicits the submittal of competitive offers and only one responsive offer is submitted finds that no valid or acceptable bid has been received for petroleum or paper products within the prescribed time for bidding, the college it may purchase such products or service under the best terms it can negotiate.

Specific Authority 946.519, 1001.02(1)(9), 1001.64, 1001.65, 240.325, 946.515, 946.519, 229.053(1) FS. Law Implemented 1010.02, 1001.02(9), 1010.01, 287.012(16), 287.917, 240.325, 240.363 FS. History—Formerly 6A-8.121, Repromulgated 12-19-74, Amended 12-26-77, 6-12-83, 6-27-85, Formerly 6A-14.734, Amended 9-30-86, 11-12-91, 12-18-94, 6-18-96, 2-10-99, _____.

6A-14.075 Receipt, ~~and~~ Deposit, and Withdrawal of Funds.

Boards of trustees shall provide for the receipt, deposit and withdrawal of all funds received by the community college consistent with the following provisions.

(1) One or more qualified public depositories, as required by Section 136.01, Florida Statutes, and defined by Section 280.02, Florida Statutes, shall be designated by the board of trustees for the deposit of all funds of the board in accounts in the name of the board of trustees.

(2) All A record of all funds received by a community college shall be kept to identify the payer, the amount, and the purpose. Such funds received by a community college from all sources shall be deposited intact in a designated depository as soon as practicable and a record shall be kept to identify the payer, the amount, and the purpose. Funds received from federal sources shall be accounted for separately, but may be deposited in a bank account with other college funds except when the terms of such receipt require a separate depository account. Direct support organizations of community colleges may separately receive and deposit appropriations per Section 1011.85(8)-(10), Florida Statutes, and cash donations pursuant to Section 1004.70, Florida Statutes.

(3) Depository withdrawals shall be on numerically controlled checks signed by two (2) persons authorized by the board of trustees and bonded. Transfers of funds by electronic, telephonic, or other medium shall be according to rules of the board of trustees, shall provide adequate internal controls, and shall be confirmed in writing and signed by the designee of the board.

Specific Authority 136.01, 280.02, 1001.02(1)(9), 1004.70, 1011.85(8)-(10), 229.053(1), 240.325 FS. Law Implemented 1010.01, 1010.02, 240.363 FS. History—Formerly 6A-8.131, Repromulgated 12-19-74, Amended 5-14-85, Formerly 6A-14.75, Amended _____.

6A-14.076 FTE Calculation for the Community College Program Fund.

(1) The number of full-time equivalent students for the community college program fund is the college credits for which students register divided by thirty (30) or as otherwise specified by law forty(40). The number of hours for non-college credit plus the hours of instruction for which students register is in other instruction divided by nine hundred (900) contact hours or as otherwise provided by law.

(2) A student is registered in instruction that is subject to matriculation and tuition, out-of-state fees upon payment, waiver, or deferment of the fees, pursuant to law and rule, and

the recording of the transaction. A student is registered in instruction that is not subject to matriculation and tuition fees when the institution records the enrollment.

(3) When any fee refund results from a withdrawn registration, the credits or hours of instruction shall not be included in the calculation of full-time equivalent students.

Specific Authority 1001.02(1)(9), 1010.58(1), 229.053(1), 240.325 FS. Law Implemented 1010.58, 1010.01, 1010.02, 240.353, 240.359, 240.363 FS. History—Formerly 6A-8.172, Repromulgated 12-19-74, Amended 12-26-77, 7-9-81, 8-29-85, Formerly 6A-14.76, Amended 6-1-86, _____.

6A-14.0765 Investment of Funds.

The investment of funds by community colleges shall be in accordance with the classification of funds in the accounting manual incorporated in Rule 6A-14.072, F.A.C.

(1) Current funds, plant funds, and agency funds may be invested as authorized in Section 218.415, Florida Statutes. These funds may also be invested with the State Board of Administration.

(2) Boards of trustees shall have authority to designate that funds due it be placed for investment in its account with the State Board of Administration investment pool or other authorized State investment pool account, rather than be deposited, and the board of trustees may direct those persons having money due to the board of trustees to pay such funds to the authorized State investment pool Board of Administration to make authorized investments for its accounts.

(3) Loan, endowment, annuity, and life income funds may be invested in securities in which the State Board of Administration is authorized to invest retirement funds pursuant to Sections ~~215.45~~ and 215.47, Florida Statutes. To make such investments, the board of trustees shall adopt and adhere to an investment plan as described in Section 215.475, Florida Statutes. The investment plan shall be submitted to the State Board of Administration for review and comment. The college shall make all records of the entire investment operation available to the Auditor General for annual audit. Loan, endowment, annuity, and life income funds also may be invested pursuant to subsection (1) herein.

Specific Authority 1001.02(1)(9), 229.053(1), 240.325 FS. Law Implemented 1010.01, 1010.02, 218.415, 240.363 FS. History—Formerly 6A-8.14, Repromulgated 12-19-74, Amended 12-26-77, 5-14-85, Formerly 6A-14.765, Amended 8-29-89, 4-20-93, 8-28-95, 6-18-96, _____.

6A-14.077 Auxiliary Services and Enterprises and Undesignated Gifts.

Boards of trustees may operate or contract for auxiliary services and enterprises as defined in the accounting manual incorporated in Rule 6A-14.072, FAC., and may use funds generated from auxiliary operations and contracts and from undesignated gifts as provided herein as a service to, and incidental to, their instructional programs.

(1) Auxiliary funds and undesignated gifts shall be spent according to rules of the board of trustees for the benefit of the college.

(a) The board of trustees may authorize a portion of such funds to be disbursed at the discretion of the president for: promotion and public relations and hospitality of business guests of the college. Hospitality expenditure shall not exceed one percent of the prior year total expenditures in the current unrestricted fund.

(b) The board of trustees may authorize other uses of such funds for the benefit of the college through its rules or by special action of the board.

(2) Funds used for purposes under subsection (1) of this rule shall be transferred to the appropriate fund of the community college and included in the appropriate budget.

Specific Authority 1001.02(1)(9), 1010.08 229.053(1), 240.325 FS. Law Implemented 1010.08 240.377 FS. History-Formerly 6A-8.181, Repromulgated 12-19-74, Amended 11-18-84, Formerly 6A-14.771, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Edward L. Cisek, Vice-Chancellor for Financial Policy, Department of Education
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David Armstrong, Chancellor, Community Colleges, Department of Education
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 30, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2004 (Note: Rule 6A-14.0491 was noticed as 6A-14.049 and Rule 6A-14.0061 was noticed as 6A-14.080.)

DEPARTMENT OF EDUCATION
State Board of Community Colleges

| | |
|--|------------|
| RULE TITLES: | RULE NOS.: |
| Area Served | 6H-1.017 |
| Delegation of Powers and Duties | 6H-1.030 |
| Substitute Admission and Graduation Requirements | 6H-1.041 |
| Florida Academic Improvement Trust Fund for Community Colleges | 6H-1.042 |
| Technology Transfer Centers | 6H-1.044 |
| Centers of Technology Innovation | 6H-1.045 |

PURPOSE AND EFFECT: These repeals are necessary due to the statutory elimination of the State Board of Community Colleges, changes in governance and subsequent transfers of powers and duties to the State Board of Education.

SUMMARY: These rules are repealed to reflect changes made in the Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.053(1), 240.325, 240.339, 240.363, 1001.02(1),(9), 1012.83 FS.

LAW IMPLEMENTED: 229.053, 240.311, 240.313, 240.319, 240.355, 240.363, 1012.83 FS.

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

TIME AND DATE: 9:00 a.m., June 15, 2004

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Edward L. Cisek, Vice-Chancellor for Financial Policy, Department of Education, 325 West Gaines Street, Rm. 1324, Tallahassee, Florida 32399-0400, (850)245-0448

THE FULL TEXT OF THE PROPOSED RULES IS:

6H-1.017 Area Served.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 228.041(1),(21), 229.053, 240.311 FS. History-Formerly 6A-8.86, Repromulgated 12-19-74, Amended 12-26-77, 9-11-84, Formerly 6A-14.06, Amended 12-18-90, Formerly 6A-14.006, Repealed.

6H-1.030 Delegation of Powers and Duties.

Specific Authority 240.309(1) FS. Law Implemented 240.311(4), 240.36(7)(c) FS. History-New 2-27-84, Amended 1-7-85, 5-28-85, Formerly 6H-1.30, Amended 3-9-87, 1-18-00, Repealed.

6H-1.041 Substitute Admission and Graduation Requirements.

Specific Authority 240.311 FS. Law Implemented 240.152, 240.153 FS. History-New 5-12-87, Repealed.

6H-1.042 Florida Academic Improvement Trust Fund for Community Colleges.

Specific Authority 240.311(2), 240.36(8) FS. Law Implemented 240.36 FS. History-New 11-23-87, Repealed.

6H-1.044 Technology Transfer Centers.

Specific Authority 240.311(2), 240.334(10),(11), 1001.02(1), 1004.78(10),(11) FS. Law Implemented 240.334(10),(11) FS. History-New 12-25-89, Repealed.

6H-1.045 Centers of Technology Innovation.

Specific Authority 240.309(1), 240.3335 1004.77 FS. Law Implemented 120.53(1), 240.309(1), 240.3335 1004.77 FS. History-New 10-11-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Edward L. Cisek, Vice-Chancellor for Financial Policy, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David Armstrong, Chancellor, Community Colleges, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 30, 2004

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE CHAPTER TITLE: Crime Information Bureau; Criminal History Records; Fingerprinting and Reports
 RULE CHAPTER NO.: 11C-4

RULE TITLE: Uniform Arrest Affidavits and Reports
 RULE NO.: 11C-4.009

PURPOSE AND EFFECT: Creates a uniform affidavit and report for use by law enforcement agencies when making arrests for a violation of Section 316.193, F.S., as required by statute.

SUMMARY: The rule provides for a uniform affidavit and report and incorporates those forms by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.05(2)(d) FS.

LAW IMPLEMENTED: 316.193, 943.05(2) FS.

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

TIME AND DATE: 10:00 a.m., Monday, June 7, 2004

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad A, 3rd Floor, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this program are requested to please advise the Department at least five days prior to the workshop by calling: (850)410-7900 (Voice) or (850)656-9597 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rafael E. Madrigal, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, (850)410-7676

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-4.009 Uniform Arrest Affidavits and Reports.

(1) A Uniform Probable Cause Affidavit, FDLE Form PCA 1 – March 2004, is adopted for use by all law enforcement agencies in the State of Florida when making DUI arrests pursuant to Section 316.193, Florida Statutes.

(2) A Uniform Alcohol Influence Report, FDLE Form AIR 1 – March 2004, is adopted for use by all law enforcement agencies in the State of Florida when making DUI arrests pursuant to Section 316.193, Florida Statutes.

(3) This rule shall not preclude the use of other probable cause affidavits or alcohol influence reports, and law enforcement agencies are authorized to supplement the Uniform Probable Cause Affidavit or the Uniform Alcohol Influence Report with additional affidavits and reports.

(4) Failure to use the Uniform Probable Cause Affidavit or the Uniform Alcohol Influence Report shall not prohibit prosecution of a person arrested for a violation of Section 316.193, Florida Statutes, and shall have no effect on the legality or validity of such arrest.

(5) The above referenced forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302.

Specific Authority 943.05(2)(d) FS. Law Implemented 316.193, 943.05(2) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rafael E. Madrigal, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, (850)410-7810

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Ramage, Florida Department of Law Enforcement, Office of General Counsel
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 4, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2004

DEPARTMENT OF REVENUE

Corporate, Estate, and Intangible Tax

RULE TITLE: Adjustments to Income
 RULE NO.: 12C-1.044

PURPOSE AND EFFECT: The purpose of this new rule is to provide guidance on how the Department or a business can make adjustments to income as reported for corporate income tax purposes.

SUMMARY: This new rule provides information on: (1) when the Department may require adjustments under Section 220.44, F.S., to clearly reflect Florida net income; and (2) how a taxpayer may ask the Department for an adjustment under Section 220.44, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost was prepared.

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

SPECIFIC AUTHORITY: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 220.44 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., June 22, 2004

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting: Larry Green, (850)922-4830. A person who is hearing-impaired or speech-impaired should contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Department's proposed rules are available on the Department's web site: www.myflorida.com/dor/rules.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4715, e-mail: address.ducasser@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-1.044 Adjustments to Income.

(1) The Executive Director or the Executive Director's designee is authorized to make adjustments to clearly reflect income in order to arrive at a proper and accurate tax. Such discretion may be exercised when any agreement, understanding, arrangement, or device, whether by inadvertence or design, improperly or inaccurately reflects Florida income. Adjustments are authorized to be made, but are not limited to, any item or items of income, loss, deduction, apportionment factor, or exclusion and can be made to all or part of any such item or items to the extent required to properly and accurately reflect income. Utilization of this authority by the Executive Director or the Executive Director's designee shall not be limited to circumstances where the improper or inaccurate reflection of income results from efforts to reduce, avoid, or escape tax.

(2) Examples when such adjustments are authorized to be made include, but are not limited to:

(a) Transactions at more or less than a fair price, which include, but are not limited to:

1. Transfers of property.

2. Loans and advances.

3. Services.

4. Transfers or use of intangible property.

(b) Transactions, arrangements, or agreements with little or no business purpose other than the reduction or avoidance of tax;

(c) Methods of accounting that fail to properly and accurately reflect income such as the inconsistent treatment of items of income, loss, or expense; or

(d) Acquisitions requiring substantial capital investment in Florida resulting in substantial changes in organizational structure and increases in the Florida apportionment fraction of the newly acquired corporation or group of corporations due to increases in the property and payroll factors.

(3)(a) If a taxpayer requests an adjustment under Section 220.44, F.S., pursuant to (2)(d), such request shall be made by the taxpayer through submission of a request for such adjustment to the Executive Director or the Executive Director's designee. Whether such adjustment shall be allowed and the amount of any adjustment shall be determined through an analysis that takes into account and balances the factors listed in this rule against the net tax effect of the amount of the adjustment. The taxpayer shall provide information requested by the Executive Director or the Executive Director's designee that shall be utilized when making the analysis and the determination of whether and to what extent an adjustment is appropriate under Section 220.44, F.S.

(b) When an affiliated group of corporations that is necessitated by regulatory and market requirements to create different legal entities and has never elected to file a Florida consolidated return acquires a separate group of affiliated corporations and:

1. The acquired group of corporations:

a. Is or will continue to be headquartered in Florida;

b. Was properly filing Florida consolidated returns prior to acquisition; and

c. Has substantial debt prior to acquisition, which is paid directly or indirectly by the purchaser as part of the purchase price;

2. The purchaser or its existing affiliates incurred substantial debt in order to effect the acquisition; and

3. The taxpayer demonstrates that substantial net operating losses will occur upon the filing of separate Florida returns by members of the affiliated group, the Executive Director or the Executive Director's designee is authorized to enter into an agreement with the parent company of the affiliated group for an adjustment to accelerate the deduction of current year net operating losses within the affiliated group for a period not to exceed 5 years. The Executive Director or the Executive Director's designee is authorized to impose other conditions so that the adjustment is limited to the acceleration of current year net operating losses. Under no circumstances shall a taxpayer be allowed to use more tax preference items than it would have been entitled to use without the acceleration effects of this rule. The tax effect of the acceleration of current year net operating losses in each of the years under the agreement shall not exceed the lesser of ten percent (10%) of the additional Florida investments made in the first three tax years after the acquisition that contribute to the increased payroll and property factor related to the acquired companies, or \$2 million.

(c) The agreement shall include provisions for the recapture of any tax benefits resulting from such adjustments should the conditions set forth in this rule or the agreement no longer be met.

(d)1. A taxpayer, any successor entities, or other members of an affiliated group of corporations that includes the taxpayer or any successor entities that has entered into an agreement with the Department under this rule shall not submit a request to revise, amend, or modify the existing agreement unless the taxpayer presents information showing that unforeseen circumstances have arisen with respect to the transaction that is the subject of the agreement.

2. A taxpayer, any successor entities, or other members of an affiliated group of corporations that includes the taxpayer or any successor entities that has entered into an agreement with the Department under this rule shall not submit a request for another agreement under this subsection for a period of 10 years from the date of the existing agreement unless the taxpayer presents information regarding a new transaction that involves a different acquired corporation or group of corporations from those included in the existing agreement.

(e) Should a taxpayer disagree with a decision made by the Executive Director or the Executive Director's designee on a request for an adjustment made pursuant to this subsection, the taxpayer may request review of the decision by the Governor and Cabinet acting as the head of the Department of Revenue.

(4) When requested, a taxpayer shall be required to submit information under oath or affirmation and shall permit examination of books and records as may be necessary to allow the Executive Director or the Executive Director's designee to determine whether and to what extent an adjustment is appropriate.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.44 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Ducasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4715, e-mail: ducasser@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rod Felix, Revenue Program Administrator, Technical Assistance and Dispute Resolution, Department of Revenue, Tallahassee, Florida 32314, (850)922-4111

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2003, Vol. 29, No. 43, pp. 4219-4420. A workshop was held on November 12, 2003. Testimony was received during the workshop and written comments were submitted after the workshop, but no changes were made to the proposed rule.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Participation by Disadvantaged Business Enterprises

RULE CHAPTER NO.: 14-78

RULE TITLES: General

RULE NOS.: 14-78.001

Time and General Procedural Requirements

14-78.0011

Definitions

14-78.002

General Responsibilities

14-78.003

Non-Federally Funded State DBE Program

14-78.004

Participation by Disadvantaged Business Enterprises

14-78.005

Procedure for Certification

14-78.007

Challenge Procedure

14-78.0071

Suspension or Revocation

14-78.008

Federal Appeal Rights

14-78.0081

Forms

14-78.009

PURPOSE AND EFFECT: This is a substantial amendment to Rule Chapter 14-78, F.A.C. Ten of the rules are to be repealed and Rule 14-78.005, F.A.C., is being substantially reworded. The provisions of 49 C.F.R. Part 26 (10-1-03 Edition) are incorporated by reference.

SUMMARY: This is a significant amendment of Rule Chapter 14-78, F.A.C., which includes repeal of 10 of the existing rules and substantial rewording of Rule 14-78.005, F.A.C. SPECIFIC AUTHORITY: 337.125, 337.137, 339.0805 FS. LAW IMPLEMENTED: 337.125, 337.137, 339.0805 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

~~PARTICIPATION BY SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESS ENTERPRISES INDIVIDUALS IN DEPARTMENT OF TRANSPORTATION CONTRACTS~~

14-78.001 General.

Specific Authority 334.044(2), 339.0805(5) FS. Law Implemented 339.05, 339.0805 FS. History--New 12-9-81, Amended 5-23-84, Formerly 14-78.01, Amended 9-21-87, 5-4-88, Repealed _____.

14-78.0011 Time and General Procedural Requirements.

Specific Authority 334.044(2), 339.0805 FS. Law Implemented 339.05, 339.0805 FS. History--New 5-23-84, Formerly 14-78.011, Amended 9-21-87, 5-4-88, 12-2-93, Repealed _____.

14-78.002 Definitions.

Specific Authority 334.044(2), 339.05, 339.0805 FS. Law Implemented 339.05, 339.0805 FS. History--New 5-23-84, Formerly 14-78.02, Amended 9-21-87, 5-4-88, 4-17-89, 6-24-91, 4-15-92, 12-2-93, Repealed _____.

14-78.003 General Responsibilities.

Specific Authority 334.044(2), 337.125(4), 337.137(3) FS. Law Implemented 337.125, 337.137, 337.139, 339.05, 339.0805 FS. History--New 12-9-81, Amended 5-23-84, 11-10-85, Formerly 14-78.03, Amended 9-21-87, 5-4-88, 4-17-89, 6-24-91, 12-2-93, 10-30-96, 8-12-97, 12-31-98, Repealed _____.

14-78.004 Non-Federally Funded State DBE Program.

Specific Authority 334.044(2), 337.125(4), 337.137(3), 337.139, 339.0805 FS. Law Implemented 337.125, 337.137, 337.139, 339.0805 FS. History--New 12-2-93, Repealed _____.

(Substantial rewording of Rule 14-78.005 follows. See Florida Administrative Code for present text.)

14-78.005 Participation by Disadvantaged Business Enterprises Standards for Certification of DBEs.

(1) The major purpose of the Disadvantaged Business Enterprise (DBE) Program is to assure nondiscrimination and DBE utilization in road and bridge construction and maintenance projects. Contractors are required to comply with the following special provision contained in all road and bridge contracts:

| <u>Special Provision for DBE Contracts</u> |
|--|
| <u>General. Prior to award of the contract, have an approved DBE Affirmative Action Program Plan filed with the Equal Opportunity Office. Update and resubmit the plan every three years. No contract will be awarded until the Department approves the Plan. The DBE Affirmative Action Program Plan and commitment to carry out the Plan must be incorporated into and become part of the awarded contract. Failure to keep these commitments will be deemed noncompliance with these specifications and a breach of the contract. Take all necessary and reasonable steps to ensure that Disadvantaged Business Enterprises, as defined in 49 C.F.R. Part 26, have the opportunity to participate in, compete for, and perform subcontracts. Do not discriminate on the basis of age, race, color, religion, national origin, sex, or disability in the award and performance of this contract.</u> |
| <u>Plan Requirements. Include the following in the DBE Affirmative Action Program Plan:</u> |
| <u>A policy statement, expressing a commitment to use DBEs in all aspects of contracting to the maximum extent feasible. The policy making body must issue a policy statement signed by the chairperson, which expresses its commitment to utilize DBEs, outlines the various levels of responsibility, and states the objectives of the program. Circulate the policy statement throughout the Contractor's organization.</u> |

The designation of a Liaison Officer with the contractor's organization, as well as support staff, necessary and proper to administer the program, and a description of the authority, responsibility, and duties of the Liaison Officer and support staff. The Liaison Officer and staff are responsible for developing, managing, and implementing the program on a day-to-day basis for carrying out technical assistance activities for DBEs and for disseminating information on available business opportunities so that the DBEs are provided an equitable opportunity to participate in contracts let by the Department. Use techniques to facilitate DBE participation in contracting activities such as:

1. Soliciting price quotations and arranging a time for the review of plans, quantities, specifications, and delivery schedules, and for the preparation and presentation of quotations.
2. Providing assistance to DBEs in overcoming barriers such as the inability to obtain bonding, financing, or technical assistance.
3. Carrying out information and communication programs or workshops on contracting procedures and specific contracting opportunities in a timely manner, with such programs being bilingual, where appropriate.
4. Encouraging eligible DBEs to apply for certification.
5. Contacting Minority Contractor Associations and city and county agencies with programs for disadvantaged individuals for assistance in recruiting and encouraging eligible DBE contractors to apply for certification.

DBE Records and Reports. Submit the Anticipated DBE Participation Statement at or before the Pre-construction Conference. Report monthly, through the Equal Opportunity Reporting System on the Department's website, actual payments, retainage, minority status, and work type of all subcontractors and major suppliers. The Equal Opportunity Office will provide instructions on accessing this system. Develop a record keeping system to monitor DBE affirmative action efforts which include the following:

1. The procedures adopted to comply with these specifications;
2. The number of subordinated contracts on Department projects awarded to DBEs;
3. The dollar value of the contracts awarded to DBEs;
4. The percentage of the dollar value of all subordinated contracts awarded to DBEs as a percentage of the total contract amount.
5. A description of the general categories of contracts awarded to DBEs; and
6. The specific efforts employed to identify and award contracts to DBEs.

Upon request, provide the records to the Department for review.
 All such records are required to be maintained for a period of five years following acceptance of final payment and available for inspection by the Department and the Federal Highway Administration.

(2) 49 C.F.R. Part 26 (10-1-03 Edition) is incorporated herein by reference and adopted by the Department for participation by disadvantaged business enterprises in the Department's federally funded projects. The provisions of 64 Federal Register No. 21, February 2, 1999, and 68 Federal Register No. 115, June 16, 2003, are available from the Department for informational purposes only. They also can be obtained on the Internet at <http://www.gpoaccess.gov/fr/index.html>.

Specific Authority 334.044(2), 337.125(4), 337.137(3), 339.0805(1) FS. Law Implemented 337.125, 337.137, 339.05, 339.0805 FS. History—New 12-9-81, Amended 5-23-84, Formerly 14-78.05, Amended 9-21-87, 5-4-88, 6-24-91, 12-2-93, 4-30-96, _____.

14-78.007 Procedure for Certification.

Specific Authority 334.044(2), 339.0805(1) FS. Law Implemented 120.57, 120.60, 334.044(27), 339.05, 339.0805 FS. History—New 12-9-81, Amended 5-23-84, Formerly 14-78.07, Amended 9-21-87, 5-4-88, 6-24-91, 12-2-93, 4-30-96, Repealed _____.

14-78.0071 Challenge Procedure.

Specific Authority 120.53(1)(b), 334.044(2), 339.0805(1) FS. Law Implemented 120.57, 120.60, 334.044(27), 339.05, 339.0805 FS. History—New 6-24-91, Amended 12-2-93, Repealed _____.

14-78.008 Suspension or Revocation.

Specific Authority 334.044(2), 337.137(3), 339.0805(2) FS. Law Implemented 120.57, 334.044(27), 337.137, 339.05, 339.0805 FS. History—New 12-9-81, Amended 5-23-84, Formerly 14-78.08, Amended 9-21-87, 5-4-88, 6-24-91, 12-2-93, Repealed _____.

14-78.0081 Federal Appeal Rights.

Specific Authority 334.044(2), 339.0805(1) FS. Law Implemented 339.05, 339.0805 FS. History—New 5-23-84, Formerly 14-78.081, Amended 9-21-87, 12-2-93, Repealed _____.

14-78.009 Forms.

Specific Authority 334.044(2), 339.0805(1),(2) FS. Law Implemented 334.044(27), 339.05, 339.0805 FS. History—New 12-9-81, Amended 5-23-84, Formerly 14-78.09, Amended 9-21-87, 5-4-88, 6-24-91, 12-2-93, 4-30-96, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Art Wright, Manager, Equal Opportunity Office
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 30, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 26, 2003

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

FLORIDA PAROLE COMMISSION

RULE TITLE: Definitions – Satisfactory Release Plan
 RULE NO.: 23-21.002

PURPOSE AND EFFECT: The purpose of the proposed amendment to the rule is to modify the definition of what constitutes a satisfactory release plan for consideration for parole release. The effect of the amendment will be to enhance the protection of the public and to facilitate the successful supervision of prison inmates released to parole supervision.

SUMMARY: The proposed amendment to the rule modifies the definitions of what constitutes a satisfactory release plan for consideration for release on parole supervision.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 947.07, 947.174(5)(b) FS.

LAW IMPLEMENTED: 947.1745(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kim Fluharty, General Counsel, Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

THE FULL TEXT OF THE PROPOSED RULE IS:

23-21.002 Definitions – Satisfactory Release Plan.

(1) through (44) No change.

(45) Satisfactory Release Plan means a release plan that meets all of the following requirements which shows:

(a) A residence confirmed by field investigation to be sufficient to meet the living needs of the individual seeking parole, or sufficient financial resources or assistance to secure adequate living accommodations with the approval of the parole supervisor; ~~and~~

(b) Self-sustaining employment or financial support sufficient to preclude the parolee from becoming a public charge which has been confirmed by field investigation; ~~and~~

(c) Both (a) and (b) available in a community that does not represent individual, collective, or official resentment or hostility to an extent that it impairs the opportunity for lawful and peaceful existence of the parolee or any individual within that community.

(d) If the individual seeking parole is a convicted sexual offender, the proposed residence and employment must not pose an undue risk to children under the age of eighteen.

(e) The occupants of the proposed residence must not pose an undue risk to the inmate's ability to reintegrate into society.

(f) The proposed residence must not contain any firearms.

(46) through (52) No change.

Specific Authority 947.07, 947.174(5)(b) FS. Law Implemented 947.1745 FS. History--New 9-10-81, Amended 10-1-82, 8-1-83, 7-1-84, Formerly 23-21.02, Amended 7-9-87, 1-29-93, 1-5-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kim Fluharty

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Fluharty

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 26, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2004

REGIONAL PLANNING COUNCILS

South Florida Regional Planning Council

RULE TITLE: Strategic Regional Policy Plan for South Florida RULE NO.: 29J-2.009

PURPOSE AND EFFECT: This rule amendment amends Rule 29J-2.009, F.A.C., which pertains to the Strategic Regional Policy Plan for South Florida.

SUMMARY: The Strategic Regional Policy Plan for South Florida is a policy document that is utilized by the South Florida Regional Planning Council for the purpose of assisting local governments in the South Florida Region, planning for the future of the Region and reviewing comprehensive plans and plan amendments and Developments of Regional Impacts for local governments in the Region.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.54, 186.507 FS.

LAW IMPLEMENTED: 120.54, 186.507, 186.508 FS.

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

TIME AND DATE: 10:30 a.m., June 7, 2004

PLACE: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, Florida 33021

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the South Florida Regional Planning Council with respect to any matter considered at these meetings, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Daniels, South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021, (954)985-4416

THE FULL TEXT OF THE PROPOSED RULE IS:

29J-2.009 Strategic Regional Policy Plan for South Florida.

The Strategic Regional Policy Plan (SRPP) for South Florida, was prepared in response to Section 186.507, F.S., and is based on current studies of the Region. The Council adopts the Strategic Regional Policy Plan for South Florida, which is incorporated herein by reference and copies of which are kept at the Council offices at 3440 Hollywood boulevard, Suite 140, Hollywood, Florida, to guide Council decision-making.

Specific Authority 120.54, 186.507 FS. Law Implemented 120.54, 186.507, 186.508 FS., Chapter 93-206, Laws of Florida. History--New 8-13-95, Amended 12-26-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 16, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Chiropractic Services RULE NO.: 59G-4.040

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Chiropractic Services Coverage and Limitations

Handbook, January 2004. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 2004.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule the revised Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 2004. The coverage and limitations handbook revisions include global HIPAA language, modifications in procedure code and claim form combinations due to HIPAA, policy to reflect new procedure codes, and an updated fee schedule effective January 2004.

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

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

SPECIFIC AUTHORITY 409.919 FS.

LAW IMPLEMENTED 409.906, 409.907, 409.908, 409.9081 FS.

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

DATE AND TIME: Monday, June 7, 2004, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ouida Mazzoccoli, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS #20, Tallahassee, Florida 32308, (850)922-7351

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.040 Chiropractic Services.

(1) No change.

(2) All chiropractic services providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 2004 ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMSHCPA-1500 ~~and Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-4.0015-020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.905, 409.908, 409.9081 FS. History—New 6-1-89, Amended 7-1-91, 12-31-91, 3-17-92, 4-21-92, 11-9-92, 7-5-93, 1-19-94, Formerly 10C-7.066, Amended 10-10-94, 5-25-95, 1-9-96, 10-21-97, 5-24-99, 4-23-00, 7-5-01, 2-20-03, 8-5-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ouida Mazzoccoli

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Pat Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2004

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Acceptable Variance of Examiners

RULE NO.: 64B5-2.017

PURPOSE AND EFFECT: The Board proposes the rule amendment to allow for reconciliation of significant examiner rating differences in scoring of examinations.

SUMMARY: The proposed rule amendment allows for uncorroborated 0's and 1's to be discarded and not used in averaging, and for a critical difference score not to be used in averaging.

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

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

SPECIFIC AUTHORITY: 466.004(3), 466.006(4)(b)5. FS.

LAW IMPLEMENTED: 466.006(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.017 Acceptable Variance of Examiners.

(1) All clinical gradings by examiners are to be made independently. Each clinical procedure shall be graded by three (3) examiners. However, uncorroborated 0 and 1 will be discarded and will not be used in averaging. A critical difference score will be discarded and will not be used in averaging. On the clinical examinations described in Rules

64B5-2.013 and 64B5-2.019, F.A.C., the three independent grades shall be averaged to determine an applicant's final grade on each procedure of the clinical examination. On the clinical portion of the dental hygiene examination described in Rule 64B5-2.0135, F.A.C., the three independent grades shall be utilized in a system of corroborated errors to determine an applicant's final grade on each procedure of the clinical portion. The corroborated errors grading system requires that at least two (2) of the independent examiners must agree on the presence of the error before the error may be used in calculating an applicant's grade.

(2) through (3) No change.

Specific Authority 466.004(3), 466.006(4)(b)5. FS. Law Implemented 466.006(4) FS. History--New 12-10-79, Amended 6-22-80, 4-20-81, 5-24-82, 12-6-82, 5-24-83, 5-2-84, 5-19-85, Formerly 21G-2.17, 21G-2.017, 61F5-2.017, 59Q-2.017, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 2004

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Centralized Prescription Filling

RULE NO.: 64B16-28.450

PURPOSE AND EFFECT: The Board proposes the rule amendments in response to comments from the Joint Administrative Procedures Committee to clarify the requirements for centralized prescription filling.

SUMMARY: The proposed rule amendments define and set forth the requirements for supplier and receiving pharmacies engaged in centralized prescription filling.

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

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

SPECIFIC AUTHORITY: 465.003,465.005, 465.0265 FS.

LAW IMPLEMENTED: 465.003(16), 465.0265 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.450 Centralized Prescription Filling.

~~Pharmacies acting as the supplier pharmacy under the centralized prescription filling of Section 465.0265, F.S., shall be licensed as either a community pharmacy or a non-resident pharmacy as appropriate.~~

(1) As used herein:

(a) The term "receiving pharmacy" means a pharmacy wherein the prescription which will be filled by the supplier pharmacy is initially presented. A "receiving pharmacy" is also the pharmacy which will dispense the medication once the prescription has been filled by the supplier pharmacy and then delivered to the receiving pharmacy; and,

(b) The term "supplier pharmacy" means a pharmacy which performs centralized prescription filling for one or more receiving pharmacies.

(2) Pharmacies acting as the supplier pharmacy must be authorized to dispense medications under the provisions of Chapter 465, Florida Statutes, and the rules promulgated thereto.

~~(3)(1) A community pharmacy which acts as the supplier pharmacy and which notifies limiting its dispensing to centralized prescription filling who file notice with the Board that its such pharmacy practice is so limited only to such practice shall be exempt from the following rules:~~

~~(a) through (c) No change.~~

(4)(2) All supplying and receiving pharmacies engaged in centralized prescription filling shall create and keep current a Policy and Procedure Manual which shall:

(a) Be prepared and maintained at the locations of specific to the supplying and receiving pharmacies; pharmacy at both locations;

(b) Include the information Appropriately address each of the elements required in by Sections 465.0265(2)(a)-(f), F.S.; and

~~(c) Be reviewed and found compliant with this section and Section 465.0265, Florida Statutes, by a board representative prior to initiation of service.~~

(5)(3) Delivery of medications by the supplying pharmacy shall only be made to the receiving pharmacy for dispensing. Such delivery must be made where the prescription resides and must be in a timely manner.

~~(6)(4) No change.~~

~~(5) The receiving pharmacy shall notify prescription drug patrons of the pharmacy by printed notice or signage that a central pharmacy may be involved in the preparation of dispensed prescription drug products.~~

Specific Authority 465.003, 465.005, 465.0265 FS. Law Implemented 465.003(16), 465.0265 FS. History--New 9-23-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 14, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 5, 2003

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Criteria for the Selection of Consultants
RULE NO.: 64B16-30.004

PURPOSE AND EFFECT: The Board proposes a new rule to establish the criteria to be used in the selection of consultant pharmacists for the Department of Health.

SUMMARY: The proposed new rule sets forth the requirements a pharmacist must meet to act as a consultant to the Department of Health.

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

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

SPECIFIC AUTHORITY: 456.004(8), 465.005 FS.

LAW IMPLEMENTED: 456.004(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-30.004 Criteria for the Selection of Consultants.

(1) In order to be eligible to act as a pharmacy consultant for the Department of Health (Department) an individual must meet the following criteria:

(a) Five (5) years current continuous practice as a pharmacist;

(b) The capacity to discuss with and enlist the cooperation of other pharmacists and physicians licensed pursuant to Chapters 458, 459, 461, and 462, Florida Statutes, and attorneys, Department investigators, and state law enforcement officials dealing in pharmacy matters;

(c) Not have had a pharmacist or other health care license suspended, revoked, or otherwise disciplined, except that a disciplinary penalty of an administrative fine and/or probationary period only imposed more than five (5) years prior to the licensee's consideration as a consultant shall not disqualify the pharmacist from consideration; and

(d) Not be currently under investigation by the Department, or by any State or Federal Department.

(2) At the time it selects a consultant, the Department will notify the Chair of the Probable Cause Panel, or if applicable, the chair of any other Board committee with an interest in the consultant's duties.

Specific Authority 456.004(8), 465.005 FS. Law Implemented 456.004(8) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 14, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Examination
RULE NO.: 64B19-11.001

PURPOSE AND EFFECT: The Board proposes to amend the rule to address the closure of the application file of any applicant.

SUMMARY: A rule will be amended to address the closure of the application file of any applicant.

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

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

SPECIFIC AUTHORITY: 456.017(1)(b),(c), 490.004(4) FS.

LAW IMPLEMENTED: 456.017(1)(b),(c),(d), 490.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.001 Examination.
(1) through (4)(b) No change.

~~(e) The Board shall close the application file of any applicant who fails to pass both parts of the examination within twenty four (24) months of the Board's letter advising that the applicant has been approved for the examination. The Board shall close the application file of any applicant who fails to submit evidence of completion of the post doctoral supervised experience within twenty four (24) months of the Board's letter advising that the applicant has been approved for the examination.~~

Specific Authority 456.017(1)(b),(c), 490.004(4) FS. Law Implemented 456.017(1)(b),(c),(d), 490.005 FS. History--New 4-4-82, Amended 7-11-84, Formerly 21U-11.03, Amended 2-19-86, 12-30-86, 3-10-87, 11-21-88, 3-5-90, 1-16-92, Formerly 21U-11.003, Amended 6-14-94, Formerly 61F13-11.003, Amended 1-7-96, 6-26-97, Formerly 59AA-11.001, Amended 2-21-99, 5-1-00, 1-10-01, 8-5-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 9, 2004

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Rule Governing Time Limits and Conditions for Maintenance of an Active Application File

RULE NO.: 64B19-11.007

PURPOSE AND EFFECT: The Board proposes to amend the rule to address what evidence should be submitted to the Board before closure of any applicant file.

SUMMARY: A rule will be amended to address what evidence should be submitted to the Board before closure of any applicants file.

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

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

SPECIFIC AUTHORITY: 490.004 FS.

LAW IMPLEMENTED: 490.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.007 Rule Governing Time Limits and Conditions for the Maintenance of an Active Application File.

(1) The Board will close the file of any applicant for licensure by examination who, ~~has not submitted evidence of the applicant's completion of the supervised experience~~ within twenty-four (24) months of the Board's letter advising that the applicant has been approved for examination, fails to submit to the Board evidence that the applicant has:

- (a) Completed the required supervised experience; and
- (b) Passed both parts of the examination.

(2) The application of one who fails to take either the examination for which the applicant is initially scheduled or the next subsequent one, shall be closed.

Specific Authority 490.004 FS. Law Implemented 490.005 FS. History--New 1-16-92, Formerly 21U-11.009, Amended 6-14-94, Formerly 61F13-11.009, Amended 1-7-96, Formerly 59AA-11.007, Amended 8-5-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2003

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Citations

RULE NO.: 64B19-17.004

PURPOSE AND EFFECT: The Board proposes to amend the rule to address a requirement for licensee to correct the offense.

SUMMARY: A rule will be amended to address a requirement for licensee to correct the offense.

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

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

SPECIFIC AUTHORITY: 456.077 FS.

LAW IMPLEMENTED: 456.077, 456.072(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-17.004 Citations.

In lieu of the disciplinary procedures contained in Section 456.073, F.S., the offenses enumerated in this rule may be disciplined by the issuance of a citation. The citation shall include a requirement that the licensee correct the offense, if possible, within a specified period of time, impose whatever obligations will correct the offense, and impose the prescribed penalty. The citation and fine option is available only to first time offenders, and no citation may be issued if more than one offense can be charged in the case. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. In addition to the fine indicated, the licensee shall pay the Department's cost of investigation and prosecution.

(1) Violation of Section ~~456.036(1)~~ ~~490.009(2)(d), (e), (n), (o), or (q)~~, F.S., (for practicing on an inactive or delinquent license for less than three months): \$500 fine.

(2) Violation of Section ~~456.036(1)~~ ~~490.009(2)(q)~~, F.S., (for practicing on an inactive license for three to six months): \$1,000 fine.

(3) Violation of Section ~~490.009(1)(u)(2)(v)~~, F.S., (for failing to maintain a client's confidence, except when written permission is obtained or there is an immediate danger where there is no harm caused to the patient): \$500 fine.

(4) Violation of Section ~~490.009(1)(2)(f)~~, F.S., (for maintaining a professional association with a person who may be in violation of the chapter or rule): \$500 fine.

~~(5) Violation of Section 490.009(2)(m), F.S., (for soliciting patients or clients through fraud, intimidation): \$500 fine and reprimand.~~

~~(5)(6)~~ Violation of Section 490.009(1)(t)(2)(g), F.S., through a violation of subsection 64B19-13.003(4), F.A.C. (for failing to provide documentation of Continuing Education courses upon request): \$50 per credit hour missing, if documentation of some credits is provided: \$3,000 and a reprimand if no documentation is provided.

~~(6)(7)~~ Violation of Section ~~456.035(1)~~ ~~490.009(2)(q)~~, F.S., (for failing to notify the Board of the licensee's current mailing address and place of practice): \$250 fine.

~~(7)(8)~~ Violation of Section 490.009(1)(t), F.S., (for failing to pay an administrative fine within thirty (30) days after notification of delinquency): 10% of the fine and/or cost of imposed fine and cost (failure to pay citation will result in an administrative complaint).

~~(8)(9)~~ Violation of Section 490.009(1)(d), F.S., (for failing to comply with advertising requirements): \$500 fine.

~~(9)(10)~~ Violation of Section 490.009(1)(n), F.S., (for failing to respond to a written request for a report of examination or treatment): \$500 fine.

~~(10)(11)~~ Violation of Section 490.009(1)(o), F.S., (for failing to respond within 30 days to a written communication from the Department concerning any investigation by the Department or to make available any relevant records with respect to any investigation about the licensee's conduct or background): \$500 fine.

~~(11)(12)~~ Violation of Section 490.012(2), F.S., (for failing to display license): \$100 fine.

~~(12)(13)~~ Issuance of a worthless bank check to the Department or to the Board in violation of Section 490.009(1)(a), F.S.: \$100 fine.

(13) Violation of Section 456.072(1)(w), F.S., (for failing to report to the Board, in writing within 30 days after the licensee as been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction) where the licensee ultimately reported more than 30 days but fewer than 91 days: \$100 fine.

Specific Authority 456.077 FS. Law Implemented 456.072(4), 456.077 FS. History--New 1-16-92, Amended 4-26-93, Formerly 21U-18.006, 61F13-18.006, Amended 1-9-96, Formerly 59AA-17.004, Amended 11-23-97, 3-25-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 19, 2003

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

| | |
|--|-------------------|
| RULE CHAPTER TITLE: | RULE CHAPTER NO.: |
| The Florida Fire Prevention Code | 69A-60 |
| RULE TITLES: | RULE NOS.: |
| Title | 69A-60.001 |
| Scope; Description of Florida Fire Prevention Code | 69A-60.002 |
| Standards of the National Fire Protection Association, NFPA 1, the Uniform Fire Code, Florida 2003 Edition, Adopted | 69A-60.003 |
| Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2003 Edition, Adopted | 69A-60.004 |
| Publications Referenced in NFPA 1 and NFPA 101, the Florida 2003 edition, Added to the Florida Fire Prevention Code | 69A.60.005 |
| Manufactured and Prototype Buildings Enforcement of the Florida Fire Prevention Code | 69A-60.006 |
| Fire Prevention Code | 69A-60.007 |
| Exceptions Applicable to Broward County | 69A-60.008 |

PURPOSE AND EFFECT: The purpose of these rule proceedings is the adopt the triennial version of the Florida Fire Prevention Code, as required by Sections 633.0215 and 633.025, Florida Statutes. The effect of the rule proceedings will be to have in place the updated Florida Fire Prevention Code for the three year period beginning January 1, 2005, until the next triennial review.

SUMMARY: These rule provide updated codes and standards for firesafety in almost all buildings and structures throughout the state as required by Sections 633.0215 and 633.025, Florida Statutes. Rule 69A-60.008, F.A.C., "Exceptions applicable to Broward County," is being repealed in its entirety since Broward County will adopt its own amendments. Substantial rewording of Rules 69A-60.003 and 69A-60.004, F.A.C., is necessary because the Florida 2003 editions of NFPA 1 and NFPA 101 will have the text of the State Fire Marshal approved amendments within those documents, rather than as supplemental to the documents as was necessary for the first adoption of these rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Regulatory Costs was prepared.

Any person who wishes to provide information regarding the statement of 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: 633.01, 633.0215, 633.025 FS.

LAW IMPLEMENTED: 633.01, 633.0215, 633.025 FS.

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

TIME AND DATE: 9:00 a.m., June 8, 2004

PLACE: Peterson Building Conference Room, 200 North Kentucky Avenue, Lakeland, Florida

TIME AND DATE: 9:00 a.m., June 9, 2004

PLACE: Columbia County School Board Administrative Complex Auditorium, 372 West Duval Street, Lake City, Florida

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact Millicent King, (850)413-3171, no later than 48 hours prior to the meeting or workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3170, Fax (850)922-1235

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-60.001 Title.

No change.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History--New 11-15-01, Formerly 4A-60.001.

69A-60.002 Scope; Description of Florida Fire Prevention Code.

(1) Except as provided ~~noted~~ in this section, this rule chapter applies to all buildings and structures throughout the state, including each building and structure located in each municipality, county, and special district with or without firesafety responsibilities.

(2) This rule chapter does not apply to: any municipality, county, or special district which has adopted an amendment to the Florida Fire Prevention Code in full compliance with Sections 633.0215(2), 633.0215(10), or 633.025(4), Florida Statutes, but only to the extent of such amendment. The Florida Fire Prevention Code is in addition to, and is supplemental to, any amendment adopted in accordance with Sections 633.0215(2), 633.0215(10), or 633.025(4), Florida Statutes.

~~(a) Those buildings and structures subject to the uniform firesafety standards under Section 633.022, F.S.~~

~~(b) State owned and state leased buildings and structures within the meaning of Sections 633.022 and 633.085, F.S.~~

~~(c) Buildings and structures subject to the minimum firesafety standards adopted pursuant to Section 394.879, F.S.~~

~~(d) Any county or municipality which has adopted an amendment which complies fully with subsection (10) of Section 633.0215, F.S. (2000), but only to the extent of such amendment.~~

(3)(a) The Florida Fire Prevention Code consists of:

1. National Fire Protection Association (NFPA) 1, the Uniform Fire Prevention Code, Florida 2003 edition, as adopted in Rule 69A-60.003, F.A.C.,

2. NFPA 101, the Life Safety Code, Florida 2003 edition, as adopted and incorporated in Rule 69A-60.004, F.A.C. herein, and their the additions, deletions, and other modifications to NFPA 1 and NFPA 101, Florida 2003 editions, as provided therein. and

3. All codes, standards, publications, and authorities adopted in Rule 69A-60.005, F.A.C. contained in this rule chapter constitute the Florida Fire Prevention Code pursuant to and by authority of Sections 57, 58, and 59, Chapter 98-287, Laws of Florida.

(b) The Florida Fire Prevention Code also consists of all rule chapters adopted pursuant to the authority of Section 633.022, Florida Statutes, and referred to as "uniform rules," or "rules for uniform buildings or structures," to-wit, Rule Chapters:

1. 69A-3, Fire Prevention, General Provisions;
2. 69A-36, Uniform Fire Safety Standards For Child Care Facilities;
3. 69A-38, Uniform Fire Safety Standards for Residential Facilities For Individuals With Developmental Disabilities;
4. 69A-40, Uniform Fire Safety Standards for Assisted Living Facilities;
5. 69A-41, Uniform Fire Safety Standards for Residential Child Care Facilities;
6. 69A-42, Uniform Fire Safety Standards for Mobile Home Parks and Recreational Vehicle Parks;
7. 69A-43, Uniform Fire Safety Standards for Transient Public Lodging Establishments;
8. 69A-44, Minimum Fire Safety Standards For Residential Alcohol And Drug Abuse Treatment And Prevention Programs, Mental Health Residential Treatment Facilities And Crisis Stabilization Units;
9. 69A-47, Uniform Fire Safety Standards for Elevators;
10. 69A-49, Uniform Fire Safety Standards for Self-Service Gasoline Stations;
11. 69A-53, Uniform Fire Safety Standards for Hospitals and Nursing Homes;
12. 69A-54, Uniform Fire Safety Standards for Correctional Facilities;
13. 69A-55, Uniform Fire Safety Standards for Public Food Service Establishments;
14. 69A-56, Uniform Fire Safety Standards for Migrant Labor Camps;
15. 69A-57, Uniform Fire Safety Standards for Adult Family Care Homes; and
16. 69A-58, Uniform Fire Safety Standards for Educational Facilities.

(c) In the event of a conflict between any provision of this rule chapter other than this rule section and the rules cited in paragraph (b), subparagraphs 1. through 15., the rules cited in paragraph (b), subparagraphs 1. through 15. prevail; however, the rules in this rule chapter are not in addition to, nor are they supplemental to, the rule chapters cited in paragraph (b), subparagraphs 1. through 15. Each rule chapter cited in paragraph (b), subparagraphs 1. through 14. contain the complete rules for the subjects covered in those rule chapters.

(d) In the event of a conflict between any provision of this rule chapter and Rule Chapter 69A-58, F.A.C., this rule chapter prevails. The rules in this rule chapter are in addition to, and supplemental to, the rules in Rule Chapter 69A-58, F.A.C.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.001, Amended _____.

(Substantial rewording of Rule 69A-60.003 follows. See Florida Administrative Code for present text.)

69A-60.003 Standards of the National Fire Protection Association, NFPA 1, the Uniform Fire Prevention Code, Florida 2003 Edition, Adopted.

(1) NFPA 1, the Uniform Fire Code, Florida 2003 edition, is hereby adopted and incorporated herein by reference and shall take effect on the effective date of this rule as a part of the Florida Fire Prevention Code.

(2)(a) NFPA 1, Florida 2003 edition may be purchased by writing to the NFPA at 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

(b) All codes, standards, publications, and authorities adopted and incorporated by reference in this rule chapter are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303 and may be accessed in a read-only, non-printable, non-downloadable format at the Division of State Fire Marshal website whose address is <http://www.fldfs.com/SFM/>.

(c) NFPA 1, Florida 2003 edition, may also be purchased at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 34482.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.001, Amended _____.

(Substantial rewording of Rule 69A-60.004 follows. See Florida Administrative Code for present text.)

69A-60.004 Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2003 Edition, Adopted.

(1) NFPA 101, the Life Safety Code, Florida 2003 edition, is hereby adopted and incorporated herein by reference and shall take effect on the effective date of this rule as a part of the Florida Fire Prevention Code.

(2)(a) NFPA 101, Florida 2003 edition may be purchased by writing to the NFPA at 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

(b) All codes, standards, publications, and authorities adopted and incorporated by reference in this rule chapter are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303 and may be accessed in a read-only, non-printable, non-downloadable format at the Division of State Fire Marshal website whose address is <http://www.fldfs.com/SFM/>.

(c) NFPA 101, Florida 2003 edition, may also be purchased at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 34482.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.004, Amended _____.

69A-60.005 Publications Referenced in NFPA 1 and NFPA 101, the Florida 2003 editions, added ~~Added to the Florida Fire Prevention Code NFPA 1 and NFPA 101.~~

(1) No change.

(2) The following publications are hereby adopted and incorporated by reference herein and added to the Florida Fire Prevention Code NFPA 1, 2000 edition, and NFPA 101, 2000 edition, respectively, and shall take effect on the effective date of this rule:

NFPA 10, 2002 ~~1998~~ edition Standard for Portable Fire Extinguishers

NFPA 11, 2002 ~~1998~~ edition Standard for Low-Expansion Foam

NFPA 11A, 2002 ~~1999~~ edition Standard for Medium- and High-Expansion Foam Systems

NFPA 12, 2000 edition Standard on Carbon Dioxide Extinguishing Systems

NFPA 12A, 1997 edition Standard on Halon 1301 Fire Extinguishing Systems

NFPA 13, 2002 ~~1999~~ edition Standard for the Installation of Sprinkler Systems

NFPA 13D, 2002 ~~1999~~ edition Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes

NFPA 13R, 2002 ~~1999~~ edition Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height

NFPA 14, 2003 ~~2000~~ edition Standard for the Installation of Standpipe, Private Hydrants, and Hose Systems

NFPA 15, 2001 ~~1996~~ edition Standard for Water Spray Fixed Systems for Fire Protection

NFPA 16, 2003 ~~1999~~ edition Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems

NFPA 17, 2002 ~~1998~~ edition Standard for Dry Chemical Extinguishing Systems

NFPA 17A, 2002 ~~1998~~ edition Standard for Wet Chemical Extinguishing Systems

NFPA 20, 1999 edition Standard for the Installation of Stationary Pumps for Fire Protection

NFPA 24, 2002 ~~1995~~ edition Standard for the Installation of Private Fire Service Mains and Their Appurtenances

NFPA 25, 2002 ~~1998~~ edition Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems

NFPA 30, 2000 ~~1996~~ edition Flammable and Combustible Liquids Code

NFPA 30A, 2000 ~~1996~~ edition Automotive and Marine Service Station Code

NFPA 30B, 2002 ~~1998~~ edition Code for the Manufacture and Storage of Aerosol Products

NFPA 31, 2001 ~~1997~~ edition Standard for the Installation of Oil-Burning Equipment

NFPA 32, 2000 ~~1996~~ edition Standard for Dry Cleaning Plants

NFPA 33, 2000 ~~1995~~ edition Standard for Spray Application Using Flammable and Combustible Materials

NFPA 34, 2000 ~~1995~~ edition Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids

NFPA 35, 1999 edition Organic Coatings

NFPA 36, 2001 ~~1997~~ edition Standard for Solvent Extraction Plants

NFPA 37, 2002 ~~1998~~ edition Combustion Engines and Gas Turbines

NFPA 40, 2001 ~~1997~~ edition Standard for the Storage and Handling of Cellulose Nitrate Motion Picture Film

NFPA 45, 2000 ~~1996~~ edition Standard on Fire Protection for Laboratories Using Chemicals

NFPA 50B, 1999 edition Standard for Liquefied Hydrogen Systems at Consumer Sites

NFPA 51, 2002 ~~1997~~ edition Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting and Allied Processes

NFPA 51A, 2001 ~~1996~~ edition Standard for Acetylene Cylinder Charging Plants

NFPA 51B, 1999 edition Standard for Fire Prevention During Welding, Cutting and Other Hot Work

NFPA 52, 2002 ~~1998~~ edition Compressed Natural Gas (CNG) Vehicular Fuel Systems Code

NFPA 53, 1999 edition Fires in Oxygen Atmospheres

NFPA 54, 2002 ~~1999~~ edition National Fuel Gas Code

NFPA 55, 2003 ~~1998~~ edition Compressed and Liquefied Gases in Portable Cylinders

NFPA 57, 2002 ~~1999~~ edition Liquefied Natural Gas (LNG) Vehicular Fuel Systems Code

NFPA 58, 2001 ~~1998~~ edition Liquefied Petroleum Gas Code

NFPA 59, 2001 ~~1998~~ edition Standard for the Storage, and Handling of Liquefied Petroleum Gases at Utility Gas Plants

NFPA 59A, 2001 ~~1996~~ edition Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG)

NFPA 61, 2002 ~~1999~~ edition Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Products Facilities

NFPA 69, 2002 ~~1997~~ edition Standard on Explosion Prevention Systems

NFPA 70, 2002 ~~1999~~ edition National Electrical Code®

NFPA 72, 2002 ~~1999~~ edition National Fire Alarm Code®

- NFPA 75, 2003 ~~1999~~ edition Electronic Computing Equipment
- NFPA 80, 1999 edition Standard for Fire Doors and Fire Windows
- NFPA 80A, 2001 ~~1996~~ edition Protection from Exterior Fire Exposures
- NFPA 82, 1999 edition Standard on Incinerators and Waste and Linen Handling Systems and Equipment
- NFPA 86, 1999 edition Standard for Ovens and Furnaces
- NFPA 86C, 1999 edition Standard for Industrial Furnaces Using a Special Processing Atmosphere
- NFPA 86D, 1999 edition Standard for Industrial Furnaces Using Vacuum as an Atmosphere
- NFPA 88A, 2002 ~~1998~~ edition Standard for Parking Structures
- NFPA 88B, 1997 edition Standard for Repair Garages
- NFPA 90A, 2002 ~~1999~~ edition Standard for the Installation of Air-Conditioning and Ventilating Systems
- NFPA 90B, 2002 ~~1999~~ edition Standard for the Installation of Warm Air Heating and Air-Conditioning Systems
- NFPA 91, 1999 edition Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids
- NFPA 96, 2001 ~~1998~~ edition Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations
- NFPA 99, 2002 ~~1999~~ edition Standard for Health Care Facilities
- NFPA 99B, 2002 ~~1999~~ edition Hypobaric Facilities
- NFPA 101A, 2001 ~~1998~~ edition Guide on Alternative Approaches to Life Safety
- NFPA 110, 2002 ~~1999~~ edition Standard for Emergency and Standby Power Systems
- NFPA 111, 2001 ~~1996~~ edition Standard on Stored Electrical Energy Emergency and Standby Power Systems
- NFPA 115, 1999 edition Laser Fire
- NFPA 120, 1999 edition Standard for Coal Preparation Plants
- NFPA 130, 2000 edition Fixed Guideway Transit System
- NFPA 140, 1999 edition Standard on Motion Picture and Television Production Studio Soundstages and Approved Production Facilities
- NFPA 150, 2000 ~~1995~~ edition Racetrack Stables
- NFPA 160, 2001 ~~1998~~ edition Standard for Flame Effects Before an Audience
- NFPA 211, 2003 ~~2000~~ edition Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances
- NFPA 214, 2000 ~~1996~~ edition Water Cooling Towers
- NFPA 220, 1999 edition Standard on Types of Building Construction
- NFPA 221, 2000 ~~1997~~ edition Standard for Fire Walls and Fire Barrier Walls
- NFPA 230, 2003 ~~1999~~ edition Standard for the Fire Protection of Storage
- NFPA 231D, 1998 edition Standard for Storage of Rubber Tires
- NFPA 232, 2000 ~~1995~~ edition Standard for the Protection of Records
- NFPA 241, 2000 ~~1996~~ edition Standard for Safeguarding Construction, Alteration, and Demolition Operations
- NFPA 251, 1999 edition Standard Methods of Tests of Fire Endurance of Building Construction and Materials
- NFPA 252, 1999 edition Standard Methods of Fire Tests of Door Assemblies
- NFPA 253, 2000 edition Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source
- NFPA 255, 2000 edition Standard Method of Test of Surface Burning Characteristics of Building Materials
- NFPA 256, 1998 edition Standard Methods of Fire Tests of Roof Coverings
- NFPA 257, 2000 edition Standard on Fire Test for Window and Glass Block Assemblies
- NFPA 259, 2003 ~~1998~~ edition Standard Test Method for Potential Heat of Building Materials
- NFPA 260, 1998 edition Standard Methods of Tests and Classification System for Cigarette Ignition Resistance of Components of Upholstered Furniture
- NFPA 261, 1998 edition Standard Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes
- NFPA 265, 2002 ~~1998~~ edition Standard Methods of Fire Tests for Evaluating Room Fire Growth Contribution of Textile Wall Coverings
- NFPA 266, 1998 edition Standard Method of Test for Fire Characteristics of Upholstered Furniture Exposed to Flaming Ignition Source
- NFPA 267, 1998 edition Standard Method of Test for Fire Characteristics of Mattresses and Bedding Assemblies Exposed to Flaming Ignition Source
- NFPA 286, 2000 edition Standard Methods of Fire Tests for Evaluating Contribution of Wall and Ceiling Interior Finish to Room Fire Growth
- NFPA 291, 2002 ~~1995~~ edition Fire Hydrants
- NFPA 299, 2002 ~~1997~~ edition Protection of Life and Property from Wildfires
- NFPA 303, 2000 ~~1995~~ edition Fire Protection Standard for Marinas and Boatyards
- NFPA 307, 2000 ~~1995~~ edition Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves
- NFPA 312, 2000 ~~1995~~ edition Standard for Fire Protection of Vessels During Construction, Repair, and Lay-Up
- NFPA 318, 2002 ~~1998~~ edition Standard for the Protection of Cleanrooms
- NFPA 385, 2000 edition Standard for Tank Vehicles for Flammable and Combustible Liquids

- NFPA 395, 1993 edition Farms, Storage of Flammable Liquids
- NFPA 407, 2001 ~~1996~~ edition Standard for Aircraft Fuel Servicing
- NFPA 409, 2001 ~~1995~~ edition Standard on Aircraft Hangers
- NFPA 410, 1999 edition Standard on Aircraft Maintenance
- NFPA 415, 2002 ~~1997~~ edition Standard on Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways
- NFPA 418, 2001 ~~1995~~ edition Standard for Heliports
- NFPA 430, 2000 edition Code for the Storage of Liquid and Solid Oxidizers
- NFPA 432, 2002 ~~1997~~ edition Code for the Storage of Organic Peroxide Formulations
- NFPA 434, 2002 ~~1998~~ edition Code for the Storage of Pesticides
- NFPA 480, 1998 edition Standard for the Storage, Handling, and Processing of Magnesium Solids and Powders
- NFPA 481, 2000 1995 edition Standard for the Production, Processing, Handling, and Storage of Titanium
- NFPA 482, 1996 edition Standard for the Production, Processing, Handling and Storage of Zirconium
- NFPA 485, 1999 edition Standard for the Storage, Handling, Processing, and Use of Lithium Metal
- NFPA 490, 1998 edition Code for the Storage of Ammonium Nitrate
- NFPA 495, 2001 ~~1996~~ edition Explosive Materials Code
- NFPA 498, 2001 ~~1996~~ edition Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives
- NFPA 501, 2003 ~~1999~~ edition Standard on Manufactured Housing
- NFPA 501A, 2003 ~~1999~~ edition Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities
- NFPA 505, 2002 ~~1999~~ edition Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance and Operation
- NFPA 650, 1998 edition Standard for Pneumatic Conveying Systems for Handling Combustible Particulate Solids
- NFPA 651, 1998 edition Standard for the Machining and Finishing of Aluminum and the Production and Handling of Aluminum Powders
- NFPA 654, 2000 ~~1997~~ edition Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids
- NFPA 655, 2001 ~~1993~~ edition Standard for Prevention of Sulfur Fires and Explosions
- NFPA 664, 2002 ~~1998~~ edition Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities
- NFPA 701, 1999 edition Standard Methods of Fire Tests for Flame Propagation of Textiles and Films
- NFPA 703, 2000 ~~1995~~ edition Standard for Fire Retardant Impregnated Wood and Fire Retardant Coatings for Building Materials
- NFPA 704, 2001 ~~1996~~ edition Standard System for Identification of the Hazards of Materials for Emergency Response
- NFPA 750, 2003 ~~2000~~ edition Water Mist Fire Protection Systems
- NFPA 820, 1999 edition Wastewater Facilities
- NFPA 850, 2000 edition Electric Generating Plants
- NFPA 909, 2001 ~~1997~~ edition Standard for the Protection of Cultural Resources, Including Museums, Libraries, Places of Worship, and Historic Properties
- NFPA 1122, 2002 ~~1997~~ edition Code for Model Rocketry
- NFPA 1123, 2000 ~~1995~~ edition Code for Fireworks Display
- NFPA 1124, 2003 ~~1998~~ edition Code for the Manufacture, Transportation, and Storage of Fireworks, and Pyrotechnic Articles
- NFPA 1125, 2001 ~~1995~~ edition Code for the Manufacture of Model Rocket and High Power Rocket Motors
- NFPA 1126, 2001 ~~1996~~ edition Standard for the Use of Pyrotechnics before a Proximate Audience
- NFPA 1127, 2002 ~~1998~~ edition Code for High Powered Rocketry
- NFPA 1142, 2001 ~~1999~~ edition Standard on Water Supplies for Suburban and Rural Fire Fighting
- NFPA 1194, 2002 ~~1999~~ edition Standard for Recreational Vehicle Parks and Campgrounds
- NFPA 1561, 2002 ~~2000~~ edition Standard on Emergency Services Incident Management System
- NFPA 1963, 1998 edition Standard for Fire Hose Connections
- NFPA 2001, 2000 edition Standard on Clean Agent Fire Extinguishing Systems
- NFPA 8503, 1997 edition Standard for Pulverized Fuel Systems
- Standard Fire Prevention Code, Chapter 22, 1997 edition
- Such portions of “The United States Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings,” which pertain to meeting firesafety requirements without destroying the historical aspects of the building
- SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings, Society of Fire Protection Engineers, Bethesda, Maryland 2000 edition
- The portions of ANSI A14.3-1992 ~~1984~~, Safety Code for Fixed Ladders, which pertain to fire escape ladders and which may be obtained at American National Standards Institute, 11 West 42nd Street, New York, NY 10036
- Chapter 4, Accessible Routes, ICC/ANSI A117.1-1998, which may be obtained at American National Standard for Accessible and Usable Buildings and Facilities, American National Standards Institute, 11 West 42nd Street, New York, NY 10036

The portions of ANSI A1264.1-1995, Safety Requirements for Workplace Floor and Wall Openings, Stairs and Railing Systems, which pertain to fire escape ladders and which may be obtained at American National Standards Institute, 11 West 42nd Street, New York, NY 10036

ANSI/UL 2079, 1998 edition, Test of Fire Resistance of Building Joint Systems, which may be obtained at Underwriters Laboratories Inc., 333 Pfingsten Rd., Northbrook, IL 60062

The portions of ASME/ANSI A17.1-1993, Safety Code for Elevators and Escalators, including Addenda A17.1a-1994 and A17.1b-1995, and also including Interpretation No. 17, published in 1993, Interpretation No. 18, published in 1994, and Interpretation No. 19, published in 1995, which pertain to firesafety, and which may be obtained at American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990

The portions of ASME/ANSI A17.3-2002 1993, Safety Code for Existing Elevators and Escalators, ~~including Addenda A17.3a-1994 and A17.3b-1995, which pertain to firesafety and~~ which may be obtained at American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990

ASTM D 2898,-94, (Reapproved 1999), Test Method for Accelerated Weathering of Fire Retardant-Treated Wood for Fire Testing, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 136-1999, Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750°C, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 1537, 1999 edition, Standard Test Method for Fire Testing of Upholstered Furniture, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 1590-01, Standard Test Method for Fire Testing of Mattresses, American Society for Testing and Materials, which may be obtained at 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 1591-00, Standard Guide for Obtaining Data for Deterministic Fire Models, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM F 851-1987 (Reapproved 1991), Standard Test Method for Self-Rising Seat Mechanisms, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, but only to the extent referenced in Subdivision 12.2.5.5.1 and 12.2.5.5.2 of NFPA 101, 2000 edition

BHMA/ANSI A-156.19-1997, American National Standard for Power Assist and Low Energy Power Operated Doors, which may be obtained at Buildings Hardware Manufacturers Association, 355 Lexington Avenue, 17th Floor, New York, NY 10017-6603

16 Code of Federal Regulations, Part 1632 which may be obtained by contacting the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342

UL 924, Standard for Safety Emergency Lighting and Power Equipment, Underwriters Laboratories, Inc., which may be obtained at 333 Pfingsten Rd., Northbrook, IL 60062

UL 1975, Standard for Fire Tests for Foamed Plastics Used for Decorative Purposes, Underwriters Laboratories, Inc., which may be obtained at 333 Pfingsten Rd., Northbrook, IL 60062

(3) No change.

~~(4) The 1997 edition of the Standard Fire Prevention Code may be obtained by writing the Southern Building Code Congress International, 900 Montclair Road, Birmingham, Alabama 35213-1206. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.~~

~~(4)(5) The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings may be obtained by writing the Florida Department of State, Division of Historical Resources, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.~~

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.001, Amended _____.

69A-60.006 Manufactured and Prototype Buildings.

No change.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Amended 9-8-02, Formerly 4A-60.006.

69A-60.007 Enforcement of the Florida Fire Prevention Code.

(1) Section 633.025, F.S., provides that each municipality, county, and special district with firesafety responsibilities is required to enforce the Florida Fire Prevention Code. Such enforcement requires inspection of each new building subject to the Florida Fire Prevention Code and includes periodic inspections of each existing building subject to the Florida Fire Prevention Code.

(2) The Florida Fire Prevention Code contains several provisions and requirements that may interrelate with the Florida Building Code. It is not the intent of the Florida Fire Prevention Code that such interrelation result in duplicate reviews and inspections by either the firesafety official or the building official. The authority having jurisdiction over firesafety is responsible for enforcement of the Florida Fire Prevention Code hereof and should discharge its obligation in a manner that does not expose those regulated to unnecessary or unnecessarily expensive duplication of effort. To that end, the authority having jurisdiction over firesafety is directed to clearly delineate responsibility for enforcement of the Florida Fire Prevention Code hereof, and, in the event that a dispute arises regarding the enforcement of the Florida Fire Prevention Code as related to the enforcement of the Florida Building Code, the authority having jurisdiction over firesafety shall resolve the dispute by the procedures set forth in Chapter 633 and Chapter 553, Florida Statutes, as required by Section 633.01, Florida Statutes.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.001, Amended _____.

69A-60.008 Exceptions Applicable to Broward County.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.008, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall A. Napoli, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 9, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 2004

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE: Firefighter Death Benefits
RULE CHAPTER NO.: 69A-64

RULE TITLE: Adjustments to Reflect Consumer Price Index
RULE NO.: 69A-64.005

PURPOSE AND EFFECT: To adopt price level changes relating to firefighter death benefits in Section 112.191, Florida Statutes, for the year 2004-2005.

SUMMARY: This rule adopts new benefits for the one year period from July 1, 2004, through June 30, 2005, based on the Consumer Price Index, as required by Section 112.191, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Regulatory Costs was prepared.

Any person who wishes to provide information regarding the statement of 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: 112.191 FS.

LAW IMPLEMENTED: 112.191 FS.

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

TIME AND DATE: 9:00 a.m., June 7, 2004

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

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact Kimberly Riordan, (850)413-3607, no later than 48 hours prior to the meeting or workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3170, Fax (850)922-1235

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.191, F.S., requires that the Division adjust the statutory amount payable based on the Consumer Price Index for all urban consumers published by the United States Department of Labor. The adjustment is to be effective on July 1 of each year using the most recent month for which data is available as of the time of the adjustment. The amounts payable for the period from July 1, ~~2004~~ ~~2003~~ through June 30, ~~2005~~ ~~2004~~, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for March, ~~2004~~ ~~2003~~, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: ~~\$52,375.50~~ ~~\$51,138~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: ~~\$52,375.50~~ ~~\$51,138~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: ~~\$157,126.50~~ ~~\$153,415~~.

(2) No change.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History--New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall A. Napoli, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 26, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2004

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

| | |
|-------------------|--|
| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 14-22 | Contractors – Highway Qualification to Bid |
| RULE NOS.: | RULE TITLES: |
| 14-22.002 | Regulations Covering Qualification of Contractors |
| 14-22.0041 | Procedure for Qualification and Issuance of Certificate of Qualification |
| 14-22.005 | Period of Validity of Qualification |
| 14-22.015 | Forms |

NOTICE OF CHANGE

SUMMARY OF CHANGES: The following changes are in response to a review by the Joint Administrative Procedures Committee:

1. Paragraph 14-22.002(1)(h), F.A.C., is changed to delete the existing sentence of the section, keeping only the newly proposed sentence so that the section reads as follows:

“(h) The Department shall act upon the application for qualification within 30 days after the Department determines that the application is complete. In those instances when the Department requests additional information, the Department shall process the application within 30 days after timely receipt of the requested additional information or correction of errors or omissions.”

2. Subsection 14-22.0041(2), F.A.C., is changed to delete the entire (2)(a). Because of the deletion of (2)(a), the “(b)” subsection designation also is deleted so that the current (2)(b) is included in under (2) itself. The revised section reads as follows:

“(2) Certificate of Qualification. ~~(a) Within 30 days after receipt of a complete application for qualification, the Department shall examine the application and grant a Certificate of Qualification, or issue an intent to deny the application.~~ (b) The Certificate of Qualification shall state the applicant’s Maximum Capacity Rating, the class or classes of work approved for bidding, the applicants’s name for submitting bids and the expiration date of the qualification.”

3. Subsection 14-22.005(1), F.A.C., is changed to delete the second proposed sentence and inserting a new sentence relating to the definition of “good cause” so the section will read as follows:

“(1) The applicant’s period of qualification shall be 18 not exceed 16 months from the ending date represented by of the audited annual financial statements or audited interim financial statements included in the application. For good cause, the Department will approve a period of qualification less than 18 months. Good cause shall mean as defined in Rule 14-22.0141, F.A.C. An applicant must submit a new application 30 days prior to the expiration of its their current Certificate of Qualification to ensure no interruption in its their qualification to bid. The Certificate of Qualification shall expire no later than the expiration date of the certificate, regardless of whether or not a hearing has been requested concerning the Department’s action on the application. Submission of an application shall not affect expiration of the Certificate of Qualification.”

4. Form 700-010-25 Contractor’s Past Performance Report, incorporated by reference under Rule 14-22.015, F.A.C., is changed as follows:

a. Page 2 of 7, Note 4., first line: Change “(4 points)” to “(6 points).”

b. Page 3 of 7, Note 8.: Change the last sentence as follows: “The Department’s will standard weather letter should be used to document/communicate performance progress in categories # 1,4, and 8 on a monthly basis.”

c. Page 4 of 7, 1. Pursuit of The Work: Delete in its entirety, the last sentence, which relates to a discretionary decision by the Engineer.

Notice was published in Florida Administrative Weekly, Vol. 30 , No. 14, April 2, 2004, Pages 1353-1366.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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