

**Section I**  
**Notices of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Banking**

RULE TITLE: RULE NO.:

Subsidiaries Holding Institution-  
 Authorized Assets 3C-100.067

PURPOSE AND EFFECT: This rule is being formulated to permit Florida-chartered banks, associations, savings banks and international agencies to place assets they may acquire or invest in directly in subsidiary corporations without regard to subsidiary investment limits of Section 658.67(6), Florida Statutes. Any such assets placed in subsidiaries shall remain subject to the investment or lending limits of other provisions of the Florida Financial Institutions Codes.

SUBJECT AREA TO BE ADDRESSED: Subsidiaries Holding Institution-authorized Assets.

SPECIFIC AUTHORITY: 655.012(3), 658.67(11) FS.

LAW IMPLEMENTED: 658.67(11) FS.

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

TIME AND DATE: 10:00 a.m., April 10, 2000

PLACE: Division of Banking Conference Room, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Linda Charity, Chief, Bureau of Research, Planning and Staff Development, Division of Banking, Room 614, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3C-100.067 Subsidiaries Holding Institution-Authorized Assets.

Investments by a state-chartered bank, association, savings bank or international agency in subsidiary corporations that do not conduct active operations directly with the public and that only hold assets the institution may acquire or invest in directly, except for other subsidiary organizations, shall not be limited. However, individual investments, loans or assets owned by such a subsidiary corporation, when combined with other investments, loans and assets of the same issuer, obligor, entity, person or source owned by the institution and its other subsidiary corporations, shall not exceed the applicable limitations of law on investments in or loans to the same issuer, obligor, entity, person or asset. To be eligible for the

exemption of this rule, any such subsidiary corporation must be wholly owned by the state financial institution, except in the case of a subsidiary that qualifies as a real estate investment trust under the Internal Revenue Code of the United States of America, in which case the subsidiary may have such additional shareholders as are needed to qualify for such status, provided none of the additional shareholders has control of the subsidiary.

Specific Authority 655.012(3), 658.67(11) FS. Law Implemented 658.67(11) FS. History-New \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: RULE NO.:

Modification of the State Student Assessment  
 Test Instruments and Procedures for  
 Exceptional Students and Other  
 Eligible Handicapped Students 6A-1.0943

PURPOSE AND EFFECT: The purpose of this rule development is to authorize accommodations for statewide assessment tests for students with disabilities and other eligible handicapped students. The effect is to enable the reporting of the performance of these students in terms clearly defined.

SUBJECT AREA TO BE ADDRESSED: This rule establishes procedures whereby appropriate accommodations may be made for students with disabilities and other eligible handicapped students who are participating in statewide assessment testing programs. The procedures define the type of accommodations that may be provided to such students.

SPECIFIC AUTHORITY: 229.57(14), 232.246(8) FS.

LAW IMPLEMENTED: 229.57, 232.246(8) FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:00 noon, April 13, 2000

PLACE: Department of Education, 325 West Gaines Street, Room 1703, Tallahassee, Florida

TIME AND DATE: 1:00 p.m. – 4:00 p.m., April 18, 2000

PLACE: School Board Meeting Room, School Board of Orange County, 445 West Amelia Street, Orlando, Florida

TIME AND DATE: 9:00 a.m. – 12:00 noon, April 26, 2000

PLACE: School Board Meeting Room, Broward County School Board, First Floor, Kathleen C. Wright Building, 600 Southeast 3rd Avenue, Ft. Lauderdale, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Thomas H. Fisher, Administrator, Student Assessment Services Section, Department of Education, 325 West Gaines Street, Room 414, Tallahassee, Florida 32399-0400, (850)488-8198

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.0943 ~~Modification of the State Student Assessment Test Instruments and Procedures for Exceptional Students with Disabilities and Other Eligible Handicapped Students.~~

(1) ~~The Division of Public Schools shall assure the inclusion of students with disabilities and other eligible handicapped students in the statewide assessment program and develop the modified test instruments required herein and provide technical assistance to school districts in the implementation of the accommodated modified test instruments and procedures administered pursuant to Section 229.57, Florida Statutes.~~

~~(a) The decision to exclude any student with a disability from statewide or district assessment programs is made by the Individual Educational Plan (IEP) team and recorded on the IEP. Students may be excluded from statewide or district assessment programs if the following criteria are met:~~

~~1. The student's demonstrated cognitive ability prevents the student from completing required coursework and achieving the Sunshine State Standards even with appropriate and allowable course modifications, and~~

~~2. The student requires extensive direct instruction to accomplish the application and transfer of skills and competencies needed for domestic, community living, leisure, and vocational activities.~~

~~(b) Students who are excluded from statewide or district assessment will be assessed through an alternate assessment procedure identified by the IEP team. The alternative assessment procedure shall be recorded on the student's IEP.~~

~~(c) Students who are excluded from the state required graduation test using the criteria in paragraphs (1)(a) and (b) of this rule will not be eligible for a standard high school diploma.~~

~~(2) Each school board shall utilize implement appropriate accommodations to modifications of the test instruments and statewide assessment test procedures established for issuance of a standard or special high school diploma, pursuant to Rules 6A-1.0942, 6A-1.095, and 6A-1.0995, FAC., within the limits prescribed herein. Accommodations shall be identified for each eligible student by the IEP team and recorded on the student's IEP. Accommodations identified for testing situations should be those identified as allowable in the test administration manual and those that have been used by the student in classroom instruction, and Such modifications shall include:~~

~~(a) Presentation. The student may be administered any statewide assessment through the following presentations:~~

~~1. Regular print versions of the test may be enlarged through mechanical or electronic means.~~

~~2. The district test coordinator may request large print versions.~~

3. Braille versions may be requested for students who use Braille materials. Some test items may be altered in format for braille versions of the test as authorized by the Department. Test items that have no application for the Braille reader will be deleted as authorized by the Department. Student performance standards that cannot be assessed in the Braille format will be deleted from the requirements of Chapter 229.57, Florida Statutes.

4. Signed or oral presentation may be provided for all directions and items other than reading items. Reading items must be read by the student through visual or tactile means.

5. The student may use means to maintain or enhance visual attention to test items.

(b) Responding. The student may use varied methods to respond to the test, including written, signed, and verbal response. Written responses may include the use of mechanical and electronic devices. A test administrator or proctor may transcribe student responses to the format required by the test. Transcribed responses must accurately reflect the response of the student, without addition or edification by the test administrator or proctor.

~~(c)(a) Flexible Scheduling. The student may be administered a test during several brief sessions, allowing frequent breaks during the testing sessions, within specifications of the test administration manual. Students may be provided additional time for the administration of the test so long as all testing is completed by the final allowed test date specified by the Commissioner.~~

~~(d)(b) Flexible Ssetting. The student may be administered a test individually or in a small group setting by a proctor rather than in a classroom or auditorium setting. The student may be provided with adaptive or special furniture and special lighting or acoustics.~~

~~(e) Assistive devices. The student may use the following assistive devices typically used in classroom instruction.~~

~~1. If the purpose of the assessment requires complex computation, calculators may be used as authorized in the test administration manual. A calculator may not be used on assessments of basic computation as specified in the test administration manual.~~

~~2. Visual magnification and auditory amplification devices may be used. For students with visual impairments, an abacus may be used.~~

~~3. Word processors may be used without accessing spelling or grammar checking applications.~~

~~(e) Recording of answers. The student may mark answers in a test booklet, type the answers by machine, or indicate the selected answers to a test proctor. The proctor may then transcribe the student's responses onto a machine scorable answer sheet.~~

~~(d) Mechanical aids. The student may use a magnifying device, a pointer, a noncalibrated rule or template or other similar devices to assist in maintaining visual attention to the~~

test booklet. An abacus and a braille writer may be used. Use of electronic calculators, including talking calculators, is prohibited.

(e) Revised format. The student may be tested by one or more of the following three (3) methods specifically developed by the Department:

1. Visual reading. The student may be tested with materials which are enlarged print or may be tested with regular print materials enlarged through mechanical or electronic means. Enlarged materials shall be provided only for students who meet the eligibility criteria for visually impaired programs specified in Rule 6A-6.03014, FAC.

2. Tactile reading. The student may be tested with materials which have been transformed to braille code or tested by using devices which permit optical to tactile transformations. Test items which have no application for the nonsighted person will be deleted from the tactile forms authorized or provided by the Department and shall be deleted from the requirements of Rules 6A-1.0941 and 6A-1.0942, FAC.

3. Auditory or sign language presentation. The test administrator may sign, provide oral interpretation or read to the student the following portions of the test: all mathematics items, all writing items, all oral reading items, and all directions. The reading items shall be read by the student using visual or tactile means.

(3) The need for any unique accommodations for use on state assessments not outlined in this rule must be authorized by the Department.

(4) District personnel are required to implement the accommodations in a manner that ensures the test responses are the independent work of the student. Personnel are prohibited from assisting a student in determining how the student will respond or directing or leading the student to a particular response.

(5)(3) The preceding accommodations modifications are authorized, when determined appropriate by the school district superintendent or designee, for any student who has been determined to be an eligible exceptional student with disabilities pursuant to Section 228.041(18), Florida Statutes, and Rules 6A-6.0301 and 6A-6.0331, FAC., and has a current individual educational plan, or who has been determined to be a handicapped person pursuant to Rule 6A-19.001(6), FAC. Students classified solely as gifted shall not receive any special test modifications. Satisfaction of the requirements of Rule 6A-1.0942, FAC., by any of the above accommodations modifications shall have no bearing upon the type of diploma or certificate issued to the student for completing school.

(6)(4) In no case shall the accommodations modifications authorized herein be interpreted or construed as an authorization to provide a student with assistance in determining the answer to any test item.

(7) The test scores of students with disabilities will be included in the state's accountability system as determined by the Commissioner.

(8) Procedures for exemption from the assessment required for graduation with a standard high school diploma due to extraordinary circumstances of a student with disabilities are specified in Rule 6A-6.03312.

(5) Upon receipt of a written request from the district school superintendent, the Commissioner may exempt an exceptional student, or one who has been determined to be a handicapped person pursuant to Rule 6A-19.001(6), FAC., from meeting specific requirements for graduation, due to extraordinary circumstances which would cause the results of the testing to not represent the student's achievement, but rather, reflect the student's impaired sensory, manual, speaking, or psychological process skills. The written request must document the specific extraordinary circumstances which prevent the student from meeting the requirements of Rules 6A-1.0942 and 6A-1.095(4), FAC.

Specific Authority 229.57(3)(11), 232.246(8)(9) 420.53(4)(b), 229.053(1), 232.246(9) FS. Law Implemented 229.57(3)(11), 232.246(8)(9) 420.53(4)(b), 228.2001, 232.246(9) FS. History—New 9-12-78, Amended 3-4-84, Formerly 6A-1.943, Amended 6-12-90, \_\_\_\_\_.

## DEPARTMENT OF EDUCATION

### State Board of Education

RULE TITLE:

RULE NO.:

Florida Educational Leadership Examination 6A-4.00821

PURPOSE AND EFFECT: The purpose of this rule development is to review and update the Florida Educational Leadership Examination application forms. The effect will be to have available to applicants updated application forms.

SUBJECT AREA TO BE ADDRESSED: Application forms for the Florida Educational Leadership Examination.

SPECIFIC AUTHORITY: 231.0861(3), 231.17(8),(11) FS.

LAW IMPLEMENTED: 231.0861, 231.17 FS.

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

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tom Fisher, Bureau of Curriculum, Instruction and Assessment, 325 West Gaines Street, Room 414, Tallahassee, Florida 32399-0400, (850)488-8198

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Special Request Procedure for Exemption from Graduation Test Requirement  
 RULE NO.: 6A-6.03312

PURPOSE AND EFFECT: The purpose of this rule development is to specify the procedures under which a student with disabilities can apply for and be given a waiver from the high school graduation testing requirements specified in statute. The effect will be to permit certain students with disabilities to be granted a waiver from the testing requirements thus allowing them to receive a regular high school diploma.

SUBJECT AREA TO BE ADDRESSED: This rule establishes procedures whereby a qualified student with disabilities may apply for and be granted a waiver from the high school graduation testing requirements specified in statute.

SPECIFIC AUTHORITY: 229.57(14), 232.246(8) FS.

LAW IMPLEMENTED: 229.57(3), 232.246(8) FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:00 noon, April 13, 2000

PLACE: Department of Education, 325 West Gaines Street, Room 1703, Tallahassee, Florida

TIME AND DATE: 1:00 p.m. – 4:00 p.m., April 18, 2000

PLACE: School Board Meeting Room, School Board of Orange County, 445 West Amelia Street, Orlando, Florida

TIME AND DATE: 9:00 a.m. – 12:00 noon, April 26, 2000

PLACE: School Board Meeting Room, Broward County School Board, First Floor, Kathleen C. Wright Building, 600 Southeast 3rd Avenue, Ft. Lauderdale, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Thomas H. Fisher, Administrator, Student Assessment Services Section, Department of Education, 325 West Gaines Street, Room 414, Tallahassee, Florida 32399-0400, (850)488-8198

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.03312 Special Request Procedure for Exemption from Graduation Test Requirement.

(1) Upon receipt of a written request from the district school superintendent at least one semester before the anticipated graduation date, the Commissioner may exempt a student with a disability or a student who has been determined to be a handicapped person pursuant to Rule 6A-19.001(6), FAC., from meeting the testing requirement for high school graduation with a standard diploma, as specified in Section 229.57(3)(c), Florida Statutes. This request must be due to extraordinary circumstances which would cause the results of the testing to reflect the student’s impaired sensory, manual, or speaking skills rather than the student’s achievement. The

Commissioner shall determine whether the exemption shall be granted based upon the documentation provided by the district school superintendent and shall be based on the criteria below:

(a) A request may be made for an exemption from any or all sections of the test required for high school graduation.

(b) Any request for an exemption must include the following documentation:

1. Description of the student’s disabling condition, including a specific description of the student’s impaired sensory, manual, or speaking skills, the disability’s effect on the student’s achievement, and a description of accommodations or modifications provided in the student’s course of study. Such documentation must include the most recent and other available re-evaluation or psychological reports.

2. Description of the extraordinary circumstances which cause or would cause the results of the testing to not represent the student’s achievement and mastery of skills. Extraordinary circumstances are events or conditions that prevent the student from physically demonstrating mastery of skills that have been acquired and are measured by the test.

3. Evidence that the student has the cognitive ability to mastery skills required for the test, has had the opportunity to learn the skills being tested, has been prepared to participate in the testing program, and has been provided appropriate accommodations as defined in Rule 6A-1.0943, FAC.

4. Evidence that the manifestation of the student’s disability prohibits the student from responding to the written test even when appropriate accommodations are provided so that the result of the testing reflects the student’s impaired sensory, manual, or speaking-skills rather than the student’s behavior.

(2) Upon receipt of the request for exemption, the Commissioner shall determine whether sufficient documentation has been provided, and, if not, may request additional information.

(3) If the Commissioner determines that the criteria for an exemption have been met, the request for a waiver from one or both parts of the test will be granted.

(4) Students who are not granted an exemption under this rule and who have not demonstrated mastery of the skills measured by the test for graduation may elect to remain for a thirteenth year of public education as provided in Section 232.246(9), Florida Statutes, or be provided with a free appropriate public education through the student’s twenty-second birthday.

Specific Authority 229.57(3)(c), 232.246(9) FS. Law Implemented 229.57, 232.246(9) FS. History—New

**DEPARTMENT OF EDUCATION****State Board of Education**

RULE TITLE:

Accommodations of the Statewide  
Assessment Program Instruments  
and Procedures for Limited English  
Proficient Students

RULE NO.:

6A-6.09091

**PURPOSE AND EFFECT:** The purpose of this rule development is to authorize accommodations for statewide assessment tests for limited English students. The effect is to enable the reporting of limited English student academic performance against clearly defined expectations.

**SUBJECT AREA TO BE ADDRESSED:** This rule establishes procedures whereby appropriate accommodations may be made for limited English proficient students who are participating in statewide assessment testing programs. The procedures define the type of accommodations that may be provided to such students.

**SPECIFIC AUTHORITY:** 229.57(14) FS.

**LAW IMPLEMENTED:** 229.57(3), 232.246(8) FS.

**RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:**

**TIME AND DATE:** 9:00 a.m. – 12:00 noon, April 13, 2000

**PLACE:** Department of Education, 325 West Gaines Street, Room 1703, Tallahassee, Florida

**TIME AND DATE:** 1:00 a.m. – 4:00 p.m., April 18, 2000

**PLACE:** School Board Meeting Room, School Board of Orange County, 445 West Amelia Street, Orlando, Florida

**TIME AND DATE:** 9:00 a.m. – 12:00 noon, April 26, 2000

**PLACE:** School Board Meeting Room, Broward County School Board, First Floor, Kathleen C. Wright Building, 600 Southeast 3rd Avenue, Ft. Lauderdale, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Thomas H. Fisher, Administrator, Student Assessment Services Section, Department of Education, 325 West Gaines Street, Room 414, Tallahassee, Florida 32399-0400, (850)488-8198

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

6A-6.09091 Accommodations of the Statewide Assessment Program Instruments and Procedures for Limited English Proficient Students.

(1) The Department of Education shall provide accommodations for limited English proficient (LEP) students to enable them to fully participate in the statewide assessment program as defined in Section 229.57, Florida Statutes.

(2) Each school board shall utilize appropriate test accommodations within the limits prescribed herein. School district personnel are required to implement the accommodations in a manner that ensures the test responses are the independent work of the student. Personnel are

prohibited from assisting a student in determining how the student will respond or directing or leading the student to a particular response.

(3) School districts shall offer test accommodations to LEP students who currently are receiving services in a program operated in accordance with an approved district LEP plan. The assessment tests may be administered with any one or a combination of the accommodations authorized herein that are determined to be appropriate for the individual student. Accommodations for statewide assessment tests shall include:

(a) High School Competency Test and Florida Comprehensive Assessment Test.

1. Students may be given additional time to complete each test section, and the entire test may be administered over one or more days. Students who begin any individual section of the test shall complete it in the same school day.

2. Students may be given access to English-to-heritage language/heritage language-to-English dictionaries such as those made available to LEP students in an instructional setting. A dictionary written exclusively in the heritage language or in English shall not be provided.

3. Students may be given the opportunity to be tested in a separate room with the English for Speakers of Other Languages (ESOL) or heritage language teacher serving as test administrator. If the student is not of legal age, the parents of said student shall be informed of this particular accommodation and shall be given the opportunity to select the preferred method of test administration.

4. Students taking the mathematics test section may be provided limited assistance by the ESOL or heritage language teacher using the student's heritage language. This assistance shall be as follows:

a. The teacher may answer student inquiries related to any of the test directions.

b. The teacher may answer specific inquiries concerning a word or phrase in a particular test question that is confusing the student because of limited English proficiency. In no case shall assistance be given the student in actually solving the mathematics questions.

c. Questions for clarification posed by individual students must be answered on an individual basis by the test administrator to prevent interference with another student's ability to concentrate.

5. Students taking the communications or reading test sections may be provided limited assistance by the ESOL or heritage language teacher using the student's heritage language. This assistance shall be as follows:

a. The teacher may answer student inquiries related to any of the general test directions as long as the student is not unmistakably led to infer the correct answer to any of the questions.

b. The teacher shall not answer students' inquiries about the reading passages, the question stems, or answer alternatives.

c. The students may have access to the dictionary specified in subparagraph (3)(a)2., of this rule, but the student is expected to read the reading passage, the question stems, and the answer alternatives in English.

(b) Writing Assessment Test.

1. Flexible setting. Students may be given the opportunity to be tested in a separate room with the ESOL or heritage language teacher serving as test administrator. If the student is not of legal age, the parents of said student shall be informed of this particular accommodation and shall be given the opportunity to select the preferred method of test administration.

2. Assistance in the heritage language. The ESOL or heritage language teacher may answer student questions about the general test directions in their heritage language, but the teacher is prohibited from answering questions about the writing prompt.

3. Flexible scheduling. Students may take the test during several brief sessions within one school day. All testing must be completed within the prescribed testing period shown in the test administration manual.

4. Flexible timing. Students may be provided additional time beyond the time limit specified in the test administration manual for administration of the test to non-LEP students.

5. Dictionary. LEP students may have access to English-to-heritage language/heritage language-to-English dictionaries, such as those made available to LEP students in an instructional setting. A dictionary written exclusively in the heritage language or in English shall not be provided.

(4) Each school board shall establish procedures whereby training shall be provided to the ESOL or heritage language teacher who is administering any of the statewide assessment tests. The training shall be designed to teach the teacher how to administer the statewide assessment tests within the limits prescribed in this rule.

(5) Limited English proficient students who otherwise are classified as exceptional education or handicapped students shall be afforded the additional test accommodations specified in Rule 6A-1.0943, FAC.

Specific Authority 229.57(14) FS. Law Implemented 229.57(3), 232.246(8) FS. History--New

**DEPARTMENT OF EDUCATION**

**Board of Regents**

RULE TITLE: \_\_\_\_\_ RULE NO.: \_\_\_\_\_  
General Description and Address of Agency 6C-1.0001  
PURPOSE AND EFFECT: To establish the rule describing the location and organization of the Board of Regents, as required by the Uniform Rules.

SUBJECT AREA TO BE ADDRESSED: Statement of organization and address of the Board of Regents.

SPECIFIC AUTHORITY: 240.209(1) FS.

LAW IMPLEMENTED: 120.54(5)(b)5. FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED IN THE FUTURE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, Tallahassee, Florida 32399-1950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6C-1.0001 General Description and Address of Agency.

(1) The Statement of Organization and Operation of the Board of Regents may be obtained upon request from the Office of the Chancellor, Florida Education Center, 325 W. Gaines Street, Tallahassee, Florida 32399-1950.

(2) The public may obtain information or make submissions or requests regarding the Board of Regents by calling the Office of the Chancellor (850)201-7100, or by writing: Office of the Chancellor, Florida Education Center, 325 W. Gaines Street, Tallahassee, Florida 32399-1950.

(3) Service of process on the Board is made by serving the General Counsel, State University System of Florida, Florida Education Center, 325 W. Gaines Street, Tallahassee, Florida 32399-1950.

Specific Authority 240.209(1) FS. Law Implemented 120.54(5)(b)5. FS. History--New

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Manufactured Buildings	9B-1
RULE TITLES:	RULE NOS.:
Department Activities	9B-1.003
Manufacturer Requirements	9B-1.007
Quality Control Procedures	9B-1.010
Multiple Site Manufacturing	9B-1.015
Insignia Denial	9B-1.018

PURPOSE AND EFFECT: The purpose of the amendment of the above-listed rules is to repeal 9B-1.003(1) and the last phrase of 9B-1.018 as an unnecessary recitation of statute, repeal 9B-1.015, which implements no specific law, repeal 9B-1.007(1)(c), which refers to a previously repealed rule, and amend 9B-1.010, making grammatical changes to improve readability of the rule.

SUBJECT AREA TO BE ADDRESSED: Multiple editorial changes made to rules pertaining to Manufactured Buildings, and repealing the rule pertaining to the manufacture of manufactured buildings at multiple sites.

SPECIFIC AUTHORITY: 553.37(1), 553.38(1), 553.381 FS.

LAW IMPLEMENTED: 553.37(1),(2),(8), 553.38, 553.381 FS.

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

TIME AND DATE: 9:00 a.m. – 11:00 a.m., April 13, 2000

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes & Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-1.003 Department Activities.

~~(1) The Department shall interpret and clarify the various aspects of the Manufactured Building Act of 1979 and will promulgate such regulations and rules as will from time to time be deemed necessary to carry out its purpose.~~

~~(1)(2)~~ The inspection agency shall approve the manufacturer's quality control manuals, model design plans and changes as they occur prior to filing them with the Department.

~~(2)(3)~~ Plans and manuals shall be submitted to the Department by an approved inspection agency, on behalf of their client, for final approval based upon compliance with the standards set forth in Rule 9B-1.004.

~~(3)(4)~~ Manufacturer certification – The manufacturer shall submit evidence to the Department that it has product liability insurance in an amount of not less than \$250,000 to continue manufacturing and/or modifying buildings for installation in Florida.

~~(4)(5)~~ Testing and Evaluations of Products – A recognized testing organization must comply with the ISO/IEC Guide 25:990 General Requirements for the Competency of Calibration and Testing Agencies; ISO/IEC Guide 38:1983 Acceptance of Testing Agencies; 40:1983 ISO/IEC Guide for the Acceptance of Certification Bodies.

~~(5)(6)~~ Program Forms – The following forms are hereby adopted by reference into this chapter.

TITLE	NUMBER
a. Three Dimensional or Component Application	Mfg Bldg 001
Annual Renewal Application	Mfg Bldg 002
Commercial/Residential Insignia Request	Mfg Bldg 003
Component System Insignia Request	Mfg Bldg 004
Room Addition Component Insignia Request	Mfg Bldg 005
Acknowledgment of Receipt Disposition Report	Mfg Bldg 006
Monitoring Checklist	Mfg Bldg 007
Invoice for Plans	Mfg Bldg 008

Specific Authority 553.37(1) FS. Law Implemented 553.37(1),(2), 553.81 FS. History—New 1-17-72, Amended 2-23-75, 3-1-80, 11-1-84, Formerly 9B-1.03, Amended 1-1-87, 1-1-89, 3-1-92, 3-1-95,\_\_\_\_\_.

9B-1.007 Manufacturer Requirements.

(1) In order to be approved to construct or modify manufactured buildings for sale or installation in Florida a manufacturer shall:

(a) Adopt and maintain quality control procedures in accordance with Rule 9B-1.010; and,

(b) Submit to the Department evidence of product liability insurance coverage in an amount of not less than \$250,000; and

~~(c) Ensure that inspections are carried out in accordance with Rule 9B-1.008.~~

(2) through (3) No change.

Specific Authority 553.37(1), 553.38(1), 553.381 FS. Law Implemented 553.37(8), 553.38(1) FS. History—New 1-17-72, Amended 2-23-75, 11-14-76, 3-1-80, 11-4-84, Formerly 9B-1.07, Amended 1-1-87, 1-1-89, 3-1-95,\_\_\_\_\_.

9B-1.010 Quality Control Procedures.

(1) Quality Control Manual (QCM). Since manufactured buildings ~~cannot~~ ~~are not~~ normally be inspected ~~inspectable~~ in the field, it will be necessary that they be manufactured in accordance with the Quality Control procedures established by the manufacturer and approved by the agency and the department.

(2) through (3) No change.

Specific Authority 553.37(1) FS. Law Implemented 553.37(1),(8) FS. History—New 1-17-72, Amended 2-23-75, 3-1-80, 9-29-82, Formerly 9B-1.10, Amended 1-1-89, 3-1-92, 3-1-95,\_\_\_\_\_.

9B-1.015 Multiple Site Manufacturing.

Specific Authority 553.37(1) FS. Law Implemented 553.37 FS. History—New 1-17-72, Amended 2-23-75, 3-1-80, Formerly 9B-1.15, Amended 3-1-92, 3-1-95, Repealed\_\_\_\_\_.

9B-1.018 Insignia Denial.

Should inspection reveal that a manufacturer is not manufacturing components or systems according to plans as approved by the Department and such manufacturer, after having been served with a notice setting forth the provisions of the plan approval which have been violated, continues to manufacture units in violation of the plan approval, applications for new insignia shall be denied and the insignia previously issued for units in violation of the plan approval shall be confiscated. Upon satisfactory proof of compliance such manufacturer may resubmit a request for an insignia. ~~This action shall be reviewable by hearing in accordance with Section 120.57, Florida Statutes.~~

Specific Authority 553.37(1) FS. Law Implemented 553.37(1), 553.38 FS. History--New 1-17-72, Amended 2-23-75, Formerly 9B-1.18, Amended 3-1-92, 3-1-95,\_\_\_\_\_.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

Florida Building Commission –                      9B-3  
Operational Procedures

RULE TITLES:                                      RULE NOS.:

Commission Organization and Operation                      9B-3.004  
Procedures for Testing Materials, Devices  
and Method of Construction                      9B-3.042

Qualification Program for Special Inspectors  
of Threshold Buildings                      9B-3.043

State Minimum Building Codes Adopted                      9B-3.047

PURPOSE AND EFFECT: The purpose of the amendment of the above-listed rules is to repeal 9B-3.047 as an unnecessary recitation of statute; repeal 9B-3.042, which is not authorized by specific statute, amend 9B-3.004(1) to reflect statutory changes, and amend 9B-3.043(b),(c) clarifying that experience is to be measured in calendar years.

SUBJECT AREA TO BE ADDRESSED: Appointment of the Chair of the Commission, experience of special inspectors of threshold buildings, procedures for testing of construction materials, methods and devices and local adoption of state minimum building codes.

SPECIFIC AUTHORITY: 553.73(3), 553.76(1), 553.77(1)(a), 553.79(5)(c) FS.

LAW IMPLEMENTED: 553.73(3), 553.73(9), 553.74, 553.75, 553.79(5)-(8), inclusive FS.

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

TIME AND DATE: 9:00 a.m. – 11:00 a.m., April 13, 2000

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes & Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-3.004 Commission Organization and Operations.

(1) The Commission is headed by a Chairman who is appointed by the Governor elected by the Commission membership, annually for a one-year term.

(2) through (10) No change.

Specific Authority 553.76(1), 553.77(1)(a) FS. Law Implemented Ch. 553.74, 553.75 FS. History--New 5-15-75, Amended 4-18-78, Formerly 9B-3.04, Amended.

9B-3.042 Procedures for Testing of Materials, Devices, and Method of Construction.

Specific Authority 553.77(1)(a) FS. Law Implemented Ch. 553, Part VI FS. History--New 4-18-78, Formerly 9B-3.42, Repealed.

9B-3.043 Qualification Program for Special Inspectors of Threshold Buildings.

(1) The minimum qualifying criteria for Special Inspectors of Threshold Buildings, also referred to as Threshold Inspectors, established by the Commission shall be as follows:

(a) Proof of current registration in good standing as a registered architect or professional engineer whose principal practice is structural engineering in the State of Florida.

(b) Three calendar years of experience in performing structural field inspections on threshold type buildings.

(c) Two calendar years of experience in the structural design of threshold type buildings. For the purpose of these criteria, structural design shall mean the design of all structural components of the building and shall not be limited to specific structural components only, such as foundations, prestressed or post-tensioned concrete, etc.

(d) through (e) No change.

(2) through (7) No change.

Specific Authority 553.79(5)(c) FS. Law Implemented 553.79(5)-(8) FS. History--New 10-3-84, Amended 2-24-85, Formerly 9B-3.43, Amended 4-9-87, 6-8-94, 2-27-96,\_\_\_\_\_.



9B-3.047 State Minimum Building Codes Adopted.

(1) No change.

~~(2) Application. The construction provisions contained within these referenced codes shall apply as required by Part VII, Chapter 553, Florida Statutes. Each local government and state agency with building construction regulation responsibilities shall adopt one of the state minimum building codes as its building code, which shall govern the construction, erection, alteration, repair or demolition of any building for which the local government or state agency has responsibility. If the One and Two Family Dwelling Code is adopted for residential construction, then one of the other recognized model codes must be adopted for the regulation of other residential and nonresidential structures.~~

Specific Authority 553.73(3) FS. Law Implemented 553.73(3),(9) FS. History—New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97,\_\_\_\_\_.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE: Florida Building Commission –  
RULE CHAPTER NO.: 9B-7

Handicapped Accessibility Standards  
RULE TITLE: Procedures  
RULE NO.: 9B-7.003

PURPOSE AND EFFECT: The purpose of the amendment of the above-listed rules is to repeal 9B-7.003 pursuant to the decision rendered in Department of Corrections v. Saulter, 24 FLW D1951, (Fla 1st DCA, 1999) repealing the provisions pertaining to rehearing of accessibility waiver petition.

SUBJECT AREA TO BE ADDRESSED: Procedural matters pertaining to Handicapped Accessibility Standards.

SPECIFIC AUTHORITY: 553.512(1) FS.

LAW IMPLEMENTED: 553.512(1) FS.

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

TIME AND DATE: 9:00 a.m. – 11:00 a.m., April 13, 2000

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes & Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired,

please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-7.003 Procedures.

(1) through (7) No change.

~~(8) Any person with a substantial interest in a Final Order may move the Commission for a rehearing of the same in accordance with the requirements of this paragraph.~~

~~(a) A motion for rehearing shall be filed not later than fifteen (15) days from the date of the Final Order to which it is addressed. Only one motion for rehearing by any one party shall be allowed for any Final Order.~~

~~(b) The motion for rehearing shall not reargue matters considered by the Commission, but shall present matters which the Commission may have overlooked, or shall be based on new information which the Commission did not have at the time of its earlier action.~~

~~(c) A timely motion for rehearing shall suspend the rendition of the Final Order for the purpose of appealing the Final Order to a District Court of Appeal. The rendition shall be deemed to have occurred on the date of the Order which determines the last timely motion for rehearing address to any one Final Order. The time for appealing the Final Order to a District Court of Appeal shall commence running from that date.~~

Specific Authority 553.512(1) FS. Law Implemented 553.512(1) FS. History—New 1-31-79, Formerly 9B-7.03, Amended 10-1-96, 9-14-97,\_\_\_\_\_.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE: Thermal Efficiency Standards  
RULE CHAPTER NO.: 9B-13

RULE TITLES: Thermal Efficiency Standards Adopted  
Effective Date  
RULE NOS.: 9B-13.0041  
9B-13.0061

PURPOSE AND EFFECT: The purpose of the amendment of the above-listed rules is to repeal 9B-13.0061(1) and the language in 9B-13.0041(1) referring to the repealed portion of 9B-13.0061 as unnecessary.

SUBJECT AREA TO BE ADDRESSED: Effective dates pertaining to Thermal Efficiency Standards.

SPECIFIC AUTHORITY: 553.901 FS.

LAW IMPLEMENTED: 553.901, 553.903 FS.

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

TIME AND DATE: 9:00 a.m. – 11:00 a.m., April 13, 2000

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes & Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-13.0041 Thermal Efficiency Standards Adopted.

(1) The design and fabrication of all new and renovated buildings, except as exempted herein, shall comply with the requirements of the Florida Energy Efficiency Code For Building Construction (the Code), promulgated by the State of Florida. The Department shall revise, update and maintain the Code. ~~After the effective dates specified in 9B-13.0061~~ All all new and renovated buildings, except as exempted herein, shall comply with the requirements of the 1997 Edition of the Code and the 1998 revisions, Form 600A-97 (Revised 1998), the FLA/RES-97 (Revised 1998) computer program, Form 600B-97 (Revised 1998) and Form 600C-97 (Revised 1998), herein incorporated into this rule by reference.

(2) No change.

Specific Authority 553.901 FS. Law Implemented 553.901, 553.903 FS. History--New 12-10-96, Amended 10-19-97, 1-19-98, 12-27-98,\_\_\_\_\_.

9B-13.0061 Effective Date.

~~(1) After October 15, 1980, no building except those exempted from the requirements of the Florida Energy Efficiency Code For Building Construction shall be constructed, installed or renovated unless such building complies with the standards and rules adopted in Rule 9B-13.0041.~~

~~(2) Revised pages of the 1997 Edition of the Code, Form 600A-97 (Revised 1998), the FLA/RES-97 (Revised 1998) computer program, Form 600B-97 (Revised 1998), and Form 600C-97 (Revised 1998) shall take effect on the effective date of this rule. Changes to Rule Chapter 9B-13 shall take effect as of the effective date of this rule.~~

Specific Authority 553.901 FS. Law Implemented 553.901 FS. History--New 12-10-96, Amended 10-19-97, 1-19-98, 12-27-98,\_\_\_\_\_.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: Florida Energy Conservation Standards  
RULE CHAPTER NO.: 9B-44

RULE TITLES: Products, Standards and Test Methods  
RULE NOS.: 9B-44.003  
Certification 9B-44.004

PURPOSE AND EFFECT: The purpose of the amendment of the above-listed rules is to repeal 9B-44.003(1)(a), 9B-44.003(2)(a), 9B-44.003(3)(a) and portions of 9B-44.004 as unnecessary repetition of statutory provisions; and updating the standards and testing methods in 9B-44.003.

SUBJECT AREA TO BE ADDRESSED: Certification statements by manufacturers and standards pertaining to refrigerator-freezers and freezers, flourescent lamp ballasts and showerheads.

SPECIFIC AUTHORITY: 553.954, 553.961 FS.

LAW IMPLEMENTED: 553.955(8)(c), 553.957, 553.961, 553.963, 553.971 FS.

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

TIME AND DATE: 9:00 a.m. – 11:00 a.m., April 13, 2000

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100.

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes & Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-44.003 Products, Standards and Test Methods.

The standards and test methods as required herein pertain to specific covered products.

(1) Refrigerators, Refrigerator-Freezers, and Freezers.

~~(a) Standards. Refrigerators, refrigerator freezers and freezers, except as exempted by sections 553.957(1)(a) and 553.963(1)(b), F.S., manufactured on or after January 1, 1993, shall meet the applicable standards listed in section 553.963(1)(a), F.S.~~

(b) Test Methods. Manufacturers of any refrigerator, refrigerator-freezer or freezer to be sold or installed in Florida that is covered by this rule shall cause the testing of one randomly selected sample of each model of covered product by a test laboratory accredited under the National Voluntary Laboratory Accreditation Program (NVLAP) or, where no laboratory accreditation program category exists under this program for a covered product, testing shall be conducted by an independent test laboratory. Testing shall be conducted according to the following test methods.

1. Fresh food refrigerated volume, freezer refrigerated volume, and total refrigerated volume shall be determined using the standard ANSI/AHAM HRF-1 – ~~1988~~ 1979 which is incorporated by reference herein.

2. The energy consumption shall be determined using the test procedure for refrigerators and freezers in 10 Code of Federal Regulations (CFR), section 430.22(a) and (b) (~~1999~~ 1986) which is incorporated by reference herein.

(2) Fluorescent Lamp Ballasts for Lighting Equipment.

~~(a) Standards. Fluorescent lamp ballasts and luminaires incorporating ballasts manufactured on or after January 1, 1989, except equipment exempted by section 553.963(2)(b), F.S., or preempted by section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297), shall meet the applicable standards listed in section 553.963(2)(a), F.S.~~

(b) Test Methods. Manufacturers of lamp ballasts for fluorescent lighting equipment to be sold or installed in Florida that is covered by this rule shall cause the testing of samples of each model of fluorescent lamp ballast by a test laboratory accredited under the National Voluntary Laboratory Accreditation Program (NVLAP) or, where no laboratory accreditation category exists under this program for a covered product, testing shall be conducted by an independent test laboratory.

1. Sample ballasts shall be tested to insure that the Ballast Efficacy Factor certified under the provisions of rule 9B-44.004 shall be no greater than the mean of the sample or the lower 97 1/2 percent confidence limit of the true mean divided by 0.95. A minimum of four ballasts of each model shall be randomly selected and tested.

2. The power input, and relative light output shall be determined in accordance with the standard, ANSI C82.2-1984 which is incorporated by reference herein.

(3) Showerheads.

~~(a) Standards. Showerheads manufactured on or after January 1, 1988, except those exempted by section 553.963(3)(b), F.S., shall meet the standard described in section 553.963(3), F.S.~~

(b) Test Method. Manufacturers of showerheads to be sold or installed in Florida that are covered by this rule shall cause the testing of samples of each model. Initial certification of showerheads mandated to occur by January 1, 1988, may contain testing reports developed by the manufacturers' test

laboratory and certified by the manufacturer to be true and accurate. Certifications of showerheads made after January 1, 1990, shall contain results of testing reports conducted by a test laboratory accredited under the National Voluntary Laboratory Accreditation Program (NVLAP) or, where no laboratory accreditation category exists under this program for a covered product, testing shall be conducted by an independent test laboratory. The method of testing shall be in accordance with standard ANSI A112.18.1M – ~~1996~~ 1979 which is incorporated by reference herein. Showerheads shall be tested in the assembled configuration in which they are packaged and sold. Showerheads in which a flow restricting mechanism is not mechanically retained, as defined below, when packaged and sold shall be tested with the flow restricting mechanism removed. Mechanically retained shall mean that the insert cannot be shaken out of the showerhead, but would require a force of at least eight pounds to remove the insert. All showerheads with the flow restrictors mechanically retained at the point of manufacture shall be tested with the flow restrictor mechanism in place. Showerheads with a radially drilled hole which is sealed when the flow restricting mechanism is in position, but which sprays water out of the side of the showerhead when the flow restricting mechanism is removed shall also be tested with the flow restricting mechanism in place.

Specific Authority 553.954, 553.961 FS. Law Implemented 553.955(8)(c), 553.957, 553.961, 553.963 FS. History—New 12-31-87, Amended 10-12-89,

9B-44.004 Certification.

~~Manufacturers of a covered product that was manufactured on or after the effective date for that product as specified in rule 9B-44.007 shall certify such product to be in compliance with these regulations in accordance with the provisions of section 553.971, F.S.~~

(1) ~~Test reports submitted with certification statements by manufacturers shall be based Section 553.971(2), F.S., requires certain information to be included in certification statements. Certification statement submittals to the Department for each model of covered product shall include a test report on testing performed not earlier than two years prior to the certification submittal, except as exempted by section 553.971(3), F.S., and a declaration of compliance with the Florida standards. The test report shall be a copy of the report produced by the testing laboratory and shall be consistent with the presentation of information required by the test standard applicable to the covered product and for showerheads shall indicate whether they are tested with or without inserts where applicable.~~

Certification statements for luminaires and showerhead assemblies that contain a ballast or showerhead manufactured and certified by others shall identify both ballast or showerhead and luminaire or assembly model numbers. A list of ballasts or showerheads officially certified in Florida that will be included as part of the product must be contained in the

certification package. However, no test report is required where the ballast or showerhead referenced has been certified by its manufacturer. Where a company utilizes one showerhead in a number of assemblies, one showerhead certification submittal may be made that includes a list of that company's assembly models containing that showerhead. ~~The certification statement shall contain the information required by section 553.971(2)(a), (b), (c), (d), (e), (f), (g) and (h), F.S.~~ The certification for showerheads shall certify that the showerhead is packaged and shipped with or without removable inserts as applicable. The declaration of compliance shall be provided on Form 971-87, which is incorporated by reference herein, effective 12/31/87.

~~(2) Certification statements not complete and accurate shall be returned to the manufacturer by the Department within 45 days after receipt with a description of incomplete or inaccurate information for correction. The date a corrected certification statement is received shall begin a new 45 day response cycle. Section 553.971(2)(k), F.S., requires the Department to forward to the manufacturer an acknowledgement that the statement has been received and that it is complete and accurate on its face within 45 days after receipt of a certification statement. Where additional information is required, the manufacturer shall be notified. An acknowledgment of certification shall be sent to the manufacturer once all provisions of section 553.971(2), F.S., have been met.~~

(3) through (4) No change.

Specific Authority 553.954 FS. Law Implemented 553.971 FS. History--New 12-31-87, Amended 10-12-89, \_\_\_\_\_.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE: Public Restrooms – Ratio of Facilities for Men and Women

RULE CHAPTER NO.: 9B-56

RULE TITLES: Definitions Implementation

RULE NOS.: 9B-56.002 9B-56.003

PURPOSE AND EFFECT: The purpose of the amendment of the above-listed rules is to change the reference from the Florida Board of Building Codes and Standards to the Florida Building Commission.

SUBJECT AREA TO BE ADDRESSED: Public Restrooms.

SPECIFIC AUTHORITY: 553.141(3), 553.141(4) FS.

LAW IMPLEMENTED: 553.141(1), 553.141(2), 553.141(3) FS.

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

TIME AND DATE: 9:00 a.m. – 11:00 a.m., April 13, 2000

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes & Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-56.002 Definitions.

For the purpose of this rule chapter, the following, unless the context does not permit such meaning, shall have the meanings indicated:

- (1) Department – The Department of Community Affairs.
- (2) Board – The Florida Building Code Commission ~~Board of Building Codes and Standards.~~
- (3) through (9) No change.

Specific Authority 553.141(4) FS. Law Implemented 553.141(1),(2) FS. History--New 6-8-94, Amended \_\_\_\_\_.

9B-56.003 Implementation.

(1) The Commission Board may interpret and clarify various aspects of the requirements for a specific ratio of facilities for men and women in public restrooms, and will promulgate such rules and regulations as will from time to time be deemed necessary to carry out its purpose.

(2) through (5) No change.

Specific Authority 553.141(3),(4) FS. Law Implemented 553.141(1),(2),(3) FS. History--New 6-8-94, Amended \_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

RULE CHAPTER TITLE: General Information

RULE CHAPTER NO.: 11-1

RULE TITLE: Confirmation and Delegation of Authority

RULE NO.: 11-1.0041

PURPOSE AND EFFECT: Proposed revisions to Rule 11-1.0041, FAC., provide for the delegation of authority by the Governor and Cabinet, as Head of the Florida Department of Law Enforcement, to the Executive Director or the Director's designee, to implement the provisions of the Administrative Procedure Act, Chapter 120, F.S. regarding final agency action. Clarifies that the compromise and settlement of claims, actions and other legal proceedings are subject to s. 45.062, F.S.

**SUBJECT AREA TO BE ADDRESSED:** The Department’s rule chapter concerning the delegation of authority of the agency head to the executive director or designee in the areas pertaining to final agency action pursuant to Chapter 120 and compromise and settlement of all actions brought against the Department or any of its employees acting within the scope of their employment.

**SPECIFIC AUTHORITY:** 943.03(4) FS.

**LAW IMPLEMENTED:** 20.05(1)(b), 20.201, 112.061, 120.63(1), 216.345, Chapter 943 FS.

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

**TIME AND DATE:** 10:00 a.m., Tuesday, April 11, 2000

**PLACE:** Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Fern Rosenwasser, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

11-1.0041 Confirmation and Delegation of Authority.

(1) In accordance with Paragraph 20.05(1)(b), F.S., the Executive Director and other officials of the Department of Law Enforcement are hereby authorized to perform or exercise the following statutory powers and duties of the Agency, Department, or Department Head:

(a) The Executive Director or, his designee shall:

1. through 10. No change.

11. Compromise and settle, in the best interest of the Department, subject to s. 45.062, F.S., all claims, actions, causes of action and legal proceedings, whether sounding in tort or contract, that are brought against the Department or any of its employees acting within the scope of their employment. Such compromises and settlements shall be limited to cases where the total amount paid is less than \$100,000.00, and shall be reported to the Governor and Cabinet on at least a quarterly basis.

12. Initiate rulemaking and respond to petitions for declaratory statements, hearings, and departmental rulemaking under Chapter 120; provided, however, the Governor and

Cabinet shall approve all Department administrative rules and reserves the prerogative to act as hearing officer in Section 120.57 proceedings involving great public interest or other public agencies. Examples of rulemaking include the following:

a. through g. No change.

h. To take final agency action in any proceeding or matter within the scope of the Department’s authority.

(b) through (f) No change.

(2) No change.

Specific Authority 943.03(4) FS. Law Implemented 20.05(1)(b), 20.201, 112.061, ~~120.54, 120.565, 120.569(2), 120.57(1)-(3), 120.63(1), 120.74(2), 216.345, 216.262~~; Chapter 943 FS. History—New 1-31-80, Amended 6-29-80, 7-5-81, Formerly 11-1.041, Amended 7-6-99, \_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

**RULE CHAPTER TITLE:** Salary Incentive Program **RULE CHAPTER NO.:** 11B-14

**RULE TITLES:** General Program Provisions **RULE NOS.:** 11B-14.002

Authorized Payments 11B-14.003

**PURPOSE AND EFFECT:** 11B-14.002: To revise rule language to reflect that courses shall be verified, NOT CERTIFIED, by training center directors; to reflect when a student is dismissed from a training program by adding “dismiss” in column 11 of form CJSTC-67; to change ATMS2 to ATMS because the systems have been merged. 11B-14.002: To add “eligible” and clarify existing rule language by making grammatical revisions; and to delete unnecessary rule language. 11B-14.002: To revise rule language to reflect that salary incentive documents are not verified by the Criminal Justice Professionalism Program Records Section. 11B-14.002: To make grammatical revisions. 11B-14.003: To revise statutory references.

**SUBJECT AREA TO BE ADDRESSED:** Salary Incentive Program provisions, form revisions, and statutory revisions.

**SPECIFIC AUTHORITY:** 943.03(4), 943.12(1), 943.22(2)(h) FS.

**LAW IMPLEMENTED:** 943.22 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:** 1:00 p.m., April 11, 2000

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 2 weeks prior to the workshop by contacting Donna Hunt at TDD#: (850)656-9597.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-14.002 General Program Provisions.

(1) The Salary Incentive Program shall not be used to circumvent any current or planned annual base salary increases, pursuant to Section 943.22(2)(g), F.S. Additionally, agency financial records shall be maintained to separately identify gross salary and salary incentive payments.

(2) No change.

(3) All Commission-approved Career Development Training Courses, effective on or after July 1, 1985, that are Commission-approved Advanced Training Courses, pursuant to Section 943.17 or 943.25, F.S., and have been successfully completed by eligible officers, shall be verified ~~certified~~ by the training center director for submission to Commission staff by completing a Training Report form CJSTC-67, revised ~~September 1, 1999, February 18, 1998~~, hereby incorporated by reference, pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual, revised ~~October 13, 1999 January 1999~~, hereby incorporated by reference. Effective September 1, 1998, the information on the CJSTC-67 form is required to be electronically transmitted via the Commission's Automated Training Management System (ATMS) ~~(ATMS2)~~. A copy of the Training Report form showing successful completion of an approved course may be used as the verifying document to authorize payment of appropriate training salary incentive monies.

(4) To avoid redundant training and to acknowledge training that is equal to training programs established pursuant to Section 943.17, F.S., Commission staff shall award 40 hours of advanced training credit for each 40-hour week of criminal justice executive or management training successfully completed and approved by the Commission, for programs conducted at the Federal Bureau of Investigation's National Academy, the Federal Bureau of Investigation's National Executive Institute, the Southern Police Institute, the National Institute of Corrections, the Police Executive Institute, the National Sheriffs Institute, the Northwestern Traffic Institute (long course), the Federal Bureau of Prisons, the Institute for Police Technology Management, the Florida Criminal Justice Executive Institute (FDLE Senior Leadership Program), and the Senior Management Institute for Police. Eligible officers who request to receive salary incentive credit for a program listed herein, shall submit to Commission staff a written request ~~make their request to Commission staff in writing, accompanied by a written request~~ for salary incentive credit

from the officer's agency administrator and a copy of the officer's certificate of course completion. Commission staff shall evaluate the request and determine whether the program in question qualifies for training salary incentive monies.

(5) All claimed eligibility for educational salary incentives shall be reported to Commission staff by the employing agency by submitting an official Higher Education Report form CJSTC-63, revised October 27, 1998, hereby incorporated by reference. The information on the CJSTC-63 form may be electronically submitted via the Commission's Automated Training Management System (ATMS) ~~(ATMS2)~~. The employing agency shall obtain an official sealed transcript directly from the educational institution conferring the degree, or providing the academic credit for successful completion of courses. The employing agency shall not forward the transcript to Commission staff.

(6) through (11) No change.

(12) The officer's training record maintained by Commission staff shall reflect the officer's eligibility for salary incentive monies. Eligibility for educational salary incentive monies, ~~for those officers whose class specifications do not require a minimum of a 4 year degree or higher~~, shall be transferable regardless of the discipline in which the officer obtains employment. Salary incentive monies for Advanced Training Courses are transferable from one discipline to another.

(13) ~~At the request of an employing agency, Commission staff shall verify documents an officer submits for training salary incentive monies and the amount of training salary incentive monies the officer is eligible to receive.~~ The employing agency is responsible for ensuring that the documents submitted for educational salary incentive monies are authentic and accurately reflect the credit given for academic courses successfully completed by the officer.

(14) No change.

(15) Sheriffs eligible to qualify for special qualification salary, pursuant to Section 943.253, F.S., and Section 145.071, F.S., may ~~can~~ request salary incentive payment pursuant to Section 943.22(2)(d), F.S., and shall be entitled to salary incentive credits under the programs provided in paragraph (4) of this rule section. However, any executive or management courses completed to satisfy the requirements of Section 145.071, F.S., regarding special qualification salary for sheriffs, shall not be credited for salary incentive payments. Commission staff shall provide sheriffs with documentation that verifies the number of hours credited for salary incentive payments pursuant to Section 943.22(2)(d), F.S., and the number of hours credited toward continuing education pursuant to Section 145.071(2)(c), F.S.

(16) No change.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History—New 10-16-78, Amended 9-11-79, 1-13-81, 5-16-83, 1-7-85, Formerly 11B-14.02, Amended 7-13-87, 9-3-87, 5-23-88, 5-14-92, 12-13-92, 1-2-97, 7-7-99, \_\_\_\_\_.

11B-14.003 Authorized Payments.

Full-time law enforcement, correctional, and correctional probation officers satisfying the certification requirements of Chapter 943, F.S., who are not excluded from eligibility pursuant to Section, 943.22(4), F.S., shall be eligible to participate in the Salary Incentive Program.

(1) through (4) No change.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History—New 9-11-79, Amended 1-13-81, 5-16-83, 9-1-83, 4-26-84, 1-7-85, Formerly 11B-14.03, Amended 7-13-87, 1-2-97, 7-7-99,

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

Criminal Justice Standards and Training Trust Fund	11B-18
RULE TITLES:	RULE NOS.:
Operational Definitions	11B-18.003
Regional Training Areas	11B-18.004
Establishment of Regional Training Councils	11B-18.005
Regional Training Council Meetings	11B-18.0051
Development of Budgets	11B-18.0052
Expenditure of Funds	11B-18.007
Reports	11B-18.0071
Areas of Responsibility	11B-18.008
Applicability, Contractual Obligations	11B-18.009

PURPOSE AND EFFECT: 11B-18.003: To revise the definition of "Fiscal Agent," which currently states that a training school appoints a fiscal agent, because a Regional Training Council appoints fiscal agents not a training school; to add and delete statutory references to the "Specific Authority" and "Laws Implemented" of this rule section and to revise the definition of "Commission-approved expenditure formula." 11B-18.004: To revise the names of training schools." 11B-18.005: To revise the name of a state law enforcement agency in Region XV; to revise the number of correctional officers the Local Regional Training Council is comprised of; to add "public county" to "correctional institution to differentiate between a state correctional institution and county institution." 11B-18.0051: To add a new statutory reference to the "Specific Authority" of this rule section. 11B-18.0052: To remove unnecessary rule language; to describe the specific type of operating budget required, i.e. "projected annual operating budget" to be consistent with existing rule language; to add a new statutory reference to the "Specific Authority" and "Laws Implemented" of this rule section and to state that the Commission may approve "the" disposition of funds, not only "any equitable" disposition of funds. 11B-18.007: To revise rule language to reflect that a Regional Training Council is not responsible for studying the Commission's priority issues, but rather is responsible for including priority issues in its approved budget; to implement by rule the Commission's current policy regarding

"unexpended interest." (Unexpended interest shall be remitted to the trust fund within 90 days following the close of the fiscal year); to add a new statutory reference to the "Specific Authority" and "Laws Implemented" of this rule section; and to add "training" before the word "region" to be consistent with existing rule language. 11B-18.0071: To make grammatical revisions for clarification purposes and to add a new statutory reference to the "Specific Authority" and "Laws Implemented" of this rule section. 11B-18.008: To designate the requirement of a specific trust fund budget, i.e. "annual operating" budget; to clarify existing rule language; to revise the name of the required trust fund report; to add a new statutory reference to the "Specific Authority" of this rule section; and to delete the reference of "school" before the words "fiscal agent" - there is only a "regional fiscal agent." 11B-18.009: To make grammatical revisions and to add a new statutory reference to the "Specific Authority" and "Laws Implemented" of this rule section.

SUBJECT AREA TO BE ADDRESSED: Operational definitions, regional training areas, Regional Training Councils, development of budgets, expenditure of trust funds, grammatical revisions, agency responsibilities with regard to the Criminal Justice Standards and Training Trust Fund, and contractual obligations.

SPECIFIC AUTHORITY 943.03(4), 943.12(1),(2), 943.25(4),(5) FS.

LAW IMPLEMENTED 943.12(5), 943.25, 943.25(4),(5) 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: 1:00 p.m., April 11, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 2 weeks prior to the workshop by contacting Donna Hunt at TDD#: (850)656-9597.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-18.003 Operational Definitions.

For the purpose of this rule chapter, the definitions of "Auxiliary Law Enforcement Officer," "Auxiliary Correctional Officer," "Auxiliary Correctional Probation Officer," "Commission," "Correctional Officer," "Criminal Justice

Training School," "Commission staff," "Program," "Employing Agency," "Law Enforcement Officer," "Officer," "Part-time Law Enforcement Officer," "Part-time Correctional Officer," "Part-time Correctional Probation Officer," "Private Criminal Justice Training School," "Public Criminal Justice Training School," "Support Personnel," and "Training Center Director," pursuant to Section 943.10, F.S., shall be deemed controlling. The operational definitions are as follows:

(1) through (15) No change.

(16) "Fiscal Agent" means the person(s) appointed by a Regional Training Council ~~Commission-certified criminal justice training school~~, who is responsible for providing fiscal assistance and expertise to the Regional Training Council(s) and school(s). The fiscal agent is responsible for all records, accountings, and other materials or information regarding trust fund expenditures.

(17) through (19) No change.

(20) "Commission-approved expenditure formula" means the formula established by the Commission specifying ~~for~~ the expenditure of a training region's budget.

(21) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.25(4), 943.12(5), 943.10, 943.25(2) FS. (Supp. 1998). History—New 1-13-81, Amended 7-28-82, 1-26-83, 1-7-85, 1-28-86, Formerly 11B-18.03, Amended 7-13-87, 5-23-88, 12-13-92, 1-2-97, 7-7-99, \_\_\_\_\_.

11B-18.004 Regional Training Areas.

For the purposes of Criminal Justice Standards and Training Trust Fund activities, there are established the following sixteen (16) regional training areas:

(1) Region I.

(a) No change.

(b) Commission-certified public criminal justice training schools within Region I: George Stone Area Vo-Tech Center, Criminal Justice Training Center and Okaloosa-Walton Community College Criminal Justice Training Center.

(2) No change.

(3) Region III.

(a) No change.

(b) ~~Commission-certified p~~Public criminal justice training school within Region III: Tallahassee Community College/Lively Area Vo-Tech School/~~Pat Thomas Law Enforcement Academy~~.

(4) No change.

(5) Region V.

(a) No change.

(b) Commission-certified public criminal justice training schools within Region V: Florida Community College at Jacksonville/Northeast Florida Criminal Justice Training and Education Center, St. Johns River Community College/~~Criminal Justice Training Program~~, and ~~St. Augustine Technical Center/Criminal Justice Training Academy~~.

(6) No change.

(7) Region VII.

(a) No change.

(b) Commission-certified public criminal justice training schools within Region VII: Brevard Community College Criminal Justice Division, Criminal Justice Institute at Valencia Community College, Daytona Beach Community College Criminal Justice Training Center, Criminal Justice Academy of Osceola, Lake Technical Center Institute of Public Safety, ~~Kenneth A. Bragg Regional Public Safety Training Complex at Tavares~~, and Seminole Community College Criminal Justice Institute.

(8) No change.

(a) through (b) No change.

(9) through (13) No change.

(14) Region XIV.

(a) No change.

(b) Commission-certified public criminal justice training schools within Region XIV: Florida Keys Community College Institute of Criminal Justice ~~Program~~, Miami Police Department/Miami Police Training Center Academy, Miami-Dade Police Department Metropolitan Police Institute, and Miami-Dade Community College School of Justice.

(15) Region XV.

(a) No change.

(b) Commission-certified public criminal justice training schools within Region XV: Florida Department of Law Enforcement/Florida Law Enforcement Academy, Florida Department of Highway Safety and Motor Vehicles/Florida Highway Patrol Training Academy, Florida Department of Environmental Protection Law Enforcement Training Center, and Florida Wildlife Conservation Commission/Florida State Wildlife Officer Training Academy ~~Florida Game and Fresh Water Fish Commission~~.

(16) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.25(5) FS. (Supp. 1998). History—New 1-13-81, Amended 7-28-82, 1-7-85, Formerly 11B-18.04, Amended 7-13-87, 1-2-97, 7-7-99, \_\_\_\_\_.

11B-18.005 Establishment of Regional Training Councils.

(1) through (2) No change.

(3) The State Regional Law Enforcement Officer Training Council XV, shall be comprised of one representative from each of the following state law enforcement agencies:

(a) through (d) No change.

(e) Florida Wildlife Conservation Commission ~~Game and Fresh Water Fish Commission~~.

(f) through (k) No change.

(4) No change.

(5) Each Local Regional Training Council shall be comprised of the following:

(a) No change



(b) Not less than two (2) correctional officers, and one (1) individual of which one (1) employee is a public agency who is in charge of a public county correctional institution within the region; and

(c) Not more than three (3) members representing a Commission-certified public criminal justice training schools.

(d) through (g) No change.

(6) through (7) No change.

Specific Authority 943.03(4), 943.12(1),~~(2)~~ FS. Law Implemented 943.25(5) FS. History--New 1-13-81, Amended 7-28-82, 1-7-85, (7), (8), Transferred to 11B-18.051, Formerly 11B-18.05, Amended 7-13-87, 5-23-88, 10-17-90, 12-13-92, 1-2-97, 7-7-99,\_\_\_\_\_.

#### 11B-18.0051 Regional Training Council Meetings.

(1) through (4) No change.

Specific Authority 943.03(4), 943.12(1),~~(2)~~, 943.25(5)(b) FS. Law Implemented 943.25(5) FS. (Supp. 1998). History--New 1-7-85, (1), (4), Formerly 11B-18.05(8),(7), 11B-18.051, Amended 7-13-87, 1-2-97, 7-7-99.

#### 11B-18.0052 Development of Budgets.

(1) through (2) No change.

(3) Monies collected pursuant to Section 943.25, F.S., and appropriated to implement training programs and Commission-certified public criminal justice training school enhancements, are public funds. Each Regional Training Council shall submit to Commission staff for approval, a projected annual operating budget that identifies proposed trust fund expenditures, ~~for submission to Commission staff~~ by February 1 of each year.

(4) Preparation of the annual operating budget shall be completed pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual, revised October 13, 1999 ~~January 1999~~, hereby incorporated by reference, and shall be completed on the forms provided by Commission staff pursuant to paragraph (8) of this rule section.

(5) A Regional Training Council that fails to submit a projected annual ~~an~~ operating budget on or before February 1, which shall be prepared on a Criminal Justice Standards and Training Trust Fund Operating Budget form CJSTC-310, revised August 5, 1998, hereby incorporated by reference, or fails to receive an extension of time for its budget submission, shall forfeit its opportunity to propose an operating budget for the region. Thereafter, the Commission may approve the any equitable disposition of the funds previously available to the region.

(6) The projected annual operating budget shall list items in order of priority within each budget category, and shall be completed using the required format outlined in the Criminal Justice Standards and Training Commission Policies and Procedures Manual.

(7) through (8) No change.

Specific Authority 943.03(4), 943.12(1),~~(2)~~ FS. Law Implemented 943.25(5) FS. History--New 1-13-81, Amended 7-28-82, 1-26-83, 1-7-85, Formerly 11B-18.052(2)(a),(b), Amended 1-28-86, 7-13-87, 10-17-90, 12-13-92, 1-2-97, 7-7-99,\_\_\_\_\_.

#### 11B-18.007 Expenditure of Funds.

(1) Funding Allocation.

(a) No change.

(b) Each Regional Training Council is responsible for ~~studying and including when possible~~ in its approved budget, the Commission's priority issues as they relate to the training region's needs for distribution of training funds.

(c) through (d) No change.

(2) through (3) No change.

(4) A Commission-certified public criminal justice training school may place Criminal Justice Standards and Training Trust Fund monies separately, on temporary deposit, in interest bearing accounts. Interest earned may be expended on trust fund-related needs subject to the following conditions:

(a) No change.

(b) A separate operating budget for accrued interest ~~must~~ be submitted by the Regional Training Councils for Commission-staff's approval. Expenditure of interest is restricted to training costs and purchase of operating capital outlay items. Interest earned shall be identified for the year earned and submitted on a Criminal Justice Standards and Training Trust Fund Year-End Fiscal Report form CJSTC-301. Such interest shall be expended by June 30 of the subsequent fiscal year. Any unexpended interest shall be remitted to the Criminal Justice Standards and Training Trust Fund within 90 days following the close of the fiscal year for which the interest expenditure was approved by the Commission.

(5) Administrative expenditures approved by a Regional Training Council shall not exceed five (5) percent of the total allocation to each Commission-certified public criminal justice training school or training region. Travel costs and per diem expenditures for the Regional Training Councils' chairpersons, training center directors, and fiscal agents, may be budgeted in addition to the five (5) percent of the total monies allocated for administrative expenditures to attend Commission trust fund-related workshops. In addition, training center directors, not designees, may submit travel expenses to Commission staff to attend regularly scheduled Commission meetings, upon obtaining prior budget approval pursuant to Section 112.061, F.S., and pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual. The request for budget approval shall be submitted to Commission staff by completing and submitting a Criminal Justice Standards and Training Trust Fund Programmatic Change and Budget Amendment form CJSTC-302, revised June 17, 1998, hereby incorporated by reference, or a Criminal Justice Standards and Training Trust Fund Operating Budget form CJSTC-310.

(6) No change.

(7) Regions shall make provisions in their operating budget(s) for the reciprocal payment of training provided to officers and support personnel who attend training programs offered in other training regions pursuant to Section

943.10(11), F.S. Each training region's fiscal agent(s) shall be responsible and accountable for receipt and disbursement of the region's specified reciprocal funds.

(8) Each training region shall offer all courses funded by Criminal Justice Standards and Training Trust Fund monies, first, to the officers within its respective region. If space is still available, officers from other regions may attend trust fund courses after obtaining prior approval of the regions involved and after obtaining proper budget approval. The region offering the training is authorized to require reciprocal payment from the region in which the officer is employed, pursuant to Section 943.25(6)(a), (b), F.S., and paragraph (10) of this rule section. Support personnel as defined in Section 943.10(11), F.S., may attend trust-funded courses on a space available basis, provided a certified Florida officer is not displaced.

(9) through (10) No change.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(4),(5) FS. Law Implemented 943.25 FS. History—New 1-13-81, Amended 7-28-82, 1-7-85, 1-28-86, Formerly 11B-18.07, Amended 7-13-87, 5-23-88, 12-13-92, 5-25-94, 1-2-97, 7-7-99,\_\_\_\_\_.

11B-18.0071 Reports.

(1) through (2) No change.

(3) Allocated funds within the operating budget that have not been expended or encumbered as of June 30, and those encumbered funds that have not been expended by December 31 of the following fiscal year, shall be submitted to Commission staff, ~~by completing a~~ final Criminal Justice Standards and Training Trust Fund Year-End Fiscal Report form CJSTC-301, shall be submitted by January 31 of the subsequent calendar year.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(4),(5) FS. Law Implemented 943.25 FS. History—New 1-13-81, Amended 7-1-81, 7-28-82, 1-7-85, 1-28-86, Formerly 11B-18.071, Amended 7-13-87, 5-23-88, 10-17-90, 12-13-92, 1-2-97, 7-7-99,\_\_\_\_\_.

11B-18.008 Areas of Responsibility.

With regard to the Criminal Justice Standards and Training Trust Fund, the following entities shall have responsibilities as outlined in subparagraphs (1)-(4) of this rule section.

(1) The responsibilities of Commission staff are to:

(a) through (c) No change.

(d) Notify training regions of their approved annual projected operating budget for the next fiscal year.

(e) No change.

(f) ~~Authorize Approve~~ requests for budget amendments approved submitted by the Regional Training Councils that do for the transfer of funds between budget categories of their approved operating budget, provided the budget amendment does not alter the Commission-approved trust fund formula.

(g) through (k) No change.

(1) Review the Criminal Justice Standards and Training Trust Fund Year-End Fiscal Reports submitted by the regional chairperson or designee, and notify the Commission, regional chairpersons, fiscal agents, and training center directors of the results of the Year-End Fiscal Report.

(m) through (n) No change.

(o) Use the Regional Training Councils as an extension of the Commission's administrative arm to establish channels of administrative communication. Commission staff shall advise regional chairpersons, fiscal agents, and criminal justice training center directors of trust fund activity in their respective training regions.

(2) The responsibilities of the Regional Training Councils are to:

(a) No change.

(b) Determine the distribution of Criminal Justice Standards and Training Trust Funds for allocation to the individual Commission-certified public criminal justice training schools in the respective training regions.

(c) through (e) No change.

(f) Appoint a regional ~~or school~~ fiscal agent.

(3) The responsibilities of the regional fiscal agents are to:

(a) through (c) No change.

(4) The responsibilities of the Commission-certified public criminal justice training schools are to:

(a) No change.

(b) Be responsible for the receipt and payment of Criminal Justice Standards and Training Trust Fund monies authorized by approved annual operating budgets pursuant to applicable laws, rules, contracts, budgets, and local policies and procedures.

(c) through (g) No change.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(5) FS. Law Implemented 943.25 FS. History—New 1-13-81, Amended 7-1-81, 7-28-82, 1-7-85, 1-28-86, Formerly 11B-18.08, Amended 7-13-87, 5-23-88, 10-17-90, 12-13-92, 1-2-97, 7-7-99,\_\_\_\_\_.

11B-18.009 Applicability, Contractual Obligations.

(1) through (2) No change.

(3) Receipt of any Criminal Justice Standards and Training Trust Fund monies shall be deemed an acceptance of the terms, conditions, and limitations contained in the approved budget under which they are received. Regional Training Councils or Commission-certified public criminal justice training schools accepting Criminal Justice Standards and Training Trust Fund support, on or after the effective date of this rule chapter, shall be deemed to have:

(a) No change.

(b) Agreed to surrender to the Commission all ~~personal~~ property purchased to the Commission-acquired with Criminal Justice Standards and Training Trust Fund monies upon loss of a Commission-certified public criminal justice training school's certification.

(c) No change.

(4) No change.

Specific Authority 943.03(4), 943.12(1)(2), 943.25(4)(5) FS. Law Implemented 943.25 FS. History—New 1-13-81, Amended 7-28-82, 1-7-85, 1-28-86, Formerly 11B-18.09, Amended 7-13-87, 12-13-92, 1-2-97, 7-7-99,

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE: Certification of Criminal Justice      RULE CHAPTER NO.: 11B-20

Training Instructors      11B-20

RULE TITLES: Minimum Requirements for Certification      RULE NOS.: 11B-20.001

of Instructors      11B-20.002

Revocation of Certification      11B-20.0012

PURPOSE AND EFFECT: 11B-20.001: To delete unnecessary

rule language; to add a timeframe for completion of the

Commission-approved 80-hour Instructor Techniques Course;

to delete rule language that states “the training center director

shall determine an applicants previously completed training,”

because a training center director shall “evaluate” not

“determine” an applicants previously completed training, to

define the type of application, i.e., Instructor Certification

Application form CJSTC-71, to delete the obsolete instructor

application renewal period of January 1, 1994; to renumber

Rule 11B-20.001(2)(d) to (2)(c), FAC; to add topic

introduction sentences to the paragraphs in Rule

11B-20.001(3)(a) and (3)(b), F.A.C.; to specify what kind of

specialized topic, i.e. “specialized topic of instruction”; to add

rule language the current course names for Radar Speed

Measurement Training Course for Law Enforcement Officers

and the Laser Speed Measurement Operators Training Course

for Law Enforcement Officers; to delete the unnecessary

reference to the Criminal Justice Standards and Training

Commission Policies and Procedures Manual (CJS&TC P&P

manual), because the instructions on the form are duplicative

of the instructions on forms CJSTC-271 and 71; to delete a

statutory reference to the “Law Implemented” of this rule

section; and to delete the reference to “Field Specialist” and

add in its place “Commission staff.” 11B-20.0012: To delete a

statutory reference to the “Law Implemented” of this rule

section.”

SUBJECT AREA TO BE ADDRESSED: Minimum

requirements for certification of instructors and revocation of

certification.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.14(3) FS.

LAW IMPLEMENTED: 943.12(3),(9), 943.14(3) 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: 1:00 p.m., April 11, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 2 weeks prior to the workshop by contacting Donna Hunt at TDD#: (850)656-9597.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-20.001 Minimum Requirements for Certification of Instructors.

(1) Except as otherwise provided in this rule or by law, individuals who instruct Commission-approved training courses, pursuant to Rule 11B-35.001(2), FAC., at or through a Commission-certified criminal justice training school, shall be certified by the Commission. ~~To certify that an applicant is eligible for Commission certification, A~~ training school shall submit to Commission staff a completed Instructor Certification Application form CJSTC-71, revised June 12, 1998, hereby incorporated by reference, for those applicants who have not been previously certified, and who have met all certification requirements pursuant to Section 943.12(9), F.S. The training center director shall maintain in the instructors file all documentation that verifies the instructor's qualifications, which shall be made available for review by Commission staff. The applicant shall comply with the following certification requirements:

(a) No change.

(b) The applicant shall have completed the Commission-approved 80-hour Instructor Techniques course through a Commission-certified criminal justice training school within four (4) years of the date of application. The training center director shall evaluate determine if a course is comparable in content for each topic. The training center director shall, upon evaluation of an applicant's previously completed training other than the Commission-approved 80-hour Instructor Techniques course, provided that the previous training occurred within the last four (4) years, but partially completed comparable course, The training center director shall authorize the applicant to complete only those portions of the current Commission-approved Instructor Techniques course in which the applicant is deficient.

(c) through (g) No change.

(2) Duration and Renewal of Instructor Certification:

(a) The renewal application shall be considered for renewal based on the submission of an updated Instructor Certification Application form CJSTC-71, ~~application~~, and shall be submitted to Commission staff within six months prior to the instructor's certification expiration date. The date of submission shall be construed as the verified or documented date the Commission-certified criminal justice training school received the updated application, including all necessary supporting documentation, provided the submission date is prior to the date of expiration. The documented date shall be permanently validated on the face of the renewal application.

(b) The certification expiration date shall be four (4) years following the date of the training center director's signature on the Instructor Certification Application form CJSTC-71. If the instructor's certification expires, the instructor shall make application for a new certification and shall meet the following guidelines:

1. The training center director or designee shall evaluate the applicant's proficiency as an instructor by completing the Instructor Competency Checklist form CJSTC-81, prior to signing the Instructor Certification Application form CJSTC-71 for certification ~~instructor's application~~. The new Instructor Competency Checklist shall be maintained in the instructor's file.

2. through 4. No change.

~~(c) Instructors requesting renewal of certification after January 1, 1994, shall complete the Commission approved 20-hour Human Diversity Train the Trainer course, or the 8-hour Instructor Awareness of Human Diversity Concepts Program. The requirements shall be completed for re-certification only once during the instructor's career.~~

~~(c)(d)~~ If a Commission-certified criminal justice training school instructor adds a specialized topic of instruction to the current instructor certification, the expiration date shall be the same as the current instructor certification expiration date.

(3) Exemption from general instructor certification. An instructor shall be exempt from a Criminal Justice Standards and Training Commission general instructor certification under the following circumstances:

(a) The instructor is a full-time instructor at an accredited community college, college, or university. The training center director shall document the instructor's full-time status and identify the name and location of the college, community college, or university, by completing an Instructor Exemption form CJSTC-82, October 1, 1993, hereby incorporated by reference, which shall be maintained on file in the instructor's file. The instructor shall have specific knowledge of the subject matter to be taught, which shall be determined by the training center director, and the confirming documentation shall be maintained in the instructor's file.

(b) The instructor is a full-time vocational-technical instructor. The training center director shall document the instructor's full-time status and identify the name and location

of the vocational-technical institution by completing an Instructor Exemption form CJSTC-82, and maintained in the instructor's file. The instructor shall be qualified in the specific subject matter to be taught, and the confirming documentation shall be maintained in the instructor's file.

(c) If an instructor holds a current and valid instructor certification from another state or the military, the applicant shall complete an internship. The training center director shall include a copy of the instructor's out-of-state or military certification, documentation describing the internship, completion of the Instructor Competency Checklist form CJSTC-81, and Instructor Exemption form CJSTC-82, and the confirming documentation shall be maintained in the instructor's file.

(d) through (e) No change.

(4) Specialized topics of instruction. Specific additional education or training beyond the general certification shall be required to obtain Criminal Justice Standards and Training Commission instructor certification for specialized topics of instruction. The applicant shall hold, or be eligible for a current and valid general Criminal Justice Standards and Training Commission instructor certification, pursuant to (1) herein, or maintain in the instructor's file, a completed Instructor Exemption form CJSTC-82, prior to applying for certification in a specialized topic of instruction. To be certified to instruct in a specialized topic, the applicant shall successfully complete the requirements for that topic in paragraph (4)(a)-(h) herein.

(a) Law Topics Instructor Certification. An applicant shall be a graduate of a law school and possess experience in criminal justice, or possess substantial law training and experience in the practical application of law, to be certified to instruct the specified law topics of probable cause, court structure, court rules, trial procedures, and burden of proof. The specific topics and course numbers are listed in the Criminal Justice Standards and Training Commission Policies and Procedures Manual, revised October 13, 1999, January 1999, hereby incorporated by reference.

(b) through (g) No change.

(h) Radar and Laser Instructor Certifications:

1. An applicant shall have successfully completed the Commission-approved Radar Instructor course through a Commission-certified criminal justice training school, to be certified to instruct the Radar Speed Measurement Training Course for Law Enforcement Officers ~~radar speed measurement training~~.

2. An applicant shall have successfully completed the Commission-approved Radar Instructor course and the Laser Instructor course through a Commission-certified criminal justice training school, to be certified to instruct the Laser Speed Measurement Operators Training Course for Law Enforcement Officers ~~in laser speed measurement training~~.

(5) An Application for Instructor Certification Deficiency Notification form CJSTC-271, January 21, 1999, hereby incorporated by reference, shall be completed by a Commission ~~staff Field Specialist~~ upon an unfavorable inspection of required documents. The CJSTC-271 form shall indicate any deficiencies in the Instructor Certification Application form CJSTC-71, including any missing or incorrect documentation required for instructor certification; ~~pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual.~~

(6) through (7) No change.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3),(9), 943.14(3),(8) FS. History--New 7-21-82, Formerly 11B-20.01, Amended 10-26-88, 5-14-92, 12-8-92, 1-10-94, 1-2-97, 7-7-99,\_\_\_\_\_.

11B-20.0012 Revocation of Certification.

No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3),(9); 943.14(3),(8) FS. History--New 10-26-88, Amended 1-2-97, 7-7-99.

**DEPARTMENT OF LAW ENFORCEMENT  
Criminal Justice Standards and Training Commission**

**RULE CHAPTER TITLE:                   RULE CHAPTER NO.:**

Certification of Criminal Justice	
Training Schools	11B-21
<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Advisement	11B-21.001
Request for Certification	11B-21.002
Certification Codes	11B-21.004
Criminal Justice Training School Requirements	
for Certification	11B-21.005
Denial of Certification or Renewal	
of Certification	11B-21.017
Revocation of Certification	11B-21.018

**PURPOSE AND EFFECT:** 11B-21.001: To add a new statutory reference to the “Specific Authority” of this rule section. 11B-21.002: To add “Commission-approved training courses” rule language and clarify existing rule language regarding training school certification renewal and to add a new statutory reference to the “Specific Authority” of this rule section. 11B-21.004: To add a new statutory reference to the “Specific Authority” of this rule section. 11B-21.005: To remove rule language in (1) of this rule section regarding “satellite sites” and create new rule language in (2) of this rule section that specifically addresses satellite training facilities and equipment requirements; to add new rule language regarding the usage of the following new forms and incorporate the forms into this rule section: Training School Classroom Facility Requirement form CJSTC-205, Training School Contact Report form CJSTC-200, Non-Compliance Follow-up form CJSTC-206, Driving Range Facility Requirements form CJSTC-202, Defensive Tactics Requirements form CJSTC-203, Firing Range Facility Requirements form CJSTC-201, and Staffing Requirements

form CJSTC-204; to delete dated rule language; to add a statutory reference to the “Specific Authority” and delete a statutory reference to the “Law Implemented” of this rule section; and to remove redundant rule language in (1)(c) of this rule section; to revise the course name of “criminal justice driving training” to “basic law enforcement driving training” to be consistent with existing rule language. 11B-21.017: To clarify existing rule language concerning denial of certification and denial to renew certification and to add a statutory reference to the “Specific Authority” of this rule section. 11B-21.018: To clarify existing rule language concerning failure to maintain compliance with training school certification requirements; to add a statutory reference to the “Specific Authority” of this rule section; and to delete the words “substantial violations” and add the word “violations” regarding finding of probable cause when a training school has violated Commission rules.

**SUBJECT AREA TO BE ADDRESSED:** Training school certification and renewal, criminal justice training school requirements for certification, grammatical revisions, clarification revisions, and revocation of training school certification.

**SPECIFIC AUTHORITY:** 943.03(4), 943.12(1),(2) FS.

**LAW IMPLEMENTED:** 943.12(3),(7), 943.14 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:** 1:00 p.m., April 11, 2000  
**PLACE:** 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 2 weeks prior to the workshop by contacting Donna Hunt at TDD#: (850)656-9597.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

- 11B-21.001 Advisement.
- (1) through (2) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(5), 943.14 FS. History--New 7-21-82, Amended 1-26-83, 9-1-83, 1-28-86, Formerly 11B-21.01, Amended 1-2-97, 7-7-99.

11B-21.002 Request for Certification.

(1) No change.

(2) Each Florida 4-year accredited college or university that requests to offer Commission-approved training courses, shall request approval from the Commission. A College and University Program Approval form CJSTC-30, November 1, 1997, hereby incorporated by reference, shall be completed and submitted to Commission staff to request approval to offer Commission-approved training courses.

(3) through (5) No change.

(6) Certification shall continue in effect for five (5) years beginning with the award of a certificate. Within a five (5) year period after certification, each Commission-certified criminal justice training school shall be officially evaluated by a Commission-appointed certification team to determine continued compliance with the qualification requirements of Rule Section 11B-21.002, F.A.C., for the purpose of certificate renewal ~~The Commission shall award renewal certificates to Commission certified criminal justice training schools that meet the qualification requirements for a training school.~~

(7) through (8) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(3), (7), 943.14 FS. History—New 7-21-82, Amended 1-28-86, Formerly 11B-21.02, Amended 12-13-92, 1-2-97, 7-7-99, \_\_\_\_\_.

11B-21.004 Certification Codes.

Each Commission-certified criminal justice training school's certification shall be categorized by the Commission as a type "A", "B", or "C" certification, and given a certification code. Certification codes are defined as follows:

(1) through (3) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(3),(7), 943.14 FS. History—New 7-21-82, Formerly 11B-21.04, Amended 1-28-86, 7-13-87, 6-2-91, 7-7-99.

11B-21.005 Criminal Justice Training School Requirements for Certification.

All criminal justice training schools certified by the Commission on or after July 1, 1990, shall meet the following requirements:

(1) Training School Facilities and Equipment. All Commission-certified criminal justice training schools ~~and their satellite sites~~ shall meet Commission requirements. Commission staff shall document on the Training School Classroom Facility Requirement form CJSTC-205, 10/1/99, hereby incorporated by reference, compliance with the following or exceed the following facility and equipment specifications:

(a) ~~Compliance with~~ State Requirements for Educational Facilities (SREF), pursuant to Department of Education's Rule 6A-2.0111, F.A.C., effective April 28, 1997, for compliance with building codes for educational facilities, and with local and state regulations relating to fire, health, and building standards, as such standards are applicable to public access

facilities. Specific requirements relating to occupancy, lighting, floor space, equipment, and library access, are included in the Criminal Justice Standards and Training Commission Policies and Procedures Manual, revised October 13, 1999 ~~January 1999~~, hereby incorporated by reference. If a Commission-certified training school's facilities have been found non-compliant with the Commission's requirements, Commission staff shall document on the Training School Classroom Facility Requirements form CJSTC-205 specific areas of non-compliance. Within 30 days of the original notification, Commission staff shall conduct a re-inspection. Non-compliance issues that are unresolved shall be documented by Commission staff on a Non-Compliance Follow-up form CJSTC-206, October 1, 1999, hereby incorporated by reference. A training school shall correct all non-compliance issues, documented on a Training School Classroom Facility Requirements form CJSTC-205, within 30 days of notification by Commission staff or prior to the subsequent use of the training school's facility.

(b) If a Commission-certified criminal justice training school conducts training in law enforcement basic recruit driving, each driving range constructed after July 1, 1988, shall include the following specifications documented by Commission staff on the Driving Range Facility Requirements form CJSTC-202, 10/1/99, hereby incorporated: ~~If a Commission certified criminal justice training school conducts training in basic law enforcement driving, at least one driving range shall be designated for criminal justice training, and shall be adequate in size and designed to safely conduct the Law Enforcement Basic Recruit Driving course effective, July 1, 1988.~~

~~(c) Each driving range constructed after July 1, 1998, shall include the following specifications:~~

1. through 2. No change.

3. Should any driving range proposed for construction after July 1, 1988, deviate from this standard, plans for such construction shall be submitted to Commission staff for initial review, and then to the Commission for final approval or disapproval. Justification for such construction shall include a statement of explanation and any supporting documentation justifying the need to deviate from the established standard. Such requests shall be evaluated by the Commission, only after determined by subject matter experts that all basic law enforcement driving exercises can be safely and effectively performed.

4. through 6. No change.

7. Each Commission-certified criminal justice training school shall use at least one (1) automobile for basic law enforcement ~~criminal justice~~ driving training.

~~8. No change.~~

~~(c)(d)~~ If a Commission-certified criminal justice training school conducts training in basic law enforcement, correctional, or correctional probation, there shall be a suitable

area designated for criminal justice defensive tactics instruction. A Defensive Tactics Requirements form CJSTC-203, 10/1/99, hereby incorporated, shall be completed by Commission staff specifying that Each defensive tactics area shall include the following training equipment:

1. through 2. No change.

3. Each defensive tactics area shall also include at least one emergency first aid kit.

~~(d)(e)~~ If a Commission-certified criminal justice training school conducts training in basic law enforcement, correctional, or correctional probation, there shall be at least one (1) firearms firing range designed for criminal justice firearms instruction that shall meet Commission requirements documented by Commission staff on a Firing Range Facility Requirements form CJSTC-201, 10/1/99, hereby incorporated by reference, documenting the following as follows:

1. through 13. No change.

(2) Satellite Training School Facilities and Equipment. All Commission-certified criminal justice training school satellite sites shall meet specific Commission requirements outlined in paragraph (1) of this rule section. Satellite facilities approved to conduct Commission-approved high-liability courses shall be documented on the appropriate CJSTC high-liability forms pursuant to (1)(b),(c), and (d) of this rule section.

(a) Training schools shall notify Commission staff immediately of any new satellite sites and site compliance with Commission requirements prior to delivering Commission training.

(b) Training schools shall submit, at least once annually, a letter identifying the satellite facilities currently in use by the training schools, to certify to the Commission that these facilities meet Commission requirements.

~~(3)(2)~~ Employed Personnel. All Commission-certified criminal justice training schools shall employ personnel who meet Commission requirements documented on a Staffing Requirements form CJSTC-204, 10/1/99, hereby incorporated by reference. The following specifications shall be met:

(a) One full-time salaried criminal justice training center director designated by the Commission-certified criminal justice training school, and employed on a 12 month calendar with faculty or administrative status, whose responsibilities are the management and quality control of the criminal justice training school program, and do not include a teaching assignment. Any additional administrative responsibilities or any instructional responsibilities shall not be undertaken by the director, unless approved by the Commission, upon a finding that such additional responsibilities would not interfere with the director's effective management of the training school. A director initially employed on or after July 1, 1990, shall at minimum, hold a bachelor's degree from an accredited college or university, and possess no less than two (2) years experience in the criminal justice field. Training center directors shall be responsible for the scheduling, presentation, and general local

management of the criminal justice training programs, which shall include, ~~for example,~~ preparation of required reports and records, assuring quality of instruction, administration, and security of examinations.

(b) through (d) No change.

~~(4)(3)~~ Designated Personnel. The director at each Commission-certified criminal justice training school shall designate an individual responsible for coordination of courses, scheduling of instructors, facilities and materials, and for addressing student-related concerns in each of the following specified areas:

(a) through (e) No change.

~~(5)(4)~~ A Commission-certified criminal justice training school that intends to deliver Commission-approved courses at a satellite site outside its service area, shall obtain approval from the affected Regional Training Council(s), prior to delivery of such courses. In addition, the school shall comply with the public education requirements pursuant to applicable Florida Statutes and Criminal Justice Standards and Training Commission rules. Notification of such action shall be submitted to the Commission.

~~(6)(5)~~ A Commission-certified criminal justice training school shall maintain records that confirm compliance with this rule section.

~~(7)(6)~~ A Commission-certified criminal justice training school shall provide instruction to meet the training needs of the service area.

~~(8)(7)~~ A Commission-certified criminal justice training school shall abide by all of the requirements for administration and instruction of Commission-approved training courses. Commission staff shall document all course and instructor monitoring on the Training School Contact Report form CJSTC-200, 10/1/99, hereby incorporated by reference.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(3),(5),(7), 943.14 FS. History—New 7-21-82, Formerly 11B-21.05, Amended 1-28-86, 8-30-89, 12-24-89, 6-3-91, 12-13-92, 1-2-97, 7-7-99, \_\_\_\_\_.

11B-21.017 Denial of Certification or Renewal of Certification.

(1) Application for certification or renewal of certification as a criminal justice training school, shall be denied by the Commission if the training school fails to meet the requirements in Rule 11B-21.005, F.A.C. Commission staff shall forward to the training school a notice of intent to deny certification or deny renewal of certification, which shall specify the grounds for denial ~~of the certification~~. The denial of application for certification or renewal of certification ~~process~~ shall be conducted pursuant to Chapter 120, F.S.

(2) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(3), (7), 943.14 FS. History—New 9-17-89, Amended 1-2-97, 7-7-99, \_\_\_\_\_.

11B-21.018 Revocation of Certification.

(1) The certification of a Commission-certified criminal justice training school shall be revoked if the following violations occur:

(a) If a Commission-certified criminal justice training school fails to maintain compliance with the training school certification requirements pursuant to Rule 11B-21.005, F.A.C.

(b) through (e) No change.

(2) Information obtained from the written complaint or other documentation, shall be used by the Commission to determine whether probable cause exists to justify the initiation of administrative action against the Commission-certified criminal justice training school's certificate. Should a Probable Cause Hearing panel of Commission members find probable cause to believe that the training school has committed a violation ~~substantial violation~~ of Commission rules, the Commission shall:

(a) through (b) No change.

(3) through (4) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(3), 943.14 FS. History—New 10-17-90, Amended 12-13-92, 8-7-94, 1-2-97, 7-7-99.

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE: Certification and Employment or Appointment

RULE CHAPTER NO.: 11B-27

RULE TITLES: Moral Character

RULE NOS.: 11B-27.0011

Certification, Employment or Appointment, and Terminating Employment or Appointment of Officers

11B-27.002

Background Investigations

11B-27.0022

Controlled Substance Testing Procedures

11B-27.00225

Issuance and Maintenance of Certification

11B-27.0023

Duty to Report, Investigations, Procedures

11B-27.003

Probable Cause Determination

11B-27.004

Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

11B-27.005

Denial of Certification

11B-27.007

Default

11B-27.010

Recommended Order

11B-27.011

Canine Team Certification

11B-27.013

PURPOSE AND EFFECT: 11B-27.0011: To revise rule language to reflect that conduct subverting or attempting to subvert the Criminal Justice Standards and Training Commission-approved training examination process does not only apply to the State Officer Certification Examination, but also applies to the Commission-approved examination process for Commission-approved Advanced and Specialized training administered by training schools; to add rule language describing specific conduct that subverts or attempts to subvert

the examination process; to remove vague rule language, i.e., “but not limited to”; and to reformat paragraphs (a)-(c) of Rule 11B-27.0011(5), FAC., into one paragraph. 11B-27.002: To delete rule language in paragraph (1)(d) of Rule 11B-27.002, FAC. (this language is redundant to rule language in Rule 11B-27.002(1)(d)1., FAC.); to renumber Rule 11B-27.002(1)(e),(f),(g),(h),(i) to Rule 11B-27.002(1)(d),(e),(f),(g),(h), FAC.; to add paragraph (i) to Rule 11B-27.002(1), FAC., to incorporate into rule the Agency New Hire Report form CJSTC-207 to support the Commission’s current policy “that employing agencies provide to Commission staff documentation verifying that an officer has met the requirements of Section 943.13, F.S.”; to clarify rule language regarding the Physician’s Assessment and Patient Information form CJSTC-75 and Medical History Questionnaire form CJSTC-75A; to revise the Affidavit of Applicant form CJSTC-68 by deleting the word “verifies” and replacing it with the word “attests” (this form is required to be notarized); to add and delete statutory references to the “Law Implemented” of this rule section; and to delete “(ATMS2)” and replace with “ATMS.” 11B-27.0022: To unincorporate the Background Investigations Manual from the Criminal Justice Standards and Training Policies and Procedures Manual (the Background Investigations Manual procedures are not mandated by the Commission – they are only recommendations); to revise Rule. 11B-27.0022(2)(a)-(e), FAC., to reflect the statutory requirements for conducting Background Investigations; to add rule language allowing an applicant to submit to their employing agency evidence that he/she lawfully used or ingested a controlled substance; to delete a statutory reference to the “Law Implemented” of this rule section; and to move rule language in Rule 11B-27.0022(2)(f), FAC., to Rule 11B-27.0022(1)(d), FAC. for clarification; and to revise the Employment Background Investigative Report form CJSTC-77 effective 9/23/99. 11B-00225: To make grammatical revisions. 11B-27.0023: To change “(ATMS2)” to “ATMS”; to change “Field Specialist” to “Commission staff,” to delete the unnecessary reference to the CJS&T P&P Manual; to add rule language allowing a certified officer who completes or instructs Juvenile Sexual Offender Investigations training to apply this training toward satisfying their mandatory retraining requirements; and to add and delete statutory references to the “Law Implemented” of this rule section; 11B-27.003: To clarify existing rule language; to reformat the existing paragraph in Rule 11B-27.003, FAC. into paragraphs (a), (b), and (c); to delete a statutory reference to the “Law Implemented” of this rule section; to correct the paragraph numbering by changing Rule 11B-27.003(2)(a)-(g), FAC., to 11B-27.003(2)(c)1.-7.; and to renumber paragraph (4) of Rule 11B-27.003, FAC. to paragraph (3) 11B-27.004: To reformat this rule section for clarification purposes and to delete unnecessary rule language. 11B-27.005: To delete unnecessary rule language; to delete vague rule language and replace with appropriate rule language; to revise the terms and



conditions of probation; to add and delete the statutory references to the "Law Implemented" of this rule section; and to renumber the paragraphs in this rule section accordingly." 11B-27.010 and 11B-27.011: To repeal Rules 11B-27.010 and .011, FAC. (These Rule Chapters contain language redundant to Chapter 120, F.S.) 11B-27.013: To specify that a General Duty K-9 Team Application form CJSTC-70 shall be submitted to Commission staff for those applicants who are requesting initial certification or recertification; to make grammatical revisions; to change the paragraph reference in 11B-27.013(3)(a)-(b) to (4)(a)-(b), FAC.; to change the paragraph reference in 11B-27.013(3)(b)-(4)(b); and to delete unnecessary rule language.

**SUBJECT AREA TO BE ADDRESSED:** Examination process for Commission-approved training at Commission-certified criminal justice training schools, background investigation procedures, fingerprint card process, applicant medical requirements, Agency New Hire Report, analysis of urine sample for controlled substances, Juvenile Sexual Offender Investigation training, Human Diversity Training, revised conditions to be satisfied as a precondition to processing probable cause determinations, correct violation for 790.10, F.S., regarding improper exhibition of a weapon, terms and conditions of probation, defaults, recommended orders, and canine team certification.

**SPECIFIC AUTHORITY:** 943.03(3), (4), 943.12(1), 943.133(3), 943.1395 FS.

**LAW IMPLEMENTED:** 120.54(5), 120.60, 120.62, 943.12, 943.12(3),(9),(17), 943.13, 943.13(7),(11), 943.133, 943.135, 943.139, 943.139(3), 943.1395, 943.1395(5),(7),(8), 943.14(1),(2),(3), 943.19, 943.1701, 943.1715, 943.1716, 943.253 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:** 1:00 p.m., April 11, 2000

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 2 weeks prior to the workshop by contacting Donna Hunt at TDD: (850)656-9597.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-27.0011 Moral Character.

(1) through (2) No change.

(3) Upon written request and submission of all materials, as specified in the Criminal Justice Standards and Training Commission Policies and Procedures Manual, revised October 13, 1999, ~~January 1999~~, hereby incorporated by reference, the Commission shall evaluate the qualification of an applicant to determine compliance with "good moral character," pursuant to this rule section.

(4) For the purposes of the Commission's implementation of any of the penalties specified in Section 943.1395(6) or (7), F.S., a certified officer's failure to maintain good moral character required by Section 943.13(7), F.S., is defined as:

(a) through (b) No change.

(c) The perpetration by an officer of acts or conduct that constitute the following offenses:

1. through 7. No change.

8. Conduct that subverts or attempts to subvert the examination State Officer Certification Examination process, for Commission-approved training at a Commission-certified criminal justice training school or an employing agency promotional examination process which shall include the following: pursuant to Rule 11B 30.009(3), F.A.C.

a. Removing from the examination room any of the examination materials.

b. Reproducing or reconstructing any portion of the examination.

c. Aiding by any means in the reproduction of any portion of the examination.

d. Selling, distributing, buying, receiving, or having unauthorized possession of any portion of a past, current, or future examination.

e. Communication with any other examinee during the administration of the examination.

f. Copying answers from another examinee, or intentionally allowing one's answers to be copied by another examinee during the administration of the examination.

g. Having in one's possession during the administration of the examination, any books, notes, written, or printed materials or data of any kind, not supplied as part of, or required for, the test administration.

h. Falsifying or misrepresenting information required for admission to the examination.

i. Impersonating an examinee.

j. Having an impersonator sit for the examination on one's behalf.

k. Disrupting test administration.

(d) No change.

~~(5) The employing agency shall forward to the Commission the agency's investigative report pursuant to procedures established in Rule 11B-27.003(2),(3), F.A.C., when an allegation has been made that an officer has failed to maintain good moral character, as defined in paragraph (4) of this rule, and has been sustained by the employing agency; or an act of conduct by the officer has resulted in the officer's arrest. The report shall be forwarded immediately upon separation of the officer from employment, or, if the officer is not separated from employment, within 45 days from the date an allegation has been sustained, as set forth in this rule section. An employing agency shall forward to Commission staff an investigation report pursuant with procedures established in Rule 11B-27.003(2) (4), F.A.C., when the following acts or allegations have occurred:~~

~~(a) An allegation has been made that an officer has failed to maintain good moral character defined in paragraph (4) of this rule section, and the allegation has been sustained by the employing agency; or~~

~~(b) If an act or conduct by the officer has resulted in the officer's arrest, the report shall be forwarded to Commission staff immediately upon the officer's separation from employment; or~~

~~(c) If the officer is not separated from employment within 45 days from the date the allegation is sustained pursuant to this rule section.~~

(6) Upon receipt of information pertaining to an officer's misconduct, including violations of (4)(b) or (4)(c) of this rule section, Commission staff shall review the information to determine whether to initiate a Commission probable cause review; based upon, ~~but not limited to,~~ the following conditions:

(a) The severity of the violation.

(b) The existence of any pecuniary benefit realized by the officer as a result of the misconduct.

(c) Evidence of any intent by the officer to harm, deceive, or defraud.

(d) In cases involving false statements the materiality of the false statements.

(e) The disciplinary action taken by the employing agency.

(f) Previous disciplinary action or acknowledgement taken by the Criminal Justice Standards and Training Commission.

(7) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.1395(7) FS. History—New 1-7-85, Formerly 11B-27.011, Amended 7-13-87, 10-25-88, 12-13-92, 9-5-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99.

11B-27.002 Certification, Employment or Appointment, and Terminating Employment or Appointment of Officers.

(1) Prior to submitting an application for certification or reactivation of certification, the employing agency shall collect, verify, and have on record, documents establishing that an applicant has met the requirements of Sections 943.13(1) through (10), F.S., to include the following requirements:

(a) through (b) No change.

(c) An Applicant Fingerprint Card, FBI form FD-258, January 1999, hereby incorporated by reference, that has been processed by the Florida Department of Law Enforcement and the Federal Bureau of Investigation, pursuant with the Criminal Justice Standards and Training Policies and Procedures Manual. An Applicant Fingerprint Card shall be processed in conjunction with an officer's employment or appointment, regardless of the existence of an officer's processed Applicant Fingerprint Card from a previous employment or appointment.

~~(d) Upon request by Commission staff, the employing agency administrator shall forward the required documentation to Commission staff verifying that appointed or employed officers have met the requirements of Section 943.13, F.S.~~

1. ~~If~~ In the event that a processed Applicant Fingerprint Card is not available at the time the Registration of Employment Affidavit of Compliance form CJSTC-60, revised January 21, 1999, hereby incorporated by reference, is completed, and the applicant meets the necessary qualifications established by statute or this rule section, the employing agency may employ or appoint the applicant as an officer, provided that a computerized Florida criminal history check has been made and the results are on file with the employing agency. Pursuant with Section 943.13(5), F.S., upon receipt of the processed Applicant Fingerprint Card, the employing agency shall notify the Commission by submitting a Fingerprint Notification form CJSTC-62, revised October 27, 1998, hereby incorporated by reference. The information on the CJSTC-62 form may be electronically transmitted via the Commission's Automated Training Management System (ATMS) (ATMS2).

2. through 3. No change.

~~(d)(e)~~ A Physician's Assessment and Patient Information form CJSTC-75 and Medical History Questionnaire form CJSTC-75A, revised June 19, 1997, hereby incorporated by reference, or an equivalent form signed by a physician licensed in the United States or its territories, showing that the applicant has met the appropriate medical standards required by the Commission. A Physician's Assessment and Patient Information form CJSTC-75 or equivalent, shall be signed by a physician licensed in the United States in conjunction with an officer's employment or appointment, regardless of the existence of a signed Physician's Assessment and Patient Information form CJSTC-75 or equivalent, from a previous employment or appointment of that officer.

~~(e)(f)~~ Evidence, by verification of military records, that the individual has not received a dishonorable discharge from any of the Armed Forces of the United States.

~~(f)(g)~~ An Affidavit of Applicant form CJSTC-68, revised January 21, 1999, hereby incorporated by reference, executed by the applicant that ~~attests~~ verifies the applicant meets the employment or appointment qualifications pursuant to Section 943.13(1) through (10), F.S.

~~(g)(h)~~ Evidence that a thorough background investigation was conducted pursuant to Rule 11B-27.0022, F.A.C. A thorough background investigation conducted pursuant to Rule 11B-27.0022, F.A.C., shall be conducted in conjunction with an officer's employment or appointment, regardless of existing evidence that a thorough background investigation of the officer was conducted for a previous employment or appointment.

~~(h)(i)~~ Evidence that the applicant has successfully completed the Basic Recruit Training Program in the discipline for which certification is being sought, pursuant to Section 943.17(1) and (3), F.S., or is being employed or appointed pursuant to Section 943.131, F.S., and the applicant has successfully passed the State Officer Certification Examination for the discipline for which certification is being sought pursuant to Rule 11B-35.002(2)(c), F.A.C. If the applicant is exempt from the Basic Recruit Training Program pursuant to Section 943.131(2), F.S., and Rule 11B-35.010, F.A.C., the employing agency who initially employed the applicant as an officer shall maintain on file a copy of a completed Equivalency-of-Training and Out-of-State and Federal Officers form CJSTC-76, revised September 2, 1998, hereby incorporated by reference, and additional documentation maintained on file pursuant to Rule 11B-35.010(2)(b) and (c), F.A.C.

1. through 4. No change.

(i) The employing agency administrator shall provide to Commission staff documentation that will allow verification that all appointed or employed officers have met the requirements of Section 943.13, F.S. Commission staff shall document compliance with employment requirements pursuant to Section 943.13, F.S., on an Agency New Hire Report form CJSTC-207, 10/1/99, hereby incorporated by reference.

(2) through (3) No change.

(4) Upon an officer's separation from employment or appointment, the agency shall immediately notify the Commission pursuant to Section 943.139, F.S. Notice shall be made by the employing or appointing agency to Commission staff by submitting an Affidavit of Separation form CJSTC-61, revised October 27, 1998, hereby incorporated by reference. The information on the CJSTC-61 form may be electronically submitted via the Commission's Automated Training Management System ~~(ATMS)~~ (ATMS2).

(5) An Affidavit of Separation form CJSTC-61A, revised December 17, 1997, hereby incorporated by reference, shall be completed and submitted with form CJSTC-61, or may be electronically submitted via the Commission's ATMS ~~ATMS2~~, as follows:

(a) through (c) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, ~~943.131~~, 943.139, 943.1395 FS. History--New 10-6-82, Amended 4-26-84, 1-7-85, Formerly 11B-27.02, Amended 9-3-87, 3-29-89, 5-14-92, 12-13-92, 9-5-93, 1-19-94, 1-2-97, 7-7-99, \_\_\_\_\_.

11B-27.0022 Background Investigations.

(1) The employing agency shall conduct a thorough background investigation of each applicant upon certification, employment, or appointment ~~pursuant to procedures for conducting background investigations, which are established in the Criminal Justice Standards and Training Commission Policies and Procedures Manual.~~ The agency shall have on record a summary of the findings signed and dated by the investigator and the chief administrator or designee that verifies the following information:

(a) through (c) No change.

(d) A urine sample furnished by the applicant was analyzed for the presence of controlled substances or evidence pursuant to Rule 11B-27.00225, F.A.C. In cases where an applicant's urine sample is found to contain a controlled substance or evidence thereof, upon the completion of the analysis procedures pursuant to Rule 11B-27.00225, F.A.C., the employing agency shall, if requested by the applicant, permit the applicant to provide to the employing agency evidence that the applicant lawfully used or ingested the said controlled substance.

(e) No change.

(2) The employing agency shall, at a minimum, use the following background means to complete its investigation procedures:

(a) Use N~~neighborhood~~ checks by attempting, where practical, to have a contact interview with at least (3) three neighbors of the applicant within the previous (3) three years. The content of the interview shall be the same regardless of the means of the neighborhood check. The interview shall be attempted in the following order of preference: in person, by telephone, or by mail.

(b) Use P~~previous~~ employment data obtained from prior employers, ~~law enforcement records, and military history checks.~~

(c) Local law enforcement records, Florida Criminal Information Center records, National Criminal Information Center records and military records.

~~(d)(e)~~ Questioning of the applicant regarding ~~of~~ any history of prior unlawful conduct.

~~(e)(d)~~ Questioning of the applicant regarding ~~about~~ any unlawful drug use pursuant to Rule 11B-27.0011(2), F.A.C.

~~(e) Use other means to complete its investigation, including a job related psychological examination and a polygraph examination.~~

~~(f) In cases where an applicant's urine sample is found to contain a controlled substance or evidence thereof, upon the completion of the analysis procedures pursuant to Rule 11B-27.00225, F.A.C., the employing agency shall, if requested by the applicant, permit the applicant to provide to the employing agency evidence that the applicant lawfully used or ingested the said controlled substance.~~

(3) Upon the effective date of this rule section, the employing agency completing the background investigation shall submit to Commission staff a Registration of Employment Affidavit of Compliance form CJSTC-60. The information on the CJSTC-60 form may be electronically submitted via the Commission's Automated Training Management System (ATMS). ~~(ATMS2)~~, and the agency shall also submit a completed original of the Employment Background Investigative Report form CJSTC-77, revised September 23, 1999, ~~October 27, 1998~~, hereby incorporated by reference. The information on the CJSTC-77 form may be electronically submitted via the Commission's ATMS ~~ATMS2~~. The original form CJSTC-77 that has been signed and dated by the investigator and the chief administrator or designee, shall be retained in the applicant's file.

Specific Authority 943.03(4), 943.12(1), 943.133(3) FS. Law Implemented ~~943.13(7)~~, 943.133, 943.139(3) FS. History--New 10-6-82, Amended 1-7-85, Formerly 11B-27.022, Amended 7-13-87, 10-17-90, 5-13-92, 5-14-92, 12-13-92, 9-5-93, 8-7-94, 1-2-97, 7-7-99, \_\_\_\_\_.

11B-27.00225 Controlled Substance Testing Procedures.

(1) The employing agency is required to conduct a background investigation upon each applicant for ~~upon~~ certification, employment, or appointment and shall include the analysis of a urine sample furnished by the applicant for the presence of controlled substances or metabolites, which shall be consistent with the procedures for drug testing pursuant to Section 112.0455, F.S., Drug-Free Workplace Act, effective July 1, 1998, and Chapter 59A-24, F.A.C., Drug-Free Workplace Standards, effective March 11, 1998, which have been adopted by the Agency for Health Care Administration. The costs of urine sample collection and analysis, or any aggregate thereof, may be borne by the employing agency or the applicant at the discretion of the employing agency.

(2) through (4) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.133, 943.139(3) FS. History--New 7-13-87, Amended 1-2-97, 7-7-99, \_\_\_\_\_.

11B-27.0023 Issuance and Maintenance of Certification.

(1) Issuance. For those applicants who have not been previously certified and who have met all certification requirements pursuant to Section 943.13(1) through (10), F.S., the employing agency shall submit to Commission staff an Application for Certification form CJSTC-59, January 21,

1999, hereby incorporated by reference, and shall certify that the applicant is eligible for certification by the Commission. The information on the CJSTC-59 form may be electronically transmitted via the Commission's Automated Training Management System (ATMS) ~~(ATMS2)~~. Effective April 1, 1999, upon receipt of the CJSTC-59, Commission staff shall review the application for compliance with the requirements of Section 120.60, F.S. Upon a determination that the applicant is eligible for certification, the Commission shall issue a Certificate of Compliance.

(a) Effective April 1, 1999, upon a determination that an Application for Certification form CJSTC-59 contains missing or deficient documentation, an Officer Certification Deficiency Notification form CJSTC-259, January 21, 1999, hereby incorporated by reference, shall be completed by a Commission ~~staff~~ Field Specialist to notify the applicant and employing agency of the deficient or missing documentation. The employing agency shall submit the missing or deficient documentation to Commission staff within 90 days of the date the CJSTC-259 form was issued. Failure to submit missing or deficient documentation within the required 90-days, shall result in a recommendation of denial of the applicant's request for certification.

(b) The certificate issued pursuant to paragraph (1) of this rule section, shall be issued in the name appearing on the Application for Certification form CJSTC-59, which shall coincide with the name appearing on the birth certificate, certificate of naturalization, or other documents providing evidence of a legal name change A Name Change form CJSTC-79, revised January 26, 1996, hereby incorporated by reference, shall be completed and submitted to Commission staff, ~~pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual~~. A Certificate of Naturalization Application form G-639, March 21, 1994, hereby incorporated by reference, if required to prove U.S. citizenship, may be obtained from the Immigration and Naturalization Service to apply for a certificate of naturalization, ~~pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual~~.

(2) Maintenance. On or after July 1, 1985, each certified officer shall be required to receive periodic Commission-approved continuing training or education, at the rate of 40-hours every four (4) years as specified in the following paragraphs:

(a) through (b) No change.

(c) Training used to satisfy the mandatory retraining requirement shall be submitted by the employing agency to Commission staff by completing a Mandatory Retraining Report form CJSTC-74, revised October 27, 1998, hereby incorporated by reference. The information on the form CJSTC-74 may be electronically transmitted via the Commission's Automated Training Management System (ATMS) ~~(ATMS2)~~.

(d) through (g) No change.

(h) With respect to officers completing continuing training or education on or after July 1, 1993, the following conditions shall be included as a part of the continuing training or education:

1. through 2. No change.

3. Pursuant to Sections 943.1715 and 943.1716, F.S., the Commission shall incorporate instruction for officers in the subject of interpersonal skills relating to diverse populations, with an emphasis on the awareness of cultural differences. Certified officers, who are Commission-certified Human Diversity Instructors and elect to instruct Human Diversity Training, All Commission-certified criminal justice instructors shall meet the requirements for Human Diversity Instructor Training pursuant to Rule 11B-20.001(4)(g), F.A.C. Certified Human Diversity Training Instructors may elect to substitute completion or instruction of the Commission-approved 20-hour Human Diversity Instructor Training course, or instruction of the 8-hour Human Diversity Training course, to satisfy human diversity requirements for mandatory retraining pursuant to paragraph (g) of this rule section.

4. Effective July 1, 1998, pursuant to 943.17295, F.S., the Commission shall incorporate instruction on Juvenile Sexual Offender Investigations training into the Basic Recruit Training Curriculum and mandatory retraining requirements. A law enforcement officer shall be required to complete training in the subjects of sexual abuse and assault investigation, with emphasis on cases involving child victims or juvenile offenders as part of the 40-hour mandatory retraining requirement. Certified officers who elect to instruct Juvenile Sexual Offender Investigation training, pursuant to the requirements of this rule section, may substitute completion or instruction of Juvenile Sexual Offender Investigation training to satisfy their mandatory retraining requirements.

(i) No change.

(j) An officer who has a lapse in service of under four (4) years, shall complete the mandatory retraining requirement prior to resuming active service with an agency. An officer who wishes to claim training as mandatory retraining, which was taken during a period when their certification was inactive, shall provide proof of the training to the prospective employing agency. The employing agency shall determine if the continuing training or education requirements have been satisfied, and shall ~~complete and~~ submit a completed Mandatory Retraining form CJSTC-74, and documents to Commission staff.

(k) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, ~~943.1395~~, 943.1701, 943.1715, 943.1716, 943.253 FS. History—New 10-6-82, Amended 12-28-83, 1-7-85, 7-1-85, Formerly 11B-27.023, Amended 7-13-87, 5-23-88, 8-30-89, 5-13-92, 5-14-92, 12-13-92, 1-19-94, 8-7-94, 1-2-97, 7-7-99, \_\_\_\_\_.

11B-27.003 Duty to Report, Investigations, Procedures.

(1) No change.

(2) Upon concluding the investigation:

~~(a) If the allegations are sustained, by the employing agency,~~ the employing agency shall complete an Internal Investigation Report form CJSTC-78, revised February 29, 1996, hereby incorporated by reference, regardless of whether any civil service appeal, arbitration, employment hearing, administrative, civil, or criminal action is pending or contemplated.

~~(b) If the employing agency concludes that~~ the allegations are not sustained, unfounded, or the officer has been exonerated, or the allegations that are sustained are only violations of the employing agencies' policies, and are not violations of Sections 943.13(4) or (7), or Rule 11B-27.0011(4), F.A.C., the employing agency shall complete the Internal Investigation Report form CJSTC-78, and maintain the completed form on file at the agency.

~~(c) If the allegations are sustained, and are a violation of~~ Sections 943.13(4) or (7), F.S., or Rule 11B-27.0011(4), F.A.C., the employing agency shall forward to Commission staff the complete investigative package, which shall include the following:

~~1.(a)~~ A completed Internal Investigation Report form CJSTC-78.

~~2.(b)~~ The allegations.

~~3.(c)~~ A summary of the facts.

~~4.(d)~~ Names of witnesses.

~~5.(e)~~ Witness statements and depositions.

~~6.(f)~~ Certified court documents.

~~7.(g)~~ Any other supportive documentation or information.

~~(d)(3)~~ If the officer is separated from employment, the employing agency shall provide an investigative package, however, the agency shall submit a completed Affidavit of Separation form CJSTC-61, and form CJSTC-61A, in the case of a separation of employment pursuant with Rule 11B-27.002(4)-(5), F.A.C.

~~(3)(4)~~ The investigative package and any subsequent report or investigation based on it, may provide evidence of probable cause to initiate proceedings for possible disciplinary action against the officer's certification. The employing agency shall make its report to Commission staff no later than 45 days after the allegations are sustained.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented ~~120.60~~, 943.1395(5) FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.03, Amended 12-13-92, 9-5-93, 7-7-99, \_\_\_\_\_.

11B-27.004 Probable Cause Determination.

At the conclusion of the preliminary investigation and when the reports and documents are received as directed by Sections 943.139 and 943.1395, F.S., a determination of probable cause shall be made before the Commission initiates proceedings to take disciplinary action against the certification of an officer.

(1) through (7) No change.

(8) In cases where Commission staff determines to initiate a Commission Probable Cause Panel review, ~~and the for the following reasons: The~~ respondent has been terminated by the employing agency; ~~the penalty guidelines of Rule 11B-27.005(5), F.A.C., specify probation or suspension as the maximum penalty for the offense; aggravating circumstances do not exist that may prompt the Commission to depart from the guidelines and consider revocation of certification; and~~ subject to the below listed conditions, Commission staff shall present the matters to a Probable Cause Panel on a consent agenda. The Probable Cause Panel shall issue a Letter of Acknowledgment of agency action in these cases, ~~The and the~~ following conditions shall be satisfied as a precondition to such processing by Commission staff and the Probable Cause Panel:

~~(a) The penalty guidelines of Rule 11B-27.005(5), F.A.C., specify probation or suspension as the maximum penalty for the offense;~~

~~(b) Aggravating circumstances do not exist that may prompt the Commission to depart from the guidelines and consider revocation of certification;~~

~~(c)(a)~~ Commission staff shall include on the consent agenda the following information: The name, social security number, employing agency of the respondent, the nature of the misconduct, and a statement that the employing agency took significant agency action against the respondent pursuant to Rule 11B-27.005(1)-(2), F.A.C.

~~(d)(b)~~ The alleged offense shall not be a violation of Section 943.13(4), F.S., or Rule 11B-27.0011(4)(a) or (d), F.A.C.

~~(e)(e)~~ The respondent shall not have exhibited a "pattern of misconduct". A "pattern of misconduct" is described as more than one offense or incident of misconduct, interrelated by similar characteristics, which are not isolated incidents previously acted upon by the Commission.

~~(f)(d)~~ The respondent shall not be a "repeat offender". A "repeat offender" is defined as a respondent who is present before the Probable Cause Panel for the third sustained offense, for which suspension of certification may be imposed within a five (5) year period.

~~(g)(e)~~ The alleged misconduct shall not have presented a high risk of harm to the officer, other officers, or the public at large.

(9) through (12) No change.

(13) When the Probable Cause Panel has insufficient information to determine the existence of probable cause, but in good faith believes that Commission staff can obtain the information necessary to reach a decision, the panel shall enter a finding of "Insufficient information". The case shall be continued until reasonable efforts by Commission staff have been ~~initiated and~~ concluded to obtain the additional

information requested by the panel, at which time the case shall be scheduled before a Probable Cause Panel for further review.

Specific Authority 943.03(4), 943.12(1), 943.1395 FS. Law Implemented 943.1395 FS. History—New 12-13-92, Amended 1-19-94, 11-5-95, 1-2-97, 7-7-99.

11B-27.005 Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (4) No change.

(5) An employing agency shall forward to Commission staff an investigation report pursuant with procedures established in Rule 11B-27.003(2)-(4), F.A.C., when the following act or allegations have occurred:

(a) No change.

(b) For the perpetration by the officer of an act that would constitute any of the misdemeanor offenses, pursuant to Rule 11B-27.0011(4)(b), F.A.C., but where there was not a violation of Section 943.13(4), F.S., the action of the Commission shall be to impose a penalty ranging from probation of certification to suspension of certification. Specific violations and penalties that shall be imposed, absent aggravating or mitigating circumstances, include the following:

<u>Violation</u>	<u>Recommended Penalty Range</u>
1. through 4. No change	
5. <del>Improper exhibition of a weapon</del> <del>Reckless display of firearm</del> (790.10, F.S.)	Probation of certification with training
6. through 12. No change.	

(c) For the perpetration by the officer of an act or conduct, as described in Rule 11B-27.0011(4)(c), F.A.C., if such act or conduct does not constitute a crime described in paragraphs (5)(a) and (b) of this rule section, the action of the Commission shall be to impose the following penalties, absent aggravating or mitigating circumstances, ~~include the following:~~

<u>Violation</u>	<u>Recommended Penalty Range</u>
1. through 8. No change.	

(d) No change.

(6) The Commission shall be entitled to deviate from the disciplinary guidelines in this rule section, upon a showing of aggravating or mitigating circumstances by evidence presented to the Commission, if pursuant to Section 120.57(2), F.S., or to an Administrative Law Judge, if pursuant to Section 120.57(1), F.S., prior to the imposition of a final penalty. The Commission shall base a deviation from the disciplinary guidelines upon a finding of one (1) or more of the following ~~aggravating or mitigating circumstances:~~

(a) through (b) No change.

(7) No change.

(c) Placement on a probationary status for a period not to exceed 2 years and subject to the terms and conditions imposed by the Commission. The Commission may impose one or more of the following terms and conditions of probation shall include the following, but are not limited to:

1. Periodic reports from the officer, supervisor, or counselor; indirect or direct supervision by ~~Commission staff~~ or a Commission-approved supervisor.

2. Furnishing urine samples and consents to the release of analysis results of random or scheduled urine drug tests, at the officer's expense and personal appearance(s) before the Commission.

3. through 4. No change.

~~5. Maintaining employment.~~

~~5.6.~~ Refraining from violations of Sections 943.13(4) and (7), F.S.

~~6.7.~~ The payment of restitution for damages or loss created by the officer's misconduct.

~~8. Any other terms or conditions as appropriate.~~

~~7.9.~~ The effective date of any period of probation imposed on a respondent by the Commission shall begin fifteen days from the filing date of the Final Order, unless such probation is to follow a period of prospective suspension. Commission staff will monitor the probation status of each officer to ensure compliance with conditions of probation. Commission staff shall ~~also~~ report to the Commission satisfactory completion of probation, as well as any violations of the conditions of probation. If the officer violates any of the conditions of probation, Commission staff shall report the violations to the Commission for consideration of further disciplinary action, pursuant to paragraph (3) of this rule section, and Section 943.1395(7)(c), F.S.

(d) through (e) No change.

(8) through (9) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented ~~120.60(5), 120.62, 943.12(2), (3), 943.1395(8)(5)-(7)~~ FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.05, Amended 3-29-89, 12-13-92, 2-17-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, \_\_\_\_\_.

#### 11B-27.007 Denial of Certification.

Should the Commission find that an applicant for certification fails to meet the qualifications established pursuant to Section 943.13(1) through (10), F.S., or any rules promulgated thereunder, the Commission shall notify the applicant by forwarding ~~submitting~~ a statement of denial, and shall forward a copy to the agency that submitted the application for certification. The statement of denial shall specify the basis for Commission action, and shall be forwarded to the applicant pursuant to the procedures of Rule Chapter 120, F.S., Administrative Procedure Act, and the Uniform Rules of Procedure, Rule Chapter 28, F.A.C.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 120.60, 120.62, 943.1395 FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.07, Amended 7-7-99, \_\_\_\_\_.

#### 11B-27.010 Default.

~~In the event the respondent, who has been served with an Administrative Complaint, or an applicant, who has been served with a Statement of Denial, fails to respond within 30 calendar days from the date of service, as set forth in the Explanation of Rights, such failure shall be considered a waiver of the respondent's rights to a hearing pursuant to Section 120.569, F.S., and a default may be entered, but only after a prima facie case is presented against the respondent or applicant, regardless of whether or not the respondent is in attendance.~~

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 120.54(5), 120.60, 120.62, 943.12 (9), 943.13, 943.14(1),(2),(3), 943.19 FS. History—New 10-6-82, Amended 12-28-83, Formerly 11B-27.10, Amended 6-2-91, 1-2-97, 7-7-99, Repealed \_\_\_\_\_.

#### 11B-27.011 Recommended Order.

~~(1) Within 30 days of the Administrative Hearing, the Administrative Law Judge shall file a written report with the Commission containing a statement of issues, findings of fact, conclusions of law, and a recommended order.~~

~~(2) Unless a consent order between all parties and the Commission has been signed, the Commission shall issue a final order within ninety (90) days of receipt of the recommended order pursuant with Section 120.57(1)(h)-(i) and 120.569, F.S.~~

~~(3) The respondent shall be notified by the Commission, either personally, or by mail, of the recommended order constituting final agency action, and unless waived, a copy of the final order shall be delivered or mailed to the respondent or to the respondent's attorney of record.~~

Specific Authority 943.03(3),(4), 943.12(1) FS. Law Implemented 120.54(5), 120.60, 943.12 (9), 943.13, 943.14(1)-(3), 943.19 FS. History—New 10-6-82, Formerly 11B-27.11, Amended 7-7-99, Repealed \_\_\_\_\_.

#### 11B-27.013 Canine Team Certification.

(1) through (2) No change.

(3) For those applicants who are seeking initial certification or recertification, ~~have not been previously certified~~ and who have met all certification requirements pursuant to Section 943.12 (17), F.S., an employing agency shall file with Commission staff a General Duty K-9 Team Application form CJSTC-70, revised June 16, 1998, hereby incorporated by reference, which shall certify that the applicant is eligible for certification by the Commission.

(4) No change.

(a) through (b) No change.

(c) Documentation. Regardless of where the canine training takes place, records of training and certification, which shall include documents required pursuant to paragraph ~~(4)(3)~~(a)-(b) of this rule section, shall be maintained by the agency employing the canine team. If certification is based upon equivalent training, documentation of that training shall be included in the record.

(d) Certified canine team instructors may evaluate prior training and experience of a handler or team to determine equivalency-of-training and exempt the applicant team from some or all of the required training, based upon criteria specified in the Criminal Justice Standards and Training Commission Policies and Procedures Manual, provided that the applicant team complies with paragraph ~~(4)~~(3)(b) of this rule section.

(5) Each certification shall lapse if not renewed on December 31 of the year following the year of initial certification. ~~A canine team certification may be renewed by complying with paragraph (3)(b) of this rule section.~~ A canine team certification shall lapse should the specific handler and canine, as originally paired at the time of certification, cease to routinely perform canine team functions together.

(6) An Application for K-9 Team Certification Deficiency Notification form CJSTC-270, January 21, 1999, hereby incorporated by reference, shall be completed by a Commission ~~staff~~ Field Specialist upon an unfavorable inspection of required documents. The CJSTC-270 form shall indicate any deficiencies in the General Duty K-9 Team Application form CJSTC-70, and missing or incorrect documentation that is required for canine team certification, pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17) FS. History—New 3-29-89, Amended 12-13-92, 1-2-97, 7-7-99, \_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Officer Certification Examination	11B-30
RULE TITLES:	RULE NOS.:
Application for State Officer Certification Examination, Eligibility Requirements	11B-30.006
Notification of Applicants Examination Administration	11B-30.007
Persons Charged with Violations – Right of Hearing	11B-30.008
Grade Notification	11B-30.010
Applicant Review of Examination Questions, Answers	11B-30.011
Challenge to Examination Results	11B-30.012
Application-Based Officer Certification Examination	11B-30.013
	11B-30.014

PURPOSE AND EFFECT: 11B-30.006: To delete the unnecessary reference to “Florida Basic Recruit Training Program; to revise and move rule language in (a)-(d) of Rule 11B-30.006(3), FAC., to 11B-30.008, FAC., (The rule language in Rule 11B-30.006, FAC., concerns administration of the certification examination and is more appropriate language for Rule 11B-30.008, FAC.); to revise rule language regarding the deadline dates for receipt of initial applications by Commission staff which “shall not exceed 21 days”; to

make grammatical revisions consistent with existing rule language; to reformat and delete unnecessary rule language; to revise current rule language regarding “when an application shall be received by Commission staff”; to add new rule language concerning applicants requesting a second re-examination; to add new rule language to clarify “that subsequent and successful completion of the full Basic Recruit Training Program is required to pass the certification examination” after three unsuccessful attempts have been made; to renumber rule paragraphs; to delete a statutory reference to the “Law Implemented” of this rule section; and to correct Commission staff’s address. 11B-30.007: To add a new statutory reference to the “Laws Implemented” of this rule section; 11B-30.008: to revise and move rule language in (a)-(d) of Rule 11B-30.006(3), FAC., to 11B-30.008, FAC., (The rule language in 11B-30.006 concerns administration of the certification examination and is more appropriate language for Rule 11B-30.008, FAC.); to delete a statutory reference to the “Law Implemented”: of this rule section; and to renumber paragraphs (1)-(4) to (4)-(7) of Rule 11B-30.008, FAC. 11B-30.010 and 11B-30.011: Revise 30 days for hearing to 28 days to comply with Rule 28-106.111, F.A.C; to delete statutory references to the “Laws Implemented” of these rule sections; 11B-30.012: To revise rule language to allow an applicant to review their application without the review being the sole purpose for filing objections; and to add rule language to require that only materials provided by Commission staff are allowed during an examination review. 11B-30.013: To renumber rule paragraphs accordingly; and to delete a statutory reference to the “Law Implemented” of this rule section. 11B-30.014: To add rule language that requires an applicant who completes the Application-Based Training Model to successfully complete the Application-Based Officer Certification Examination to obtain certification; to require applicants to comply with the application procedures of Rule 11B-30.006(3), FAC., to be allowed to sit for the Application-Based Officer Certification Examination; to require that an applicant comply with the application procedures of Rule 11B-30.006(3), FAC., for eligibility to sit for a re-examination; and to require that an applicant re-enroll and successfully complete the Application-Based Training Model if three unsuccessful attempts have been made to pass the examination.

SUBJECT AREA TO BE ADDRESSED: Officer certification examination application eligibility requirements, examination administration, review of examination questions and answers, and Application-Based Officer Certification Examination process.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1) FS.

LAW IMPLEMENTED: 943.173, 943.1397, 943.12(18) 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: 1:00 p.m., April 11, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 2 weeks prior to the workshop by contacting Donna Hunt at TDD: (850)656-9597.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-30.006 Application for State Officer Certification Examination, Eligibility Requirements.

(1) The following individuals are eligible to sit for the Officer Certification Examination:

(a) through (b) No change.

(c) Individuals who have successfully completed ~~the Florida Basic Recruit Training Program, or~~ a comparable Basic Recruit Training Program in another state, or for the Federal Government, and have served as full-time sworn officers in another state or for the Federal Government for at least one (1) year, and are approved for an exemption from completing a Commission-approved Basic Recruit Training Program pursuant to Rule 11B-35.009 and .010, F.A.C. Prior to sitting for the State Officer Certification Examination, these individuals shall successfully complete the Officer Certification Examination Qualification Course, appropriate for the discipline for which the individual is seeking certification, at a Commission-certified criminal justice training school pursuant to Rule 11B-35.008, F.A.C.

(2) No change.

(3) Individuals ~~wishing to~~ applying for the initial State Officer Certification Examination shall use the Officer Certification Examination Application form CJSTC-500, April 1, 1994, hereby incorporated by reference. The application form CJSTC-500, may be obtained from a Commission-certified criminal justice training school or the Florida Department of Law Enforcement, Criminal Justice Professionalism Program. Applications to sit for the State Officer Certification Examination shall be received by Commission staff by the established deadline date, which shall not exceed ~~be at least~~ 21 days prior to the published scheduled examination date, pursuant to the Criminal Justice Standards

and Training Commission Policies and Procedures Manual, October 13, 1999 ~~January 1999~~, hereby incorporated by reference. The application shall be accompanied by a \$75 application fee that shall be a cashier's check, money order, or a public agency's instrument made payable to the Criminal Justice Standards and Training Trust Fund. ~~the following:~~

~~(a) Applicants who have completed a Basic Recruit or Cross Training Program, shall submit with the original application, a \$75 application fee, that shall be a cashier's check, money order, or a public agency's instrument made payable to the Criminal Justice Standards and Training Trust Fund.~~

~~(b) Applicants shall bring to the test administration site, proof of successful completion of a Commission-approved Basic Recruit Training Program or Officer Certification Examination Qualification Course appropriate for the discipline for which the individual is seeking certification. Training shall have been completed not more than four (4) years prior to the examination date. The following documentation shall be acceptable:~~

~~1. A Certificate of Completion, or duplicate, that shall contain the name of the Commission-certified criminal justice training school, applicant's name, discipline and training program completed, training completion date, number of hours completed, and signature of the training center director; or~~

~~2. A Letter of Completion submitted in lieu of a Certificate of Completion, which shall be an original letter, on the training school's center letterhead, and signed by the training center director. The letter of completion shall include the discipline and training program completed, the training completion date, and number of hours completed.~~

~~(c) Non active Florida certified officers who have a break in service of more than four (4) years shall submit with the original application, a \$75 application fee, which shall be a cashier's check, money order, or public agency's instrument, made payable to the Criminal Justice Standards and Training Trust Fund. Applicants shall bring to the test administration site:~~

~~1. Proof of graduation from a Commission-approved Officer Certification Examination Qualification Course, in the form of a copy of a Certificate of Completion form, or~~

~~2. A letter from the criminal justice training center director, pursuant to paragraph (2)(b)-(c) of this rule section.~~

~~(d) Individuals who have successfully completed the Florida Basic Recruit Training Program, or a comparable Basic Recruit Training Program in another state or for the Federal Government, and have served as full-time sworn officers in another state or for the Federal Government, for at least (1) one year, shall submit with the original application, a \$75 application fee, which shall be a cashier's check, money order, or public agency's instrument, made payable to the Criminal Justice Standards and Training Trust Fund. Applicants shall bring to the test administration site:~~

1. ~~Proof of graduation from a Commission-approved Officer Certification Examination Qualification Course, in the form of a copy of a Certificate of Completion, or~~

2. ~~A letter from the criminal justice training center director pursuant to paragraph (2)(b)-(c) of this rule section.~~

(4) ~~Should an applicant fail all or part of the examination, the applicant shall be allowed to make application for re-examination. Applications for a first re-examination shall be received by Commission staff by the established deadline date, which shall not exceed 21 days prior to the published scheduled examination date. The application shall be accompanied by a \$75 application fee that shall be a cashier's check, money order, or a public agency's instrument made payable to the Criminal Justice Standards and Training Trust Fund, upon meeting the following conditions:~~

~~(a) Applications for permission to sit for a first re-examination shall be received by Commission staff by the established deadline date, which shall 21 days prior to the published scheduled examination date.~~

~~(b) The items to be submitted with the application for re-examination are, a \$75 application fee, which shall be a cashier's check or a money order made payable to the Criminal Justice Standards and Training Trust Fund, and a copy of the applicant's grade sheet from the previous failed examination.~~

(5) ~~Should an applicant fail all or part of the first re-examination, the re-take applicant shall be allowed to make application for a second re-examination. Prior to sitting for the second re-examination making such application, the applicant shall re-take and successfully complete the Basic Recruit Training Course(s) Courses that correspond to the examination section(s) failed. Students re-taking the high-liability training courses are required to complete only the academic portions of the courses.~~

(6) ~~Applications for a second re-examination shall be received by Commission staff by the established deadline date, which shall not exceed 21 days prior to the published scheduled examination date. The application shall be accompanied by a \$75 application fee that shall be a cashier's check, money order, or a public agency's instrument made payable to the Criminal Justice Standards and Training Trust Fund. Additionally, applicants requesting a second re-examination shall submit one of the following with the completed application: Applications for permission to sit as an applicant for a second re-examination, shall be received by Commission staff by the established deadline date, which shall 21 days prior to the published scheduled examination date.~~

~~(a) A Certificate of Completion that includes the name of the Commission-certified criminal justice training school, the applicant's name, the discipline for which certification is being sought, the name(s) and common course number(s) of the remedial course(s) completed and completion date of each individual course, and the signature of the training center director; or~~

~~(b) If the remedial training has not been completed at the time of application, an original letter on the training school's letterhead signed by the training center director, which shall specifically identify the discipline and original training program completed, name(s) and common course number(s) of the remedial course(s) taken, and expected completion date of each individual course.~~

~~(7) The items to be submitted with the application are:~~

~~(a) A \$75 application fee, which shall be a cashier's check or money order made payable to the Criminal Justice Standards and Training Trust Fund, and~~

~~(b) A copy of the applicant's grade sheet from the last re-examination. Applicants shall bring to the administration site, documentation required by paragraph (2)(b) of this rule section.~~

~~(c) A Certificate of Completion or duplicate that provides the following information:~~

~~1. The name of the Commission-certified criminal justice training school.~~

~~2. The applicant's name.~~

~~3. The discipline for which certification is being sought.~~

~~4. Name(s) and CJD number(s) of the remedial course(s) completed and completion date of each individual course.~~

~~5. The signature of the training center director, or~~

~~6. A Letter of Completion, which shall be an original letter, on the training school's center letterhead signed by the training center director, and shall specifically identify the discipline and training program completed, name(s) and CJD number(s) of the remedial course(s) taken, and completion date of each individual course.~~

~~(7)(8) If an applicant fails to successfully pass the State Officer Certification Examination after three attempts, the applicant may not sit for the examination again until the applicant has re-enrolled in and successfully complete completed the full Basic Recruit Training Program, and satisfied all requirements for successful completion within the discipline for which the applicant is seeking certification.~~

~~(8)(9) The applicant may request rescheduling to sit for the examination if either of the following conditions exist:~~

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

~~(9)(10) Any requests for applicant rescheduling authorized pursuant to paragraph (8)(6) of this rule section, shall be submitted in writing to Commission staff. Unless otherwise stated, rescheduling granted in this rule section remains subject to all requirements for eligibility, pursuant to paragraphs (1)-(6) of this rule section, however, no additional application fee shall be charged.~~

~~(10)(11) If a mechanical fault, natural event, or other problem associated with the administration or grading of the examination occurs, Commission staff shall permit rescheduling of all or part of the examination without further application by, or cost to the applicant. The applicant shall~~

receive a letter of rescheduling within 30 working days of discovery of the problem associated with the administration or grading of the examination. Re-scheduling of the examination, pursuant to this rule section, does not constitute a re-examination pursuant to Section 943.1397(2), F.S.

~~(11)~~~~(12)~~ Commission-certified criminal justice training schools may order officer certification examination supplies by completing a Training School Examination Supplies Request form CJSTC-514, revised January 21, 1999, hereby incorporated by reference, and submit to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section.

~~(12)~~~~(13)~~ All forms and the Criminal Justice Standards and Training Commission Policies and Procedures Manual referenced in this rule chapter, may be obtained by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Director's Office, Forms and Manual Liaison.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18), 943.1397, ~~943.173~~ FS. History—New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, \_\_\_\_\_.

#### 11B-30.007 Notification of Applicants.

(1) through (3) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.173, 943.12(18) FS. History—New 1-10-94, Amended 1-2-97, 7-7-99.

#### 11B-30.008 Examination Administration.

(1) Commission staff shall refuse admission of applicants to sit for the examination for any individual who does not present a valid driver's license, a criminal justice agency photo I.D., or a Florida Identification Card issued by the Department of Highway Safety and Motor Vehicles.

(2) Applicants sitting for the initial examination shall bring to the test administration site proof of successful completion of a Commission-approved Basic Recruit Training Program or Officer Certification Examination Qualification Course appropriate for the discipline for which the individual is seeking certification. The following documentation shall be acceptable:

(a) A Certificate of Completion that shall contain the name of the Commission-certified criminal justice training school, applicant's name, discipline and training program completed, training completion date, number of hours completed, and signature of the training center director; or

(b) A Letter of Completion submitted in lieu of a Certificate of Completion, which shall be an original letter, on the training school's letterhead, signed by the training center director. The letter of completion shall include the discipline and training program completed, the completion date, and number of hours completed.

(3) Applicants sitting for the first re-examination are only required to show identification pursuant to paragraph (1) of this rule section.

(4) Applicants sitting for the second re-examination shall additionally show proof of successfully completing the required remedial course(s). One of the following may be accepted:

(a) A Certificate of Completion that includes the name of the Commission-certified criminal justice training school, the applicant's name, the discipline for which certification is being sought, the name(s) and common course number(s) of the remedial course(s) completed and completion date of each individual course, and the signature of the training center director; or

(b) An original letter on the training school's letterhead signed by the training center director, which shall specifically identify the discipline and training program completed, name(s) and common course number(s) of the remedial course(s) taken, and completion date of each individual course.

~~(5)~~~~(4)~~ During all examinations, applicants shall follow the instructions of the examination administrator. Failure to comply with the administrator's instructions shall result in disqualification from the examination session, and forfeiture of the application fee.

~~(2) Commission staff shall refuse admission of applicants to sit for the examination for any individual who does not present a valid driver's license or a criminal justice agency photo I.D., or a Florida Identification Card issued by the Department of Highway Safety and Motor Vehicles.~~

~~(6)~~~~(3)~~ An applicant shall not be admitted to the examination administration after the door to the examination site is closed. The applicant shall forfeit the examination fee and may re-apply to Commission staff to sit for the examination, and shall again have to comply with all of the provisions of Rule 11B-30.006, F.A.C.

~~(7)~~~~(4)~~ All examination booklets, answer sheets, and other examination papers and materials are the sole property of Commission staff. An applicant shall not remove any of the examination booklets, answer sheets, or other examination papers or materials from the examination room, or retain or reproduce the materials in whole, or in part, by any means or method whatsoever.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18), 943.173 FS. History—New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, \_\_\_\_\_.

#### 11B-30.010 Persons Charged with Violations – Right of Hearing.

(1) An applicant charged by Commission staff with a violation of Rule 11B-30.009(2) or (3), F.A.C., may, within ~~28~~ 30 days of receipt of notice of being charged with such violation, request a hearing by filing a written request with Commission staff.

(2) The applicant's request shall specify the nature of the dispute with Commission staff. Upon filing a timely request, the applicant shall be provided a hearing pursuant to Section 120.569, F.S.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18), 943.173 FS. History--New 1-10-94, Amended 7-7-99,\_\_\_\_\_.

11B-30.011 Grade Notification.

(1) Commission staff shall notify the applicant of the examination results approximately 30 days after the examination date.

(2) Applicant(s) failing the State Officer Certification Examination shall be notified of the subject area(s) failed, along with the requirements for re-examination and the review procedures.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18); 943.173 FS. History--New 1-10-94, Amended 1-2-97, 7-7-99,\_\_\_\_\_.

11B-30.012 Applicant Review of Examination Questions, Answers.

(1) through (2) No change.

(3) Applicants who have taken the State Officer Certification Examination may request and receive an appointment for review of their examination. Applicants may review their examination for the purpose of filing objections to the examination, subject to the following conditions:

(a) The Officer Certification Examination Grade Review Request form CJSTC-510, revised October 19, 1998, hereby incorporated by reference, shall be received by Commission staff within 45 calendar days from the applicant's examination date. The request shall include a copy of the applicant's grade notification. Applicants failing to meet the deadline shall be allowed to review their examination, but shall not be allowed to file objections.

(b) No change.

(c) At the examination review, the applicant shall be permitted to record on forms provided by Commission staff, all objections to the examination under review. Such forms shall remain in the custody of Commission staff, and shall be evaluated pursuant to the procedures outlined in paragraph (3)(h) of this rule section. No material of any kind shall be used during the review except those provided by Commission staff.

(d) through (i) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18), 943.173 FS. History--New 1-10-94, Amended 1-2-97, 7-7-99,\_\_\_\_\_.

11B-30.013 Challenge to Examination Results.

(1) Pursuant to Section 120.57(1), F.S., an applicant may request a formal hearing before the Division of Administrative Hearings regarding a denial of credit for challenges to examination questions, under the following terms and conditions:

~~(a)(2)~~ The hearing request shall be filed with Commission staff no later than 45 calendar days after the examination administration date.

~~(b)(3)~~ If the applicant has elected to review the examination to submit objections pursuant to Rule 11B-30.012, F.A.C., the request for a hearing shall be filed by Commission staff no later than 30 calendar days after the date on the letter notifying the applicant of Commission staff's evaluation decision regarding the objections.

~~(c)(4)~~ The request shall state all disputed facts, procedural or substantive facts of the issue, and may include specific question numbers, only if written objections were submitted to those question numbers at the time of the initial review.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18); 943.173 FS. History--New 1-10-94, Amended 1-2-97, 7-7-99,\_\_\_\_\_.

11B-30.014 Application-Based Officer Certification Examination.

(1) Any applicant successfully completing the Application-Based Training Model pursuant to Rule 11B-35.0022, F.A.C., shall be required to pass the Application-Based Officer Certification Examination for the discipline in which certification is being sought.

(2) Applicants shall comply with the provisions of Rule 11B-30.006(3), F.A.C., when applying for the Application-Based Officer Certification Examination.

(3) Applicants who fail the examination shall be permitted two re-examinations. When applying for the re-examination, applicants shall comply with the provisions of Rule 11B-30.006(3), F.A.C.

(4) If an applicant fails to pass the Application-Based Officer Certification Examination after three attempts, the applicant shall not sit for the examination again until re-enrolling in and successfully completing the Application-Based Training Model for the discipline in which certification is being sought.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.173, 943.12(18) FS. History--New \_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Training Programs	11B-35
RULE TITLES:	RULE NOS.:
General Training Programs and Requirements and Specifications	11B-35.001
Basic Recruit Training Programs; Law Enforcement, Correctional, and Correctional Probation	11B-35.002
Basic Recruit Training Programs; Student to Instructor Ratios and Minimum Requirements	11B-35.0021

Basic Recruit Training Programs; Student Performance in Comprehensive Examination or Examinations 11B-35.0022

Basic Recruit Training Programs; Student Transfer 11B-35.0023

Basic Recruit Training Programs; Student Performance in High-Liability Proficiency, Knowledge, Skills, and Abilities 11B-35.0024

Basic Recruit Training Programs; Law Enforcement and Correctional Auxiliary Training Program 11B-35.003

Basic Recruit Training Programs; Cross-Over Training for Law Enforcement, Correctional, and Correctional Probation Officers 11B-35.004

Career Development Training Program 11B-35.005

Advanced Training Program 11B-35.006

Specialized Training Program 11B-35.007

Officer Certification Examination Qualification Course Requirements 11B-35.008

Criminal Justice Training School Requirements for Administration and Security of Examinations 11B-35.0085

Exemption from Basic Recruit Training for Out-of-State or Federal Officers, Definitions and Applicability 11B-35.009

Exemption from Basic Recruit Training for Out-of-State or Federal Officers; Policy and Exemption Application Procedures 11B-35.010

PURPOSE AND EFFECT: 11B-35.001: To delete the obsolete term “lecturers”; to add “dismissed” to form CJSTC-67 to reflect when a student has been dismissed from a training program; to remove the obsolete reference to “trust fund” (trust fund monies cannot be used to deliver basic recruit training); to add “proficiency checklist and performance reports” to the list of records that are to be audited, by adding (5) to Rule 11B-35.001(6)(d), FAC.; to renumber Rule 11B-35.001(6)(d)5.,6.,7.,8. to 11B-35.001(6)(d)6.,7.,8.,9.; to move rule language regarding radar and laser operator performance reports, which are Radar and Laser Advanced Training Programs, from Rule 11B-35.001(6)(d)9. and 10. to 11B-35.006(7), FAC., which pertains to Advanced Training Programs; to clarify rule language in Rule 11B-35.001(7), FAC., concerning “student attendance”; to remove the unnecessary reference to the Criminal Justice Standards and Training Commission Policies and Procedures; to delete the word “curriculum” and replace with the word “objectives”; and to add a new statutory reference to the “Specific Authority” of this rule section. 11B-35.002: To delete rule language regarding sequencing of the Commission’s Basic Recruit Training Courses pursuant to Section 120.536, F.S.; to revise the number of required course hours for the “Criminal Justice Legal 2 (CJD\_701) course; and to add a new statutory reference to the “Specific Authority” and “Law Implemented” of this rule section. 11B-35.0021: To clarify the phrase,

“conducting training on a firearm range; to add rule language that provides the instructor to student ratio requirement for instructing the new 38-Hour Preparation for Defensive Tactics Course; and to add a new statutory reference to the “Specific Authority” and “Law Implemented” of this rule section. 11B-35.0022: To require a student to achieve a score of at least 80% on the course’s comprehensive examination or examinations for the high-liability proficiency skills pursuant to 11B-35.0024, FAC.; to add a new statutory reference to the “Specific Authority” of this rule section; and to renumber paragraphs in this rule section accordingly. 11B-35.0023: To clarify that the training school SUBMITTING the Training Report form CJSTC-67 may require a student to DEMONSTRATE PROFICIENCY in any High-Liability Training Course that has not been completed at the training school submitting the Training Report form CJSTC-67 to Commission staff; and to add a new statutory reference to the “Specific Authority” of this rule section. 11B-35.0024: To make grammatical revisions and to add a new statutory reference to the “Specific Authority” and “Law Implemented” of this rule section. 11B-35.003: To make grammatical revisions and add descriptive rule language; to clarify that the Auxiliary Officer Prerequisite Course shall be completed at a Commission-certified criminal justice training school; to specify that the applicable High-Liability Training Courses shall be completed for certification as an auxiliary officer; and to delete the unnecessary asterisked rule language in 11B-35-003(5)(b), FAC., pertaining to removal of the hourly requirements for the Auxiliary Training Program; to remove the unnecessary reference to the Criminal Justice Standards and Training Policies and Procedures Manual; to remove the inapplicable hourly requirement for High-Liability Training courses for certification as an auxiliary officer; to add rule language to affirm that “proficiency demonstration in vehicle operations is an employing agency requirement for auxiliary training”; to add a new statutory reference to the “Specific Authority” and “Law Implemented” of this rule section; and to clarify existing rule language regarding the High-Liability Training Courses and documentation of such courses. 11B-35.004: To remove unnecessary rule language; to make grammatical revisions; and to add a new statutory reference to the “Specific Authority” and “Law Implemented” of this rule section. 11B-35.005: To add a new statutory reference to the “Specific Authority” of this rule section. 11B-35.006: To make grammatical revisions; to remove unnecessary rule language; to remove obsolete rule language regarding in-service training requirements; to correct Course Number 098’s title; to change the Program Area of where the DARE Training Center is currently housed; to delete Rule 11B-35.006(7), FAC., which refers to obsolete course approval procedures for Advanced Training Courses and to renumber paragraphs within this rule section accordingly; to add a new statutory reference to the “Specific Authority” of this rule section; to move the existing rule language regarding Radar and Laser Operator forms from

Rule 11B-35.001(6)(d)9. and 10., FAC. to Rule 11B-35.006(7)(a) and (b), FAC., because 11B-35.001(6), FAC., pertains to Basic Recruit Training Courses. 11B-35.007: To delete unnecessary rule language; to add a new statutory reference to the "Specific Authority" of this rule section; to delete the obsolete Tactical Policing course, and to renumber paragraphs accordingly. 11B-35.008: To change the reference to "corrections officer" to "correctional officer" pursuant to Chapter 943. 11B-35.0085: To add a new statutory reference to the "Specific Authority" of this rule section. 11B-35.009: To add a new statutory reference to the "Specific Authority" of this rule section. 11B-35.010: To clarify existing rule language regarding single or multiple employment; to add a new statutory reference to the "Specific Authority" of this rule section; and to make grammatical revisions.

**SUBJECT AREA TO BE ADDRESSED:** Form revisions, Criminal Justice Standards and Training Trust Fund regarding funding of Basic Recruit Training Courses, audit of training courses, grammatical revisions, sequencing of Basic Recruit Training Courses, correction of required course hours and course names, instructor to student ratio, 38-Hour Preparation for Defensive Tactics Course, score achievement of 80% for high-liability proficiency skills comprehensive examinations or examinations, High-Liability Training Courses for auxiliary officers, vehicle operations and documentation requirements for auxiliary officer training, in-service training requirements, DARE Training Center, procedures for advanced training courses, and single or multiple employment.

**SPECIFIC AUTHORITY:** 943.03(4), 943.12(1),(2), 943.14(3) FS.

**LAW IMPLEMENTED:** 943.12(4),(5),(8), 943.13(2), 943.131(2), 943.1395(3), 943.17, 943.17(1)(a)(b)(c), 943.173, 943.175 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:** 1:00 p.m., April 11, 2000

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 2 weeks prior to the workshop by contacting Donna Hunt at TDD#: (850)656-9597.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

11B-35.001 General Training Programs; Requirements and Specifications.

(1) through (2) No change.

(3) Instructors ~~and~~ ~~lecturers~~ who teach Commission-approved Basic Recruit, Career Development, Advanced, and Specialized Training Programs at a Commission-certified criminal justice training school, shall be certified by the Commission pursuant to Rule Chapter 11B-20, F.A.C.

(4) through (5) No change.

(6) Commission-approved training program reporting requirements for training center directors are as follows:

(a) through (b) No change.

(c) The training center director or designee shall forward a completed Training Report form CJSTC-67, revised February 18, 1998, hereby incorporated by reference, to the Criminal Justice Professionalism Program, Bureau of Standards, following the completion of a course. Effective September 1, 1999 ~~September 1, 1998~~, the information on a CJSTC-67 form shall be required to be electronically transmitted via the Commission's Automated Training Management System (ATMS) ~~(ATMS2)~~. Commission staff shall maintain student training files and verify all completed training courses.

(d) The training center director or designee shall ensure that records for all Commission-approved Basic Recruit, Advanced, and Specialized Training Courses are maintained within the Commission-certified criminal justice training school. Each course ~~funded by the Criminal Justice Standards and Training Trust Fund~~, shall be subject to audit by Commission staff. Such records shall include:

1. through 4. No change.

5. Applicable proficiency checklist and performance reports.

~~6.5.~~ A list of Commission-certified criminal justice training instructors, or instructors exempt from general instructor certification pursuant to Rule 11B-20.001(3)(a)-(e), F.A.C.

~~7.6.~~ Attendance records.

~~8.7.~~ Course outlines or schedules.

~~9.8.~~ Training Report form CJSTC-67.

~~9. Radar Operator Performance Report form CJSTC-8, July 1, 1995, hereby incorporated by reference.~~

~~10. Laser Operator Performance Report form CJSTC-9, July 1, 1995, hereby incorporated by reference.~~

(7) Attendance: A student shall not be considered to have successfully completed a Commission-approved training course, ~~from any session of such course~~, if there is an unexcused absence, from any session of such course, has been documented in the student course file.

(8) Attendance Records Requirements:

(a) through (b) No change.

(c) The training center director shall maintain documentation in class files that specifies the reason for any excused student absence(s). Any make-up work required of a student as the result of an excused absence, shall be maintained in the student's file. ~~documented pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual.~~

(d) No change.

(9) Florida 4-year accredited colleges and universities approved by the Commission to offer the Correctional Probation Officer Basic Recruit Training Program shall:

(a) Report to the Commission when a student has successfully completed the Commission-approved objectives curriculum for the Correctional Probation Officer Basic Recruit Training Program.

(b) through (c) No change.

(10) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.17 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99,\_\_\_\_\_.

11B-35.002 Basic Recruit Training Programs; Law Enforcement, Correctional, and Correctional Probation.

(1) There is established by the Criminal Justice Standards and Training Commission, Basic Recruit Training Programs, which are listed in the Criminal Justice Standards and Training Commission Policies and Procedures Manual, revised October 13, 1999, January 1999, hereby incorporated by reference. These programs provide the minimum required employment skills necessary for officer certification pursuant to Section 943.10(1)-(3), F.S.

(2) No change.

(3) Basic Recruit Training Program course requirements are as follows:

(a) through (d) No change.

~~(e) Institutional sequencing of Commission-approved Basic Recruit Training Courses shall be determined by Commission-certified criminal justice training schools in conjunction with their Regional Training Councils.~~

(4) Basic Recruit Training Programs. The Commission-approved curricula for courses in the Commission-approved Basic Recruit Training Programs shall be on file in the Criminal Justice Professionalism Program. Effective February 4, 1999, such programs shall include the following courses:

	Minimum Hours	
(a) through (c) No change.		
(d) Associates of Science Criminal Justice Combination Academy Track		
Criminal Justice Legal 1	CJD_700	54.0
Criminal Justice Legal 2	CJD_701	<u>52.0</u>
53.0		
Criminal Justice Communications	CJD_702	62.0

Interpersonal Skills 1	CJD_703	66.0
*Criminal Justice Defensive Tactics	CJD_704	106.0
*Includes the 38-hour Preparation for Defensive Tactics Course, effective 7/1/98		
Criminal Justice Weapons	CJD_705	64.0
Medical First Responder	CJD_254	48.0
(Options: CJT_362 or EMS_1059)		
Law Enforcement Legal 3	CJD_720	32.0
Law Enforcement Patrol	CJD_721	64.0
Law Enforcement Traffic	CJD_722	46.0
Vehicle Operations	CJD_723	32.0
Law Enforcement Investigations	CJD_724	64.0
Interpersonal Skills 2	CJD_740	50.0
Emergency Preparedness	CJD_741	26.0
Correctional Operations	CJD_742	64.0
Total		830.0

(e) through (h) No change.

(5) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.17 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99,\_\_\_\_\_.

11B-35.0021 Basic Recruit Training Programs; Student to Instructor Ratios and Minimum Requirements.

Student to instructor ratios for a Commission-approved Basic Recruit Training Program are as follows:

(1) For instruction of criminal justice weapons, no more than six (6) students for each Commission-certified firearm instructor actively engaged in training on a firearms range, conducting live firearm training.

(2) No change.

(3) For instruction of defensive tactics, no more than eight (8) students for each Commission-certified defensive tactics instructor while actively engaged in defensive tactics training or a performance evaluation. For instruction of the 38-Hour Preparation for Defensive Tactics Course, the student to instructor ratio shall be (2) two instructors for each class for the first (20) students actively engaged. Each additional 20 students, or any portion thereof, shall require an additional instructor.

(4) No change.

Specific Authority 943.03(4), 943.12(1),(2), 943.14(3) FS. Law Implemented 943.12(5), 943.17, 943.14(3) FS. History—New 12-13-92, Amended 1-2-97, 7-7-99,\_\_\_\_\_.

11B-35.0022 Basic Recruit Training Programs; Student Performance in Comprehensive Examination or Examinations.

(1) To successfully complete a Commission-approved Basic Recruit Training Course, exclusive of the demonstration of high-liability proficiency skills other than a High-Liability Training Course, pursuant to 11B-35.0024, F.A.C., a student shall achieve a score of at least 80 percent on the course's

comprehensive examination or examinations, which is intended to measure the student's acquisition of knowledge, skills, and abilities.

(2) To successfully complete an Application-Based Training Model, pursuant to Rule 11B-35.002(4)(f), (4)(g), or (4)(h), F.A.C., a student shall, ~~in addition to passing the comprehensive examination or examinations,~~ demonstrate knowledge, skills, and abilities in all assessments included within the curriculum.

(3)(2) The training center director or designee is responsible for the development, maintenance, and administration of the comprehensive examination or examinations for each of the Commission-approved Basic Recruit Training Courses. The training center director may develop, maintain, and administer additional academic tests for any such courses, and is not limited to only the utilization of the comprehensive examination or examinations. Commission-certified criminal justice training schools shall maintain all academy basic recruit training course examinations in compliance with the administration, confidentiality, and security requirements, pursuant to Rule 11B-35.0085(2) and (3), F.A.C.

(4)(3) Training center directors may administer only one re-examination for each of the comprehensive examination or examinations for Commission-approved Basic Recruit Training Courses, if the training center director determines that one of the following conditions exists:

(5)(4) Each Commission-certified criminal justice training school shall develop its own re-examination policy that documents the justification for re-examination and is approved by the Regional Training Council. Such training school shall maintain its re-examination policy on file for Commission and student review.

(6)(5) The training center director shall approve all re-examinations and maintain appropriate documentation on file for Commission review.

(7)(6) A student may petition the training center director to request consideration for a re-examination.

(8)(7) If a student does not successfully pass either the comprehensive examination or examinations, or if necessary, its re-examination, the student shall be deemed to have failed that particular Basic Recruit Training Course.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(4), 943.17 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, \_\_\_\_\_.

11B-35.0023 Basic Recruit Training Programs; Student Transfer.

(1) through (3) No change.

(4) When a student has successfully completed courses included in a Commission-approved Basic Recruit Training Program at two or more Commission-certified criminal justice training schools, and has met all requirements for completion of such training program, the training school where the student

has successfully completed the greatest number of courses in that program, shall, upon receipt of the student records from the other training school(s), submit a Training Report form CJSTC-67 to Commission staff. The training school submitting the Training Report form CJSTC-67, may require the student to demonstrate proficiency in any High-Liability Training Course, not completed at that school, pursuant to Rule 11B-35.0024(1), F.A.C. The training school submitting the Training Report form CJSTC-67, shall provide to the student written evidence of the student's successful completion of the Basic Recruit Training Program.

(5) through (6) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.17 FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, \_\_\_\_\_.

11B-35.0024 Basic Recruit Training Programs; Student Performance in High-Liability Proficiency, Knowledge, Skills, and Abilities.

(1) through (2) No change.

(3) Proficiency skills and minimum student performance requirements have been established for each High-Liability Training Course. All performance requirements are available to interested and affected persons, and may be obtained by contacting Commission staff at the Florida Department of Law Enforcement, Criminal Justice Professionalism Program. Documentation shall be made available for inspection upon request by a Commission representative. A Commission representative shall make available for inspection, documentation related to performance requirements.

(4) through (5) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(4), (5), 943.17 FS. History—New 2-17-93, Amended 1-2-97, 7-7-99, \_\_\_\_\_.

11B-35.003 Basic Recruit Training Programs; Law Enforcement and Correctional Auxiliary Training Program.

(1) Law Enforcement and Correctional Auxiliary Basic Recruit Training Programs are created to train individuals who are applicants for employment or appointment by criminal justice agencies, with or without compensation, to assist or aid full-time or part-time officers.

(2) For certification as an auxiliary officer, an individual shall meet the requirements outlined in Section 943.13, ~~F.S., F.A.C.~~, successfully complete the Auxiliary Officer Prerequisite Course at a Commission-certified criminal justice training school, and complete the following applicable ~~high-liability proficiency skills in a Commission-approved high-liability training courses~~ Basic Recruit Training Program for which certification is being sought:

	<u>Total Hours</u>
(a) Criminal Justice Weapons	64.0
(b) *Criminal Justice Defensive Tactics	106.0
(c) Vehicle Operations ( <u>employing agency requirement</u> )	32.0



\*Includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98

(3) High-Liability Training Courses shall be taught by a Commission-certified criminal justice training instructor; whether taught at a Commission-certified criminal justice training school ~~an academy~~ or agency, ~~pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual.~~

(4) A Commission-certified criminal justice training school shall submit a Training Report form CJSTC-67 to Commission staff upon an individual's completion of the Law Enforcement or Correctional Auxiliary Officer Prerequisite Course. In addition, the training school or agency shall document a student's successful completion of the applicable high-liability proficiency skills. Regardless of where the high-liability training is completed the employing agency shall maintain the training documentation, pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual.

(5) The Basic Recruit Training Programs include:

(a) No change.

(b) Correctional Auxiliary Officer Prerequisite Course, effective January 1, 1997:

<u>Topic Areas</u>	<u>Minimum Hours</u>
Administration	1
Legal	24
Report Writing	4
Safety Issues	4
Interpersonal Skills	5
Security Procedures and Inmate Supervision	4
Equipment	2
Facility Movement	4
Correctional Operation and Intake Procedures	1
Inmate Property	2
Search Procedures	3
Medical First Responder	48
Total Hours	102

~~\*Effective January 1, 1997, the number of hours required for the delivery of high liability training in vehicle operations, eriminal justice weapons, and criminal justice defensive tactics was removed. All objectives in the Commission curricula must be successfully completed by the student.~~

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History--New 12-13-92, Amended 1-2-97, 7-7-99,\_\_\_\_\_.

11B-35.004 Basic Recruit Training Programs; Cross-Over Training for Law Enforcement, Correctional, and Correctional Probation Officers.

(1) The Commission recognizes the lateral movement of individuals between criminal justice disciplines. In an effort to provide ease of movement and to reduce duplication of instructional content, the Commission has established

Cross-Over Training Programs. Individuals entering Commission-approved Cross-Over Training Programs shall comply with Section 943.1395(3), F.S., and Rule 11B-27.002(2), F.A.C. Each program recognizes the individual's previous completion of training courses, and only the high-liability proficiency skills demonstration ~~in a Commission-approved Basic Recruit Training Program~~ for which the individual has not previously taken in a Commission-approved Basic Recruit Training Program shall be required Course.

(2) through (3) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History--New 12-13-92, Amended 9-5-93, 1-2-97, 7-7-99,\_\_\_\_\_.

11B-35.005 Career Development Training Program.

There is established by the Criminal Justice Standards and Training Commission a program of Career Development Training Courses, which shall be limited to training courses related to promotion to a higher rank or position.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.17(1)(c) FS. History--New 12-13-92, Amended 1-2-97, 7-7-99,\_\_\_\_\_.

11B-35.006 Advanced Training Program.

(1) There is established by the Criminal Justice Standards and Training Commission an Advanced Training Program, which shall be limited to training courses that enhance an officer's knowledge, skills, and abilities for the job the officer performs. The training courses within this program shall include specific ~~specified~~ training courses that the Commission shall develop, design, implement, maintain, evaluate, and revise, or other specific ~~specified~~ training courses that are offered by Commission-certified criminal justice training schools which have been approved by the Commission, and are taught by Commission-certified training instructors.

(2) No change.

(3) Advanced Training Courses shall include one major topic, shall be at least 40 hours long, may be used by the officer to satisfy mandatory retraining requirements, or eligibility ~~which are eligible~~ for salary incentive payments when delivered through a Commission-certified criminal justice training school, ~~and may be used to meet agency in-service training requirements.~~

(4) The following is a complete list of Commission-approved Advanced Training Courses:

<u>Course</u>	<u>Course Name</u>	<u>Hours Number</u>
006	Line Supervision	80 hours
007	Middle Management	80 hours
011	Developing and Maintaining a Sound Organization	40 hours
012	Planning the Effective Use of Financial Resources	40 hours

013	Building and Maintaining a Sound Behavioral Climate	40 hours
016	Narcotics Identification and Investigation	40 hours
019	Criminal Law	40 hours
020	Case Preparation and Court Presentation	40 hours
032	Special Tactical Problems	40 hours
033	Sex Crimes Investigation	40 hours
036	Injury and Death Investigation	40 hours
047	Interviews and Interrogations	40 hours
050	Stress Awareness and Resolution	40 hours
051	Field Training Officer	40 hours
053	Crisis Intervention	40 hours
054	Organized Crime	40 hours
055	<u>RADAR Speed Measurement Operators Training</u> Course for Law Enforcement Officers	40 hours
057	Discipline and Special Confinement Techniques	40 hours
058	Youthful Offender Program	40 hours
068	Advanced Report Writing and Review	40 hours
072	Fire Fighting for Correctional Officers	40 hours
073	Human and Community Relations	40 hours
074	Drug Abuse Awareness and Education	40 hours
077	Underwater Police Science and Technology	80 hours
080	Computer Applications in Criminal Justice	40 hours
085	Emergency Preparedness for Correctional Officers	40 hours
087	Advanced Traffic Accident Investigation	80 hours
088	Traffic Accident Reconstruction	80 hours
090	School Resource Officer	40 hours
091	Domestic Intervention	40 hours
093	Hostage Negotiations	40 hours
094	Drug Abuse Resistance Education (D.A.R.E.) FDLE instructed only	80 hours
095	Laser Speed Measurement Operators Training Course for Law Enforcement Officers	40 hours
096	Drug Abuse Resistance Education (D.A.R.E.)	40 hours
094 & 097	Drug Abuse Resistance Education (D.A.R.E.),	40 hours
098	Traffic Homicide Investigation Course*	80 hours

\*The previous Traffic Homicide Investigation course number 039 became inactive effective July 1, 1998.

(5) Course number 094, Drug Abuse Resistance Education (D.A.R.E.), may be offered only through the certified state D.A.R.E training center. The Florida certified state D.A.R.E training center is ~~the Florida Criminal Justice Executive Institute~~ located within the Florida Department of Law Enforcement. D.A.R.E course numbers are: Course #094 (80 hours), or #094 split with #097 (40 hours) for salary incentive, and #096 (40 hours) for mandatory retraining.

(6) No change.

~~(7) To develop a Commission-approved Advanced Training Course, a criminal justice agency or Commission-certified criminal justice training school shall follow course approval procedures outlined in the Criminal Justice Standards and Training Commission Policies and Procedures Manual, which shall include the following:~~

~~(a) Foreword.~~

~~(b) Course Outline.~~

~~(c) Course Narrative.~~

~~(d) Course Goals and Objectives.~~

~~(e) Assessment Instrument and Examination.~~

~~(f) Bibliography and Reference Materials.~~

~~(g) Instructor Manual.~~

~~(7)(8) To successfully complete a Commission-approved Advanced Training Course, a student shall comply with student attendance, performance, and course documentation requirements, pursuant with the Criminal Justice Standards and Training Commission Policies and Procedures Manual.~~

(a) A Radar Operator Performance Report form CJSTC-8, July 1, 1995, hereby incorporated by reference, must be completed for the Radar Speed Measurement Training Course for Law Enforcement Officers.

(b) A Laser Operator Performance Report form CJSTC-9, July 1, 1995, hereby incorporated by reference, must be completed for the Laser Speed Measurement Operators Training Course for Law Enforcement Officers.

~~(8)(9) Criminal Justice Standards and Training Trust Fund monies may be expended to conduct Commission-approved Advanced Training Courses. Commission requirements for use of trust fund monies shall be expended pursuant to the requirements of Rule Chapter 11B-18, F.A.C.~~

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.17(1)(b) FS. History--New 12-13-92, Amended 1-10-94, 1-2-97, 7-7-99,

11B-35.007 Specialized Training Program.

(1) No change.

~~(2) Officers shall have successfully completed a Commission-approved Basic Recruit Training Program to enroll in a course developed from any of the following Commission-established categories for a Specialized Training Program are:~~

(a) through (h) No change.

~~(i) Tactical Policing.~~

(1)(f) Inmate Supervision and Control.

(3) through (6) No change.

(7) Criminal Justice Standards and Training Trust Funds may be expended to conduct Commission-approved Specialized Training Courses. Commission requirements for use of trust fund monies shall be expended pursuant to the requirements of Rule Chapter 11B-18, F.A.C. Completion of a Commission-approved Specialized Training Course shall be documented by completing a Specialized Training Documentation form CJSTC-16, and when applicable, completion of a Specialized Training Documentation Supplemental form CJSTC-16A, July 1, 1989, hereby incorporated by reference.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.175 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99,\_\_\_\_\_.

11B-35.008 Officer Certification Examination Qualification Course Requirements.

(1) Individuals applying for certification who are exempt from completing a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S. and ~~R~~ule 11B-35.010, F.A.C., or individuals applying for re-activation of a certification who have become inactive pursuant to Section 943.1395(3), F.S., and Rule 11B-27.0026(1), F.A.C., are required to successfully complete one of the following training courses that relates to the applicable discipline for which the individual is applying:

<u>Course Title</u>	<u>Course Number</u>
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(a) No change.

(b) Correctional ~~Corrections~~ Officer Certification Examination

Qualification Course:	510
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Topic Areas

1. through 6. No change.

(c) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.131(2), 943.1395(3) FS. History—New 1-10-94, Amended 1-2-97, 7-7-99,\_\_\_\_\_.

11B-35.0085 Criminal Justice Training School Requirements for Administration and Security of Examinations.

Security and confidentiality of examinations shall be maintained by authorized criminal justice training center directors in the following manner:

(1) through (3) No change.

Specific Authority 943.12(1),(2) FS. Law Implemented 943.173 FS. History—New 7-7-99.

11B-35.009 Exemption from Basic Recruit Training for Out-of-State or Federal Officers; Definitions and Applicability.

(1) through (2) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.131(2) FS. History—New 1-2-97, Amended 7-7-99.

11B-35.010 Exemption from Basic Recruit Training for Out-of-State or Federal Officers; Policy and Exemption Application Procedures.

(1) through (3) No change.

(4) Applicant Experience. An employing agency defined in Rule 11B-35.009(1)(a), F.A.C., on behalf of an applicant seeking exemption, shall verify that the applicant has served as a full-time sworn officer for one year.

(a) No change.

(b) Single or multiple employments. An applicant may qualify for exemption from a Commission-approved Basic Recruit Training Program for more than one discipline if concurrently employed full-time for at least one year ~~with a single or aggregate of prior full-time sworn officer employments~~ with another state or states, or with the Federal Government, or both. However, the aggregate periods of full-time sworn officer experience shall be at least one year, pursuant to Rule 11B-35.009(1)(g), F.A.C. The applicant may not claim full-time sworn officer experience from more than two (2) previous officer employments.

(c) through (d) No change.

(e) Submission of documentation for Commission review. Upon verification of an applicant's exemption from a Commission-approved Basic Recruit Training Program pursuant to this rule section, an employing agency, defined in Rule 11B-35.009(1)(a), F.A.C., on behalf of an applicant seeking exemption, shall submit to Commission staff a completed Equivalency-of-Training for Out-of-State and Federal Officers form CJSTC-76, revised September 2, 1998, hereby incorporated by reference. All supporting documentation verifying the applicant's comparable basic recruit training and previous experience described in subparagraphs (a) and (b) of this rule section, shall be maintained on file by the employing agency, and submitted for review upon request of Commission staff. Commission ~~s~~Staff shall notify the agency, in writing, of the exemption or non-exemption of the officer, within 30 working days. If the exemption is denied by commission staff, the applicant shall be granted a hearing pursuant to Section 120.57, F.S.

(f) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.131(2) FS. History—New 1-2-97, Amended 7-7-99,\_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Criminal Justice Information Systems**

RULE CHAPTER TITLE: Criminal History Records  
 RULE CHAPTER NO.: 11C-6

RULE TITLES: Dissemination Policy  
 RULE NOS.: 11C-6.003  
 System Security and Public Access  
 11C-6.003  
 Procedures for Requesting Criminal  
 History Records  
 11C-6.004

Access to Criminal Justice Information for  
 Research or Statistical Purposes  
 11C-6.005  
 Sale and Delivery of Firearms  
 11C-6.009

PURPOSE AND EFFECT: Proposed revisions to Rules 11C-6.003-.005 and 11C-6.009, FAC., address and update procedures and fees for obtaining computerized criminal histories through internet access and procedures for obtaining criminal history records under the National Child Protection Act (Foley Act); and update the statutory history section of the rules.

SUBJECT AREA TO BE ADDRESSED: The Department's procedures and fees for the dissemination of criminal history records.

SPECIFIC AUTHORITY: 790.065, 943.03(4), 943.05(2)(d), 943.053, 943.056, 943.057 FS.

LAW IMPLEMENTED: 790.65, 943.05, 943.051, 943.053, 943.056, 943.057 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, April 11, 2000

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Martha Wright, Bureau Chief, User Services Bureau, Criminal Justice Information Program, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11C-6.003 System Security and Public Access.  
 (1) through (5) No change.

Specific Authority 943.03(4), 943.05(2)(d), 943.053 FS. Law Implemented 119.07, 943.05(2), 943.053 FS. History--New 12-9-76, Formerly 11C-6.03, Amended 7-7-99.

11C-6.004 Procedures for Requesting Criminal History Records.

(1) through (2) No change.

(3) Fees

(a) There shall be no charge for conducting record checks under (2)(a) through (c).

(b) A processing fee of \$15 shall be charged for each subject inquired upon under subsections (2)(d) through (f) unless the Executive Director of the Department determines that conducting the record check would be in the interest of law enforcement or criminal justice or if the fee is otherwise waivable, as provided in subsection 943.053(3), F.S.

(c) A processing fee of \$15.00 shall be charged for each subject inquired upon under subsections (2)(d) through (f) via the internet. This fee shall be assessed based on the inquiry regardless of whether the results show no criminal history record or some possible records. When an inquiry on one subject is made and more than one person is presented as possibly the same person, the customer will receive one criminal history record as a result of the \$15.00 payment. If the customer wants additional criminal history records from the list of persons presented for this same inquiry, a processing fee of \$8.00 shall be charged for each additional criminal record.

(4) Entities requesting criminal history records under the National Child Protection Act of 1993, as amended, must complete for each individual criminal history check, fingerprint card as well as the following forms in accordance with the instructions provided: Qualified Entity Application and Questionnaire (NCPA 1; Rev. July 1, 1999); Criminal History Record Check User Agreement (NCPA 2; Rev. July 1, 1999); Criminal History Record Check Waiver Agreement and Statement (NCPA 3; Rev. July 1, 1999); and Dissemination Log (NCPA 4, Rev. July 1, 1999). These forms are incorporated by reference.

Specific Authority 943.03(4), 943.053(3), 943.05(2), 943.056 FS. Law Implemented 943.053(3), 943.056 FS. History--New 12-30-76, Amended 11-7-83, Formerly 11C-6.04, Amended 9-1-88, 4-1-93, 7-7-99.

11C-6.005 Access to Criminal Justice Information for Research or Statistical Purposes.

(1) through (9) No change.

Specific Authority 943.03(4), 943.05(2)(d), 943.0525, 943.053(1), 943.057 FS. Law Implemented 119.07, 943.0525, 943.053, 943.057 FS. History--New 11-12-81, Formerly 11C-6.05, Amended 7-7-99.

11C-6.009 Sale and Delivery of Firearms.

(1) through (12) No change.

(13) All records where the transfer was approved must be maintained by dealers for 20 years as required by Title 27, C.F.R., Part 178. All records where the transfer was non-approved must be kept by dealers in a secure area and kept confidential for five (5) four (4) years. Dealer ATF Form F-4473[5300.9] Part 1 (10/98) (10/97) where the transfer was non-approved. Records must be made available to federal,

state, county and municipal law enforcement agencies in connection with their official duties upon request during business hours or other reasonable times if the dealer has no regular business hours.

(14) through (20) No change.

Specific Authority 790.065, 943.03(4) FS. Law Implemented 790.065 FS., Title 18, U.S.C., Chapter 44, and Title 27, C.F.R., Part 178. History--New 6-2-91, Amended 7-7-99,\_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Criminal Justice Information Systems**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

Criminal History Records; Expunction  
and Sealing Policy and Procedures                      11C-7

RULE TITLES:                                      RULE NOS.:

Procedures and Court Ordered Expunctions                      11C-7.006

Procedures on Court Ordered Sealings                      11C-7.007

Administrative Expunction Procedures                      11C-7.008

PURPOSE AND EFFECT: Amendments reflect various housekeeping changes.

SUBJECT AREA TO BE ADDRESSED: The submission and processing of court-ordered expunctions and court-ordered sealing of criminal history record(s).

SPECIFIC AUTHORITY: 943.03(4), 943.05(2)(d), 943.051(2), 943.0581, 943.0585, 943.059 FS.

LAW IMPLEMENTED: 943.0581, 943.0585, 943.059 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, April 11, 2000

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Martha Wright, Bureau Chief, User Services Bureau, Criminal Justice Information Program, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11C-7.006 Procedures on Court-Ordered Expunctions.

(1) Prior to petitioning the court to expunge a criminal history record, the subject must apply to the Department for a certificate of eligibility for expunction. The application for the certificate of eligibility must include:

(a) through (d) No change.

(e) A certified copy of the disposition of the charge or charges to which the petition to expunge pertains. The subject should obtain this document from the Clerk of the Court in the appropriate jurisdiction. The subject must pay any fees required by the Clerk of the Court for providing this service.

(2) No change.

(5) The Department will send the subject, ~~via certified mail, return receipt requested,~~ a Certificate of Eligibility (form number FDLE 40-022, September 1998), incorporated here by reference, if the specified criminal history record meets the requirements for expunction. If the specified criminal history record does not meet the requirements for expunction, the Department will send the subject, ~~via certified mail, return receipt requested,~~ a letter stating the reason for ineligibility with an explanation of appeal rights.

(6) Upon receipt of a certified court order to expunge a criminal history record, the arresting agency shall:

(a) Make a positive association between the individual and the arrest covered by the court order and the arrest record generated by it; if the arrest record can be identified within the agency's records.

(b) Forward the Certificate of Eligibility, a certified copy of the court order, and a letter of transmittal to the Department. The letter of transmittal shall make specific reference to identifying information, including:

1. Name;
2. Alias/Maiden Name(s);
3. Sex;
4. Race;
5. Date of Birth;
6. Social Security Number (If Available);
7. Date or Dates of Arrest;
8. Arrest Number or Numbers and Original Charges;
9. FDLE Number and FBI Number (If Known).

The letter of transmittal shall be signed by the chief law enforcement officer of the agency or the authorized designee.

Specific Authority 943.03(4), 943.0585(2) FS. Law Implemented 943.0585 FS. History--New 8-5-92, Amended 7-7-99,\_\_\_\_\_.

11C-7.007 Procedures on Court-Ordered Sealings.

(1) Prior to petitioning the court to seal a criminal history record, the subject must apply to the Department for a certificate of eligibility for sealing. The application for the certificate of eligibility must include:

(a) through (c) No change.

(d) A certified copy of the disposition of the charge or charges to which the petition to seal pertains. The subject should obtain this document from the Clerk of the Court in the appropriate jurisdiction. The subject must pay any fees required by the Clerk of the Court for providing this service.

(2) through (4) No change.

(5) The Department will send the subject, ~~via certified mail, return receipt requested~~, a Certificate of Eligibility (form number FDLE 40-022), if the specified criminal history record meets the requirements for sealing. If the specified criminal history record does not meet the requirements for sealing, the Department will send the subject, ~~via certified mail, return receipt requested~~, a letter stating the reason for ineligibility with an explanation of appeal rights.

(6) Upon receipt of a certified court order to seal a criminal history record, the arresting agency shall:

(a) Make a positive association between the individual and the arrest covered by the court order and the arrest record generated by it; if the arrest record can be identified within the agency's records.

(b) Forward the Certificate of Eligibility, a certified copy of the court order, and a letter of transmittal to the Department. The letter of transmittal shall make specific reference to identifying information, including:

1. Name;
2. Alias/Maiden Names;
3. Sex;
4. Race;
5. Date of Birth;
6. Social Security Number (If Available);
7. Date or Dates of Arrest;
8. Arrest Number or Numbers and Original Charges;
9. FDLE Number and FBI Number (If Known).

The letter of transmittal shall be signed by the chief law enforcement officer of the agency or the authorized designee.

Specific Authority 943.03(4), 943.059(2) FS. Law Implemented 943.059 FS. History--New 8-5-92, Amended 7-7-99,\_\_\_\_\_.

11C-7.008 Administrative Expunction Procedures.  
(1) through (5) No change.

Specific Authority 943.03, ~~943.05(2)(e)~~, 943.0581 FS. Law Implemented 943.0581 FS. History--New 8-5-92.

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Local Law Enforcement Assistance**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
DNA Database Collection	11D-6
RULE TITLES:	RULE NOS.:
Definitions	11D-6.001
Procedure	11D-6.003

PURPOSE AND EFFECT: Pursuant to Chapter 120 housekeeping requirements, the amendments to Rule 11D-6.001 and Rule 11D-6.003, FAC. remove redundant language that is superseded by statute concerning the collection of blood samples for the DNA Database maintained by the Florida Department of Law Enforcement. Statutory references are added to update the definition of "offender."

SUBJECT AREA TO BE ADDRESSED: The Department's rule chapter concerning the collection of submission of blood samples to the DNA Database maintained by the Florida Department of Law Enforcement.

SPECIFIC AUTHORITY: 943.03(4), 943.325(9)(d) FS.

LAW IMPLEMENTED: 943.325 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, April 11, 2000

PLACE: Florida Department of Law Enforcement, Conference Room, Quad C, 3rd Floor, 2331 Phillips Road, Tallahassee, Florida 32308

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-8300 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe White, Program Legal Advisor, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11D-6.001 Definitions.

As used in Rule 11D-6.003, F.A.C., the following definitions apply:

~~(1) 'Under the direction of' shall mean with the supervision and approval of and the assumption of responsibility for.~~

~~(1)(2) 'Blood sample' shall mean a specimen of whole blood, at least 7 cc in volume.~~

~~(2)(3) 'Offender' shall mean a person meeting any of the criteria specified in ss. 943.325(1), 943.325(10)(c), 943.325(11), 947.1405(7), 948.03(5)(a)8., or 948.03(10), F.S.~~

Specific Authority 943.03(4), 943.325(9)(d) FS. Law Implemented 943.325 FS. History--New 7-4-90, Amended 7-6-99,\_\_\_\_\_.

11D-6.003 Procedure.

~~When an offender, as defined in Rule Section 11D-6.001(3), is convicted, the agency responsible by law for collection of the blood samples shall cause the blood sample to be drawn and submitted to the Department of Law Enforcement upon sentencing or disposition, but prior to the offender's release, in accordance with these procedures. The Sheriff or Officer in Charge of the county correctional facility will have such responsibility when the offender is sentenced to incarceration within the county correctional facility or is given a disposition, such as probation or community control, other than incarceration within a state correctional facility. The Department of Corrections will have such responsibility when~~

~~the offender is sentenced to incarceration within a state correctional facility. The Department of Juvenile Justice will have such responsibility when the offender is a juvenile committed to the custody or supervision of that agency. Compliance should be accomplished in the following manner:~~

(1) The subject offender must be positively identified in the manner specified by the FDLE Request for DNA Investigative Support Database Entry Form (FDLE Form – DNA-1, Date February 1, 1999 and incorporated by reference) prior to taking the blood samples from such offender.

~~(2) When positive identification of the offender is accomplished, two (2) blood samples shall be taken from the offender in the manner described in s. 943.325(2), F.S. by or under the direction of a physician, registered nurse, licensed practical nurse, or duly licensed clinical laboratory technician associated with the county or state agency having custody of the offender.~~

(3) Such samples shall be taken using only the blood sample collection kit approved and provided by the Department of Law Enforcement. Agencies may obtain additional kits from FDLE, DNA Database, P. O. Box 1489, Tallahassee, Florida 32302-1489.

(4) Prior to or immediately after the taking of the samples, the FDLE Request for DNA Investigative Support Database Entry Form (FDLE Form – DNA-1) must be completed, providing all information requested on the form. The imprinting of the offender's left and right thumbs, by means of an inked impression, in the spaces indicated on the form shall be completed as well. Inked fingerprint impressions must be sufficiently legible for fingerprint classification and comparison purposes. Blood samples accompanied by one or more illegible inked fingerprint impressions are unacceptable for entry into the DNA Database and will be rejected by FDLE. The collecting agency must then submit a new blood sample and completed form. The person taking, or witnessing the taking, of the blood samples shall certify, under oath and before a notary or a law enforcement or correctional officer, as indicated on the form, that two blood samples were in fact taken from the offender thus positively identified. Additional supplies of these forms can be obtained from FDLE, DNA Database, P. O. Box 1489, Tallahassee, Florida 32302-1489.

(5) Collection, labeling, storage, handling, and transmittal of the blood samples so collected shall be as prescribed in the printed instructions included with each blood sample collection kit. In order to avoid sample degradation, all samples shall be transmitted to the Department of Law Enforcement in the manner prescribed in the instructions. The collecting agency should forward unrefrigerated blood samples so as to assure receipt by the Department within 72 hours of shipping. Additional copies of these instructions can be obtained from FDLE, DNA Database, P. O. Box 1489, Tallahassee, Florida 32302.

Specific Authority 943.03(4), 943.325(9)(d) FS. Law Implemented 943.325 FS. History–New 7-4-90, Amended 7-6-99, \_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Staff Services**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Division of Staff Services	11F-1
RULE TITLES:	RULE NOS.:
Division Director	11F-1.001
Duties and Powers of Director	11F-1.002
Division Organization	11F-1.003

PURPOSE AND EFFECT: The proposed repeal of Rules 11F-1.001 through 11F-1.003, F.A.C., inclusive, is necessary to eliminate administrative rules that are redundant, obsolete, or superseded by statute or rule, and to comport with the statutory requirements of Chapter 120, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Division of Staff Services.

SPECIFIC AUTHORITY: 120.53, 943.03, 943.03(4) FS.

LAW IMPLEMENTED: 20.201(2)(e), 120.53, 120.53(1)(a), 943.29, 943.381 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, April 11, 2000

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Fern Rosenwasser, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11F-1.001 Division Director.

Specific Authority 120.53, 943.03 FS. Law Implemented 120.53, 943.29 FS. History–New 11-28-75, Formerly 11F-1.01, Repealed \_\_\_\_\_.

11F-1.002 Duties and Powers of Division.

Specific Authority 120.53(1)(a), 943.03(4) FS. Law Implemented 20.201(2)(e), 120.53(1)(a), 943.381 FS. History–New 11-28-75, Formerly 11F-1.02, Amended 1-6-91, Repealed \_\_\_\_\_.

11F-1.003 Division Organization.

Specific Authority 120.53(1)(a), 943.03(4) FS. Law Implemented 20.201(2)(e), 120.53(1)(a), 943.381 FS. History--New 11-28-75, Formerly 11F-1.03, Amended 1-6-91, Repealed.

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE CHAPTER TITLE: Organization  
RULE CHAPTER NO.: 11G-1  
RULE TITLES: Structure, Purpose  
RULE NOS.: 11G-1.001  
District Medical Examiners, Associate Medical Examiners 11G-1.002

PURPOSE AND EFFECT: Pursuant to Chapter 120 housekeeping requirements, the amendments to Rule 11G-1.001, FAC. update statutory citations relating specific powers and duties. Pursuant to Chapter 120 housekeeping requirements, the amendments to Rule 11G-1.002, FAC. update statutory citations relating to rulemaking authority and specific powers and remove reference to a format that had been used for certain record keeping procedures.

SUBJECT AREA TO BE ADDRESSED: The Department's rule chapter concerning the organization of the Medical Examiners Commission.

SPECIFIC AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 112.313, 406.02, 406.06, 406.16, 406.17 FS.

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

TIME AND DATE: 10:00 a.m., April 11, 2000  
PLACE: Florida Department of Law Enforcement, Conference Room, Quad C, 3rd Floor, 2331 Phillips Road, Tallahassee, Florida 32308

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-8337, (voice) or (850)656-9597, (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Lutten, Staff, Medical Examiners Commission, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 11G-1.001 Structure, Purpose.  
(1) through (2) No change.

Specific Authority 943.03(4), 406.04, ~~406.17~~ FS. Law Implemented 406.02, 406.06, 406.17 FS. History--New 10-18-81, Formerly 11G-1.01, Amended 7-6-99.

11G-1.002 District Medical Examiners, Associate Medical Examiners.

- (1) through (3) No change.

(4) The District Medical Examiner shall file with the Commission office, ~~in a format prescribed by the Commission,~~ a copy of the letter of appointment, resignation, or removal of each Associate Medical Examiner.

- (5) through (11) No change.

Specific Authority 406.04 FS. Law Implemented 112.313, ~~120.53(4)~~, 406.02, 406.06, 406.17 FS. History--New 10-18-81, Formerly 11G-1.02, Amended 4-11-88, 12-26-88, 8-28-91, 2-23-93, \_\_\_\_\_.

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE CHAPTER TITLE: Standard Investigation Procedures  
RULE CHAPTER NO.: 11G-2  
RULE TITLES: Determination of Jurisdiction, Preliminary Procedures  
RULE NOS.: 11G-2.001  
Identification 11G-2.002

PURPOSE AND EFFECT: Pursuant to Chapter 120 housekeeping requirements, the amendments to Rule 11G-2.001, F.A.C. pertaining to Determination of Jurisdiction, Preliminary Procedures for Medical Examiners, update statutory citations relating to rulemaking authority and specific powers and duties. Pursuant to Chapter 120 housekeeping requirements, the amendments to Rule 11G-2.002, F.A.C. pertaining to Identification, update statutory citations relating to rulemaking authority and specific powers and duties and delete a provision concerning authority to release a body due to lack of statutory authority to establish such procedure.

SUBJECT AREA TO BE ADDRESSED: The Department's rule chapter concerning the standard investigative procedures to be followed by district Medical Examiner Offices.

SPECIFIC AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 316.065, 381.0031, 382.008, 383.3362, 406.04, 406.11, 406.13, 406.14, 406.145 FS.

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

TIME AND DATE: 10:00 a.m., April 11, 2000  
PLACE: Florida Department of Law Enforcement, Conference Room, Quad C, 3rd Floor; 2331 Phillips Road, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-8337 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Luten, Staff, Medical Examiners Commission, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11G-2.001 Determination of Jurisdiction, Preliminary Procedures.

(1) through (5) No change.

Specific Authority ~~943.03(4)~~, 406.04 FS. Law Implemented 406.04, 406.11, ~~406.12~~, 406.13 FS. History--New 10-18-81, Amended 7-10-85, Formerly 11G-2.01, Amended 8-27-87, 11-24-87, 10-14-96, 7-6-99.

11G-2.002 Identification.

(1) through (3) No change.

(4) The medical examiner shall retain unidentified remains and preserve them in accordance with the law. ~~The medical examiner may request approval from the Commission to dispose of the remains.~~

(5) No change.

Specific Authority 406.04 FS. Law Implemented 406.11, 406.13, ~~406.145~~ FS. History--New 10-18-81, Formerly 11G-2.02, ~~Amended~~.

**DEPARTMENT OF LAW ENFORCEMENT**

**Office of Inspector General**

RULE CHAPTER TITLE: Violent Crime Council

RULE CHAPTER NO.:

Emergency Account

11N-1

RULE TITLE:

RULE NO.:

Procedures for Emergency Funding

11N-1.004

PURPOSE AND EFFECT: The amendment to rule 11N-1.004(1) modifies Form 20.003, which is used to request funds from the Violent Crime Council Emergency Account. The modifications will make it easier to complete and review the form.

SUBJECT AREA TO BE ADDRESSED: The Violent Crime Council Emergency Account.

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, April 11, 2000

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Fern Rosenwasser, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11N-1.004 Procedures for Emergency Funding.

(1) Requests for emergency funding up to the maximum of \$25,000 shall be made by a detailed written request demonstrating how emergency funding criteria established in this rule are satisfied and certifying that the requesting agency cannot initiate or continue the investigation without immediate supplemental funding. The request shall be accompanied by Form FDLE 20-003, Violent Crime Emergency Account Application Cover Sheet, revised 4/99, effective October 1995, hereby incorporated by reference, and shall be mailed to the chairperson of the Florida Violent Crime Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302. This form can be obtained by written request to the above address.

(2) through (4) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 3-10-94, Amended 10-10-95, \_\_\_\_\_.

**EXECUTIVE OFFICE OF THE GOVERNOR**

**Division of Planning and Budgeting**

RULE CHAPTER TITLE: Florida Single Audit Act

RULE CHAPTER NO.:

27D-1

RULE TITLES:

RULE NOS.:

Applicability and Definitions 27D-1.001

Types of State Financial Assistance 27D-1.002

Recipient/Subrecipient and

Vendor Relationships 27D-1.003

Catalog of State Financial Assistance 27D-1.004

State Projects Compliance Supplement 27D-1.005

Criteria for Major State Projects 27D-1.006

Criteria for Selecting State Projects for Audit

Based on Inherent Risk 27D-1.007

PURPOSE AND EFFECT: The purpose of this proposed rule is to provide guidance to state agencies, recipients, subrecipients, and independent auditors of state financial assistance relating to the requirements of the Florida Single Audit Act. This includes establishing the types of state financial assistance subject to the Florida Single Audit Act; assisting entities in distinguishing between a vendor and a

recipient; requiring the assignment of responsibility for the timely update of information for the Catalog of State Financial Assistance and the State Projects Compliance Supplement; and providing independent auditors with the criteria for determining major state projects and for selecting state projects for audit based on inherent risk. The effect of this proposed rule is to ensure that the Florida Single Audit Act is uniformly implemented and applied.

SUBJECT AREA TO BE ADDRESSED: Guidance pertaining to the Florida Single Audit Act.

SPECIFIC AUTHORITY: 216.3491(3) FS.

LAW IMPLEMENTED: 216.3491 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., April 10, 2000

PLACE: Room 1602, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Nancy Tucker at (850)487-0104 at least 5 business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Nancy Tucker, Senior Governmental Analyst, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1603C, Tallahassee, Florida 32399-0001, telephone (850)487-0104

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

27D-1.001 Applicability and Definitions.

(1) These rules are applicable to state agencies awarding financial assistance, recipients and subrecipients of state financial assistance, and independent auditors of state financial assistance.

(2) For purposes of this Chapter, the following terms shall have the meaning indicated:

(a) “Auditee” means a nonstate organization expending state awards in excess of the audit threshold as defined by Section 216.3491(2)(a), F.S.

(b) “State agency” or “agency” means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government; state attorneys, public defenders, the Capital Collateral Representative, and the Justice Administrative Commission as defined by Section 216.011, F.S.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History—New

27D-1.002 Types of State Financial Assistance.

(1) For purposes of the Florida Single Audit Act, state financial assistance is financial assistance from state resources to nonstate organizations to carry out a state project. It does not include federal financial assistance and state matching provided by state agencies for federal programs. State financial assistance shall be categorized by the following classes or types of financial assistance:

(a) Cooperative Agreements – Financial assistance transferred pursuant to written agreements between state agencies and recipients to carry out a public purpose. Cooperative agreements generally assume a substantial involvement between state agencies and recipients when carrying out the activities contemplated in the agreements.

(b) Direct Appropriations – Financial assistance appropriated to state agencies to be provided directly to specified nonstate entities per legislative proviso to encourage or subsidize particular activities.

(c) Food Commodities – Financial assistance which provides for the sale or donation of food.

(d) Grants – Financial assistance transferred pursuant to written agreements between state agencies and recipients to carry out a public purpose. Generally, a substantial involvement is not expected between state agencies and recipients when carrying out the activities contemplated in the agreements.

(e) Insurance – Financial assistance provided to assure reimbursement for losses sustained under specified conditions.

(f) Investments – Financial assistance provided for investment in the development of particular activities or enterprises.

(g) Loans – Financial assistance provided through the lending of state monies for a specific period of time, with a reasonable expectation of repayment. Such loans may or may not require the payment of interest.

(h) Loan Guarantees – Financial assistance provided in which the state agency makes an arrangement to indemnify a lender against part or all of any defaults by those responsible for repayment of loans.

(i) Property – Financial assistance provided for the sale, exchange or donation of state real property, personal property, commodities, and other goods including land, buildings, and equipment.

(j) Tax Credits – Financial assistance provided in the form of credits of state taxes for a public purpose authorized by state law.

(k) Tax Refunds – Financial assistance provided in the form of refunds of state taxes for a public purpose authorized by state law.

(2) The following provisions are to be used in determining state financial assistance expended.

(a) The determination of when state financial assistance is expended should be based on when the related activity occurs. Generally, the activity pertains to events that require the nonstate organization to comply with laws, rules and the provisions of contracts or grant agreements such as: expenditure/expense transactions associated with grants, cooperative agreements, and direct appropriations; the disbursement of funds passed through to subrecipients; the use of loan proceeds under loan and loan guarantee programs; the receipt of property or food commodities; the receipt of tax refunds; the application of tax credits against tax liabilities; and the period when insurance is in force.

(b) Loans and Loan guarantees. Since the state is at risk for loans until the debt is repaid, the value of the state financial assistance expended under loan programs should include the value of new loans made or received during the nonstate organization's fiscal year; plus the balance of loans from previous years for which the state imposes continuing compliance requirements; plus any interest subsidy, cash, or administrative cost allowance received. Prior loans and loan guarantees, the proceeds of which were received and expended in prior years, are not considered state financial assistance expended when the laws, rules and provisions of contracts or grant agreements pertaining to such loans impose no continuing compliance requirements other than to repay the loans.

(c) Property and Food Commodities. Non-cash assistance, such as property and food commodities are to be valued at either the fair market value at the time of receipt or the assessed value provided by the state agency.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History—New \_\_\_\_\_.

#### 27D-1.003 Recipient/Subrecipient and Vendor Relationships.

(1) State awards expended by a recipient/subrecipient are subject to audit under the Florida Single Audit Act. Procurement contracts used to buy goods or services from vendors are outside the scope of the Act. The guidance provided in (2) through (4) of this section should be considered in determining whether the nonstate organization has a recipient or vendor relationship with the state agency. This guidance may also be used by recipients providing subawards of state financial assistance to subrecipients.

(2) Characteristics indicative of a recipient relationship are when the nonstate organization:

(a) Is established or created by State law or legislative proviso to carry out a state project.

(b) Determines final eligibility.

(c) Receives funds for a project established by state statute or legislative proviso and for which the state agency is authorized to provide funding.

(d) Provides matching funds.

(e) Makes programmatic decisions.

(f) Is under a contract or agreement with the state agency that can be terminated by the state agency for cause.

(g) Uses the funds to carry out its own program or operations.

(h) Receives federal funds under a similar program for which it is designated a recipient by the state agency.

(i) Is organized primarily for a public purpose.

(3) Characteristics indicative of a vendor relationship are when the nonstate organization:

(a) Provides services within normal business operations.

(b) Operates in a competitive environment.

(c) Provides similar services to many different purchasers.

(d) Receives payment on a per unit or per deliverable basis.

(e) Is under a contract or agreement with the state agency that can be terminated at the convenience or will of the state agency.

(f) Is awarded the contract based on free and open competition.

(g) Receives federal funds under a similar program for which it is designated a vendor by the state agency.

(4) There may be circumstances or exceptions to the listed characteristics as set forth above in (2) and (3). It is not expected that all of the characteristics will be present in all cases and judgment should be used in determining whether a nonstate organization is a recipient/subrecipient or a vendor.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History—New \_\_\_\_\_.

#### 27D-1.004 Catalog of State Financial Assistance.

The Catalog of State Financial Assistance (CSFA) is a comprehensive listing of state projects that includes the administering state agency, CSFA number, project title, legal authorization, and description of the state project, including objectives, restrictions, application and awarding procedures, and other relevant information determined necessary. To ensure that the CSFA is timely updated, state agencies are to assign a person responsible for providing updates of the CSFA to and in a manner prescribed by the Office of Policy and Budget (OPB).

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History—New \_\_\_\_\_.

#### 27D-1.005 State Projects Compliance Supplement.

The State Projects Compliance Supplement (Supplement) identifies significant compliance, eligibility, and matching requirements for state projects as well as suggested audit procedures and other relevant information. To ensure that this Supplement is timely updated, state agencies are to assign a person responsible for providing annual updates of the Supplement to and in a manner prescribed by the Office of Policy and Budget (OPB). This responsibility includes

ensuring that project objectives, procedures, and compliance requirements, noncompliance with which could have a direct material effect on the individual state project, are provided to the OPB for inclusion in the Supplement.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History—New \_\_\_\_\_.

27D-1.006 Criteria for Major State Projects.

(1) The independent auditor shall use a risk-based approach to determine which state projects are major state projects. This risk-based approach shall include consideration of the amount of state project expenditures and the inherent risk of the state project. The process enumerated in paragraphs (2) through (6) shall be followed.

(2) The independent auditor shall identify the larger state projects as Type A Projects according to the following criteria:

(a) For auditees with expenditures of state awards between \$300,000 and \$1,000,000, Type A projects are defined as the larger of \$100,000 or thirty percent (30%) of total state awards expended.

(b) For auditees with expenditures of state awards exceeding \$1,000,000, Type A projects are defined as the larger of \$300,000 or three percent (3%) of total state awards expended.

(3) State projects not identified as Type A Projects shall be considered Type B Projects.

(4) The independent auditor shall identify Type A Projects which are low-risk. For a Type A Project to be considered low-risk, it should have been audited as a major state project in at least one of the two most recent audit periods and, in the most recent audit period, should have had no reportable audit findings. The auditor shall consider the criteria enumerated in Rule 27D-1.007(2), F.A.C., the results of audit follow-up, and any significant changes in personnel or systems affecting a Type A Project, in applying professional judgment in determining whether a Type A Project is low-risk.

(5) The independent auditor shall identify Type B Projects which are high-risk using professional judgment. The independent auditor is not expected to perform risk assessments on relatively small state projects. Therefore, the auditor is only required to perform risk assessments on Type B Projects as follows:

(a) For auditees with expenditures of state awards of \$300,000 to \$1,000,000, risk assessments shall be required for Type B Projects that exceed the larger of \$50,000 or ten percent (10%) of total state awards expended.

(b) For auditees with expenditures of state awards that exceed \$1,000,000, risk assessments shall be required for Type B Projects that exceed the larger of \$100,000 or 1 percent (1%) of total state awards expended.

(6) At a minimum, the independent auditor shall audit all of the following as major projects:

(a) All Type A Projects, except the auditor may exclude any low-risk Type A Projects.

(b) At least one half of the Type B Projects identified as high-risk, except the auditor is not required to audit more high-risk Type B Projects than the number of low-risk Type A Projects; or one high-risk Type B Project for each low-risk Type A Project identified. The auditor is encouraged to use an approach which provides an opportunity for different high-risk Type B Projects to be audited as a major project over a period of time.

(c) Additional projects as may be necessary to provide audit coverage of at least fifty percent (50%) of the auditee's expenditures of state awards. Wherever practicable, additional projects should be selected on an inherent risk basis as enumerated in Rule 27D-1.007(2), F.A.C.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History—New \_\_\_\_\_.

27D-1.007 Criteria for Selecting State Projects for Audit Based on Inherent Risk.

(1) The independent auditor's selection of state projects for audit shall be based on an overall analysis and evaluation of the risk of noncompliance occurring which could be material to the state project. The auditor shall use professional judgment and consider criteria, such as described in paragraphs (2) through (4) below, to identify risk in state projects. Also, as part of the risk analysis, the auditor may wish to discuss a particular state project with auditee management and the awarding state agency.

(2) The independent auditor should consider current and prior audit experience.

(a) Weakness in internal controls over state financial assistance would indicate higher risk. Consideration should be given to the control environment over state financial assistance and such factors as the expectation of management's adherence to applicable laws, rules, and contract/grant provisions, and the competence and experience of personnel who administer the state financial assistance project.

(b) Prior audit findings would indicate higher risk, particularly when situations identified in the audit finding could have a significant impact on state financial assistance or have not been corrected.

(c) State projects not recently audited as major state projects may be of higher risk than state projects recently audited as major state projects without audit findings.

(3) The independent auditor should consider the extent of any oversight exercised by the state agencies and the results of any monitoring performed.

(4) When evaluating state projects, independent auditors shall consider the inherent risk of the project, which includes the following:

(a) The nature of the project. This includes, for example, a project's complexity, the presence of third parties, and the type of costs involved.

(b) The phase of the project in its life cycle at the state agency. A newer project may not be as time-tested and, therefore, may present higher risk. The state agency's monitoring procedures may not yet be implemented or effectively in place. Significant changes in the program, laws, rules, or contracts or grant agreements may also increase risk.

(c) The phase of the project in its life cycle at the auditee. If a project is new to the auditee, there may be higher risk simply because a learning curve may be present. During the first and last years that an auditee participates in a state project, the risk may be higher due to start-up or closeout of program activities and staff.

(d) Type B Projects with larger expenditures. Projects with larger amount of expenditures would be of higher risk than projects with substantially smaller expenditures.

(5) The independent auditor shall document in the working papers the risk analysis process used in determining major projects. When the major project determination is performed and documented in accordance with these rules, the auditor's judgment in applying the risk-based approach to determine major projects shall be presumed correct. Challenges by state agencies shall only be for clearly improper use of the guidance in these rules. However, state agencies may provide auditors guidance about the risk of a particular state project and the auditor shall consider this guidance in determining major projects in audits not yet substantially completed.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History—New \_\_\_\_\_.

**SPACEPORT FLORIDA AUTHORITY**

RULE CHAPTER TITLE: Safety Policy  
 RULE NOS.: 57-3.001-.004

PURPOSE AND EFFECT: To establish safety policies and procedures for commercial space launch activity within the State of Florida, and to ensure compliance with state and federal environmental and safety laws regarding the treatment and handling of hazardous substances related to commercial space launches.

SUBJECT AREA TO BE ADDRESSED: Safety policies and procedures for commercial space launch activity.

SPECIFIC AUTHORITY: 331.310(1),(11) FS.

LAW IMPLEMENTED: 331.350(3)(a)-(d) FS.

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

TIME AND DATE: 10:00 a.m., May 1, 2000

PLACE: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pete Gunn, Safety Officer, Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920, whose telephone number is (407)730-5301

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

To obtain a copy of the proposed rules, please call (407)730-5301. A copy will be sent via standard delivery mail.

**SPACEPORT FLORIDA AUTHORITY**

RULE CHAPTER TITLE: Safety Officer Responsibilities and Authority  
 RULE NOS.: 57-4.001-.006

PURPOSE AND EFFECT: To establish safety policies and procedures for commercial space launch activity within the State of Florida, and to ensure compliance with state and federal environmental and safety laws regarding the treatment and handling of hazardous substances related to commercial space launches.

SUBJECT AREA TO BE ADDRESSED: Safety policies and procedures for commercial space launch activity.

SPECIFIC AUTHORITY: 331.310(1),(11) FS.

LAW IMPLEMENTED: 331.350(3)(a)-(d) FS.

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

TIME AND DATE: 10:00 a.m., May 1, 2000

PLACE: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pete Gunn, Safety Officer, Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920, whose telephone number is (407)730-5301

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

To obtain a copy of the proposed rules, please call (407)730-5301. A copy will be sent via standard delivery mail.

**SPACEPORT FLORIDA AUTHORITY**

RULE CHAPTER TITLE: Explosives, Safety Rules and Standards  
 RULE NOS.: 57-5.001-.005

PURPOSE AND EFFECT: To establish safety policies and procedures for commercial space launch activity within the State of Florida, and to ensure compliance with state and federal environmental and safety laws regarding the treatment and handling of hazardous substances related to commercial space launches.

SUBJECT AREA TO BE ADDRESSED: Safety policies and procedures for commercial space launch activity.

SPECIFIC AUTHORITY: 331.310(1),(11) FS.  
 LAW IMPLEMENTED: 331.350(3)(a)-(d) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 10:00 a.m., May 1, 2000  
 PLACE: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pete Gunn, Safety Officer, Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920, whose telephone number is (407)730-5301  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.  
 To obtain a copy of the proposed rules, please call (407)730-5301. A copy will be sent via standard delivery mail.

**SPACEPORT FLORIDA AUTHORITY**

RULE CHAPTER TITLE: Space Operations Safety  
 RULE NOS.: 57-6.001-.004  
 PURPOSE AND EFFECT: To establish safety policies and procedures for commercial space launch activity within the State of Florida, and to ensure compliance with state and federal environmental and safety laws regarding the treatment and handling of hazardous substances related to commercial space launches.  
 SUBJECT AREA TO BE ADDRESSED: Safety policies and procedures for commercial space launch activity.  
 SPECIFIC AUTHORITY: 331.310(1),(11) FS.  
 LAW IMPLEMENTED: 331.350(3)(a)-(d) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 10:00 a.m., May 1, 2000  
 PLACE: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pete Gunn, Safety Officer, Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920, whose telephone number is (407)730-5301  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.  
 To obtain a copy of the proposed rules, please call (407)730-5301. A copy will be sent via standard delivery mail.

**SPACEPORT FLORIDA AUTHORITY**

RULE CHAPTER TITLE: Hazardous Material Safety  
 RULE NO.: 57-7.001-.006  
 PURPOSE AND EFFECT: To establish safety policies and procedures for commercial space launch activity within the State of Florida, and to ensure compliance with state and federal environmental and safety laws regarding the treatment and handling of hazardous substances related to commercial space launches.  
 SUBJECT AREA TO BE ADDRESSED: Safety policies and procedures for commercial space launch activity.  
 SPECIFIC AUTHORITY: 331.310(1),(11) FS.  
 LAW IMPLEMENTED: 331.350(3)(a)-(d) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 10:00 a.m., May 1, 2000  
 PLACE: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pete Gunn, Safety Officer, Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920, whose telephone number is (407)730-5301  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.  
 To obtain a copy of the proposed rules, please call (407)730-5301. A copy will be sent via standard delivery mail.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Facilities Management**

RULE TITLE: Allocation of Parking Spaces  
 RULE NO.: 60H-4.006  
 PURPOSE AND EFFECT: To codify parking guidelines into the existing rules.  
 SUBJECT AREA TO BE ADDRESSED: Types of parking spaces available in or around state-owned facilities in the Capitol Center and other facilities under the jurisdiction of the Department of Management Services throughout the state.  
 SPECIFIC AUTHORITY: 272.16(4), 272.16(5) FS.  
 LAW IMPLEMENTED: 272.16, 272.161 FS.  
 IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 10:00 a.m., Friday, April 17, 2000  
 PLACE: Suite 360, 4030 Esplanade Way, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ron Goldstein, General Services Manager, Department of Management

Services, Facilities Management, 4030 Esplanade Way, Suite 380K, Tallahassee, Florida 32399-0950, Telephone (850)488-3759

Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

**60H-4.006 Allocation of Parking Spaces.**

(1) All parking spaces in or around state-owned facilities in the Capitol Center and other facilities under the Department of Management Services' jurisdiction throughout the state shall be one of these types allocated as follows:

~~(a)(1) Scramble Parking spaces may be available for scramble parking.~~

~~(b)(2) Visitor parking with or without may be provided and meters may be placed on each visitor parking space.~~

~~(c) Carpool parking.~~

~~(d)(3) Reserved The remainder of available spaces shall be assigned on a reserved paid parking basis.~~

~~(e) Permit parking, which is a type of reserved paid parking.~~

(2) In addition to the rules in this chapter, parking rules are provided in Document 5000 (6/99) entitled "Parking Rules, State of Florida Department of Management Services," published by this department, incorporated herein by reference. Copies of the document may be obtained from the Department of Management Services, Facilities Management, Bureau of Real Property Management, Building 4030, Suite 301, 4030 Esplanade Way, Tallahassee, FL 32399-0950. A copy of this document shall be given to each person who receives parking permission of any type.

Specific Authority 272.16(5), 272.16(4) FS. Law Implemented 272.161, 272.16 FS. History--New 1-18-76, Amended 1-22-79, 10-31-84, Formerly 13D-2.04, 13M-6.006, Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLE: Reexaminations

RULE NO.: 61G8-16.005

PURPOSE AND EFFECT: To accommodate the realities of administering examinations on-line by removing unenforceable limitations and restrictions on reexaminations.

SUBJECT AREA TO BE ADDRESSED: Reexaminations.

SPECIFIC AUTHORITY: 470.055, 455.0114 FS.

LAW IMPLEMENTED: 455.0114 FS.

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

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

**61G8-16.005 Reexaminations.**

(+) Applicants for licensure as embalmers and/or funeral directors who fail to achieve a passing grade on the required examinations may make application to retake the examination failed at the next regularly scheduled examination. Such application shall be accompanied in each instance by a new full application fee as established in Rule 61G8-17.001, F.A.C.

~~(2) The applicants for licensure who fail to pass either the examination prepared by the Conference of Funeral Service Examining Boards or the examination prepared by the Department shall be required to retake only that examination failed, provided however that the applicant shall only be allowed to take three retakes of that examination failed within a two-year period from the date of original failure. If the applicant fails to achieve a passing grade within those three retakes as provided above, the applicant shall be required to retake and successfully complete the full examination applicable to the respective license in order to qualify for licensure.~~

Specific Authority 470.055, 455.0114 FS. Law Implemented 455.0114 FS. History--New 11-11-79, Formerly 21J-16.05, 21J-16.005, Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLE: Inspection Criteria

RULE NO.: 61G8-21.003

PURPOSE AND EFFECT: The Board deemed it necessary to further define and clarify the text in Subsection (3)(d) of this rule.

SUBJECT AREA TO BE ADDRESSED: Inspection Criteria.

SPECIFIC AUTHORITY: 470.005 FS.

LAW IMPLEMENTED: 470.024 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G8-21.003 Inspection Criteria.

The Department shall inspect funeral establishments on the basis of the following:

(1) through (2) No change.

(3) The requirements of 61G8-21.003(1) may be satisfied by the use of a centralized embalming facility provided that:

(a) through (c) No change.

(d) The centralized facility is within a reasonable distance ~~75 miles~~ of the establishments served and available for use on a continuous full-time basis.

(4) through (6) No change.

Specific Authority 470.005 FS. Law Implemented 470.024 FS. History--New 2-13-80, Amended 5-21-81, 9-28-83, 3-26-84, Formerly 21J-21.03, Amended 12-11-88, Formerly 21J-21.003, Amended 3-30-94, 2-20-95, 3-24-98, \_\_\_\_\_.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: RULE NO.:

Application for Licensure; Consequences of Operating Prior to Licensure 61G8-22.001

PURPOSE AND EFFECT: To require review of cinerator facility applications be performed by a member of the Board.

SUBJECT AREA TO BE ADDRESSED: Application for Licensure; Consequences of Operating Prior to Licensure.

SPECIFIC AUTHORITY: 470.005 FS.

LAW IMPLEMENTED: 455.213(2), 470.021(1), 470.025(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G8-22.001 Application for Licensure; Consequences of Operating Prior to Licensure.

(1) Applications for cinerator facility licensure shall be filed with the Department at least 30 days prior to the date the facility is scheduled to open for business. The Board shall designate a board member ~~or the executive director~~ to review all applications for cinerator facility licensure. The Department shall issue a license to any applicant the designee certifies as

having met the licensure requirements specified in this rule and in Section 470.025, F.S., received a satisfactory rating on an inspection pursuant to Rule 61G8-22.002, F.A.C., and paid the fee specified in Rule 61G8-22.003, F.A.C.

(2) through (3) No change.

Specific Authority 470.005 FS. Law Implemented 455.213(2), 470.021(1), 470.025(2) FS. History--New 2-13-80, Formerly 21J-22.01, Amended 5-19-92, Formerly 21J-22.001, Amended 10-29-97, 2-17-00, \_\_\_\_\_.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLES: RULE NOS.:

Examination Requirements 61G8-23.002

Direct Disposal Establishments 61G8-23.004

PURPOSE AND EFFECT: Subsection (2)(c) in Rule 61G8-23.002 is being changed to update Code, Rule, and Statutory citations, and text is being stricken in Rule 61G8-23.004 to establish the requirement of an inspection in the event of consumer complaint.

SUBJECT AREA TO BE ADDRESSED: Examination Requirements and Direct Disposal Establishments.

SPECIFIC AUTHORITY: 470.005, 470.017 FS.

LAW IMPLEMENTED: 455.219(6), 470.017, 470.021 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G8-23.002 Examination Requirements.

(1) No change.

(2) The area of competency to be covered by the examination as provided above shall be:

(a) through (b) No change.

(c) With respect to disposition of dead human bodies, the following state and federal laws and rules, or relevant portions thereof will be included: Chapter 245, Chapter 382, Chapter 406, Chapter 455, Chapter 470, Section 872.06 of the Florida Statutes; Chapter 10D-49, Chapter 11G-2, Chapter 61G8-20, Chapter 61G8-22, Chapter 61G8-23 of the Florida Administrative Code; 10 U.S.C. 1481-1488 ~~Chapters 10S-14.81 through 10S-14.88 of the U.S. Code of Federal Regulations.~~

(3) No change.



Specific Authority 470.017 FS. Law Implemented 470.017 FS. History—New 2-13-80, Amended 7-2-81, 8-23-83, Formerly 21J-23.02, 21J-23.002, Amended 10-13-97, 2-16-98, \_\_\_\_\_.

61G8-23.004 Direct Disposal Establishments.

(1)through (2) No change.

(3) A direct disposal establishment shall be inspected by the Department under the following circumstances, and the Department shall be notified by the owner of the establishment at least 10 days before items (a) or (b) occur:

(a) through (b) No change.

(c) When a consumer complaint is made regarding a specific direct disposal establishment, ~~and an inspection is required.~~

(4) through (9) No change.

Specific Authority 470.005 FS. Law Implemented 455.219(6), 470.021 FS. History—New 2-13-80, Amended 11-8-82, 8-16-83, Formerly 21J-23.04, Amended 6-5-90, Formerly 21J-23.004, Amended 4-10-94, 9-17-97, 1-4-98, 2-16-98, 5-17-98, 2-17-00, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLES: RULE NOS.:

Application for Registration of Removal Services; Refrigeration Facilities; Centralized Embalming Facilities 61G8-24.010  
Requirements for Inspection 61G8-24.021

PURPOSE AND EFFECT: Obsolete text has been stricken from Rule 61G8-24.010, and text in Rule 61G8-24.021 has been revised for further clarification.

SUBJECT AREA TO BE ADDRESSED: Application for Registration of Removal Services; Refrigeration Facilities; Centralized Embalming Facilities and Requirements for Inspection.

SPECIFIC AUTHORITY: 470.005, 470.0301(1)(b),(2) FS.

LAW IMPLEMENTED: 455.01(5), 470.0301(1)(b),(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G8-24.010 Application for Registration of Removal Services; Refrigeration Facilities; Centralized Embalming Facilities.

(1) No change.

(2) The Board shall be notified in writing ~~within 30 days of the effective date of this rule,~~ or within ten (10) days when any of the information required in the application changes.

(3) No change.

Specific Authority 470.005, 470.0301(1)(b),(2) FS. Law Implemented 455.01(5), 470.0301(1)(b),(2) FS. History—New 7-19-94, Amended 11-20-96, \_\_\_\_\_.

61G8-24.021 Requirements for Inspection.

(1) Removal services shall ~~make available to Department inspectors at any time requested its buildings, grounds and vehicles used in the conduct of its business at all times be subject to inspection of all its buildings, grounds, and vehicles used in the conduct of its business by the Department, or any of its designated representatives and agents, or local Department of Health inspectors.~~

(2) through (6) No change.

Specific Authority 470.005, 470.0301 FS. Law Implemented 470.0301 FS. History—New 5-21-95, Amended 9-18-95, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLES: RULE NOS.:

Licensure by Endorsement; Embalmers 61G8-25.001  
Licensure by Endorsement; Funeral Directors 61G8-25.002

PURPOSE AND EFFECT: To remove unnecessary references to Florida Statutes and further explain the requirements of licensure by endorsement with regard to acceptance of scores on exams given in other states or by the Conference of Funeral Service Examining Boards.

SUBJECT AREA TO BE ADDRESSED: Licensure by Endorsement; Embalmers and Licensure by Endorsement; Funeral Directors.

SPECIFIC AUTHORITY: 470.005, 470.011 FS.

LAW IMPLEMENTED: 470.011 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G8-25.001 Licensure by Endorsement; Embalmers.

(1) No change.

(2) Pursuant to Section 470.007(1)(a), Florida Statutes (1983); The Board of Funeral Directors and Embalmers determines that persons who have successfully completed a course, embracing at least the subjects specified in Section 470.006(1)(d), Florida Statutes (1983), at a school or college approved by the American Board of Funeral Service Education or by this Board and who have passed an embalmer examination administered by a licensing agency of another state or The Conference of Funeral Service Examining Boards with a score of at least 75% on all sections of the examination and who holds a current valid license to practice embalming in the original state of licensure are considered to have met standards substantially equivalent to the requirements of this state.

Specific Authority 470.005, 470.011 FS. Law Implemented 470.011 FS. History—New 6-4-80, Amended 12-24-81, 8-10-83, 10-16-85, Formerly 21J-25.01, 21J-25.001, Amended \_\_\_\_\_.

61G8-25.002 Licensure by Endorsement; Funeral Directors.

(1) No change.

(2) Pursuant to Section 470.011(1)(a), F.S. (1983); The Board of Funeral Directors and Embalmers determines that persons who have successfully completed a course in mortuary science prior to 1979 at a school or college approved by the American Board of Funeral Service Education and who have passed a Funeral Director Examination administered by a licensing agency of another state or the examination administered by The Conference of Funeral Service Examining Boards with a score of at least 75% on all sections of the examination and who hold a current valid license to practice funeral directing in the original state of licensure; or

(3) No change.

Specific Authority 470.005, 470.011 FS. Law Implemented 470.011 FS. History—New 6-4-80, Amended 12-24-81, 8-10-83, 10-16-85, Formerly 21J-25.02, Amended 7-30-86, Formerly 21J-25.002, Amended \_\_\_\_\_.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Qualifications RULE NO.: 61G8-26.002

PURPOSE AND EFFECT: To remove ambiguous language from the rule.

SUBJECT AREA TO BE ADDRESSED: Qualifications.

SPECIFIC AUTHORITY: 470.005, 455.217, 455.11(3) FS.

LAW IMPLEMENTED: 470.005, 455.217, 455.11(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G8-26.002 Qualifications.

The Board shall accept for examination any applicant applying pursuant to Section 455.11(3), F.S., who:

(1) Provides adequate documentation that the applicant was licensed or otherwise authorized by law to practice as a funeral director in, and was a resident national of the Republic of Cuba and who, upon July 1, 1977, was a resident of this State; and

(2) through (6) No change.

Specific Authority 455.11(3), 455.217, 470.005 FS. Law Implemented 455.11(3), 455.217, 470.005 FS. History—New 6-3-81, Amended 7-2-85, Formerly 21J-26.02, 21J-26.002, Amended \_\_\_\_\_.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLES: Confirmation of Completion of Courses VIRUS, Acquired Immune Deficiency Syndrome and Communicable Diseases RULE NOS.: 61G8-32.004 61G8-32.007

PURPOSE AND EFFECT: Subsection (2) of Rule 61G8-32.004 has been rewritten for clarity and definition of the rule text, and Subsection (11) has been stricken from Rule 61G8-32.007 because it is duplicative of disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Confirmation of Completion of Courses and Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases.

SPECIFIC AUTHORITY: 455.2226(6), 470.005 470.005, 455.2226(7), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

LAW IMPLEMENTED: 455.2226 455.2226, 455.219(2), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G8-32.004 Confirmation of Completion of Courses.

For the purpose of providing confirmation of completion of an approved course pursuant to Section 455.2226(2) or (5), Florida Statutes, each licensee or applicant shall:

- (1) No change.
- (2) ~~A licensee or applicant shall make available, upon request of the Board or the Department, a certificate of completion obtained from the course provider. The licensee or applicant shall retain the certificate of completion for a minimum of two years after he or she has submitted confirmation of completion of the Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases courses. Obtain from the course provider a certificate of completion which shall be maintained by the licensee or applicant and made available upon request for a minimum of two years after the date upon which the licensure or applicant is required to submit confirmation of completing an approved course as described in Section 61G8-32.002.~~

Specific Authority 455.2226(6), 470.005 FS. Law Implemented 455.2226 FS. History—New 5-24-89, Amended 2-14-90, Formerly 21J-32.004, Amended \_\_\_\_\_.

61G8-32.007 Requirement for Instruction on Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases.

- (1) through (10) No change.
- (11) ~~Failure to complete such a board approved educational course within the biennium or within the six month period discussed in subsection (9) shall result in a fine of \$500.00 and suspension of licensure until the licensee appears before the Board and demonstrates that he or she has paid the fine and taken such board approved course.~~

Specific Authority 470.005, 455.2226(7), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS. Law Implemented 455.2226, 455.219(2), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS. History—New 3-19-92, Amended 6-17-92, Formerly 21J-32.007, Amended 5-1-95, 10-29-97, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Veterinary Medicine**

RULE TITLE: Disciplinary Guidelines  
 PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to kickbacks.

RULE NO.: 61G18-30.001

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 455.2273(1) FS.  
 LAW IMPLEMENTED: 455.2273, 474.213, 474.214 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Madeline Smith, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G18-30.001 Disciplinary Guidelines.

- (1) No change.
- (2) When the Board finds an applicant or licensee whom it regulates under Chapter 474, Florida Statutes, has committed any of the acts set forth in Section 474.214(1), Florida Statutes, it shall issue a Final Order imposing appropriate penalties which are set forth in 474.214(2) and include revocation of license and a fine of up to one thousand dollars (\$1,000.00) per offense.
  - (a) through (j) No change.
  - (k) Paying or receiving kickbacks, rebates, bonuses, or other remuneration for receiving a patient or client or for referring a patient or client to another provider of veterinary services or goods. In construing this section, the Board shall deem that a referral to an entity with which the veterinarian has a contractual relationship, for the sale of non-veterinary, non-medical pet food on pet supplies, does not constitute a kickback, so long as the client is aware of the relationship.
    - (1) through (oo) No change.
    - (3) through (7) No change.

The usual action of the Board for those violations not disposed of by the Board's rule concerning minor violations shall be to impose a penalty of one (1) year probation and a one thousand dollar (\$1,000.00) administrative fine for each count.

Specific Authority 455.2273(1) FS. Law Implemented 455.2273, 474.213, 474.214 FS. History—New 12-8-86, Amended 5-27-91, Formerly 21X-30.001, Amended 8-18-94, 5-13-96, \_\_\_\_\_.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:	RULE NOS.:
Examination and Reexamination Fee	64B3-9.003
Delinquency Fee	64B3-9.011
Unlicensed Activity Fee	64B3-9.012

PURPOSE AND EFFECT: Rule 64B3-9.003 proposes the development of an amendment to address the change of each examination taken including reexamination fee. In Rule 64B3-9.011, the rule will specify the fee for a delinquent status licensee applying for active or inactive status. Rule 64B3-9.012 proposes the development to address the unlicensed activity fee.

SUBJECT AREA TO BE ADDRESSED: Examination and Reexamination Fees.

SPECIFIC AUTHORITY: 483.807(1), 455.587, 455.711, 483.807(1), 483.805(4) FS.

LAW IMPLEMENTED: 483.807(1), 455.587, 455.711, 483.807 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-9.003 Examination and Reexamination Fees.

(1) The fee for each examination taken including reexamination is ~~\$150~~ ~~\$35~~ except for the generalist technician examination.

(2) No change.

Specific Authority 483.807(1) FS. Law Implemented 483.807(1) FS. History—New 12-7-93, Formerly 61F3-9.003, 59O-9.003, Amended 5-26-98, 1-28-99, 7-15-99,\_\_\_\_\_.

64B3-9.011 Delinquency Fee.

The fee for a delinquent status licensee applying for active or inactive status shall be ~~\$100~~ ~~\$50~~.

Specific Authority 455.587, 455.711, 483.807(1) FS. Law Implemented 455.587, 455.711, 483.807 FS. History—New 12-26-94, Formerly 59O-9.011, Amended 5-26-98,\_\_\_\_\_.

64B3-9.012 Unlicensed Activity Fee.

An unlicensed activity fee of \$5 shall be in addition to ~~earmarked from~~ the current licensure and renewal fees.

Specific Authority 483.805(4) FS. Law Implemented 455.641 FS. History—New 5-26-98, Amended\_\_\_\_\_.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Fee Schedule	64B4-4

PURPOSE AND EFFECT: The Board proposes to review the rules within this chapter to consider possible amendments.

SUBJECT AREA TO BE ADDRESSED: Application, examination and initial active status license fee for licensure by examination; application fee for licensure by endorsement; biennial licensure fee; reactivation fee; renewal of inactive status fee; change of status fee; delinquency fee; continuing education provider application fee; examination review fee for applicants for licensure as a mental health counselor; examination review fee for applicants for licensure as a marriage and family therapist; initial licensure fee; provisional license application fee; registered intern registration fee and subsequent examination fee; registered intern biennial renewal fee.

SPECIFIC AUTHORITY: 455.217(2), 455.587(1), 455.564(2), 455.574(2), 455.587(1), 455.711, 491.004(5), 491.005, 491.007(1), 491.0085 FS.

LAW IMPLEMENTED: 455.217(2), 455.564(2), 455.574(2), 455.587(1), 455.711, 491.005, 491.006, 491.007(1), (3), 491.008, 491.0045(2)(a), 491.0046(2)(a), 491.0085(2) FS.

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

TIME AND DATE: 9:00 a.m. or shortly thereafter, April 27, 2000

PLACE: The Radisson Airport, 555 Hazelton National Drive, Orlando, Florida 32812

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-32.002
Notice of Fund Availability	67-32.003
General Program Restrictions	67-32.004
Application Procedures	67-32.005
Terms and Conditions of Loan	67-32.006
Selection Criteria, Rejection Criteria, and Scoring and Ranking Guidelines	67-32.007
Selection for Participation in Program	67-32.008

Right to Inspect and Monitor  
 Funded Developments 67-32.010  
 Fees 67-32.011  
**PURPOSE AND EFFECT:** Pursuant to Section 420.5087(3)(c)2., Florida Statutes (F.S.), the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low-income elderly households. Rule 67-32 provides the procedures for the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL Program. The intent of this Rule is to provide loans to sponsors of housing for the elderly to make building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing.  
**SUBJECT AREA TO BE ADDRESSED:** The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2001 application and program requirements for the Elderly Housing Community Loan Program, as specified in Rule Chapter 67-32, Florida Administrative Code (FAC.).  
**SPECIFIC AUTHORITY:** 420.5087 FS.  
**LAW IMPLEMENTED:** 420.5087 FS.  
**RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**  
**TIME AND DATE:** 10:00 a.m. – 1:00 p.m., April 12, 2000  
**PLACE:** Hyatt Regency Orlando International Airport, Mirabel Room, 9300 Airport Boulevard, Orlando, Florida 32827  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Larry White, SAIL Program Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197.  
 Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**FLORIDA HOUSING FINANCE CORPORATION**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Purpose and Intent	67-48.001
Definitions	67-48.002
Notice of Funding or Credit Availability	67-48.003
Application and Selection Procedures for Developments	67-48.004
Applicant Administrative Appeal Procedures	67-48.005

Compliance and Reporting Requirements	67-48.006
Fees	67-48.007
No Discrimination	67-48.008
SAIL General Program Procedures and Restrictions	67-48.009
Additional SAIL Application Ranking and Selection Procedures	67-48.0095
Terms and Conditions of SAIL Loans	67-48.010
Sale or Transfer of a SAIL Development	67-48.0105
SAIL Credit Underwriting and Loan Procedures	67-48.012
SAIL Construction Disbursements and Permanent Loan Servicing	67-48.013
HOME General Program Procedures and Restrictions	67-48.014
Match Contribution Requirement for HOME Allocation	67-48.015
Eligible HOME Activities	67-48.017
Eligible HOME Applicants	67-48.018
Eligible and Ineligible HOME Development Costs	67-48.019
Terms and Conditions of Loans for HOME Rental Developments	67-48.020
Sale or Transfer of a HOME Development	67-48.0205
HOME Credit Underwriting and Loan Procedures	67-48.021
HOME Disbursements Procedures and Loan Servicing	67-48.022
HC General Program Procedures and Requirements	67-48.023
Qualified Allocation Plan	67-48.025
Housing Credit Underwriting Procedures	67-48.026
Tax-Exempt Bond-Financed Developments	67-48.027
Carryover Allocation Provisions	67-48.028
Extended Use Agreement	67-48.029
Sale or Transfer of a Housing Credit Development	67-48.030
Termination of Extended Use Agreement and Disposition of Housing Credit Developments	67-48.031
Minimum Set-Aside for Non-Profit Organizations Under HC Program	67-48.032
<b>PURPOSE AND EFFECT:</b> The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.	

**SUBJECT AREA TO BE ADDRESSED:** The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2001 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (FAC.) and (2) amendments to the Florida Housing Finance Corporation's 2001 Qualified Allocation Plan (QAP).

**SPECIFIC AUTHORITY:** 420.507 FS.

**LAW IMPLEMENTED:** 420.5087, 420.5089, 420.5099 FS.

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

**TIME AND DATE:** 10:00 a.m. – 1:00 p.m., April 12, 2000

**PLACE:** Hyatt Regency Orlando International Airport, Mirabel Room, 9300 Airport Boulevard, Orlando, Florida 32827

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Gwen Lightfoot, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197.

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Manatees**

**RULE CHAPTER TITLE:** Manatees **RULE CHAPTER NO.:** 68C-22

**RULE TITLE:** Regulated Activities **RULE NO.:** 68C-22.003

**PURPOSE AND EFFECT:** The Fish and Wildlife Conservation Commission is considering whether changes need to be made to the rule to better protect manatees while at the same time providing a process that clearly describes what types of activities can be authorized. For this reason, the Commission has scheduled two public workshops to receive comment concerning whether changes need to be made to the rule. Permits that could be affected include those currently issued to commercial fishers and professional fishing guides within Brevard, Collier, Indian River, Lee, St. Lucie and Volusia Counties. What effect the changes would have depends on what options are pursued. One option being considered is amending the rule to add categories of activities that can be authorized and/or more clearly describe existing categories. Another option being considered is repealing the rule and allowing requests to be handled through the variance process set forth in 120.542, Florida Statutes. Comments or

suggestions on potential options may be submitted through May 5, 2000, to the address given at the end of this notice. The FWC is encouraging the public to participate at the workshops which will take place at the dates and locations listed below.

**SUBJECT AREA TO BE ADDRESSED:** Permits that allow activities to be conducted within areas where such activities would otherwise be prohibited by manatee protection rules appearing in Chapter 68C-22.

**SPECIFIC AUTHORITY:** 370.12(2)(f)-(i),(k),(m),(n) FS.

**LAW IMPLEMENTED:** 370.12(2)(d),(f)-(k),(l),(m),(n) FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:**

**TIME AND DATE:** 6:00 p.m. – 8:00 p.m., Wednesday, April 12, 2000

**PLACE:** Lee County Administration Building, 1st Floor Conference Room, 2115 Second Street, Fort Myers, Florida

**TIME AND DATE:** 6:00 p.m. – 8:00 p.m., Tuesday, April 25, 2000

**PLACE:** Brevard County Administration Building, Florida Room (Building C – 3rd Floor), 2725 Judge Fran Jamison Way, Viera, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Mr. Scott Calleson at (850)922-4330. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD) or (850)488-9542 within the Tallahassee area.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Mr. Scott Calleson, Environmental Specialist III, Bureau of Protected Species Management, Fish and Wildlife Conservation Commission (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399, telephone (850)922-4330 or Fax (850)922-4338

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

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**Section II  
Proposed Rules**

**DEPARTMENT OF LEGAL AFFAIRS**

**RULE TITLE:** Attorney Services **RULE NO.:** 2-37.010

**PURPOSE AND EFFECT:** The Department is amending the form it currently utilizes for agencies requesting representation by private attorneys. The proposed rule amendment implements the revised form. The revised form substitutes clarifying language in paragraphs 4 and 22, to eliminate ambiguities and to simplify the form.

SUMMARY: The proposed rule amendment implements the revised form.

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: 287.059 FS.

LAW IMPLEMENTED: 287.059, 16.015 FS.

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

TIME AND DATE: 10:00 a.m., April 19, 2000

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Daugherty, Senior Management Analyst II, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2-37.010 Attorney Services.

The Department of Legal Affairs adopts a form to be filled out by agencies who wish to request representation by private attorneys. Form OAG-001, entitled "Request for Attorney General Approval of Private Attorney Services," effective \_\_\_\_\_, FLRC1 (effective 7/12/93) is hereby incorporated by reference. Copies of the form may be obtained from the General Legal Division, Director, Florida Legal Resource Center, Office of the Attorney General, The Capitol PL-01, Tallahassee, Florida 32399-1050.

Specific Authority 287.059 FS. Law Implemented 287.059, 16.015 FS. History—New 10-7-90, Formerly 2-1.013, Amended 7-12-93, 10-29-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Daugherty, Senior Management Analyst II

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gerald B. Curington, Assistant Deputy Attorney General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2000

**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

RULE TITLES: RULE NOS.:  
 Determination of Moral Character 4A-37.036  
 Firefighter Training Course

Medical Examination 4A-37.037  
 Retention of Certification 4A-37.0527

Specifications for Certifiable Training 4A-37.056

PURPOSE AND EFFECT: To update and clarify rules, repeal unnecessary rules, and add needed rules.

SUMMARY: Timing for submission of fingerprint cards and medical examinations for firefighters is specified. The designations of forms are updated from FST to DI4; rules on Retention of Certification are amended; and amendments are made to clarify previously unclear or ambiguous statements or positions, to update course requirements based on experience and needs of the firefighting community and the state, and to otherwise bring the rules up to date, such as introduction of the Firefighter I and Firefighter II specifications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 633.38(1)(a), 633.45(2)(a) FS.

LAW IMPLEMENTED: 633.34(5), 633.35, 633.35(2), 633.38, 633.45, 633.45(2)(i) 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., April 18, 2000

PLACE: The Atrium, 325 John Knox Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Randall Napoli, Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, Department of Insurance, 11655 N. W. Gainesville Road, Ocala, Florida 34482-1486, telephone (352)732-1330

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-37.036 Determination of Moral Character.

(1) Applicants for a certificate of compliance as a firefighter must submit a completed fingerprint card with current processing fee. When Firefighter I and Firefighter II training are to occur contiguously this submission should occur

at the beginning of the Firefighter I training. In any other situation the submission is required prior to entry into Firefighter II training. Determination of good moral character is required prior to certification as a firefighter pursuant to Section 633.35(2), Florida Statutes.

(2) No change.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35(2), 633.45(2)(i) FS. History—New 6-30-91, Amended 3-20-95,\_\_\_\_\_.

#### 4A-37.037 Firefighter Training Course Medical Examination.

(1) Pursuant to Section 633.34(5), Florida Statutes, an individual shall submit to the division a medical examination evidencing good physical condition in order to gain admission into a firefighter training program. A medical examination evidencing good physical condition shall be submitted to the division, on form DI4-1022, before an individual is admitted into a firefighter training program as defined in Section 633.35, Florida Statutes. When Firefighter I and Firefighter II training are to occur contiguously this submission is to occur at the beginning of the Firefighter I training. When Firefighter I and Firefighter II training are taken as separate modules the requirement for submission is for the Firefighter II module. Firefighter I as a stand alone module does not require a medical examination.

(2) The medical examination shall be given by a physician or surgeon licensed to practice in the State of Florida pursuant to Chapter 458, Florida Statutes, or an osteopathic physician or surgeon licensed to practice in the State of Florida pursuant to Chapter 459, Florida Statutes. An individual shall receive this examination within the six months period prior to from the date the application for firefighter certification is received by the Bureau of Fire Standards and Training.

(3) The results of the medical examination shall be reported to the Bureau of Fire Standards and Training on completed Form DI4-1022 FST-2 entitled "Medical Examination." These results will be reported by the Certified Training Center delivering the training within five business days of the beginning of a firefighter training program as defined in Section 633.35, Florida Statutes, and in paragraph (1) above. An individual shall not participate in the certification examination for compliance unless a completed Form DI4-1022 is on file with the Bureau of Fire Standards and Training.

(4) Form DI4-1022 FST-2 is incorporated by reference in Rule 4A-37.039(2), and can be obtained where indicated in Rule 4A-37.039(1).

Specific Authority 633.45(2)(a) FS. Law Implemented 633.34(5) FS. History—New 9-7-81, Formerly 4A-37.05, 4A-37.37, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95,\_\_\_\_\_.

#### 4A-37.0527 Retention of Certification.

(1) Any person possessing a Certificate of Compliance issued by the Bureau of Fire Standards and Training who has not been active as a firefighter, or as a volunteer firefighter with an organized fire department for a period of three years shall be required to retake the practical portion of the state certification examination specified in 4A-37.056(6)(b) in order to maintain their Certificate of Compliance; however, this requirement does not apply to state certified instructors, as determined by the division. The three year period begins on the date the certificate of compliance is issued or upon termination of service with an organized fire department.

(a) The retake of the state certification examination for retention of certificate shall be known as the retention examination and is referenced in Section 633.352, Florida Statutes.

(b) Being active as a volunteer firefighter with an organized fire department means the individual has been actively involved for a continuous period of time of not less than six months during the three year period since certified or the certification was last renewed, or since termination from a fire department. Verification of being active shall be evidenced by documentation from the chief or ranking person of the volunteer fire department.

(2) To be eligible to participate in the examination, an individual shall submit to the Bureau of Fire Standards and Training an application, Form DI4-1308 which shall include a medical examination evidencing good physical condition. The medical examination shall be given by a physician or surgeon licensed to practice in the State of Florida pursuant to Chapter 458, Florida Statutes, or by an osteopathic physician or surgeon licensed to practice in the State of Florida pursuant to Chapter 459, Florida Statutes. An individual shall receive this examination within the six months period prior to the date the application for testing is received by the Bureau of Fire Standards and Training. The results of the medical examination shall be reported to the Bureau of Fire Standards and Training on completed Form DI4-1022, Medical Examination, which is incorporated by reference in 4A-37.039(2), and can be obtained where indicated in 4A-37.039(1). An individual shall not participate in the practical examination unless a completed Form DI4-1022 is on file with the Bureau of Fire Standards and Training.

(3) Submit a fingerprint card to the Bureau of Fire Standards and Training with the current processing fee. The fingerprint card will be forwarded to the Florida Department of Law Enforcement and/or the Federal Bureau of Investigation.

(4) The Bureau will schedule the date and time for all examinations.

(5) Each Individual will be required to wear N.F.P.A. approved helmet, fire coat, bunker pants, boots, protective hood, and gloves.



(6) Any Individual who does not obtain a passing score of 70% or more on the retention examination will be permitted one re-take examination. The retake must occur within six months of the original examination.

(7) Failure of the re-take examination will result in the individual's having to successfully complete Firefighter I and II training as defined in 4A-37.055 before any additional testing can occur.

Specific Authority 633.38(1)(a), 633.45(2)(a) FS. Law Implemented 633.35, 633.38, 633.45 FS. History--New \_\_\_\_\_.

4A-37.056 Specifications for Certifiable Training.

To be recognized for certification as a firefighter by the Division, training shall be obtained under the conditions as specified herein. Satisfactory completion of the prescribed training, instruction and standards in accordance with these specifications shall be certified by a designated instructor or member of the Bureau of Fire Standards and Training staff.

(1) through (2) No change.

(3) All subjects listed in the approved Firefighter I and Firefighter II courses "~~Minimum Standards Course~~" shall be included in the curriculum.

(4) Each student enrolled in a Firefighter I and/or Firefighter II ~~Minimum Standards~~ course shall receive instruction and training in every course subject of the curriculum. Instruction and training shall not be less than the number of hours specified for each subject.

(5) One aspect of training is psychomotor skills development, which includes the demonstrated ability to perform individually and as a member of a team or group all tasks and operations associated with the training in a manner which does not present a threat to the safety of the trainee, ~~and his~~ co-workers or others and which contributes to the successful achievement of the purpose for which the task or operation is being performed. If, in the professional opinion of the instructors, the student does not possess the qualities necessary to satisfactorily perform psychomotor tasks, the student shall be dropped from the training program.

(6) All tests, both written and practical, given during training shall require maintenance of a percentage score of not less than 70% on each subject listed in the prescribed Firefighter I and Firefighter II "~~Minimum Standards Course~~." courses. If a minimum score of 70% is not achieved on any test, the student may be afforded a one-time make up examination to achieve the required 70%. Tests used shall be designed to encompass all the significant contents of the subjects being taught.

(a) No change.

(b) State examinations, consisting of a written and a practical part, shall be administered by a Field Representative of the Bureau of Fire Standards and Training and shall encompass all components of the Firefighter I course for Firefighter I testing and all components of both Firefighter I

and Firefighter II courses for State Certification as a Firefighter. The 70% score requirement for both written and practical examinations shall prevail in this testing environment as well.

(c) No change.

(d) Only one retake of the state examination shall be allowed. Retakes of the practical portion of the examination will be offered only at the Florida State Fire College during the months of February, May, September, and November ~~on the 2nd Monday of January, April, July and October.~~ Retakes of the written portion of the examination will be offered at the Regional Testing Sites in February, May, September, November and monthly at the Florida State Fire College. Students must be pre-registered at least ten (10) business working days prior to the date of the examination.

(e) The retake of the Firefighter II ~~Minimum Standards~~ Certification Examination must be taken within six (6) months of the initial examination date.

(f) Failing the retake of the Firefighter II ~~Minimum Standards~~ Certification Examination within the prescribed six-month time period will result in the individual having to repeat the Firefighter II ~~Minimum Standards~~ Course.

(7) through (10) No change.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35(2) FS. History--New 9-7-81, Formerly 4A-37.16 and 4A-37.56, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Randall Napoli, Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, Department of Insurance, 11655 N. W. Gainesville Road, Ocala, Florida 34482-1486

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Director, Division of State Fire Marshal, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0340

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2000

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: The Excellent Teaching Program

RULE NO.: 6A-10.060

PURPOSE AND EFFECT: The purpose of this rule is to incorporate into rule the conditions, pursuant to Section 236.08106, Florida Statutes, by which a Florida educator certified by the National Board for Professional Teaching Standards shall lose eligibility for receipt of the certification and mentoring salary bonuses. The effect will be a rule which identifies the circumstances by which an individual may lose eligibility for receipt of the Excellent Teaching Program salary bonuses.

SUMMARY: The rule revision specifies the circumstances by which an individual loses eligibility for receipt of the Excellent Teaching Program salary bonuses. The circumstances are the finding of probable cause for disciplinary action against the educator's certificate, and the allegations proven or admitted to with a resulting penalty, or a settlement agreement is reached with the Department of Education with a resulting penalty.

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: 236.08106 FS.

LAW IMPLEMENTED: 236.08106 FS.

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

TIME AND DATE: 9:00 a.m., April 25, 2000

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David Ashburn, Director, Division of Human Resource Development, Department of Education, 325 West Gaines Street, Room 203, Tallahassee, Florida 32399-0400, (850)487-3663

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.060 The Repayment of Excellent Teaching Program Certification Fee.

(1) The repayment of the certification fee subsidy paid to the National Board for Professional Teaching Standards on behalf of a teacher by the state of Florida shall be required when the recipient fails to complete the certification program or fails to teach for one (1) year in a public school in the state of Florida after completion of the certification program.

(a)(4) The Department shall forgive the repayment of the certification fee subsidy paid by the state of Florida to the National Board for Professional Teaching Standards pursuant to Section 236.08106, Florida Statutes, for reasons of death of the recipient, of a total and permanent disability which renders the recipient unable to work, or of a reassignment of a military spouse to active duty outside the state of Florida.

(b)(2) Death shall be verified by submission of a copy of the certificate of death. A total and permanent disability shall be verified in writing by a Florida licensed medical physician. An active military assignment outside the state of Florida shall be verified by a copy of the order of reassignment.

(c)(3) A recipient of the certification fee subsidy desiring to make multiple payments to satisfy the total amount due to the state of Florida may establish a repayment schedule agreeable to the Department which shall not exceed a period of two (2) years from the date of the written notice from the Department requesting repayment of the fee.

(d)(4) Repayment of the certification fee subsidy may be deferred for a period not to exceed one (1) year from the date of the written notice from the Department requesting repayment of the fee for a temporary disability which renders a recipient unable to work or for other hardships as determined by the Department to render the recipient unable to work or to make repayment. A written request shall be submitted to the Department for consideration of a deferment of the repayment. The Department may request documentation of the conditions supporting the request for a deferment.

(e)(5) Repayment of the certification fee shall be to the Florida Department of Education.

(2) A Florida educator certified by the National Board for Professional Teaching Standards shall not be eligible to receive payment of the certification and mentoring salary bonuses, pursuant to Section 236.08106, Florida Statutes, if upon conclusion of an investigation by the Department of Education, a finding of probable cause to take disciplinary action against the educator's certificate is found and if:

(a) The allegations are proven or admitted to and result in a penalty, or

(b) If the individual enters into a settlement agreement with the Department of Education resulting in a penalty.

Specific Authority 236.08106 FS. Law Implemented 236.08106 FS. History--New 7-12-99, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Stewart, Deputy Commissioner of Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 11, 2000

**STATE BOARD OF ADMINISTRATION**

RULE TITLES:	RULE NOS.:
Reimbursement Contract	19-8.010
Loss Reimbursements	19-8.011
Insurer Reporting Requirements	19-8.029

PURPOSE AND EFFECT: These rules implement the 2000-2001 contract year for the Florida Hurricane Catastrophe Fund, pursuant to Section 215.555, Florida Statutes.

SUMMARY: Proposed amended rule 19-8.010 adopts the 2000 reimbursement contract. Proposed rule 19-8.011 is proposed for repeal since all of its provisions are incorporated either in the contract or in Rule 19-8.029. Proposed amended rule 19-8.029 adopts the data call for the 2000-2001 contract year and also adopts loss reporting forms formerly part of rule 19-8.011.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2),(3),(4),(5),(6),(7) FS.

REGARDLESS OF WHETHER OR NOT ONE IS REQUESTED, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:00 noon, Monday, April 17, 2000

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jack Nicholson, Chief Operating Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300, tel. (850)413-1340

THE FULL TEXT OF THE PROPOSED RULES IS:

19-8.010 Reimbursement Contract.

(1) The reimbursement contract for the 1995-1996 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-1995K – “Reimbursement Agreement (“Agreement”) between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“Fund”), rev. 7/95, is hereby adopted and incorporated by reference into this Rule.

(2) The reimbursement contract for the 1996-1997 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-1996K – “Reimbursement Agreement (“Agreement”) between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“Fund”), rev. 5/96, is hereby adopted and incorporated by reference into this Rule.

(3) The reimbursement contract for the 1997-1998 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-1997K – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“Fund”), rev. 5/97, is hereby adopted and incorporated by reference into this Rule.

(4) The reimbursement contract for the 1998-1999 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-1998K – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“Fund”), rev. 5/98, is hereby adopted and incorporated by reference into this Rule.

(5) The reimbursement contract for the 1999-2000 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-1999K – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 5/99, is hereby adopted and incorporated by reference into this Rule. Addendum No. 1 to the 1999-2000 reimbursement contract, which is called Form FHCF-1999K-1, – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 8/99, is hereby adopted and incorporated by reference into this Rule.

(6) The reimbursement contract for the 2000-2001 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-2000K – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 5/00, is hereby adopted and incorporated by reference into this Rule.

~~(7)(6)~~ Copies of the reimbursement contract may be obtained from the State Board of Administration. The mailing address is P. O. Box 13300, Tallahassee, FL 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)488-4406.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 8-24-99, \_\_\_\_\_.

19-8.011 Loss Reimbursements.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-20-96, Amended 2-17-97, 11-25-97, 10-13-98, Repealed \_\_\_\_\_.

19-8.029 Insurer Reporting Requirements ~~for the 1999-2000 Contract Year.~~

(1) Data Reporting of Insurer Exposure.

(a) No later than September 1 of each contract year, insurers and Joint Underwriting Associations shall report insured values reflecting wind exposure under Covered Policies, ~~except for insurers writing collateral protection~~

~~insurance~~, by zip code and other relevant factors required to reflect each insurer's relative exposure to hurricane loss, valued as of June 30 of the current contract year. Such other relevant factors shall be determined by the Independent Actuarial Consultant consistent with principles of actuarial science and in conjunction with the development of the Premium Formula. ~~In order to ensure that only actual exposure as of 6/30 is reported and therefore to eliminate the reporting of false placements in collateral protection insurance, insurers writing collateral protection insurance shall report all their exposure under Covered Policies, including their collateral protection exposure as of 6/30, no later than the 10th business day in October of each contract year.~~

(b) Confidentiality of exposure reports. Pursuant to the provisions of Section 215.557 Reports of insured values, the reports of insured values under covered policies by zip code submitted to the State Board of Administration pursuant to Section 215.555, as created by s. 1., ch. 93-409, Laws of Florida, or similar legislation, are confidential and exempt from the provisions of Section 119.07(1) and section 24(a), Art. I of the State Constitution. This exemption is subject to the Open Government Sunset Review Act in accordance with Section 119.04.

~~(c)(2)~~ Reporting Regarding Entities Not Required to Hold a Certificate of Authority. Existing Voluntary Pools, Voluntary Syndicates and Voluntary Joint Underwriting Associations are not participants in the FHCF since such entities are not considered to issue Covered Policies as defined in Section 215.555(2)(c), Florida Statutes, and such entities are not required to hold a certificate of authority. All existing voluntary pools, voluntary syndicates and voluntary joint underwriting associations which are not required to hold a certificate of authority such entities shall execute a written statement on Form FHCF-M01, "Florida Hurricane Catastrophe Fund Statement regarding Voluntary Pools, Voluntary Syndicates and Voluntary Joint Underwriting Associations pertaining to Florida Statute 215.555," rev. 5/99, which is hereby adopted and incorporated by reference, on behalf of itself and its members acknowledging that it and they have no rights to any recovery from the FHCF. Insurer losses associated with business written in Voluntary Pools, Voluntary Syndicates and Voluntary Joint Underwriting Associations shall not be reimbursed by the FHCF since exposures on Covered Policies are not required to be reported and premiums are not required to be paid on these exposures. Any newly created Voluntary Pool, Voluntary Syndicate or Voluntary Joint Underwriting Association shall be treated as specified under this subsection only if its formation is determined by the Board to be for business purposes benefiting Florida policyholders, not for purposes of creating an unfair marketing advantage over other insurers required to participate in the Fund, and not for the purpose of avoiding participation in the Fund provided such treatment is approved by the Department

of Insurance as evidenced by a letter from the Department received by the Board prior to September 1 of any contract year.

(d) The requirement that the report is due on September 1 means that the report shall be in the physical possession of the Fund's Administrator in Minneapolis no later than 5 p.m., Central Time, on September 1. If September 1 is a Saturday, Sunday or legal holiday, and if September 1's being a Saturday, Sunday or legal holiday means that neither the United States Postal Service nor private delivery services are operating that day, then the applicable due date will be the day immediately following September 1 which is not a Saturday, Sunday or legal holiday. For purposes of the timeliness of the submission, neither the United States Postal Service postmark nor a postage meter date is in any way determinative. Reports sent to the Board in Tallahassee, Florida, will be returned to the sender. Reports not in the physical possession of the Fund's Administrator by 5 p.m., Central Time, on the applicable due date are late.

(2)(a) For the 1999-2000 contract year, (The reporting shall be in accordance with the following: Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 1999 Data Call," rev. 5/99; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 12/22/94; and the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 5.0," with its Instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference.

~~(3) Reporting Regarding Insurers Withdrawing from the State or Discontinuing the Writing of All Kinds of Insurance Prior to June 1 of Each Year. Insurers which withdraw from the Florida insurance market prior to June 1 and have no remaining covered policy exposure shall not participate in the Fund. The affected insurer shall provide written evidence obtained from the Department of Insurance that it has surrendered its certificate of authority and currently has no outstanding Covered Policies in force. Nothing in this rule shall be construed to conflict with the requirements of Section 624.430(1), Florida Statutes.~~

~~(4) Notwithstanding a fully executed Reimbursement Contract, all data reporting of insured values for Covered Policies shall be subject to audit and review by the Board. All discovered errors, inadvertent omissions, and typographical errors associated with the data reporting of insured values shall be corrected to reflect the proper values.~~

(b) For the 2000/2001 contract year, the reporting shall be in accordance with the following: Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2000 Data Call," rev. 5/00; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 12/22/94; and the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 6.0," with its

Instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference. For new companies, the company shall report its actual exposure as of December 31 of the contract year on or before March 1 of the contract year, to the Administrator on Form FHCF-D1B, "Florida Hurricane Catastrophe Fund 2000 Data Call for Newly Licensed Companies," rev. 5/00; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 12/22/94; and the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 6.0," with its Instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference.

(3) Loss Reimbursement Reporting Requirements.

(a) As directed by the Board, after a covered event occurs, insurers shall report all their losses for covered policies (ground-up losses, without regard for the insurer's retention) on Form FHCF-L1A, "Florida Hurricane Catastrophe Fund Interim Loss Report," rev. 10/98, which is hereby adopted and incorporated by reference. Prompt reporting in the format requested will aid the Board in determining whether to seek additional sources of funds to pay for reimbursable losses. The losses reported on Form FHCF-L1A are expected to result from a good faith effort on the part of the insurer to report as accurately as possible. Preliminary reports will not be binding. Reimbursements by the Fund will be made on the basis of Form FHCF-L1B, adopted below, and on the basis of quarterly adjustments thereafter. After the initial report of ground-up losses on Form FHCF-L1A, only insurers expecting to exceed their retentions for covered losses are required to comply with paragraph (b), below.

(b) If an insurer expects covered losses to exceed its retention, it shall report its paid and outstanding covered losses for each occurrence as of month-end by the fifteenth of the following month in accordance with the table below:

Submit Form FHCF-L1A Monthly

<u>For Losses as of</u>	<u>By</u>
<u>06/30/XX</u>	<u>07/15/XX</u>
<u>07/31/XX</u>	<u>08/15/XX</u>
<u>08/31/XX</u>	<u>09/15/XX</u>
<u>09/30/XX</u>	<u>10/15/XX</u>
<u>10/31/XX</u>	<u>11/15/XX</u>
<u>11/30/XX</u>	<u>12/15/XX</u>

(c) Insurers shall report their annual covered losses (all losses regardless of an insurer's retention) for each occurrence on or before December 31 of the contract year during which the covered event occurs and quarterly thereafter on the date the quarter ends on Form FHCF-L1B, "Florida Hurricane Catastrophe Fund Proof of Loss Report," rev. 10/98, which is hereby adopted and incorporated by reference. In reporting losses, deductibles shall be applied first to the coverages

provided by the FHCF, that is, to structure and/or contents. Deductibles shall not be applied first to any coverages not provided by the FHCF such as additional living expense. For the quarterly report due on 3/31, any insurer whose losses reach or exceed 50% of its FHCF retention shall report its losses on Form FHCF-L1B. For the quarterly report due on 6/30, any insurer whose losses reach or exceed 75% of its FHCF retention shall report its losses on Form FHCF-L1B. For the quarterly reports due on 9/30 and thereafter, any insurer which anticipates that its losses will reach 100% or more of its FHCF retention shall report its losses on Form FHCF-L1B until all its losses are paid to its policyholders and the insurer has received reimbursement from the Fund. Each insurer which has recoveries from the Fund and which has reinsurance recoveries other than recoveries from the Fund shall complete Form FHCF-L1C, "Florida Hurricane Catastrophe Fund Proof of Loss Report/Reinsurance Recovery Worksheet," rev. 10/98, which is hereby adopted and incorporated by reference. For purposes of this rule, quarterly loss reports shall be those reports submitted at each quarter end date after December 31 of the contract year in which the covered event occurs and continuing until all claims and losses resulting from loss occurrences commencing during the contract year are fully discharged, in accordance with the reporting requirements in this paragraph.

(d) As a result of reports submitted on Form FHCF-L1B and Form FHCF-L1C, reimbursements to insurers shall be adjusted in accordance with Section 215.555(4)(b)3., Florida Statutes, which prohibits an insurer's recovery from all sources to exceed 100 percent of its losses from a covered event, and in accordance with Section 215.555(4)(d)1., Florida Statutes, which requires the Fund to pay additional amounts to insurers and insurers to return overpayments to the Fund, based on the most recent calculation of losses.

(4) All the forms adopted and incorporated by reference in this rule may be obtained from: Administrator, Florida Hurricane Catastrophe Fund, Paragon Reinsurance Risk Management Services, Inc., 3600 West 80th Street, Minneapolis, Minnesota 55431.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2),(3),(4),(5),(6),(7),(15) FS. History--New 5-17-99, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 14, 2000

**DEPARTMENT OF CORRECTIONS**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Inmate Grievances – Training Requirements	33-103.003
Informal Grievance	33-103.005
Formal Grievance – Institution or Facility Level	33-103.006
Appeals to the Office of the Secretary	33-103.007
Inmate Grievances – Miscellaneous Provisions	33-103.015
Follow Through on Approved Grievances	33-103.016
Inmate Grievances – Forms	33-103.019

**PURPOSE AND EFFECT:** The proposed rule is needed in order to reflect changes in forms related to inmate grievances.

**SUMMARY:** The proposed reflects changes in forms related to inmate grievances.

**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:** 20.315, 944.09 FS.

**LAW IMPLEMENTED:** 944.09 FS.

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

**TIME AND DATE:** 2:00 p.m., April 19, 2000

**PLACE:** Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

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

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

**33-103.003 Inmate Grievances – Training Requirements.**

(1) Staff Training. The Bureau of Staff Development shall develop and implement a standardized plan to train staff in the use of the inmate grievance procedure. The training shall be designed to familiarize staff with the provisions of Chapter 33-103, Florida Administrative Code, and the standardized forms utilized in the grievance procedure. Staff training is governed by Chapter 33-209, Florida Administrative Code.

(a) through (b) No change.

(c) The provision of training shall be documented on Form ~~DC4-216 Training Attendance Report~~.

(2) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 1-15-92, 4-10-95, 12-7-97, Formerly 33-29.003, Amended \_\_\_\_\_.

**33-103.005 Informal Grievance.**

(1) No change.

(2) When submitting an informal grievance, the inmate shall use Form DC6-236 ~~DC3-005~~, Inmate Request for Interview, and shall:

(a) No change.

(b) On the first line of the request section the inmate shall print the words “Informal Grievance”. Failure to do this will cause the request to be handled routinely and it will not be considered an informal grievance. This will also cause the form to be unacceptable as documentation of having met the informal step if it is attached to a formal grievance submitted at the next step.

1. No change.

2. When completing the inmate request form for submission as an informal grievance, the inmate shall ensure that the form is legible, that included facts are accurately stated, and that only one issue or complaint is addressed. If additional space is needed, the inmate shall use attachments and not multiple copies of Form DC6-236 ~~DC3-005~~. Attachments that are a continuation of the grievance statement, shall be submitted in triplicate. The inmate shall sign and date the form and write in his Department of Corrections number and forward the informal grievance to the designated staff person. If an inmate fails to sign his grievance, it shall result in a delay in addressing the grievance until it can be verified that it is that inmate's grievance.

3. The inmate shall submit all copies of the complete form to the person designated. Failure to submit all copies of the ~~DC3-005 (DC1-303)~~ form may result in one copy being returned to the inmate instead of two.

(3) through (5) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 1-15-92, 12-22-92, 3-30-94, 4-17-94, 4-10-95, 8-10-97, 12-7-97, 2-17-99, Formerly 33-29.005, Amended \_\_\_\_\_.

**33-103.006 Formal Grievance – Institution or Facility Level.**

(1) No change.

(2) Procedural Requirements.

(a) through (i) No change.

(j) If the inmate is filing an amendment to a previously filed grievance or appeal, the inmate shall clearly state this at the beginning of PART A of the Request for Administrative Remedy or Appeal, ~~grievance Form (DC1-303)~~.

(3) No change.

(4) Inmates filing the types of grievances identified in paragraph (3)(a), (c) and (d) above shall clearly state their reasons for by-passing the informal grievance step and shall state at the beginning of Part A of Form DC1-303, Request for Administrative Remedy or Appeal, the subject of the grievance. Failure to do so and failure to justify filing directly shall result in the formal grievance being returned without action to the inmate with the reasons for the return specified.

(5) through (9) No change.

Specific Authority 20.351, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.006, Amended \_\_\_\_\_.

33-103.007 Appeals to the Office of the Secretary.

(1) through (2) No change.

(3) If the grievance appeal is not a direct grievance to the Office of the Secretary, the inmate shall:

(a) through (d) No change.

(e) If the inmate is filing an amendment to a previously filed grievance or appeal, the inmate shall clearly state this at the beginning of PART A of the Request for Administrative Remedy or Appeal, grievance Form (DC1-303).

(4) through (8) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 10-7-98, 2-17-99, Formerly 33-29.007, Amended \_\_\_\_\_.

33-103.015 Inmate Grievances – Miscellaneous Provisions.

(1) through (7) No change.

(8) Copying services for documents to be included as attachments to a grievance or grievance appeal shall be handled according to 33-602.405, except that copying services shall not be provided to make copies of Form DC6-236 ~~DC3-005~~ or Form DC1-303, attachments that are a continuation of the request portion for Form DC6-236 ~~DC3-005~~, or attachments that are a continuation of part A of Form DC1-303.

(9) through (11) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 1-29-92, 9-3-92, 12-22-92, 07-11-93, 5-3-94, 4-10-95, 9-23-96, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.015, Amended \_\_\_\_\_.

33-103.016 Follow Through on Approved Grievances.

(1) Formal Grievance – Institution or Facility Level. All formal grievances which are approved at the institution or facility level shall be handled as follows:

(a) The employee approving the grievance shall complete Section I of form DC1-306, Grievance Approval Action Form.

(b) through (f) No change.

(2) Appeals to the Office of the Secretary. All grievances which are approved by the Office of the Secretary/Bureau of Inmate Grievance Appeals shall be handled as follows:

(a) through (f) No change.

~~(g) Form DC1-306 is hereby incorporated by reference. A copy of this form is available from the Bureau of Inmate Grievance Appeals, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 4-10-95. If the forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope.~~

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 4-10-95, 12-7-97, Formerly 33-29.0155, Amended \_\_\_\_\_.

33-103.019 Inmate Grievances – Forms.

The following forms relevant to this chapter are hereby incorporated by reference. A copy of any of these forms is available from the Bureau of Inmate Grievance Appeals, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If the forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope.

(1) Form DC1-303, Request for Administrative Remedy or Appeal, effective \_\_\_\_\_ ~~4-10-95~~;

(2) Form DC3-005, Inmate Request for Interview, effective \_\_\_\_\_ ~~9-22-89~~.

(3) Form DC1-306, Grievance Approval Action Form, effective \_\_\_\_\_.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, 4-10-95, 12-7-97, Formerly 33-29.018, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Celeste Kemp

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 1999

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Cash Meals and Special Group Meals  
RULE NO.: 33-204.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide clarification of the policy of providing meals to volunteers, to correct an obsolete agency reference, and to incorporate by reference a form utilized in conjunction with provision of meals to employees and volunteers.

SUMMARY: The proposed rule provides circumstances under meals are provided to volunteers, corrects an obsolete agency reference, and incorporates by reference a form utilized in conjunction with provision of meals to employees and volunteers.

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: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

TIME AND DATE: 2:00 p.m., April 20, 2000

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-204.005 Cash Meals and Special Group Meals.

(1) The cost of meals for employees or volunteers ~~non-inmate personnel~~ shall be borne by the individual being provided with the meal, except as provided in subsection (2) of this section. Employees or volunteers ~~non-employees~~ served meals shall be charged the predetermined amount approved by the Department of Management Services Administration ~~Administration~~ for all meals. Meals shall be purchased with cash and the employee or volunteer will sign a "Daily Meal Roster", DC2-406, to indicate a meal was purchased and consumed by them. Persons eligible for free meals will be identified on the Daily Meal Roster by noting the words "no charge" next to the individual's signature either through the issuance of meal tickets or by direct entry into an automated cash register. Form DC2-406 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is \_\_\_\_\_.

(2) Wardens are authorized to ~~shall~~ provide meals free of charge to the following groups:

(a) Volunteers who are providing goods or services free of charge as provided in section 110.501, F.S., when the volunteers are working at the institution at least two hours prior to or subsequent to a meal period;

(b) Members of advisory boards or committees consisting of professionals who render a service to the department for which they are not additionally compensated nor being paid per diem at state expense;

(c) Law enforcement personnel of other agencies who are rendering emergency assistance to the department;

(d) Department of Corrections' staff when involved in the apprehension of an escapee beyond the normal tour of duty, or when an employee is unable to be released from duty due to a departmental emergency.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 1-18-89, Formerly 33-30.005, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Thurber

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2000

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

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Inmate Discipline – Terminology and Definitions	33-601.302
Reporting Disciplinary Infractions	33-601.303
Preparation of Disciplinary Reports	33-601.304
Inmate Discipline – Investigation	33-601.305
Disciplinary Hearings	33-601.307
Disciplinary Team, Hearing Officer and Action	33-601.308
Inmate Discipline – Review and Final Action	33-601.309
Inmate Discipline – Rehearings	33-601.310
Inmate Discipline – Miscellaneous Provisions	33-601.311
Telephonic or Video Disciplinary Hearings	33-601.312
Inmate Discipline – Forms	33-601.313

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is: to correct titles of staff involved in the disciplinary process; to clarify what constitutes grounds for dismissal of disciplinary actions; to specify what information must be included in a disciplinary report; to clarify the responsibilities of the investigating officer with regards to witness interviews; to provide revised forms to be used in conjunction with the disciplinary process; to delete reference to obsolete forms; and to allow for the assignment to a restricted labor squad as a form of discipline.

SUMMARY: The proposed rules update forms and titles of staff involved in the disciplinary process; clarify responsibilities and steps in the disciplinary process; and allow for the assignment to a restricted labor squad as a form of discipline.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.34, 944.719, 945.04, 945.091 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., April 20, 2000

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

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



THE FULL TEXT OF THE PROPOSED RULES IS:

33-601.302 Inmate Discipline – Terminology and Definitions.

The following terms, as defined, shall be standard usage throughout the Department:

(1) Disciplinary Team – A team made up of at least two staff persons, one of whom shall be a correctional ~~probation~~ officer lieutenant or above who will be responsible for hearing disciplinary reports.

(2) through (11) No change.

(12) Designating Authority – The employee assigned by the warden ~~or correctional probation administrator~~ who shall review disciplinary reports prior to hearing to determine if the disciplinary report is in accordance with due process requirements and rules 33-601.301-601.314, and whether it shall be designated as minor or major as defined by 33-601.302(5) and (6).

(13) through (14) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History–New 3-12-84, Formerly 33-22.02, Amended 12-30-86, 10-1-95, Formerly 33-22.002, Amended.

33-601.303 Reporting Disciplinary Infractions.

(1) When any employee witnesses an act or has reason to believe that an act has been committed by an inmate which is in violation of the rules or procedures of the Department and that employee determines that the infraction can be properly disposed of without a formal disciplinary report, the employee shall take the necessary action to resolve the matter. The employee may decide to reprimand the inmate verbally or in writing through use of Form DC6-117, Corrective Consultation of Inmate.

(2) If the employee cannot resolve the matter through a verbal reprimand or corrective consultation, the employee shall consult with the employee's supervisor regarding preparation of a formal disciplinary report, Form EF6-011 unless the employee is at the department head level or correctional officer lieutenant level or above.

(3) When it appears that laws of the state have been violated, the State Attorney shall be notified. If the State Attorney decides to prosecute, his office shall be consulted as to the suitability of disciplinary action being taken by the institution prior to the prosecution being concluded.

(a) through (b) No change.

(c) Failure to notify the state attorney prior to taking disciplinary action is not grounds for dismissal of the disciplinary report.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History–New 3-12-84, Formerly 33-22.04, Amended 12-30-86, 10-1-95, Formerly 33-22.004, Amended.

33-601.304 Preparation of Disciplinary Reports.

(1) No change.

(2) The statement of facts shall include ~~contain~~

(a) A ~~A~~ description of the violation, including date, time and place;

(b) The specific rules violated;

(c) A formal statement of the charge;

(d) Any unusual inmate behavior;

(e) Any staff witnesses;

(f) Any physical evidence and its disposition;

(g) Any immediate action taken, including use of force; and

(h) Any other specific facts necessary for an understanding of the charge. ~~In addition, the names of persons who witnessed the incident shall be noted.~~

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History–New 3-12-84, Formerly 33-22.05, Amended 12-30-86, 10-1-95, Formerly 33-22.005, Amended.

33-601.305 Inmate Discipline – Investigation.

The investigating officer shall initiate the investigation of the infraction after receipt of the disciplinary report. The investigating officer is responsible for the following:

(1) through (2) No change.

(3) Interviewing additional persons ~~staff, inmates, and other individuals~~ who are listed in the statement of facts or specifically referenced by the charging staff person or specifically identified by the charged inmate who may have information pertaining to the infraction.

(4) Recording the results of the investigation on the Disciplinary Investigative Report, Form DC6-112A ~~DC4-804a~~.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History–New 10-1-95, Formerly 33-22.0055, Amended.

33-601.307 Disciplinary Hearings.

(1)(a) No hearing shall commence prior to 24 hours following the delivery of the charges except when the inmate's release date does not allow time for such notice or the inmate waives the 24 hour period. In such cases, an explanation shall be provided in the basis of findings section ~~IV~~ of the disciplinary report. The inmate may waive the 24-hour waiting period. In such cases, a waiver must be signed by the inmate, witnessed by an employee, and copies attached to each copy of the disciplinary report. Form DC6-112D, 24 Hour/Refusal to Appear Waiver, DC4-804d shall be used for this purpose.

(b) The inmate charged shall be present at the disciplinary hearing unless substantial reasons precluding the inmate's presence exist or the inmate has waived his right to be present. If the inmate waives the right to be present or refuses to be present, the 24 Hour/Refusal to Appear, Form DC6-112D ~~DC4-804d~~, shall be signed by the inmate and witnessed by an employee. If the inmate refuses to sign the form, this shall be noted and signed by the employee. When an inmate waives the right to be present at the hearing, the inmate may submit at the time of the refusal a written statement which shall be delivered to the disciplinary team or hearing officer. If the inmate's

disruptive conduct makes it necessary to remove the inmate from the hearing, the hearing shall be conducted in the inmate's absence. The reason for the inmate's absence shall be explained in the basis of findings section ~~IV~~ of the disciplinary report.

(c) The hearing officer or disciplinary team member shall read the charge, ask the inmate if the charge is understood, and explain the range of penalties ~~punishment~~ that could be imposed if there is a finding of guilt.

(d) through (f) No change.

(g) If the inmate pleads "guilty," no further evidence needs to be heard. If the inmate pleads "not guilty," evidence is to be presented, including witness statement forms obtained from witnesses. The chairman of the disciplinary team or the hearing officer may determine that the source of certain information or the information itself should not be revealed to the inmate when the disclosure would endanger the safety or well-being of another person or affect institutional security and order. If a witness statement is not read, the reason(s) shall be documented in the witness disposition form. If other evidence is not revealed to the inmate, the reason(s) shall be documented in the basis of findings section ~~IV~~ of the disciplinary report. The inmate may make any closing statement, written or verbal, concerning the infraction for consideration by the hearing officer or disciplinary team. In the event the inmate refuses to enter a plea, it shall be treated as a "not guilty" plea insofar as hearing procedures are concerned. A "no contest" plea shall be handled as a guilty plea.

(h) During disciplinary team deliberations, only the team, employees being trained, and others whom the warden, chief of security facility administrator, correctional probation administrator, or correctional probation supervisor have previously authorized to be present and have determined will not disrupt the hearing and will benefit by observing the proceedings, shall be present. The hearing officer or disciplinary team shall ensure the following in accordance with 33-601.308:

1. That a decision of guilt or innocence is made only on the official charge listed on the disciplinary report;

2. That the disciplinary action is proportionate to the infraction;

(i) The hearing officer or the disciplinary team may utilize available resource personnel such as health services staff, work supervisors, or other personnel in a consultative capacity. When consultations occur as part of the hearing process it shall be documented in the basis of findings Section ~~IV~~ of the Disciplinary Report.

(2) No change.

(3) The inmate may request that witnesses appear at the hearing, but inmate witnesses shall not be routinely called before the disciplinary team or hearing officer to provide live testimony for the following reasons:

(a) through (b) No change.

(c) The testimony of witnesses requested by the charged inmate shall be presented at the hearing through the written Witness Statement, Form DC6-112C ~~DC4-804e~~, unless the inmate:

1. Has completed and signed the witness request form during the investigation;

2. Makes a request at the hearing for a witness to appear to provide live testimony; and

3. The disciplinary team or hearing officer determines that the reason provided by the charged inmate for requesting live testimony overcomes the burden on institutional staff caused by the retrieval and escort of live witnesses as well as the diversion of security staff from assigned posts due to the potential security risk that may result from the appearance of live inmate witnesses and the disruption to the assignments and activities of inmate witnesses.

(d) Failure to sign and complete the witness disposition request form, DC6-112B, during the investigation constitutes waiver of the opportunity to call witnesses either live or by written statement.

(e) through (g) No change.

(h) If a witness is requested by the team or hearing officer to appear at the hearing and is unavailable the witness statement form shall be accepted as testimony. Signed witness statements used as testimony shall be read to the charged inmate at the hearing except as provided in paragraphs (a) and (c) above. Where a witness statement is not read or the inmate witness does not appear at the hearing as requested, the reason shall be recorded in the witness disposition form, Form DC6-112B.

(i) No change.

(4) The original charge cannot be reduced by the disciplinary team to what might be termed a "lesser included offense." Up to the point of the disciplinary team or hearing officer announcing their decision to the inmate, the hearing may be postponed.

(a) The entire disciplinary report may be returned for further review, investigation or correction.

(b) If further review suggests a different charge should have been indicated or that additions, deletions or changes should be made in the statement of facts ~~section I~~ (change section narrative) then the disciplinary report shall be rewritten, a copy of the new or corrected disciplinary report delivered to the inmate, a new investigation shall be prepared and the disciplinary report shall be scheduled for a hearing. The original report shall not be processed. Notation of this occurrence shall be incorporated in the findings of the disciplinary team or hearing officer with an indication of the reason that the disciplinary report was rewritten and delayed.

(c) The inmate shall be informed of the decision by the hearing officer or disciplinary team and the basis for that decision.

(d) The hearing officer's electronic signature and name or the electronic signature and names of all members of the disciplinary team shall be typed or printed on the Disciplinary Report, Form EF6-011 DC4 804, with their signatures appearing immediately above.

(5) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History--New 3-12-84, Formerly 33-22.06, Amended 12-30-86, 10-1-95, 12-10-97, 5-19-98, Formerly 33-22.006, Amended \_\_\_\_\_.

33-601.308 Disciplinary Team, Hearing Officer and Action.

(1) through (2) No change.

(3) If the inmate is found guilty the disciplinary team shall impose any one or a combination of the below actions. The hearing officer's authority is limited to subparagraphs (3)(a) through (3)(j)(4) below:

(a) through (f) No change.

(g) Assign the inmate to a restricted labor squad for a period not to exceed the time permitted for confinement on that charge.

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

(j)(4) Require inmates to pay for damaged, destroyed or misappropriated property or goods, whether state or personal;

1. No change.

2. Payment for damaged, destroyed or misappropriated property shall be at the replacement value and inmate or staff labor costs shall not be included. However, outside labor costs may be charged when the damage is the result of a deliberate destructive act. In such cases, documentation shall be placed in the inmate file at the local institution detailing the cost involved. The total cost shall be reflected in the disciplinary report ~~in section IV.~~

3. through 4. No change.

(j) through (n) renumbered (k) through (o) No change.

(4) Any disciplinary action, except loss of gain time, that is being imposed with any other disciplinary action should be clearly stated in the basis of findings ~~section IV~~ as to the concurrent or consecutive requirements. If the disciplinary team or hearing officer does not specifically state concurrent or consecutive requirements, the disciplinary action shall be considered consecutive.

(5) No change.

Specific Authority 944.09, 945.091 FS. Law Implemented 20.315, 944.09, 945.04, 945.091 FS. History--New 3-12-84, Formerly 33-22.08, Amended 11-13-84, 12-30-86, 6-25-89, 7-17-90, 10-1-95, 11-25-98, 8-5-99, Formerly 33-22.008, Amended \_\_\_\_\_.

33-601.309 Inmate Discipline – Review and Final Action.

(1) Chief correctional officers at community work release ~~correctional~~ centers, or the senior staff person at contract facilities ~~or correctional probation administrators~~ shall review

the disciplinary action and recommend approval, modification or disapproval to the ~~regional warden or probation administrator.~~

(2) The warden ~~or the regional probation administrator~~ acts as the final reviewing and approving authority for all disciplinary reports in which the recommended penalty does not exceed a loss of more than 365 days of gain time.

(3) No change.

(4) The warden, ~~regional probation administrator~~ or regional director shall approve, modify downward or disapprove the recommended disciplinary action. The above mentioned ~~or the Deputy Director of Institutions (classification) secretary~~ is authorized to direct a rehearing of the disciplinary report as provided for in rule 33-601.310. Review of each disciplinary report is the responsibility of the warden, ~~the regional probation administrator~~ or regional director and cannot be delegated to other staff members.

(5) No change.

(6) In the case of privately operated correctional institutions, the correctional services regional classification administrator position in the regional office is the final approving authority for all disciplinary reports, except those as defined in 33-601.309(3).

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 944.719, 945.04 FS. History--New 3-12-84, Formerly 33-22.09, Amended 12-30-86, 6-20-91, 10-1-95, Formerly 33-22.009, Amended \_\_\_\_\_.

33-601.310 Inmate Discipline – Rehearings.

If an error is discovered at any time after an inmate has been found guilty of a disciplinary infraction, the warden, ~~regional probation administrator~~, the facility administrator of a private facility, or the Deputy Director of Institutions (classification) secretary or designee is authorized to cause a rehearing to take place within 30 days of the discovery of the error or the receipt of a successful grievance or appeal. The investigation may incorporate those portions of the previous investigation that are not affected by the need for the rehearing. The rehearing shall proceed according to the provisions of rule 33-601.307. No inmate is authorized to request a rehearing.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 944.719, 945.04 FS. History--New 10-1-95, Formerly 33-22.0105, Amended \_\_\_\_\_.

33-601.311 Inmate Discipline – Miscellaneous Provisions.

(1) No change.

(2) Transfers.

(a) No change.

(b) If it becomes necessary to transfer an inmate who is awaiting disciplinary action, the team hearing should be held prior to transfer. Exceptions to this shall be made only in extreme circumstances, for example, strikes or disturbances where the situation dictates immediate transfer before the disciplinary hearings can be held. A memorandum explaining the circumstances precluding the scheduling of the hearing

shall be sent with the inmate record at the time of the transfer. The sending institution shall complete the heading section, identifying the inmate and charge, and ~~Section I~~, statement of facts, of the disciplinary report. The disciplinary investigation report shall be completed by the sending institution if time permits, and forwarded to the receiving institution. The receiving institution shall complete ~~the Section H~~, inmate notification, the disciplinary investigation report and ~~the Section III~~, designating authority review, if not completed prior to transfer. ~~The Section IV~~, Team/Hearing Officer Findings and Action, shall be completed by the receiving institution after the hearing and approved by the warden ~~of the receiving institution~~.

(c) If it becomes necessary to transfer an inmate who is serving a disciplinary penalty to another institution and the sending institutions feels this disciplinary penalty should continue at the receiving institution, the ~~following actions shall be taken~~:

~~1. The sending institution shall attach a copy of the disciplinary report to the inmate file, and attach a complete cover memorandum requesting that the penalty be continued at the receiving institution. If the final copy of the disciplinary report is not available then a copy of the disciplinary report and a copy of the disciplinary hearing worksheet shall be attached.~~

~~2. A copy of the disciplinary report shall be completed through Section V by the sending institution and forwarded to the Bureau of Admission and Release.~~

(3) No change.

(4) The ~~Deputy Director of Institutions (classification) Secretary~~ is authorized to order a disciplinary report expunged from the inmate record in cases effecting the integrity of the disciplinary process or procedures. No inmate has the right to request the expunging of a disciplinary report in conjunction with this subparagraph.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 944.719, 945.04 FS. History–New 3-12-84, Formerly 33-22.11, Amended 12-30-86, 5-24-90, 6-20-91, 10-1-95, Formerly 33-22.011, Amended

33-601.312 Telephonic or Video Disciplinary Hearings.

(1) through (2) No change.

(3) The disciplinary report, disciplinary investigative report, and disciplinary report worksheet should be completed at the institution where the inmate notification is delivered to the inmate. ~~Subsequent data entry and warden review shall be completed at the institution where the completion of the disciplinary report is effected.~~

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 944.719, 945.04 FS. History–New 10-1-95, Formerly 33-22.0115, Amended

33-601.313 Inmate Discipline – Forms.

(1) The following forms used in implementing the provisions of this chapter are hereby incorporated by reference:

(a)(1) ~~DC6-112 E DC4-804F~~, Disciplinary Hearing Report Worksheet, effective date 10-01-95.

(b)(2) ~~DC6-112A DC4-804A~~, Disciplinary Investigative Report, effective date 10-01-95.

(c)(3) ~~EF6-011 DC4-804~~, Disciplinary Report, effective date 10-01-95.

(d)(4) ~~DC6-112D DC4-804D~~, 24 Hour/Refusal to Appear Waiver Form, effective date 10-01-95.

(e)(5) ~~DC6-112C DC4-804C~~, Witness Statement Form, effective date 10-01-95.

(f)(6) ~~DC6-112F DC4-804E~~, Disciplinary Report Worksheet, effective date 10-01-95.

(g)(7) ~~DC6-112B DC4-804B~~, Witness Disposition Form, effective date 10-01-95.

(h) ~~DC6-117~~, Corrective Consultation of Inmate, effective date \_\_\_\_\_.

(b) Copies of these forms can be obtained from The Forms Control Administrator, Office of the General Counsel Department Of Corrections, Adult Services Program Office, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self addressed stamped envelope.

Specific Authority 944.09 FS. Law Implemented 20.315, 120.55, 944.09, 944.34, 945.04 FS. History–New 10-1-95, Formerly 33-22.0117, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Czerniak  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 11, 2000

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Medicaid Contract Management**

RULE TITLE: Provider Enrollment  
RULE NO.: 59G-5.010

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the revised Florida Medicaid Provider Enrollment Application, July 1999. The application was revised to change all the references from Unisys, Inc. to Consultec, Inc. who became Medicaid’s fiscal agent on July 1, 1999. In addition, the revised application contains the following policy corrections and changes:

- 1. We added the enrollment policy for providers with multiple office locations.
- 2. We added the policy that out-of-state independent laboratories that are licensed in Florida may enroll as in-state providers.

3. We added Community Mental Health Providers, Specialized Therapeutic Foster Care Providers and Home Health Agencies to the list of providers who can use the one page Application for a New Location Code.

4. We corrected the surety bond policy to read that "One bond is required for each provider location up to five (5) bonds or an aggregate amount of \$250,000 per geographical area." The current Application says that Home Health Agencies are required to have a bond for every location.

5. We included a revised Electronic Claims Submission Agreement.

The effect will be to incorporate by reference in the rule the revised Florida Medicaid Provider Enrollment Application, July 1999.

SUMMARY: The purpose of this rule is to incorporate by reference the revised Medicaid Provider Enrollment Application, July 1999.

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.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.907, 409.908 FS.

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

TIME AND DATE: 10:00 a.m., Thursday, April 20, 2000

PLACE: 2308 Killearn Center Blvd., Suite 200, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Girard, Medicaid Contract Management, 2308 Killearn Center Blvd., Suite 200, Tallahassee, Florida 32308, (850)922-7342

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-5.010 Provider Enrollment.

(1) Unless otherwise specified in 59G-4, FAC, all providers and billing agents are required to enroll in the Medicaid program and submit a completed Florida Medicaid Provider Enrollment Application (AHCA Form 2200-0003 (July 1999 ~~November 1998~~)) which is available from the fiscal agent and incorporated in this rule by reference.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.907, 409.908 FS. History—New 9-22-93, Formerly 10P-5.010, Amended 7-8-97, 9-8-98, 7-5-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Girard

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., AHCA Director

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 25, 1999

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Administrative Hearings**

RULE CHAPTER TITLE: Medical Malpractice Arbitration

RULE NOS.: 60Q-3.001-.035

PURPOSE AND EFFECT: This is a substantial amendment to this rule chapter. The purpose is to make the process less cumbersome for litigants, resulting in reduced costs.

SUMMARY: A rule regarding motions has been added. A number of rules are being repealed as too cumbersome. The remainder of the rules in this chapter are being amended to make the process more efficient for the litigants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement has been prepared since costs will be reduced for litigants but are not measurable in advance.

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: 766.207(9),(10) FS.

LAW IMPLEMENTED: 766.201-.212 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Judge Linda M. Rigot, 1230 Apalachee Parkway, The DeSoto Building, Tallahassee, Florida 32399-3060, (850)488-9675, Ext. 243

THE FULL TEXT OF THE PROPOSED RULES IS:

60Q-3.001 Applicability.

(1) These rules shall apply to all voluntary binding arbitration proceedings of medical negligence claims initiated in accordance with Sections 766.201 through 766.212, Florida Statutes, to determine and to allocate the amount of damages FS.

(2) Any agreement to arbitrate medical negligence claims filed with the Office of the Clerk shall be deemed to incorporate by reference this chapter Chapter 60Q-3, Florida Administrative Code, including amendments taking effect after the agreement is made.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 22I-7.001, Amended \_\_\_\_\_.

60Q-3.002 Computation of Time.

In computing any period of time prescribed or allowed by these rules, by order of ~~the~~ a chief arbitrator, ~~or~~ by order of an ~~arbitration panel~~, or by an applicable statute, the day of the ~~act~~ Act from which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or legal holiday in which event the period shall run until the end of the next day which is not a Saturday, Sunday or a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in these rules, legal holiday means those days designated in Section 110.117, Florida Statutes ~~F.S.~~ Whenever a party is required or permitted to do an act within some prescribed time after service of a document, and the document is served by U.S. mail, five days shall be added to the prescribed period. One business day shall be added to the prescribed period when service is made by overnight courier. No additional time shall be added to the prescribed period if service is made by hand, facsimile telephone transmission, or other electronic transmission. For good cause shown, the chief arbitrator may modify any time limits.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 22I-7.002, Amended \_\_\_\_\_.

60Q-3.003 Representation By Attorney.

(1) A party has the right to be represented by an attorney at any arbitration proceeding or hearing conducted under Sections 766.201 through 766.212, Florida Statutes, ~~and Chapter 60Q-3, Florida Administrative Code.~~

(2) ~~As soon as possible,~~ Attorneys shall promptly file notices of appearance. Counsel who file any pleading with the Office of the Clerk or the chief arbitrator have entered an appearance and shall be deemed counsel of record.

(3) On written motion served on the party represented and all other parties of record, the chief arbitrator shall grant counsel of record leave to withdraw for good cause shown.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 22I-7.003, Amended \_\_\_\_\_.

60Q-3.004 Filing and Service.

(1) In construing these rules, any applicable statute, any order of an arbitration panel, or any order of ~~the~~ a chief arbitrator, filing means shall mean receipt by the Office of the Clerk during normal business hours or by the chief arbitrator during the course of a hearing.

(2) Any pleading or other document received by the Office of the Clerk after 5:00 p.m. ~~P.M.~~ shall be filed as of 8:00 a.m. ~~A.M.~~ on the next regular business day.

(3) All pleadings or other documents tendered for filing shall be accompanied by a copy of each pleading or other document ~~three copies of each paper~~ to be filed.

(4) Whenever a party files a pleading or other document ~~with the Office of the Clerk or the chief arbitrator~~, that party shall simultaneously serve copies ~~of the pleading or other document~~ upon the other parties to the proceeding and, after the arbitration panel has been confirmed, upon the arbitrators other than the chief arbitrator ~~by mail or personal delivery~~. Service on counsel of record ~~is shall be~~ the equivalent of service on the party represented for all purposes. ~~A certificate attesting to service by mail or personal delivery shall be included in or attached to each pleading or other document filed with the Office of the Clerk or the chief arbitrator.~~

(5) All pleadings and other documents ~~motions~~ filed shall contain the following:

- (a) The style of the proceeding ~~involved~~;
- (b) The ~~docket, case or file~~ number, if any;
- (c) The name of the party on whose behalf the document pleading is filed;
- (d) The name, address, and telephone number of the person filing the document pleading or motion;
- (e) The signature of the person filing the document pleading or motion; and
- (f) A certificate of service attesting that copies have been furnished to other parties and their arbitrators as required by ~~section four of~~ this rule.

(6) All pleadings and other documents ~~papers~~ filed shall be styled in such a manner as to indicate clearly the subject matter of the document paper and ~~the~~ each party requesting relief.

(7) All pleadings and other documents ~~motions~~ shall be filed on ~~opaque, unglossed,~~ white paper measuring 8 1/2 by 11 inches, with margins of no less than one inch. Originals shall be printed or typewritten in black ink, double spaced. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.

(8) A party who files a document by electronic transmission represents that the original physically-signed document will be retained by that party for the duration of the proceeding and any subsequent appeal. The party shall produce it upon the request of any other party or the Division.

(9) Any party who elects to file a document by electronic transmission is responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed as a result.

(10) The filing date for an electronically-transmitted document is the date the Division receives the complete document.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 22I-7.004, Amended \_\_\_\_\_.

## 60Q-3.005 Initiation of Arbitration Proceedings.

(1) All parties ~~agreeing~~ ~~consenting~~ to arbitration shall execute and file with the Office of the Clerk a request for arbitration substantially in the following form:

~~"We hereby agree to submit to arbitration under Sections 766.201 through 766.212, Florida Statutes, and Chapter 60Q-3, Florida Administrative Code, the determination of the amount of damages arising from the following medical incident: (Describe the medical incident briefly, specifying dates and the categories of damages sought). the following controversy: (Describe briefly, specifying dates.)~~

We further agree that ~~the determination of the amount of damages this controversy~~ be submitted to a three-member panel constituted or reconstituted in accordance with Sections 766.201 through 766.212, Florida Statutes, and Chapter 60Q-3, Florida Administrative Code.

We further agree that we will faithfully observe this agreement and all applicable statutory and rule provisions, and that we will abide by and ~~fulfill~~ ~~perform~~ any award rendered by an arbitration panel and that a judgment of ~~a~~ the court having jurisdiction may be entered on the award, provided only that the liability of any insurer shall be subject to applicable insurance policy limits."

(2) The request for arbitration shall contain the name and address of each party joining in the request and shall also state the name and address of each party who, although not joining in the request, was named in a notice of intent to initiate litigation served in connection with the controversy.

~~(2) The parties shall attach to their request for arbitration copies of all notices of intent to initiate litigation served in connection with the controversy.~~

~~(3) In the event the insurer or self insurer of a defendant joins in a request for arbitration in which the insured defendant fails to join, or accepts an offer to arbitrate which the insured defendant does not accept, the insurer or self insurer shall attach the insured defendant's written consent to the insurer's or self insurer's participation in arbitration.~~

~~(3)(4) No filing fee is shall be required in order to initiate arbitration under these rules.~~

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10) FS. Law Implemented 766.201-212 FS. History-New 9-6-88, Formerly 22I-7.005, Amended \_\_\_\_\_.~~

60Q-3.006 ~~Motions and Stipulations to Terminate Assessment Arbitration.~~

At any time before entry of an arbitration award, all parties may agree to terminate the arbitration proceedings.

~~(1) The chief arbitrator shall rule on motions to terminate arbitration, but shall deny any motion to terminate arbitration made out of time.~~

~~(2) No motion to terminate assessment arbitration shall be granted, unless the movant shows that a non-arbitrating claimant has filed a notice of intent to initiate litigation against an arbitrating defendant on account of the same medical incident.~~

~~(3) No motion to terminate shall be filed more than 20 days after the movant receives a copy, or otherwise obtains actual knowledge, of a notice of intent to initiate litigation filed by a claimant or claimants who neither joined in the original notice of intent to initiate litigation nor thereafter offered or accepted an offer to arbitrate.~~

~~(4) At any time before entry of an arbitration award, all parties may agree in writing to terminate assessment arbitration, with or without prejudice to the initiation of allocation proceedings. When filed with the Office of the Clerk, such an agreement shall preclude subsequent initiation or resumption of assessment arbitration proceedings, except for purposes of Rule 60Q-3.034.~~

~~(5) At any time before entry of an arbitration award, all parties may agree in writing to terminate arbitration proceedings altogether. When filed with the Office of the Clerk, such an agreement shall preclude subsequent initiation or resumption of arbitration proceedings, except for purposes of Rule 60Q-3.034.~~

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10) FS. Law Implemented 766.201-212 FS. History-New 9-6-88, Formerly 22I-7.006, Amended \_\_\_\_\_.~~

## 60Q-3.007 Assessment Arbitration Panels.

(1) When the Director determines that an offer to arbitrate has been made and accepted in substantial conformity with Rule 60Q-3.005, Florida Administrative Code, ~~and Section 766.207(9), (10), Florida Statutes,~~ the Director shall appoint an Administrative Law Judge as chief arbitrator of ~~the an~~ a ~~Assessment a~~ Arbitration ~~p~~Panel.

(2) The chief arbitrator shall execute a certificate, as follows: "I hereby certify that to the best of my knowledge and as far as I have been able with reasonable diligence to discover, I am and shall remain, for the pendency of these proceedings, independent of all parties, witnesses, and legal counsel, and that I am not and shall not become, during the pendency of these proceedings, an officer, director, shareholder, or employee of any party, its affiliate or subsidiary, or of any witness or legal counsel involved in this arbitration." ~~Any arbitrator appointed pursuant to sections seven, eight or nine of this rule who has not already done so shall execute a like certificate.~~

(3) Within 20 days of the order appointing the chief arbitrator, the parties may select arbitrators and alternates by filing their names, addresses and telephone numbers ~~with the Office of the Clerk,~~ along with certificates in the form set out in ~~section two~~ of this rule executed by the arbitrators and alternates named. The claimant or claimants shall select an

arbitrator and up to two alternates, and the defendant or defendants shall select a different arbitrator and up to two alternates.

(4) In the absence of agreement among multiple defendants or multiple claimants, each party unable to reach agreement may nominate an arbitrator by filing the nominee's name, address and telephone number, along with a certificate in the form set out in ~~section two~~ of this rule executed by the nominee, within 20 days of the order appointing the chief arbitrator.

(5) On motion filed within 20 days of the order appointing the chief arbitrator, ~~the chief arbitrator~~ the Director may, for good cause shown, extend the time for ~~selection~~ or nomination of arbitrators up to 40 days from the day on which the chief arbitrator was appointed.

(6) When the parties ~~or any of them~~ have selected arbitrators in conformity with ~~section three~~ of this rule, the Director shall enter an order confirming the selection.

~~(7) If a party entitled to select an arbitrator fails to do so~~ When one or more parties have failed to select an arbitrator in conformity with ~~section three~~ of this rule, the Director shall ~~select~~ appoint an additional arbitrator from the alternates submitted by any other party to serve instead of the arbitrator not selected. The Director shall appoint as arbitrator an alternate or nominee named by the party or parties entitled to select, if an alternate or nominee has been designated in conformity with ~~sections three or four~~ of this rule.

(8) If the chief arbitrator resigns or is otherwise unavailable to participate in assessment arbitration, the Director shall appoint another Administrative Law Judge as chief arbitrator.

(9) If an arbitrator other than the chief arbitrator resigns or is otherwise unavailable to participate at the time and place established for the assessment arbitration hearing, the Director shall appoint as a replacement an alternate ~~or nominee~~ designated in conformity with ~~sections three or four~~ of this rule by the party or parties entitled to select, unless none so designated is available.

Specific Authority ~~120.53(1), 120.65(10), (11), 766.207(9), (10)~~ FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Amended 5-7-90, Formerly 221-7.007, Amended.

60Q-3.008 Ex Parte Communications.

(1) No party or other person directly or indirectly interested in an arbitration proceeding nor anyone authorized to act on behalf of a party or other interested person shall communicate ex parte with an arbitrator or nominee relative to the merits of the arbitration proceeding, threaten an arbitrator or nominee, or offer an arbitrator or nominee any reward.

(2) An arbitrator or nominee who becomes aware of a violation of ~~section one~~ of this rule shall recite the circumstances in a memorandum, attaching any offending

written communication, and file the memorandum ~~with the Office of the Clerk~~ as promptly as circumstances permit, simultaneously serving all parties and other arbitrators.

(3) The chief arbitrator may order any reasonable sanctions for violation of this rule, including an award of costs and fees occasioned by the violation, and forfeiture of an arbitrator's compensation. The Director may, after notice and an opportunity for a hearing, remove an arbitrator for failure to comply with ~~section two~~ of this rule.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9), (10)~~ FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 221-7.008, Amended.

60Q-3.009 Disqualification of Arbitrators.

(1) Unless good cause is shown, ~~all~~ motions for disqualification of arbitrators shall be filed ~~with the Office of the Clerk~~ at least 15 days before the arbitration hearing. At least one affidavit shall accompany the motion and state particular grounds, ~~which shall be limited to those for which a judge may be disqualified, and to those set out in Section 766.207, Florida Statutes.~~ A motion to disqualify the chief arbitrator shall be limited to those grounds for which a judge may be disqualified. Any party filing a motion for disqualification shall state all grounds for an arbitrator's disqualification in one motion, if known to, or discoverable with reasonable diligence by, the movant.

(2) Unless denied by the chief arbitrator as untimely, or as being a successive motion ~~filed in violation of section one~~, the motion shall be ruled on by the Director, whose sole function shall be to determine the legal sufficiency of the motion and affidavit. The Director shall, for purposes of the motion, take as true all allegations of fact in the affidavit, unless the movant has previously sought disqualification of an another arbitrator in the same case.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9), (10)~~ FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 221-7.009, Amended.

60Q-3.010 Consolidation.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9), (10)~~ FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 221-7.010, Repealed.

60Q-3.011 Discovery.

(1) Parties may obtain discovery as through the means and in the manner provided in Rules 1.280 through 1.400, Florida Rules of Civil Procedure, provided that no party defendant may serve ~~on any claimant nor any claimant serve on any defendant~~ any written interrogatories, requests for production or inspection, requests for admissions or requests for physical or mental examinations later than 50 ~~70~~ days before the assessment arbitration hearing, or after such other date as the chief arbitrator may order orders.

(2) Objections or motions for protective orders addressed to written interrogatories, requests for production or inspection, requests for admissions or requests for physical or



mental examinations must be served within 20 five days of receipt, unless the chief arbitrator sets another time by which objections and motions for protective orders must be served. Unless made timely, all ~~such~~ objections are waived, and no ~~such~~ motion for protective order will shall be granted.

~~(3) Unless, within five days of receipt of the objections, a party upon whom objections are served files a motion to compel contesting the objections, the objections shall be sustained. Motions to compel discovery shall contain a statement certifying that the movant has conferred with the opposing parties in a good faith effort to resolve by agreement each issue raised and that they have been unable to do so. Motions to compel discovery shall quote verbatim each interrogatory, request for admission, request for production or inspection, or request for physical or mental examination, and the response thereto, followed by a statement of the grounds for the motion. Grounds shall be addressed to the specific interrogatory or request and may not be stated generally.~~

~~(4) In the absence of timely objections or a timely motion for protective order, the parties shall answer written interrogatories and requests for admissions and comply with requests for production or inspection, or requests for physical or mental examinations, within 30 days, notwithstanding Rule 1.340(a), Florida Rules of Civil Procedure.~~

~~(4)(5) All depositions of assessment arbitration witnesses and all physical or mental examinations must be completed no later than 20 days before the assessment arbitration proceeding, unless the chief arbitrator sets a different time. Counsel shall not be present for any physical or mental examination of a claimant.~~

~~(5)(6) Sanctions to enforce discovery shall include those provided by the Florida Rules of Civil Procedure, except contempt.~~

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-.212 FS. History–New 9-6-88, Formerly 22I-7.011, Amended \_\_\_\_\_.

#### 60Q-3.0111 Motions.

(1) All requests for relief shall be by motion. Written motions will normally be disposed of on the basis of the motion, together with any memoranda in support or in opposition, following the expiration of a seven-day response period. If the subject matter of the motion requires an earlier ruling, or if the chief arbitrator determines that oral argument is required, the movant shall arrange a motion hearing, which may be by telephonic conference call.

(2) Motions shall include a statement that the movant has conferred with all other parties of record and shall state as to each party whether the party has any objection to the motion.

(3) Oral argument on motions is not a matter of right, but may be allowed by the chief arbitrator if requested by the movant at the time the motion is filed, or by any other party within seven days of the filing of the motion.

Specific Authority 766.207(9), (10) FS. Law Implemented 766.201-.212 FS. History–New \_\_\_\_\_.

#### 60Q-3.012 Subpoenas.

(1) The chief arbitrator shall issue subpoenas on forms supplied by the Division. Subpoenas shall issue in blank except for the style of the case, the case number, the name, address and telephone number of the attorney or party requesting the subpoena, and the chief arbitrator's signature, which may be by facsimile signature.

(2) Any party or any person on whom a subpoena is served or to whom a subpoena is directed, may file a motion to quash or for protective order with the chief arbitrator ~~before whom the case is pending.~~

(3) A subpoena may be served by any person authorized by law to serve process or by any person who is not a party and who is of majority age. Service shall be made in the manner provided by law for service of subpoenas issued by courts. Proof of such service shall be made by affidavit of the person making service if not served by an officer authorized by law to do so.

(4) Witness fees shall be paid by the party at whose instance the witness is summoned. Witness fees shall be tendered at the time of service of a subpoena. The fees allowed shall be the same as those allowed by the circuit courts of ~~Florida~~the state. This rule doessection shall not limit the fees of expert witnesses.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-.212 FS. History–New 9-6-88, Formerly 22I-7.012, Amended \_\_\_\_\_.

#### 60Q-3.013 Case Management.

Except as to matters ~~these rules or~~ Sections 766.201 through 766.212, Florida Statutes, specifically require arbitration panels or the Director to decide, the chief arbitrator may issue any orders necessary to effectuate discovery, to prevent delay, and to promote the just, speedy and inexpensive determination of all aspects of the case.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-.212 FS. History–New 9-6-88, Formerly 22I-7.013, Amended \_\_\_\_\_.

#### 60Q-3.014 Exhibits.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-.212 FS. History–New 9-6-88, Formerly 22I-7.014, Repealed \_\_\_\_\_.

#### 60Q-3.015 Evidence.

Specific Authority ~~120.53(1), 120.58, 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-.212 FS. History–New 9-6-88, Formerly 22I-7.015, Repealed \_\_\_\_\_.

60Q-3.016 Recordation.

~~(1) The defendant shall chief arbitrator may require one or more defendants to arrange for and bear the initial expense of a court reporter's appearance at the assessment an arbitration and any allocation arbitration hearings hearing and recordation of the proceeding.~~

~~(2) Any party may arrange for any proceeding to be recorded at his, her or its own expense.~~

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-.212 FS. History–New 9-6-88, Formerly 22I-7.016, Amended \_\_\_\_\_.

60Q-3.017 Venue.

Unless all parties otherwise agree, arbitration shall take place in the county in which the medical incident occurred or in which a defendant who lives in Florida resides.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-.212 FS. History–New 9-6-88, Formerly 22I-7.017.

60Q-3.018 Notice of Assessment Arbitration.

(1) After ~~the panel has been confirmed conferring with the other arbitrators~~, the chief arbitrator shall set a time and place for assessment arbitration and give the parties at least 90 days' notice, unless prior proceedings resulted eventuated in misarbitration. The notice shall state the time, place and nature of the hearing and refer to Sections 766.201 through 766.212, Florida Statutes, and Chapter 60Q-3, Florida Administrative Code.

(2) In the event a motion for continuance is granted, the chief arbitrator shall set a different time and place for assessment arbitration, ~~after conferring with the other arbitrators~~, but need not give 90 days' notice of the new time.

(3) In the event prior proceedings resulted eventuated in misarbitration, the chief arbitrator shall, ~~after conferring with the other arbitrators~~, set a time and place for arbitration and give the parties at least 15 days' notice.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-.212 FS. History–New 9-6-88, Formerly 22I-7.018, Amended \_\_\_\_\_.

60Q-3.019 Continuances.

(1) ~~On timely motion, T~~he chief arbitrator may grant a continuance for good cause shown. Except in cases of ~~extreme~~ emergency, all requests for postponement of an arbitration hearing shall be made by motion for continuance filed within ~~20 ten~~ days of service of the notice of arbitration hearing.

(2) Upon stipulation of all parties, the chief arbitrator may grant a continuance at any time, ~~unless a hearing is in progress. When an arbitration hearing is in progress, the Arbitration Panel shall rule on motions for continuance.~~

(3) No allocation arbitration hearing shall be continued to a time more than 65 days beyond the date of an arbitration award, or of the filing of the parties' agreement to terminate assessment arbitration, unless all claimants agree in writing.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-.212 FS. History–New 9-6-88, Formerly 22I-7.019, Amended \_\_\_\_\_.

60Q-3.020 Informal Assessment Arbitration.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-.212 FS. History–New 9-6-88, Formerly 22I-7.020, Repealed \_\_\_\_\_.

60Q-3.021 Mandatory Disclosure Before Assessment Arbitration.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-.212 FS. History–New 9-6-88, Formerly 22I-7.021, Repealed \_\_\_\_\_.

60Q-3.022 Assessment Arbitration Pre-Hearing Requirements ~~Mandatory Filings for Assessment Arbitration.~~

(1) No later than 15 ~~20~~ days before the assessment arbitration hearing, or by such other time as the chief arbitrator orders, the parties shall file a pre-hearing ~~prehearing~~ stipulation, which shall contain:

- (a) A brief general statement of each party's position;
- (b) A list of all exhibits to be offered at the hearing, noting any objections thereto, and the grounds for each objection;
- (c) A list of the names and addresses of all witnesses intended to be called at the hearing by each party. Expert witnesses shall be designated;
- (d) A concise, but detailed statement of those facts which are admitted and will require no proof at hearing, together with any reservations directed to such admissions;
- (e) A concise statement of those issues of law on which there is agreement;
- (f) A concise statement of those issues of fact which remain to be litigated;
- (g) A concise statement of those issues of law which remain for determination;
- (h) A concise statement of any disagreement as to the application of the rules of evidence;
- (i) An estimate of the length of time the hearing will require;
- (j) A list of all motions or other matters which require action by the chief arbitrator; and
- (k) The signature of counsel for all parties represented by counsel and of all parties not represented ~~unrepresented~~ by counsel.

(2) No later than 10 ~~20~~ days before the assessment arbitration hearing, the parties, or their attorneys, shall meet to discuss the possibility of amicable resolution of the proceeding. ~~or by such other time as the chief arbitrator orders, each party shall file:~~

~~(a) A proposed arbitration award specifying an amount, where applicable, for past medical expenses, loss of past earnings, future medical expenses, loss of future earnings or earning capacity, and noneconomic losses, all net of collateral sources; and~~

(b) Updated information of any kind required to be disclosed under Rule 60Q-3.021.

(3) Any party entitled to do so may file proposed findings of fact and conclusions of law no later than 20 days before the assessment arbitration hearing, or by such other time as the chief arbitrator orders.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History-New 9-6-88, Formerly 221-7.022, Amended \_\_\_\_\_.~~

#### 60Q-3.023 Attorney's Fees.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History-New 9-6-88, Formerly 221-7.023, Repealed \_\_\_\_\_.~~

#### 60Q-3.024 Arbitration Award.

(1) Unless the ~~a~~Assessment ~~a~~Arbitration ~~p~~Panel unanimously decides to defer entry of the arbitration award, the arbitration award shall be announced on the record after the conclusion of the evidence.

(2) The chief arbitrator shall sign the arbitration award within 10 days from the conclusion of the evidence. For purposes of computing time, an arbitration award is made on the day it is filed with the Office of the Clerk. At least two members of the Assessment Arbitration Panel shall sign the arbitration award, which shall bear the date on which the second arbitrator signs. For purposes of computing time under these rules and under Section 58 of Chapter 88-1, Laws of Florida, an arbitration award is made on the day the second arbitrator signs, regardless of when it is filed with the Office of the Clerk.

(3) The arbitration award shall name all arbitrating defendants, indicating applicable policy limits for any insurer or self insurer; and shall specify the amount of all damages as to each claimant, as a lump sum, with future damages, if any, reduced to present value.

(4) In addition, unless waived by all parties, the arbitration award shall, as to each claimant who proves future economic damages, specify sufficient periodic payments to compensate the claimant for future economic damages, after offset for collateral sources, by setting the dollar amounts of the payments, the interval between payments, and the date of the final payment. When an arbitration award specifies such periodic payments, it shall also specify noneconomic damages and net economic damages already sustained and state each as a lump sum for each claimant.

(5) The arbitration award shall specify the amount of any attorney's fees awarded and the name of the claimant or claimants to whom the fees are awarded. When a lawyer or a group of lawyers represents more than one claimant, attorney's fees may be awarded jointly to the claimants represented.

(6) The arbitration award may contain findings of fact and conclusions of law, but findings of fact and conclusions of law may also be separately stated. If separately stated, they shall be prepared in keeping with the schedule the chief arbitrator shall

order, which shall allow an opportunity for each arbitrator to dissent from any finding or conclusion. No finding of fact need be made on any subject on which no party has timely filed a proposed finding of fact.

(7) ~~Unless an arbitrating defendant initiates allocation arbitration in accordance with Rule 60Q-3.026, within 20 days of an arbitration award, the arbitration award shall become final agency action for purposes of appeal and enforcement, in accordance with Section 766.212, Florida Statutes, on the 30th day after the award is made.~~

(8) ~~If an arbitrating defendant initiates allocation arbitration in accordance with Rule 60Q-3.026 within 20 days of an arbitration award, the arbitration award shall become final agency action for purposes of appeal and enforcement, in accordance with Section 766.212, Florida Statutes, on the day allocation arbitration concludes. Allocation arbitration proceedings shall conclude when an order dismissing the demand for allocation, an order concluding allocation arbitration for failure to reach agreement, an order allocating responsibility among multiple defendants, or a stipulation as to allocation, executed by all defendants against whom the arbitration award was made, is filed with the Office of the Clerk.~~

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History-New 9-6-88, Formerly 221-7.024, Amended \_\_\_\_\_.~~

#### 60Q-3.025 Assessment Misarbitration.

(1) If no two members of the ~~a~~Assessment ~~a~~Arbitration ~~p~~Panel can agree on an arbitration award, the chief arbitrator shall enter an order of misarbitration, which shall be effective when filed with the Office of the Clerk.

(2) Within 20 days of an order of misarbitration, the parties shall nominate at least three but no more than five arbitrators other than an arbitrator from the proceeding which resulted in misarbitration by filing the nominees' names, addresses and telephone numbers with the Office of the Clerk, along with certificates, in the form set out in Rule 60Q-3.007(2). The Director shall appoint two nominees as arbitrators, provided that if more than one party complies with this section within 20 days of an order of misarbitration, the Director shall appoint arbitrators nominated by different parties.

(3) ~~If no party complies with section two of this rule within 20 days of an order of misarbitration, the Director shall appoint other arbitrators.~~

(3)(4) At any assessment arbitration hearing following misarbitration, no party may offer present exhibits or call witnesses not offered presented or called at the assessment arbitration hearing preceding misarbitration, provided that the transcript of testimony given at a prior assessment arbitration hearing by a witness who is unavailable at a later hearing may be offered as an exhibit.

Specific Authority ~~120.53(1), 120.65(10),(11)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History--New 9-6-88, Amended 5-7-90, Formerly 22I-7.025, Amended \_\_\_\_\_.

60Q-3.026 Initiation of Allocation Arbitration Proceedings.

(1) Where more than one defendant has participated in an assessment arbitration proceeding, any defendant against whom an arbitration award has been made may initiate allocation arbitration proceedings by filing a demand for allocation with the Office of the Clerk within 20 days of the arbitration award, or of the filing of the parties' agreement to terminate assessment arbitration, and simultaneously serving copies of the demand on all other defendants in parties to the assessment arbitration proceeding ~~in which the arbitration award was made.~~

(2) A demand for allocation shall specify in detail every act or omission on account of which any defendant named in the notice of intent to initiate litigation should be held responsible for the damages assessed in the arbitration award. ~~When required by Rule 60Q-3.028, N~~omination of arbitrators shall accompany the demand for allocation.

(3) Any arbitrating defendant upon whom a demand for allocation is served shall file an answer admitting or denying every allegation made in the demand within 10 days of service of the demand; and may, at the same time, serve a cross-demand for allocation specifying in detail any other acts or omissions on account of which any defendant named in the notice of intent to initiate litigation should be held responsible for the damages assessed in the arbitration proceeding award.

(4) Any arbitrating defendant upon whom a cross-demand for allocation is served shall file an answer admitting or denying every allegation made in the cross-demand within 10 days of service of the cross-demand.

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History--New 9-6-88, Formerly 22I-7.026, Amended \_\_\_\_\_.

60Q-3.027 ~~Motions and~~ Stipulations to Terminate Allocation Arbitration.

~~(1) At any time before allocation arbitration proceedings conclude, any party to the assessment arbitration proceeding may move to dismiss the demand for allocation on grounds the demand for allocation was not filed within the time provided by Rule 60Q-3.026.~~

~~(2) If the demand for allocation is untimely, the chief arbitrator shall enter an order dismissing the demand for allocation, which shall conclude all arbitration proceedings.~~

(3) At any time before an order allocating financial responsibility is entered, all arbitrating defendants may agree to entry of a stipulated statement allocating financial responsibility, which, when signed by all arbitrating defendants parties and filed ~~with the Office of the Clerk~~, shall have the same effect as an order allocating financial responsibility.

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History--New 9-6-88, Formerly 22I-7.027, Amended \_\_\_\_\_.

60Q-3.028 Allocation Arbitration Panels.

~~(1) The chief arbitrator of the Assessment Arbitration Panel shall serve as chief arbitrator of the Allocation Arbitration Panel.~~

~~(1)(2)~~ If all arbitrating defendants agree in writing, they may, within 20 ~~twenty~~ days of the arbitration award, select ~~one~~ or two arbitrators, and up to four alternates, by filing their names, addresses and telephone numbers ~~with the Office of the Clerk~~, along with certificates in accordance with Rule 60Q-3.007, ~~in the form set out in section three of this rule~~, executed by each nominee arbitrator and alternate named. At least one arbitrator so selected shall be a medical practitioner and so designated. The other arbitrator and all alternates shall be either medical practitioners or, if a hospital licensed pursuant to Chapter 395, Florida Statutes, is involved, certified hospital risk managers, and each shall be so designated.

~~(2)(3)~~ Unless all arbitrating defendants agree on ~~have already selected~~ two arbitrators, ~~in accordance with section two of this rule~~, any the party filing the initial a demand for allocation shall simultaneously nominate at least one, but no more than five, arbitrators, by filing their names, addresses and telephone numbers ~~with the Office of the Clerk~~, along with the required certificates executed by each nominee, ~~as follows: "I hereby certify that to the best of my knowledge and as far as I have been able with reasonable diligence to discover, I am, and shall remain, for the pendency of these proceedings, independent of all parties, witnesses, and legal counsel, and that I am not and shall not become, during the pendency of these proceedings, an officer, director, shareholder, or employee of any party, its affiliate or subsidiary, or of any witness or legal counsel involved in this arbitration."~~

~~(3)(4)~~ Unless all arbitrating defendants ~~have already selected two arbitrators in accordance with section two of this rule~~, each arbitrating defendant, Each arbitrating defendant, other than the defendant who files the initial demand for allocation, shall, within 10 days of receipt of the initial demand for allocation, nominate up to five arbitrators, by filing their names, addresses and telephone numbers ~~with the Office of the Clerk~~, along with the required certificates executed by each nominee, ~~in the form set out in section three of this rule.~~

~~(5) Except for hospitals licensed pursuant to Chapter 395, Florida Statutes, and such hospitals' insurers, arbitrating defendants proceeding under section four of this rule shall nominate medical practitioners as arbitrators. Hospitals licensed pursuant to Chapter 395, Florida Statutes, and their insurers who are proceeding under section four of this rule shall nominate certified hospital risk managers as arbitrators.~~

~~(6) Unless all arbitrating defendants have selected two arbitrators in accordance with section two of this rule, the Director shall appoint the arbitrator or arbitrators not selected from nominees or alternates designated in conformity with sections two, three or four of this rule.~~

~~(a) If all arbitrating defendants have selected only one arbitrator, the chief arbitrator shall enter an order confirming the selection, if the arbitrator selected is a medical practitioner, or, if a hospital licensed pursuant to Chapter 395, Florida Statutes, is involved in the arbitration proceeding, a certified hospital risk manager.~~

~~(b) When all arbitrating defendants have selected two arbitrators in accordance with section two of this rule, the chief arbitrator shall enter an order confirming the selection, if both arbitrators are medical practitioners, unless a hospital licensed pursuant to Chapter 395, Florida Statutes, is involved in the arbitration proceeding. If such a hospital is so involved, the chief arbitrator shall enter an order confirming the selection, if one arbitrator is a medical practitioner and the other is a certified hospital risk manager.~~

~~(7) If the Director is unable to appoint an arbitrator or arbitrators as required by section six of this rule, and in conformity with Section 766.208, Florida Statutes, the Director shall appoint from rolls maintained for that purpose.~~

~~(4) Should any defendant fail or refuse to timely nominate arbitrators, the Director shall select the arbitrators other than the chief arbitrator from the lists submitted by the other defendants.~~

~~(5) When the defendants have selected arbitrators in conformity with this rule, the Director shall enter an order confirming the selection.~~

~~(6)(8) If the chief arbitrator resigns or is otherwise unavailable to participate in allocation arbitration, the Director shall appoint another Administrative Law Judge chief arbitrator.~~

~~(7)(9) If an arbitrator other than the chief arbitrator resigns or is otherwise unavailable to participate at the time and place established for the allocation arbitration hearing, the Director shall appoint as a replacement an alternate or nominee designated in conformity with sections two, three or four of this rule, but if none so designated is available, the Director shall appoint from rolls maintained for that purpose.~~

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-212 FS. History—New 9-6-88, Formerly 22I-7.028, Amended \_\_\_\_\_.

#### 60Q-3.029 Notice of Allocation Arbitration.

~~(1) After conferring with the other arbitrators, the chief arbitrator shall set the a time and place for allocation arbitration and give the parties at least 30 days' notice. The notice shall state the time, place and nature of the hearing and refer to Sections 766.201 through 766.212, Florida Statutes, and Chapter 60Q-3, Florida Administrative Code.~~

~~(2) In the event a motion for continuance is granted, the chief arbitrator shall set a different time and place for allocation arbitration, after conferring with the other arbitrators, but need not give 30 days' notice of the new time.~~

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-212 FS. History—New 9-6-88, Formerly 22I-7.029, Amended \_\_\_\_\_.

#### 60Q-3.030 Informal Allocation Arbitration.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-212 FS. History—New 9-6-88, Formerly 22I-7.030, Amended \_\_\_\_\_.

#### 60Q-3.031 Allocation Arbitration Pre-Hearing Requirements ~~Mandatory Filings for Allocation Arbitration.~~

~~(1) No later than 10 20 days before the allocation arbitration hearing, or by such other time as the chief arbitrator orders, the arbitrating defendants shall file a pre-hearing prehearing stipulation, which shall contain:~~

~~(a) A brief general statement of each party's position;~~

~~(b) A list of all exhibits to be offered at the hearing, noting any objections thereto, and the grounds for each objection;~~

~~(c) A list of the names and addresses of all witnesses intended to be called at the hearing by each party. Expert witnesses shall be designated;~~

~~(d) A concise, but detailed statement of those facts which are admitted and will require no proof at hearing, together with any reservations directed to such admissions;~~

~~(e) A concise statement of those issues of law on which there is agreement;~~

~~(f) A concise statement of those issues of fact which remain to be litigated;~~

~~(g) A concise statement of those issues of law which remain for determination;~~

~~(h) A concise statement of any disagreement as to the application of the rules of evidence;~~

~~(i) An estimate of the length of time the hearing will require;~~

~~(j) A list of all motions or other matters which require action by the chief arbitrator; and~~

~~(k) The signature of counsel for all parties represented by counsel and of all parties not represented unrepresented by counsel.~~

~~(2) No later than 5 days before the allocation arbitration hearing, the parties, or their attorneys, shall meet to discuss the possibility of amicable resolution of the proceeding. No later than 20 days before the allocation arbitration hearing or by such other time as the chief arbitrator orders, each arbitrating defendant shall file a proposed order allocating financial responsibility.~~

~~(3) Any party may file proposed findings of fact and conclusions of law no later than 20 days before the allocation arbitration hearing, or by such other time as the chief arbitrator orders.~~

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 221-7.031, Amended \_\_\_\_\_.

60Q-3.032 Allocation of Financial Responsibility.

(1) Unless the ~~aAllocation aArbitration pPanel~~ unanimously decides to defer entry of the order allocating financial responsibility, the order ~~allocating financial responsibility~~ shall be announced on the record after the conclusion of the evidence signed and dated on the last day of the allocation arbitration hearing. In no event shall entry of the order allocating financial responsibility be deferred more than 20 days beyond the last day of the allocation arbitration hearing.

(2) The order allocating financial responsibility shall list all defendants named in the notice of intent to initiate litigation. As to each, the order ~~allocating financial responsibility~~ shall specify a percentage representing the share of responsibility each bears for the claimant's injuries. In addition, the order ~~allocating financial responsibility~~ shall apportion responsibility for the arbitration award among the arbitrating defendants.

(3) The chief arbitrator shall sign the order allocating financial responsibility within 10 days from the conclusion of the evidence. At least two members of the Allocation Arbitration Panel shall sign the order allocating financial responsibility, which shall bear the date on which the second arbitrator signs. When the order allocating financial responsibility is filed with the Office of the Clerk, the allocation arbitration is concluded concludes.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 221-7.032, Amended \_\_\_\_\_.

60Q-3.033 Allocation Misarbitration.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 221-7.033, Repealed \_\_\_\_\_.

60Q-3.034 Arbitrators' Fees and Costs.

Specific Authority ~~120.53(1), 120.65(10),(11), 766.207(9),(10)~~ FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Amended 5-7-90, Formerly 221-7.034, Repealed \_\_\_\_\_.

60Q-3.035 Sanctions.

(1) The chief arbitrator may impose reasonable sanctions for violations of these rules, or of any ~~lawful~~ order entered by ~~an arbitration panel~~ the Director or the chief arbitrator.

(2) ~~In appropriate cases, sanctions may be imposed under this rule in addition to sanctions authorized or required by other rules in this chapter.~~

(3) ~~Any party who fails to comply timely with Rules 60Q 3.021 or 60Q 3.022(2) thereby waives his, her or its rights under Rule 60Q 3.024(4) to have future economic damages stated as periodic payments, and also waives the right to submit proposed findings of fact and conclusions of law.~~

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10)~~ FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 221-7.035, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Judge Linda M. Rigot

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chief Judge Sharyn L. Smith

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 10, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE TITLES: RULE NOS.:

Purpose for Rules; Definitions Related to	
Drugs and Medications	61D-6.001
Permitted Medications for Racing Greyhounds	61D-6.007
Permitted Medications for Horses	61D-6.008

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments will be to implement Florida Statutes which grant the Division the authority to adopt rules allowing the use of certain permitted medications within the parameters specified in the rule.

SUMMARY: These proposed rule amendments implement Florida Statutes necessary to allow the administration of sulfa drugs to racing animals within the guidelines set forth by the Division.

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

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

SPECIFIC AUTHORITY: 120.80(4)(a), 550.0251(3),(11), 550.2415(13), (16) FS.

LAW IMPLEMENTED 120.80(4)(a), 550.0251, 550.2415 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., April 20, 2000

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

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

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

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

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

61D-6.001 Purpose for Rules; Definitions Related to Drugs and Medications.

(1) through (2)(e) No change.

(f) "Sulfa drugs" means sulfa and sulfa-like antimicrobial medications and their metabolites, including but not limited to sulfadiazine, sulfamethazine, sulfadimethozine, sulfadimethoxine, sulfametranidazole, sulfapyridine, sulfathiazole, sulfamethoxazole, trimethoprim and pyrimethamine.

Specific Authority 550.0251(3), 550.2415(13) FS. Law Implemented 550.0251, 550.2415 FS. History—New 10-20-96, Amended \_\_\_\_\_.

61D-6.007 Permitted Medications for Racing Greyhounds.

The following medications are permitted to be administered to racing greyhounds in the dosages and under the conditions listed below:

(1) No change.

(2) Sulfa drug(s) is/are permitted to be administered to a racing greyhound providing:

(a) The racing greyhound is under the care of a veterinarian currently licensed pursuant to Chapters 474 and 550, Florida Statutes; and

(b) The sulfa drug(s) is/are prescribed by a veterinarian currently licensed pursuant to Chapters 474 and 550, Florida Statutes; and

(c) The sulfa drug(s) is/are not administered within 24 hours prior to the officially scheduled post time of the race.

(3) All prescription medication, regardless of method of administration, shall be safeguarded under lock and key when not being actively administered.

Specific Authority 120.80(4)(a), 550.0251(3), (11), 550.2415(13),(16) FS. Law Implemented 120.80(4)(a), 550.0251, 550.2415 FS. History—New 10-20-96, Amended \_\_\_\_\_.

61D-6.008 Permitted Medications for Horses.

(1) through (4) No change.

(5) Sulfa drug(s) is/are permitted to be administered to a race horse providing:

(a) The race horse is under the care of a veterinarian currently licensed pursuant to Chapters 474 and 550, Florida Statutes; and

(b) The sulfa drug(s) is/are prescribed by a veterinarian currently licensed pursuant to Chapters 474 and 550, Florida Statutes; and

(c) The sulfa drug(s) is/are not administered within 24 hours prior to the officially scheduled post time of the race.

~~(6)(5)~~ All prescription medication, regardless of method of administration, shall be safeguarded under lock and key when not being actively administered.

Specific Authority 120.80(4)(a), 550.0251(3),(11), 550.2415(13),(16) FS. Law Implemented 120.80(4)(a), 550.0251, 550.2415 FS. History—New 10-20-96, Amended 1-5-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Paul F. Kirsch, Director, Division of Pari-Mutuel Wagering  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cynthia A. Henderson, Secretary, Department of Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 13, 2000  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2000

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Applications for Licensure

RULE NO.: 64B15-12.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate the instructions and the application for examination and initial licensure.

SUMMARY: The Board is amending subsections (1) and (3) to update the rule text by incorporating the instructions and the application for examination and initial licensure.

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: 459.005 FS.

LAW IMPLEMENTED: 459.0055, 459.006, 459.007 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Osteopathic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-12.003 Applications for Licensure.

(1) Applications for licensure by examination must include a completed application form and appropriate fee as set forth in Section 459.0055, Florida Statutes, and Rule 59W-10.001(1), Florida Administrative Code. The instructions and application form, DH-MQA 1029, 1/00, effective 6-4-91, entitled "Examination & Initial Licensure Application: (Section II: Application Form) DPR/OST/003, effective 6-4-91, entitled "Application for Osteopathic Licensure" are hereby incorporated by reference, and may be obtained from the Board office. Such application and fee shall expire one year from the date on which the application is initially received by the Board. After a period of one year a new application and fee must be submitted.

(2) No change.

(3) Applications for licensure by endorsement must include a completed application form and appropriate fee as set forth in Section 459.0055, Florida Statutes, and Rule 64B15-10.002(1), Florida Administrative Code. The application form, shall be the same form as referenced in subsection (1) above. DPR/OST/003, effective 6-4-91, entitled "Application for Osteopathic Licensure" is hereby incorporated by reference, and may be obtained from the Board office. Such application and fee shall expire one year from the date on which the application is initially received by the Board. After a period of one year, a new application and fee must be submitted.

Specific Authority 459.005 FS. Law Implemented 459.0055, 459.006, 459.007 FS. History--New 6-4-91, Formerly 21R-12.003, 61F9-12.003, Amended 10-15-95, Formerly 59W-12.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2000

### Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
PART V – FILING OF RATES FOR HEALTH INSURANCE	
4-149.101	Purpose
4-149.102	Scope and Applicability
4-149.103	Definitions
4-149.104	Rate Filing Procedures
4-149.105	Health Rate Filing Standards
4-149.106	Pooling of Similar Health Contract Forms
4-149.107	Credibility of Incurred Health Claims Experience
4-149.108	Reasonableness of Benefits in Relation to Premiums
4-149.109	Grounds for Disapproval
4-149.110	Actuarial Memorandum for HealthRate Filings
4-149.111	Annual Rate Filing Procedures
4-149.112	Loss Ratio Guarantee Filings
PART VI – FILING OF FORMS	
4-149.120	Purpose and Scope
4-149.121	Form Filing Procedures
4-149.122	Review
4-149.123	Prohibited Policies

#### THIRD NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Volume 23, No. 45, November 7, 1997 and Vol. 24, No. 46, November 13, 1998, of the Florida Administrative Weekly: Notices of change were published in Vol. 24, No. 20, May 15, 1998 and Vol. 24, No. 31, July 31, 1998.

Rules 4-149.101 through 4-149.123 are changed to read as follows:

#### RULE CHAPTER 4-149

#### FILING OF FORMS AND RATES FOR LIFE AND HEALTH INSURANCE

#### Part V Filing of Rates for Health Insurance

##### 4-149.101 Purpose.

(1) The purpose of Part V of this rule chapter is to establish procedures for the filing of premium schedules for health insurance contract forms, as required by section 627.410, Florida Statutes. This Part provides the standards to be used in approving or disapproving health insurance premium schedules and rates pursuant to section 627.411, Florida Statutes.

(2) Rule 4-149.111 establishes the procedures for annual rate certification filing, pursuant to section 627.410(7), Florida Statutes.

(3) Rule 4-149.112 establishes procedures for the filing of premium schedules for health insurance contract forms with a loss ratio guarantee pursuant to section 627.410(8), Florida Statutes.



(4) Underpricing health insurance products ultimately results in rate increases to insureds. Underpricing provides a misleading attraction by selling coverage at low rates that are inevitably increased because they are not sustainable by the company. Section 627.411(1)(e), Florida Statutes, prohibits rating practices that result in premium escalations that are not viable for the policyholder market. Underpricing is a rating practice that results in rate increases that are not viable for the policyholder market and unfair and deceptive methods of competition. The purpose of Part V is to prevent this conduct, to the extent possible, and to provide protection to insureds when this conduct may occur.

(5) When a company no longer makes a contract form available for sale, the experience under the form may deteriorate at a faster rate than if the form were still available for sale. This results in an aging group of insureds, in that there are no new lives entering the plan, which have higher claim costs than younger lives. If rate increases occur and healthy lives terminate coverage at a rate greater than expected in the pricing of the form, an accelerated need for additional larger rate increases will occur. This is generally referred to as a death spiral. Death spirals result in rate increases that are not viable to the policyholder market. The purpose of Part V is to prevent death spirals, to the degree possible, and to provide protection to insureds when this situation may occur.

Specific Authority 624.308, 627.410 FS. Law Implemented 624.307(1), 627.410, 627.411 FS. History—New \_\_\_\_\_.

#### 4-149.102 Scope and Applicability.

(1) Any premium schedule and change in premium schedule to be used with any health insurance contract form must be filed with the Department for approval. All filings shall be in accordance with the provisions of this Part for:

(a) Individual health insurance contract forms issued to Florida residents, including contract forms filed pursuant to a loss ratio guarantee permitted by section 627.410(8), Florida Statutes;

(b) Group health insurance contract forms where the master contract is issued in the State of Florida;

(c) Franchise health insurance contract forms issued to Florida residents;

(d) Certificates insuring residents of Florida where the group contract is issued outside the State of Florida and the insurance is provided:

1. For Medicare supplement coverage; or

2. For long term care coverage to the extent permitted by section 627.9406, Florida Statutes; and.

(e) Group contract forms subject to section 627.6515(2)(a), Florida Statute, issued outside the State of Florida where the group is formed primarily for the purposes of providing insurance must provide benefits that are reasonable

in relation to the premiums charged. The standards of rules 4-149.107 and 4-149.108 shall be met to satisfy the provisions of section 627.6515(2)(a), Florida Statutes.

(2) For purposes of this Part, health insurance shall include any coverage as defined in section 624.603, Florida Statutes, including coverage issued supplementary to life insurance policies.

(3) This Part shall not apply to:

(a) Credit disability insurance as defined in section 627.677, Florida Statutes;

(b) Contract forms that are defined by section 627.601(3), Florida Statutes;

(c) Forms which provide for the acceleration of death benefits of a life insurance policy if:

1. The acceleration of benefits is incidental to the life insurance coverage purchased;

2. The cost of the acceleration benefit is less than 10% of the cost of the life insurance coverage; and

3. The cost of the acceleration benefit may not be increased without the prior written approval of the Department pursuant to section 627.410, Florida Statutes, and this rule chapter.

(d) Coverage issued by any Health Maintenance Organization (HMO) not subject to the provisions of section 627.6699, Florida Statutes;

(e) Coverage issued through Group A products. These products shall remain subject to the rules in effect immediately prior to this rule chapter revision.

Specific Authority 624.308, 627.410 FS. Law Implemented 624.307(1), 627.410, 627.411, 627.6515(1)(a), 627.6699(6)(d) FS. History—New \_\_\_\_\_.

#### 4-149.103 Definitions.

For purposes of this Part, the following terms shall be defined as follows:

(1) Actuary or Qualified Actuary – A member of the American Academy of Actuaries or the Society of Actuaries.

(2) Actual or Incurred Loss Ratio – The ratio of the incurred claims to earned premiums.

(3) Adequately Justified – The supporting documentation, used and relied upon by the company and provided to the Department, that substantiates the assumptions used, determined by using generally accepted actuarial principles and complying with actuarial standards of practice.

(4) Anticipated Loss Ratio – The present value of future incurred claims divided by the present value of future earned premiums computed over the entire lifetime of the contract form.

(5) Annual Rate Certification (ARC) – A certification made by an actuary, in compliance with section 627.410(7)(b)2., Florida Statutes, that certifies that the current premium schedule is in compliance with the standards of this rule chapter.

(6) ARC Filing – An ARC or an annual rate filing made pursuant to section 627.410(7), Florida Statutes and rule 4-149.111, including all information required therein or by Actuarial Standards of Practice. This includes filings made with a certification with a rate change and a certification made where no rate change is proposed.

(7) Attained Age Premium Schedule – A premium schedule whereby the individual policyholder's premium is dependent upon his or her age at contract renewal, or next premium due date subsequent to the insured's birthday. The aging component of the claim cost is not pre-funded. The premium schedule increases by age reflecting the increased claim cost at the higher age.

(8) Common Morbidity – A set of values for the frequency and intensity of claims from which claim costs for a set of benefits may be calculated.

(9) CPI-U, Year N-1 – The consumer price index for all urban consumers, for all items and for all regions of the U.S. combined, as determined by the U.S. Department of Labor, Bureau of Statistics as of September of each year. Year N-1 is the calendar year immediately preceding the calendar year (N) in which the ARC filing is submitted in Florida.

(10) Cumulative Expected Claims – The expected claims for each year from the original effective date of the contract form, accumulated with interest, to the date of the evaluation.

(11) Defined Network of Providers – A provider network under contract with the company under which oversight and control of utilization are provided and where the use of the network by insureds is encouraged.

(12) Durational Loss Ratio – The ratio of incurred claims divided by earned premiums by policy duration. For the original filing of a new form, this is represented by column "e" of the projection table in rule 4-149.110(3)(r)5.

(13)(a) Earned Premium – The portion of the total premium paid by the insured attributable to the period of coverage elapsed. This includes all modal loading, fees, or charges which are part of the premium paid by the insured included in the premium charged by the company for the insurance coverage.

(b) For future periods in a projection, the earned premium is the projected premium based on the actuary's best estimate of future experience.

(14)(a) Entire Lifetime – The maximum period over which the contract form would be in effect if not terminated by action of the company or the insured.

(b) The period is, at minimum, the number of years until fewer than 5% of the original policyholders remain in force. This period is determined using the anticipated termination rates, attributed to lapse and mortality decrements, for the form. Forms which have had rate filings prior to April 19, 1994, with a projection period shorter than the entire lifetime of the policy shall, for the purposes of computing loss ratios, continue to use the same number of years in the projection

period for future rate revisions. This projection period length may be increased by five years at a time for each approved rate filing after the effective date of this rule until the entire lifetime is achieved.

(15)(a) Expected Claims – The actual earned premium times the appropriate policy durational loss ratio by pricing cell or category, not including active life reserves. Aggregate original pricing durational loss ratios may be used if they produce similar results.

(b) For a pooled group of forms, the expected claims are the sum of the expected claims by form. A company, at its option, may use a restated aggregate durational loss ratio table determined from the pooled group of forms if it produces similar results.

(16) Expected Loss Ratio – The ratio of the expected claims to earned premiums.

(17) Expenses – The administration and acquisition costs, costs of adjusting and settling an incurred claim, overhead and risk and contingency margin of the company exclusive of incurred claims and profit margin.

(18) Form, Policy Form or Contract Form – All health insurance contracts whether referred to as a policy, contract, rider, endorsement or other term, and corresponding premium schedule. Where forms are pooled the term shall refer to the pooled group of forms.

(19) Group Size –

(a) For group insurance contract forms insuring employer/employee relationships, the average number of certificates per employer.

(b) For other types of groups, the average number of certificates per master contract.

(c) The number of certificates is determined at the beginning of the rating period for existing forms and the average number expected for new forms.

(20)(a) Incurred Claims – Claims occurring within a fixed period, whether or not paid during the same period, under the terms of the contract form. Claims include payments for scheduled benefit payments, reimbursement benefit payments, or services provided by a provider or through a provider network for medical, dental, vision, disability and similar benefits. Where a company has contractual arrangements with providers to provide health care services, the incurred claims are the amounts paid under the terms of the provider contract for the healthcare services provided.

(b) Claims do not include active life reserves or any expense incurred by the company for the cost of adjusting and settling a claim, including the, review, qualification, oversight, management or monitoring of a claim or incentives or compensation to providers for other than the providing of health care services.

(c) For future periods in a projection, the incurred claims shall be based on the actuary's best estimate of future experience.

(21) Insurance Trend – The combined effect of underwriting wearoff, anti-selection resulting from rate increases, discontinuance of new sales, and the increase in expected claim cost due to the aging of the inforce population.

(22) Insurer Conduct – The following actions or inactions of the company with respect to a policy form which have resulted in inadequate rates and the need for large rate increases:

(a) Failure to file an ARC or failure to make a filing in compliance with section 627.6745(2), Florida Statutes, meeting the standards of Florida laws and rule chapters 4-149 and 4-156, after January 1, 1999. The Department will not look prior to January 1, 1998 in determining such violation for purposes of this definition.

(b) Failure to correct a rate filing when the Department presents information to the company that suggests that rates are inadequate and the company does not adequately resolve the Department concerns:

(c) Violation of applicable actuarial standards of practice at the time of a filing:

(d) Failure to implement the underwriting standards assumed in the pricing assumptions of the form; or

(e) The use of pricing assumptions that has resulted in a demonstrated pattern of product underpricing.

(23) Issue Age Premium Schedule – A premium schedule whereby the individual insured's premium is determined based on the insured's age at the time of issue of the contract. The aging component of the claim cost is prefunded. The insured's premium is not changed due to advancing age.

(24) Lifetime Loss Ratio –

(a) This loss ratio is derived by dividing A by B where:

1. "A" is the sum of:

a. The incurred claims, accumulated with interest, from the original effective date of the contract form to the effective date of the evaluation, and

b. The present value of future incurred claims over the entire remaining lifetime of the contract form; and

2. "B" is the sum of:

a. The earned premiums, accumulated with interest, from the original effective date of the contract form to the effective date of the evaluation, and

b. The present value of future earned premiums over the entire remaining lifetime of the contract form.

(b) The lifetime loss ratio is equal to the anticipated loss ratio at the inception of the contract form.

(c) This is the portion of the total premium dollars paid by all insureds under a form that is paid out by the company in health benefits over the entire lifetime of the form. This is a measure of the amount of premium dollars paid to consumers in the form of benefits.

(25) Limited Pay Contracts – Limited pay contracts are contracts that provide for a premium payment period that is shorter than the benefit coverage period of the contract, such as a five-pay long term care insurance contract.

(26) Medical Expense Contract Forms – Contract forms that provide benefits for medical, surgical and hospital expenses incurred. These forms do not prefund medical trend but re-rate the policy for medical trend.

(27) Medical Indemnity Contract Forms – Contract forms that pay a predetermined, specified, fixed benefit for services provided. Claim costs under these forms are prefunded and are not re-rated for medical trend, although they may be subject to utilization changes.

(28) Medical Trend – For medical expense contract forms, and the portion of Group B products subject to medical trend, the trend attributed to the combined effect on medical costs of:

(a) Medical provider price increases;

(b) Utilization changes;

(c) Medical cost shifting;

(d) New medical procedures and technology; and

(e) Deductible leveraging.

(29) Modified Lifetime Loss Ratio –

(a) This loss ratio is derived by dividing A by B where:

1. "A" is the sum of:

a. The lesser of the actual incurred claims, accumulated with interest, and the cumulative expected claims from the original effective date of the contract form to the effective date of the evaluation, and

b. The present value of future incurred claims over the entire remaining lifetime of the contract form; and

2. "B" is the sum of:

a. The earned premiums, accumulated with interest, from the original effective date of the contract form to the effective date of the evaluation, and

b. The present value of future earned premiums over the entire remaining lifetime of the contract form.

(b) The difference between this definition and lifetime loss ratio is found in the first term. Modified lifetime loss ratio uses the lesser of the actual and expected claims for the past period where the lifetime loss ratio uses the actual claims.

(30) Policy/certificate Anniversary – The date when coverage was initially effective, as indicated by the policy or other evidence of coverage for a group, and every subsequent year thereafter on the same date.

(31) Premium Schedule – The collection of rates to be charged for a form, including base rates, any modifying factors (this includes any experience rating method, formula and standards to be used) or fees, and any change to the premium schedule being charged. Premium increases to affected insureds as used in this rule shall be due to a change to the

premium schedule and do not include changes due to age, geographic area, family composition or experience resulting from the application of the schedule that has not changed.

(32) Product Group:

Group A – These are products that are funded on a one-year basis to satisfy loss ratio requirements. These products are expected to be repriced annually based on trend and demographic change assumptions. Effects of underwriting, if any, are part of the composite assumptions and claims experience is not durational. These include annually rated group products.

Group B – These are products that are funded over the entire lifetime of the form to satisfy loss ratio requirements. These products are expected to have no changes to the premium schedule (except that where a portion, less than 30%, of the coverage is subject to medical trend, some periodic premium schedule increases may be expected). The rates are based on the insured's demographics and on the underwriting status of the insureds at issue. Effects of underwriting and other aspects of insurance trend are recognized in the pattern of expected loss ratios by duration. These include long term care, home health care, and medical indemnity contract forms.

Group C – These are products that are funded over the entire lifetime of the form to satisfy loss ratio requirements. These products are expected to be repriced annually to reflect medical trend. The rates are based on the insured's demographics and on the underwriting status of the insured at issue. Effects of underwriting and other aspects of insurance trend are recognized in the pattern of expected loss ratios by duration. These include Medicare supplement and individual medical expense contract forms.

(33) Projection – A determination of future values based on a set of formulas, methods and assumptions. Except in the event of legislative changes, any changes to the set of formulas, methods or assumptions must be based on credible data, which shall include experience if credible as defined by this rule chapter. Future rate change assumptions in determining projected premium values, subsequent to a proposed increase in a current ARC filing, shall not exceed the medical trend assumption, if applicable, used in determining future claim costs.

(34) Renewal Clauses – The contract terms and conditions regarding the renewal conditions of a contract. Clauses include:

(a) Optionally Renewable – Renewal of the contract can be declined at the option of the company.

(b) Conditionally Renewable –

1. Renewal of the contract can be declined by the company by class, by geographic area, or for stated reasons other than deterioration of health.

2. The company may revise rates on a class basis.

(c) Guaranteed Renewable –

1. Renewal of a contract cannot be declined by the company for any reason other than fraud, misrepresentation as may be limited by any applicable statute, or failure to pay the premium when due.

2. The company may revise rates on a class basis.

(d) Non-Cancelable –

1. Renewal of the contract cannot be declined by the company for any reason other than fraud, misrepresentation as may be limited by any applicable statute, or failure to pay the premium when due.

2. Rates cannot be revised by the company.

(e) Non-Renewable – The contract must be for a specific duration, but shall not exceed one year.

(35)(a) Stop-Loss Coverage – A contract form sold to a self-insured employer with an ERISA qualified employee welfare benefit plan or a church plan, and where the contract form does not directly cover any underlying employee but rather the employer's obligation under the benefit Plan. The stop loss contract obligation may not pass directly to the employees.

(b) Stop-Loss Reinsurance – Reinsurance that pays incurred claims in excess of a specified amount on an insured individual. This is limited to protection for catastrophic claims.

(36) Trend – The change over time in claim costs per unit of exposure. This is comprised of both insurance and medical trend.

(37) Underwriting Status – The risk classification factors, excluding demographic, geographic and family composition factors, of an insured used to determine the applicable rate to be charged from the premium schedule.

(38) Underwriting Wearoff – The gradual increase from initial low expected claims that results from underwriting selection to higher expected claims for later durations.

Specific Authority 624.308, 627.410 FS. Law Implemented 624.307(1), 627.410, 627.411, 627.6699(6)(d) FS. History–New \_\_\_\_\_.

4-149.104 Rate Filing Procedures.

(1) A premium schedule shall be considered filed with the Department upon the Department's receipt of all material required by this rule. The date the Department receives the complete package of material becomes the starting date for the 30 or 45 day statutory period. A company may consider the filing to be deemed approved at the end of the statutory period if the Department has not approved or disapproved the filing before that date. The Department's approval of the filing shall rely upon the contents and accuracy of the company's actuarial memorandum and certification if the filing is not disapproved for failure to comply with this rule chapter.

(2) A complete health insurance rate filing shall include two copies of all of the following:

(a) A brief letter explaining the type and nature of the filing.

1. The letter shall indicate if the filing is for a new contract form, a revised premium schedule for an existing contract form, and whether it is a resubmission of a previously disapproved filing.

2. If the filing is a resubmission, the letter shall indicate when the previous filing was submitted, the Florida filing number, and the date of the disapproval or withdrawal.

(b)1. Completed Form DI4-561 (rev 7/91), Health Insurance Filing Requirements Summary, as adopted in rule 4-149.190;

2. Completed Form DI4-562A (rev 4/91), Standardized Data Letter/Florida Department of Insurance/Division of Insurer Services/Health Forms Filing, as adopted in rule 4-149.190; and

3. Form DI4-562B (rev 7/91), Standardized Data Letter/Florida Department of Insurance/Division of Insurer Services/Health Rates Filing, as adopted in rule 4-149.190, completed in accordance with the instructions contained in Form DI4-562 (rev 7/91), Standardized Data Letter/Health Insurance/Instruction Sheet, as adopted in rule 4-149.190.

(c) An actuarial memorandum, containing the specific information required by rule 4-149.110.

(d) Premium schedules that define all proposed rates, methodologies and rating factors for determining rates applicable in the state. For companies that have a complete rate manual on file with the Department, only the pages that are being changed need to be filed along with a detailed explanation of the changes on the rates, unless a complete manual is requested by the Department.

(3)(a) Filings shall be mailed to: Bureau of Life and Health Forms & Rates, Division of Insurer Services, Department of Insurance, Post Office Box 8040, Tallahassee, FL 32314-8040.

(b) Responses to letters requesting additional information sent to the Department by Federal Express or any other form of special delivery shall be delivered to: Department of Insurance, 1st Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328. Responses may be faxed to the Department using the facsimile number indicated on the Department's letterhead. Faxed responses shall not exceed 10 pages.

(4)(a) The Department shall request additional information necessary to reach a determination on the filing. The information requested shall include data required by this rule chapter, clarification, explanation or justification of the content of a filing or omissions of information from the filing required by this rule chapter. The information requested shall be necessary to properly evaluate the calculations, methods or assumptions used by the company to adequately justify that the proposed rates, changes to the underlying rating manual and related forms are in compliance with the laws and regulations of Florida.

(b) Every company shall submit the required information by a date certain stated in the letter requesting additional information to allow the Department sufficient time to perform a proper review within the statutory time period. The Department shall attempt to provide at least 14-days for the company to respond to an initial letter requesting additional information.

(5) All incomplete or illegible filings will not be considered to be received and will be returned without processing.

Specific Authority 624.308, 627.410 FS. Law Implemented 624.307(1), 627.410, 627.411, 627.6699(6) FS. History—New \_\_\_\_\_.

#### 4-149.105 Health Rate Filing Standards.

(1) Companies shall maintain records sufficient to provide the details of the information required by this Part, except as provided by rule 4-149.108(9)(a)5.(v)

(2) The required data shall be the most current data necessary to properly evaluate the rate request.

(3)(a) Limited pay contracts issued subsequent to six months following the effective date of this rule chapter must provide, that in the event of a rate increase by the company:

1. The contract shall provide for paid-up policy benefits in the event of policyholder termination within six months of the effective date of the rate increase to the insured.

2. The minimum required paid-up benefits shall be at least equal to the ratio of the number of years (and partial years) paid less one divided by the number of years in the premium paying period less one times the policy benefits at the time of policyholder termination.

(b) Notice shall be provided insureds at the time of a rate increase notifying them of their benefits under this provision of the contract if they terminate coverage.

(4) No portion of any rate increase shall be for the purpose of recapturing past incurred claims.

(5) A company may use external indicators, such as zip codes or counties, for determining the rate relationships contained in a premium schedule. When used, a company may not change the rate relationships or rate charged an insured upon a change of the external indicator, such as if zip codes are changed by the USPS, without first filing with the Department for approval. This does not include a rate change to an insured as a result of action or other change by the insured within the existing premium schedule in the absence of a change to the external indicator.

(6) Premium schedules shall be actuarially internally consistent recognizing any differences in anticipated claims costs, i.e., all other things being equal, a \$1,000 deductible policy has a lower premium than a \$250 deductible policy.

(7) Franchise Insurance shall be considered to be individual insurance under these Rules unless the franchise insurance is a health benefit plan under section 627.6699, Florida Statutes. In that event, the franchise insurance shall be considered to be group insurance.

(8) Medical trend for a future rating period shall be determined by any of the following:

(a) If the company has credible data based on rule 4-149.107, by considering the company's claims experience for at least the immediately preceding three years using generally accepted actuarial principles and complying with actuarial standards of practice;

(b) By an independent statistical publishing agency;

(c) By an independent actuarial consulting firm specializing in preparing trend projections;

(d) By a Department analysis of statewide experience for companies in the market; or

(e) For Medicare supplement contracts, using information published by the Health Care Financing Administration.

(9) Medical trend factors, to be applied to an approved premium schedule, are approved for a one year period only or until a subsequent rate filing, which is filed before the end of such period, is approved.

Specific Authority 624.308, 627.410 FS. Law Implemented 624.307(1), 627.410, 627.411, 627.6699(6) FS. History—New \_\_\_\_\_.

#### 4-149.106 Pooling of Similar Health Contract Forms.

(1)(a) In order to provide for equitable risk sharing for all generations of policyholders, all individual contract forms providing for similar benefits shall be combined in a single rate filing.

(b) This includes contract forms being actively offered for sale and those which are no longer actively being offered for sale and contract forms originally issued by the company and those acquired from another company by assumption reinsurance or corporate consolidation.

(c)1. Except as provided in (e) below, contract forms shall be considered to have similar benefits if the benefit configuration under the contract form is of the same type, e.g., medical expense; hospital/surgical; disability; home health care; long term care.

2. Contract forms that provide benefits through a defined network of providers may be maintained in a separate rating pool from those without a defined network of providers. The company must demonstrate that the in-network incurred claims represent at least 70% of the contract form's total incurred claims during two of the last three years to maintain such separate rating pools. The company shall provide this demonstration at the time of the initial filing of a separate pool and upon request by the Department thereafter.

(d) Covered services, benefit triggers, benefit restriction and authorization procedures, negotiated provider arrangements, co-pay amounts, co-pay options, deductible

sizes, daily limits, inside limits, and outside limits may vary by contract form and such forms shall still be required to be considered as having similar benefits.

(e)1. A company which proposes to maintain separate rating pools shall be required, when filing for a change to the premium schedule, to justify to the Department that the benefits of forms in the separate rating pools are not similar.

2. To justify that a form is not similar to other form(s) in a pool, the company must demonstrate that at least 60% of the benefits of the form are not similar to any other form in the pool. The demonstration is evaluated by using common morbidity assumptions of the existing pool, and must show that at least 60% of the benefits of the form are not included within the pool and cannot be reasonably determined from the claims cost experience of the pool. As an example, compare a new form providing only comprehensive mental health benefit to a pool of major medical forms that include only very limited mental health benefit as a component of the coverage. Compare the mental health benefits of the new form to the mental health benefits of the pool on a common morbidity basis. If more than 60% of the new benefits are attributed to coverage not included in the claim costs of the pool, the new form may be maintained in a separate rating pool.

3. A company requesting separate rating pools based on this subsection (e) shall file the demonstration of compliance with the Rule for review and approval at least 30 days prior to the rate filing. The 30-day review period in section 627.410(6), Florida Statute, does not apply to this demonstration.

(f) Once contract forms have been pooled, they remain so for all rating purposes, except as provided by rule 4-149.106(3)(c)3.

(2) Separate rating pools may be used for blanket insurance contract forms and group conversion contract forms.

(3)(a) When contract forms have been combined, a rate revision request shall not differentiate between the experience of the individual contract forms, so that there is a level percentage change to the premium schedules. Modifications from a level percentage change to the premium schedules within a pool shall be permitted if the company demonstrates that:

1. Its most popular actively marketed form during the prior year, would not be adequately rated based on applicable loss ratio standards due solely to the application of a level percentage change to the pool; or

2. The level percentage increase, together with increases in the prior two years, does not exceed a total of \$15 per month; or

3. The use of common morbidity assumptions will materially misstate the frequency of claims because of differences in benefit triggers. For purposes of this demonstration, benefit trigger differences shall be due to:

a. Accident-only versus accident and sickness qualifications; or

b. Medically necessary versus ADL qualifications; or

c. Specified disease versus non-disease limited qualifications (e.g., major medical)

(b) Modifications from a level percentage change to the premium schedules within a pool shall be permitted to recognize differences in the following factors:

1. Industry/occupation factor;

2. Relative benefit differences based on common morbidity assumptions;

3. Medical expense savings attributed to specific provider contracts;

4. Geographic area factors.

5. A medical trend difference due to different policy features or benefits, such as if one form has pharmacy benefits and another does not.

(c)1. All Medicare supplement contract forms of the same type, as defined in 4-156.012(3)(c), shall be pooled.

2. A company may request a non-level percentage increase for Medicare supplement forms from that determined by a level percentage change within the pool. This shall be approved if the company can demonstrate that a refund would be required on one or more forms if the premium rates were increased at the level pool percentage rate. In providing this demonstration, the company may include the effect of no more than two years of additional experience, consistent with the projections contained in the ARC filing.

3. All forms that together have been required to pay a refund may be maintained in a separate rating pool.

(d) At the option of the company, a rate increase that produces a value that does not exceed \$15 per month need not be applied. The company must demonstrate that such request will be applied in a consistent manner within the pool. Not implementing such increase will result in lost revenue. The company may reflect the impact of the lost revenue in one of two ways.

1. Reflect such lost revenue as earned premium in all future rate filings, or

2. Increase the loss ratio standards of the form pursuant to rule 4-149.108(9)(a).

(4) Limited pay contracts must maintain the experience in a separate rating pool for all rating purposes, except a company may request to use common morbidity assumptions with lifetime paying contracts. If common morbidity assumptions are used, they must be used for both rating pools.

(5) If a pool is comprised of forms with different loss ratio standards, the loss ratio standard for the pool shall be the weighted average, based on the present value of earned premiums (past and future), of the pool's component forms.

(6)(a) A paid-up contract shall be removed from the rating pool when it becomes paid-up.

(b) Upon removal from the pool, the company may establish, as a claim, the value of the reserve for the paid-up benefit. Such reserve shall be based on the most recent assumptions used in evaluating the premium paying pool. The claim established shall not exceed the total premiums paid for the paid-up contract, less any claims previously paid, since issue.

(7) Experience attributed to providing a benefit upon the death of the insured, except for coverage permitted by section 624.603 and 627.603, Florida Statute, shall not be included in the rating pool used to determine health benefit premiums or increases to a premium schedule.

Specific Authority 624.308, 627.410 FS. Law Implemented 624.307(1), 627.410, 627.411, 627.6699(6) FS. History—New \_\_\_\_\_.

4-149.107 Credibility of Incurred Health Claims Experience.

(1)(a) Claims experience that is not credible is insufficient to predict the future experience of a contract form. This occurs when the experience is too limited to be statistically reliable.

(b) Non-credible experience is subject to significant volatility and variability and is not necessarily predictive of future experience or future rate needs.

(c) In analyzing the contract's claims experience for the basis of determining projected incurred claims, only credible experience shall be used.

(d) Amounts paid by the company which are not incurred claims, such as punitive damages awarded, shall be removed from all experience analysis and not used in determining future rate increases. However, stop loss reinsurance costs shall be recognized in lieu of the claims reimbursed by the reinsurer.

(e) Experience is considered fully credible (100%) if it has 2,000 or more contracts inforce at the date of evaluation. If fewer than 500 contracts are inforce, the experience is considered to be non-credible (0%).

(f) Linear interpolation is used for inforce amounts between 500 and 2,000.

(g) In lieu of the 2,000 contract standard at the date of evaluation, the 2,000 contract standard may be met, at the option of the company, by 2,000 life-years over an exposure period of not to exceed the most recent three year period. In this event, all projections must be based upon the results over the entire exposure period as a single year and not using each year individually and with such experience being considered to be at the end-point of the exposure period. A contract's contribution to life-years is determined from the beginning of the contract to its termination date, i.e., a contract inforce on January 1 that terminates on June 30 has .5 life-years.

(h) For group contracts, the numbers herein refer to the individual group certificates.

(i) If the Florida experience is comprised of fully credible data, only actual Florida experience shall be used.

(j) A blend of actual Florida and actual nationwide experience shall be used only if Florida-only experience is only partially credible. Where Florida experience has partial credibility, the actual nationwide experience used in the credibility weighting shall be net of actual Florida experience.

(k) If Florida experience is not fully credible and total nationwide experience is fully credible, the actual Florida experience will be combined with the actual nationwide experience weighted by the credibility factor of each. For example, if Florida experience has 875 contracts, the actual Florida loss ratios will be weighted by a factor of .25 ((875-500)/1,500) and the actual nationwide loss ratio by .75.

(l) If nationwide experience is not fully credible, the combined weights of the Florida and nationwide credibility factors will total the nationwide credibility factor that will be less than 1.0, e.g., Florida experience has 875 contracts and nationwide has 1,625 contracts. The 500 initial number of policies, that are determined to be the non-credible threshold, shall be allocated equally to the Florida and nationwide experience, i.e., 250 each. The actual Florida loss ratio will be weighted by .42 ((875-250)/1500) and the actual nationwide loss ratio net of Florida experience by .33 ((1625-875-250)/1500). The total combined credibility will be the nationwide credibility factor of .75 ((1625-500)/1500). This is further combined with the expected loss ratio for the remaining .25.

(2) A company may request to use nationwide experience for a product where there are no geographical cost differences reflected in the premium schedule. The company may make this request in the original filing or the first filing after the effective date of this rule chapter. The company shall stipulate, in writing, that the Florida rates are not intended to vary from rates charged in other states, except for adjusting the premium schedule to meet compliance with the minimum loss ratio standards of this rule chapter. If the application of this provision to existing forms results in the need for a large rate increase, as defined by rule 4-149.108(15)(a) or (b), but without the determination of insurer conduct, the increase shall be phased in over a two-year period.

(3) For insurance that has a low expected frequency of claims, such as disability income insurance or long term care insurance, the 2,000-policy level above does not apply. 100% credibility shall be determined as 1,000 claims over the most recent five-year period. Fewer than 200 claims will be 0% credible, with the credibility percentage linearly determined between 200 and 1,000 claims. Partial credibility shall be determined consistent with rule 4-149.107(1).

(4)(a) A company may file for approval an alternative method of determining credibility if it determines that the above credibility standards are not appropriate. The company shall provide to the Department the reason and detailed justification why neither of the above standards will produce statistically credible predictive results. The company shall

provide detailed statistical analysis to demonstrate that the proposed method produces results that have a statistically greater predictive value and reduced standard of error than the above standards. The company shall provide the results of the proposed method and the above standards including the predictive error of each.

(b) The method shall use actual Florida experience to the degree credible, then actual nationwide experience, and then other appropriate data.

(c) The alternate method shall use sound actuarial principles and comply with actuarial standards of practice.

(d) The request for approval for an alternate credibility standard and method shall be submitted for review and approval at least 30 days prior to a rate filing. The 30-day review period in section 627.410(6), Florida Statute, does not apply to this request.

Specific Authority 624.308, 627.410 FS. Law Implemented 624.307(1), 627.410, 627.411, 627.6699(6) FS. History—New \_\_\_\_\_.

#### 4-149.108 Reasonableness of Health Benefits in Relation to Premiums.

(1) Sections 627.410 and 627.411, Florida Statutes, require contract benefits to be reasonable in relation to the premium charged. In order to satisfy this requirement, the premium schedule must satisfy the standards contained in this Rule.

(2)(a) The anticipated loss ratio developed in the initial filing using the original pricing actuarial memorandum will establish the initial lifetime standards for each contract form, coverage and benefit option.

(b) The initial lifetime loss ratio standard must equal or exceed the minimum loss ratio from the tables set forth in Rules 4-149.108(4) through (8).

(c) At initial filing, the modified lifetime loss ratio standard is equal to the initial lifetime loss ratio.

(d)1. The modified lifetime loss ratio shall be annually calculated and the modified lifetime loss ratio standard increased, if necessary, pursuant to rule 4-149.108(9)(a).

2. The modified lifetime loss ratio standard shall not be increased due to the provisions of rule 4-149.108(9)(a)3. or rule 4-149.108(9)(a)5.(iii) or (iv), to a level larger than the greater of 85% and the loss ratio that is fifteen percentage points over the initial filed lifetime loss ratio standard for the form. This does not prevent a company from filing a form with a higher loss ratio, in which case such higher loss ratio standard shall apply.

(3) For premium schedule revisions or certification of continued use of an existing premium schedule, the proposed premium schedule must satisfy the following criteria applied to inforce business:

(a) The anticipated loss ratio at the time of the filing must equal or exceed the modified lifetime loss ratio standard in rule 4-149.108(2)(d);



(b) The modified lifetime loss ratio calculated at the time of the filing must equal or exceed the modified lifetime loss ratio standard in rule 4-149.108(2)(d), except as provided for by rule 4-149.111(4)(b)5.

(c) Where the company is unable to produce necessary experience for a discontinued form to determine compliance with loss ratio standards, the company shall provide an explanation of the reasons why such experience is not available, and demonstrate that the inforce for such form is less than 10% of the pool. If the company provides such information, the form shall be removed from the pool and subject to a rate increase limited to the lesser of the pool's rate change and medical trend as determined by rule 4-149.105(8)(b), (c), (d) or (e).

(4) The minimum initial lifetime loss ratio for individual contracts and group certificate forms issued, delivered, or issued for delivery in this state prior to 6/1/94 that were approved by the Department prior to 2/1/94, shall be the loss ratio and loss ratio adjustment formula that was in effect at the time the form was approved. Such forms shall be subject to the filing requirements and standards of this rule chapter for ARC filings received after the effective date of this rule chapter.

(5) The minimum initial lifetime loss ratio for individual contract forms and group certificate forms not subject to subsection (4) above or forms that are continued available for sale after 6/1/94 must meet the standards set forth herein.

(a) Loss Ratio Table – Individual and Stop-Loss Contract Forms

Type of Renewal Clause	Group C Products Loss Ratio	Group B Products Loss Ratio
Non-Cancelable	55%	50%
Non-Renewable	60%	55%
Guaranteed Renewable	65%	60%
All other	70%	65%
Minimum Acceptable	55%	50%

(b) For new forms and rate revisions to existing forms with an average annual premium of \$1,000 or less after the impact of an ARC filing, the minimum lifetime loss ratios in (a) above are adjusted in accordance with the formula:

$$R' = (A - 25I)R / A$$

where: R = the loss ratio from the table;

A = the average annualized premium per individual insured;

$$I = (\text{CPI-U, year N-1}) / 103.9$$

R' = the adjusted loss ratio;

Note: R' cannot be less than:

1. Ten percentage points less than R for forms with an average annual premium of \$500 or less; or

2. Five percentage points less than R for forms with an average annual premium over \$500 but not in excess of \$1,000; and

3. The minimum acceptable lifetime loss ratio; except for accident only non-cancelable policies which shall not be less than 45%.

(6) For blanket insurance contract forms, as defined in section 627.659, Florida Statutes, the minimum lifetime loss ratio is 65%.

(7)(a) For group conversion contract forms issued on either a group or an individual basis, excluding long-term care and Medicare supplement contracts, the minimum lifetime loss ratio is 120%.

(b) The company may charge the excess experience of the group conversion loss ratio to the group experience.

(c) The premium schedule applicable to group conversion insurance subject to section 627.6675, Florida Statutes, shall not exceed the limits of section 627.6675(3)(a), Florida Statutes.

(8) Medicare supplement contract forms, and long-term care and limited benefit contract forms subject to section 627.9403, Florida Statutes, are not subject to the above minimum loss ratios in rule 4-149.108(4) or (5). With respect to such contract forms, the minimum initial lifetime loss ratios are found in rule chapters 4-156 and 4-157, respectively and subject to the filing requirements and standards of this rule chapter.

(9) Modified Lifetime Loss Ratio.

(a) Excluding non-cancelable contract forms, the modified lifetime loss ratio standard and durational loss ratios used to determine expected claims applicable to an ARC filing shall be determined annually as follows:

1. Unchanged Modified Lifetime Loss Ratio.

a. The modified lifetime loss ratio standard shall remain unchanged when the company makes a complying ARC filing that requests a rate change that results in a modified lifetime loss ratio, calculated after the effects of the rate change, that is equal to the modified lifetime loss ratio standard in rule 4-149.108(2)(d).

b. The modified lifetime loss ratio standard shall remain unchanged when the company makes a complying ARC filing, pursuant to rule 4-149.111(4)(b), that does not request a rate increase but demonstrates that the modified lifetime loss ratio calculated is equal to the modified lifetime loss ratio standard in rule 4-149.108(2)(d) or is otherwise acceptable under other provisions of this rule chapter.

c. The company shall provide the durational loss ratios in effect at the time of the ARC filing and, if changed, the revised durational loss ratios as modified by the ARC filing.

#### 2. Increased Modified Lifetime Loss Ratio.

a. The modified lifetime loss ratio standard shall be changed for future filings when a company makes a complying ARC filing that certifies to a higher modified lifetime loss ratio than the modified lifetime loss ratio standard based on rule 4-149.108(2)(d) in the most recent ARC filing. The modified lifetime loss ratio standard in rule 4-149.108(2)(d) shall be increased to what is certified.

b. The company shall provide the durational loss ratios in effect at the time of the ARC filing and the revised durational loss ratios as modified by the ARC filing. The revised durational loss ratios shall reflect the increase in the modified lifetime loss ratio and shall support the projected values in the ARC filing.

c. If the Department approves a rate change that is different than that contained in the ARC filing, a revised ARC filing shall not be required and the modified lifetime loss ratio standard and the durational loss ratios to be used in later ARC filings will be those contained in the ARC filing which was certified by the actuary.

#### 3. Interim Modified Lifetime Loss Ratio.

a. A company that is in violation of section 627.410(7), Florida Statutes, at the time of an ARC filing, shall determine an interim modified lifetime loss ratio standard to be used as the standard for the ARC filing. A violation occurs if the company has failed to file or has filed an ARC which is determined not to comply with the provisions of section 627.410(7), Florida Statutes pursuant to rule 4-149.111(6).

b. The interim modified lifetime loss ratio standard will be calculated as of the time 12-months prior to the date of the current ARC filing using the most recent approved ARC filing which contains all of the experience necessary in conjunction with the current filing, as follows.

(i) The lesser of the actual and expected claims, for the past experience reflected in the prior ARC filing;

(ii) Actual earned premiums for the period from inception through the end of the experience period in the Transition ARC filing;

(iii) The greater of the actual and expected claims (based on the durational loss ratios in the prior ARC filing) during the period from the last ARC filing to the date 12-months prior to the filing date;

(iv) For the last 12-month period, the projected incurred claims and earned premiums in the prior ARC filing;

(v) Projected values for the future from the prior ARC filing; and

(vi) The modified lifetime loss ratio standard in rule 4-149.108(2)(d) shall be increased to equal the interim modified lifetime loss ratio.

c. The current ARC filing will be evaluated using rule 4-149.108(9)(a)1. or 2. above.

4. Expected Claims. The revised durational loss ratios contained in the current ARC filing shall be used to determine additions to expected claims as required by rule 4-149.103(28)(a)1.a. in future ARC filings. The expected claim values for prior periods in the current ARC filing shall not be restated. They shall remain as the expected values that were previously determined from the durational loss ratios applicable at that time.

5. Transition. This provision shall apply to the first ARC filing (transition ARC filing) made after the effective date of this rule chapter and within twelve months of the effective date of this rule chapter.

a. A modified lifetime loss ratio for the form shall be calculated from the most recent approved ARC filing made by the company, which contains all of the experience necessary, or if none, the original filing shall be considered the prior ARC filing. The calculation shall use the prior ARC filing and additional experience as follows:

(i) The lesser of the actual and expected claims, for the past experience reflected in the prior ARC filing;

(ii) Actual earned premiums for the period ending with the filing date;

(iii) For the period since the prior ARC filing, the lesser of actual claims and expected claims using the durational loss ratios in the prior ARC filing; and

(iv) Projected values of the future anticipated experience with no rate change in the current year and a second projection with a rate increase that produces a result equal to the initial lifetime loss ratio. Where the prior ARC filing assumed a continuing medical trend applicable to both projected claims and earned premiums, medical trend, not exceeding that used in the prior ARC filing, may be used in all future years for both claims and premiums in the "no rate change" calculation.

b. If the rate increase used in (i)d. above is no more than the greater of fifteen percent and 150% of medical trend as determined by rule 4-149.105(8)(b), (c), (d), or (e), the company shall make an ARC filing in accordance with (9)(a)1. or 2. above. At its option, a company may file for a rate increase subject to subsection (iii) below.

c. If the rate increased used in (i)d. above is greater than fifteen percent, or if elected by the company, the maximum rate increase is limited to the greater of 15% and 150% of medical trend, as determined by rule 4-149.105(8)(b), (c), (d) or (e), for two years, or 10% for a Group B product. The

modified lifetime loss ratio standard in rule 4-149.108(2)(d) shall be increased to the modified lifetime loss ratio determined from the ARC filing made in the second year with the rate increase in such filing being limited by this provision.

d. If c. above applies, but the company is able to demonstrate that it has made ARC filings in compliance with section 627.410(7), Florida Statutes, in each of the preceding three years, the two-year period in c. above shall be extended to three years.

e. If a company does not have durational loss ratios necessary to accurately develop expected claims for past periods, the company shall submit proposed durational loss ratios to the Department for approval. The durational loss ratios proposed are those which will be used to determine past expected claims and shall therefore reflect the original pricing expectations of the form. For forms that were no longer made available for sale after 6/1/94, in lieu of expected claims based on durational loss ratios, the company may use the lifetime loss ratio standard times earned premium as the value of expected claims for the period prior to the effective date of this rule.

f. A transition ARC filing made within three months of the effective date of this rule chapter shall be permitted to be made up to three months beyond the time period provided by section 627.410(7), Florida Statute.

(b)1. To recognize random fluctuations, the increase in loss ratio standard in rule 4-149.108(9)(a) above will not occur if the nationwide experience has less than 50% credibility, or

2. The actuary adequately justifies a rate increase on a Group B product of less than 10%, or if more than 10%, one where the largest increase on any policy/certificate does not exceed \$15 per month, but requests approval by the Department to defer the rate increase. The actuary must certify that the rate change ultimately requested will not exceed the greater of 10% or \$15 per month.

(c) A company filing for a rate increase which is less than that which is justified by this rule chapter, may request exemption from the provisions of rule 4-149.108(9)(a) for such filing. This request shall be granted if the company is able to demonstrate that there is a planned schedule of rate actions. The schedule shall be in the best interest of existing policyholders and for the purpose of mitigating the effect of an increase that is in compliance with this rule chapter. The schedule shall be for existing insureds only with new insureds being charged an approved rate justified by this rule chapter. The planned schedule shall converge to the new issue rate by the third year of approval. The company shall reflect the lost revenue as earned premium for past periods in future rate filings in order to avoid the modified lifetime loss ratio being increased.

(d) A company may request a modification to the provisions of rule 4-149.108(9)(a) when adverse experience is being realized on existing business and the actuary is able to justify that experience from new sales is expected to emerge

differently from current assumptions. The revised durational loss ratio standards for the form shall be developed by projecting the existing inforce business and assumed new sales at expected levels for the next three years over the entire lifetime of the form. This provision may only be requested once, within a ten-year period, for each form category defined by rule 4-149.108(15)(a)6.

(10) The original premium schedule for forms sold after 6-1-94 or approved after 2-1-94 must incorporate, for the entire lifetime of the contract form, all projected effects of insurance trend. If all pricing assumptions are realized, the only future rate increases necessary to maintain the anticipated loss ratio would be to reflect the effect of medical trend.

(11) A premium schedule shall be considered to result in unfair discrimination and be grounds for disapproval if it contains or incorporates any of the following:

(a) Attained age premium schedules, for contract forms approved after 2/1/94 or sold after 6/1/94, that do not:

1. Limit the percentage increase in the premium by age to not exceed the percentage increase in the ultimate claim cost for the same change in age.

2. Level percentage rate changes to an approved premium schedule shall be deemed to be acceptable in maintaining this standard.

(b) The rates developed for a new contract form are less than the rates being charged for an existing contract form with similar benefits unless the company is able to provide adequate justification for such difference. Any such justification must provide sufficient information to provide a comparison of the two contract forms that shall include adjusting for benefit differences. This standard shall not apply to contract forms where the rates are not subject to future rate increases. The company may request additional consideration by the Department if the company offers all insureds under the existing contract form the option of transferring to the new, lower cost contract form at the predominantly issued rate without evidence of insurability;

(c) A premium schedule which:

1. Charge insureds of the same actuarially supportable class a different rate;

2. Charge the same rate to insureds of the same actuarially supportable class for different benefit levels;

3. Is intended to discourage sales to a certain portion of the population, whether by age, geographic location, or some other criteria;

4. Is intended to encourage sales to one portion of the population to the detriment of another.

(d) For forms approved subsequent to the effective date of this rule chapter, an issue age premium schedule which is not smooth. Smooth is defined as a premium schedule that complies with one of the two following conditions for periods of level benefits:

1. The second differences of the premium schedule do not change sign (i.e., from positive to negative or from negative to positive); or

2. At any time where the sign of the second differences of the premium schedule changes, the five first differences of the premium schedule around the sign change are all within 150% of the smallest non-zero value. In the case where the smallest non-zero value is the smallest first difference, other first differences shall not exceed 200%.

(12)(a) Pursuant to section 627.410(6)(d), rating structures that incorporate select and ultimate premium structures or use premium class definitions that classify the insured based on duration since issue, are prohibited.

(b) Prohibited rating practices include any premium schedules that have:

1. Premiums that vary based on the time elapsed since issuance of the contract, except where renewal rates are lower than new issue rates as specifically permitted or required in this rule chapter; or

2. For contracts issued subsequent to the effective date of this rule chapter, premium guarantees on guaranteed renewable policies, except for certificates under a group policy issued to an employer group.

(13) Pursuant to section 627.410(6)(d)3., Florida Statutes, attained age premium structures where more than 50% of the contracts/certificates are issued to persons age 65 or older are prohibited. Only issue age premium schedules are permitted.

(14) A company that is requesting a uniform rate increase, where the annual impact to all renewing insureds is less than 10%, may file a simplified actuarial memorandum consisting only of items: 1, 2, 4, 11, 12, 13, 15, 16, 18, 19, 20, 21 & 22 of rule 4-149.110(2). Any of the other items listed in rule 4-149.110(2) shall also be filed if they are being changed from the immediate prior filing.

(15) Companies filing rate increases after the effective date of this rule chapter shall be subject to this paragraph where insurer conduct is involved and where the rate increase request results in an increase in the renewal premiums that is not viable for the policyholder market as defined herein. This subsection is available to a company if it has not been previously applied within a ten-year period to such form category, pooled group of forms or any form with similar benefits. At the option of the company in lieu of a reduced approval level on all premiums, a rate increase will be permitted that results in two premium schedules; one premium schedule for new business and one for the existing business at the time of implementation of this provision. The new business schedule shall be at an approved rate level that will be greater than the premium schedule applicable to existing insureds. This deviation from a single premium schedule shall not be construed to be unfairly discriminatory and shall be approved, subject to the rate increase and the resulting anniversary impact to affected insureds, being limited as follows:

(a) For Group C products with an increase of 15% or more, the increase shall be permitted subject to the following:

1. The approved new issue premium schedule shall apply to all new policies sold subsequent to the effective date of Department rate approval. Future rate filings shall not permit any further increase in the deviation in new issue and renewal premium schedules. The new issue premium schedule, and groups renewing at such premium schedule, will be adjusted based on rate filings made in accordance with this Part and the provisions of this subsection.

2. At the implementation of the new issue premium schedule in excess of the current premium schedule, the current premium schedule shall be increased at a level not to exceed the greater of 10% or 135% of medical trend, as determined by rule 4-149.105(8)(b), (c), (d) or (e).

3. Future changes to the premium schedule for policies existing at the time of the implementation of the new issue premium schedule shall be limited to the greater of 10% of the new issue premium schedule, or 135% of the rate increase ultimately approved for the new issue premium schedule, until the two schedules converge.

4. The experience used to justify future rate filings shall reflect premiums for all business adjusted to the full new issue premium schedule. This reflects the lost revenue as earned premium in future rate filings.

5. All insureds subject to a renewal rate less than the new issue rate shall be provided a notice, approved by the Department in the rate filing, disclosing to the insured:

a. That the increase will be phased in over a period of time, and

b. What the rate would have been without the phase-in provision being applied.

6. For purposes of this section, form category means the market category and type of coverage. These are:

a. individual medical expense,

b. short term disability,

c. long term disability, and

d. Medicare supplement.

7. If medical trend, as determined by rule 4-149.105(8)(b), (c), (d), or (e) reduces by more than 20% of the trend at the time of application of rule 4-149.108(15), the company may file for a revised plan of scheduled rate actions to maintain convergence of the renewal premium schedule with the new issue premium schedule as anticipated by rule 4-149.108(15)(a)3. at the time of the implementation of this provision.

(b) For Group B products with an increase of 10% or more, except where the greatest increase to any policy/certificate does not exceed \$10 per month, shall be phased in as follows:

1. The increase shall be phased in over a period not to exceed three years with no increase exceeding 10%.

2. If the three increases would exceed 10% in each year, the increase shall be a uniform dollar increase amount for each of the three years.

3. Additional rate increases during the phase in period may be filed for medical trend only.

4. The provisions of rule 4-149.108(15)(a)1., 4., and 5. shall apply.

(c) The rate increases shall only be implemented on a consistent annual date no more frequently than once in any twelve-month period.

(16)(a) If any of the following are met, any rate increase requested shall be denied as not viable for the policyholder market unless a long term plan of corrective rate and pricing action is submitted to and approved by the Department.

1. There has been more than one event of insurer conduct during a ten-year period within a form category, pooled group of forms, or forms with similar benefits; or

2. There has been the same event of insurer conduct, within the past ten-year period, for more than one form category.

(b) If a rate filing represents the second consecutive year of rate increases made after January 1, 1999, each exceeding both 150% of medical trend, as determined by rule 4-149.105(8)(b), (c), (d), or (e), and 15%, the company must include a detailed explanation of which assumptions in previous filings or ARCs have changed, the basis of the original assumptions, and the basis of the change. The explanation must discuss whether further increases in excess of these levels are expected and over what time period they are anticipated. If no change of assumption is made, the company must explain why this trend level is appropriate for the particular product, including a detailed explanation of benefit components and trend by component if the company has relied on such components in the prior development of the assumptions. If the company is unable to provide such information or demonstration, or the information indicates that the increase is the result of inappropriate rating practices, including but not limited to, violations of actuarial standards of practice, discriminatory pricing, or the use of invalid assumptions (which were not reasonable or good faith assumptions at the time they were developed or thereafter used in projections) the rate increase shall be denied as not viable for the policyholder market unless a long term plan of corrective rate and pricing action is submitted to and approved by the Department.

(c) In determining the application of rule 4-149.108(16), the Department shall consider at a minimum, the following:

1. Whether the ultimate premium after the increase is within the range of rates actually being charged by other companies for comparable coverage, excluding the highest and lowest rate in the market;

2. Whether there will be more than one premium increase to the affected insureds over a 12 month period; and

3. Whether the premium schedule increase is more than 150% of medical trend as determined by rule 4-149.105(8)(b), (c), (d) or (e).

(17)(a) In order to assure that premium escalations are viable for the policyholder market, forms that have been discontinued as to new sales and that are not in a rating pool with at least one form currently available for sale in Florida, or nationwide if nationwide experience is used for credibility purposes, shall be limited as contained herein. Rate increases in excess of medical trend, as determined by rule 4-149.105(8)(b), (c), (d) or (e), for Group C products shall be limited to a rate increase that is the average rate increase approved over the past six months for other similar forms of the company currently available for sale, if any. If the company has no other similar forms, the increase shall be limited to the average rate increase approved over the past six months on forms with similar benefits currently available for sale offered by other companies. For Group B products, if there have been less than six filings made with the Department in the last six months by other companies for forms with similar benefits, an annual rate increase shall not exceed 10%. For purposes of this paragraph, rate increases subject to rule 4-149.108(15) or (16) shall not be considered in determining the average.

(b) At the option of the company, for long term care insurance contract forms, the company may request an alternate rating plan from that indicated in subparagraph (a) above. The company shall demonstrate that the long term care risks have materially changed based on judicial interpretations, federal or state mandates, or a significant change in the service capacity in the statewide long term care market. An example of which would be a 50% change in a three-year period of the number of assisted living facility beds per 1,000 persons over 65 years of age. The plan shall provide an option, without any additional premium payment, of a paid-up contract for any policyholder that terminates coverage within 120 days of the next premium due date following notice of the rate increase. The paid-up contract shall be the shortened benefit period option provided by section 627.94072(3), Florida Statute.

(18)(a) A company may elect rule 4-149.108(18) for Group B contract forms. The election may be at the initial time of form approval or at any subsequent rate filing provided all of these standards had been met during the period prior to such election. Once elected, this standard may not be discontinued. A company electing to be subject to the standards of this Rule shall be exempt from the provisions of rule 4-149.108(9), (15), (16) and (17) above and any filing for a rate change shall be subject to a file and use standard. The Department shall disapprove the rate increase if it determines that the standards of this Rule have not been met.

(b) The initial premium charged an insured shall not increase during the initial four (4) years in which the policy is in force.

(c) Except as provided in paragraph (d) below, any premium rate increases, after the initial four-year period, are subject to the following restrictions:

1. For insureds attained age eighty (80) and over, the premium charged may not increase more than 10% in the aggregate during the preceding five-year period.

2. For insureds attained age sixty-five (65) to age eighty (80), the premium charged may not increase more than 15% in the aggregate during the preceding five-year period.

3. For insureds under attained age sixty-five (65), the premium charged may not increase more than 25% in the aggregate during the preceding five-year period.

(d) A company may elect to file for a premium rate increase pursuant to the provisions of this Rule:

1. In the event of amendments to state or federal law which would materially affect the company's risk,

2. Judicial interpretations or rulings rendered regarding the coverages resulting in unforeseen claim liabilities.

(19)(a) Changes to initial pricing assumption factors listed below shall be permitted based on adequately justified data and subject to the limits in this subsection. Such limits shall not apply to changes to factors that are annually updated.

(b) An anniversary increase in excess of medical trend, as determined by rule 4-149.105(8)(b), (c), (d) or (e), due to all changes within the rate filing exceeding the limits in rule 4-149.108(15)(a) or (b), shall be required to be spread over a two-year period.

(c) An anniversary increase in excess of medical trend, as determined by rule 4-149.105(8)(b), (c), (d) or (e), due to all changes within the rate filing exceeding two times the limits in rule 4-149.108(15)(a) or (b), shall be required to be spread over a three-year period.

(d) The pricing assumption factors are:

1. A change in the relative relationship of the benefit option factors;

2. A change in the relative relationship of the area factors, excluding changes due to negotiated provider contracts;

3. A change in the relative relationship of the age/sex factors; or

4. A change to other pricing assumptions material to the rate determination, such as persistency and durational loss ratios, that are not annually updated through the projections used in determining the modified lifetime loss ratio.

(20) The Department shall annually determine and publish the medical trend of the five largest companies offering Group C coverage. Effective January 1, 2000, the Department shall annually revise the percentage at the beginning of rule 4-149.108(15)(a) to be determined as 150% of the arithmetic average of the five largest carriers and one independent publishing agency. The Florida average shall be determined by weighting each carrier's medical trend by their respective

carriers annualized premium volume. The average shall be determined from 1/6 of the independent publishing agency's nationwide trend and 5/6 from the Florida carrier's average.

(21) The Department shall solicit comments to re-evaluate the provisions of rule 4-149.108(15) and 4-149.108(9) regarding viability and rate stability and to re-evaluate the percentage and dollar triggers in this rule chapter at least every three years.

(22) This provision applies to long term care contract forms approved after the effective date of this rule chapter and long term care contract forms issued subsequent to six months after the effective date of this rule chapter. Initial loss ratio compliance may be demonstrated, at the company's option, with or without the explicit recognition of active life reserves (ALR). When a company has elected to use ALR in the determination of loss ratio compliance; expected and incurred claims, anticipated, lifetime and modified lifetime loss ratios shall be determined using ALR in the same manner as was used in the original approved filing of the form. The provisions of this subsection (22), however, use incurred claims without the inclusion of ALR. A rate schedule shall be determined to be excessive unless the following standards are met.

(a) Where the ALR are explicitly recognized in the demonstration of compliance with the loss ratio standards:

1. The increase in ALR used by the company and added to incurred claims for demonstrating loss ratio compliance shall be demonstrated to be released to pay incurred claims.

2. Projected ALR used by the company, which is released in any duration, shall not exceed projected incurred claims at such duration.

3. The sum of the projected change in ALR used by the company, over the entire lifetime of the form, shall equal zero.

(b)1. Because ALR are used to prefund future claims and thereby reduce the need for future rate increases, the company shall demonstrate that at the time of any ARC filing for a rate increase the value of the ALR at least equal to the Natural Reserve (NR) is made available to pay future incurred claims.

2. The filing must demonstrate that the PVB reduced by the NR, all divided by the PVP, equals or exceeds the value Z, i.e.,  $(PVB-NR)/PVP \geq Z$ .

a. PVB is the present value of future incurred claims without inclusion of ALR.

b. PVP is the present value of future gross premiums.

c. Z is determined, at inception of the form, as the level percentage of renewal premiums (RP) that together with first year expected claims (EC) all divided by PVP is equal to the LR%, i.e.,  $[Z*PV(RP) + EC]/PVP = LR\%$ .

d. The NR is determined as Z times the cumulative renewal earned premiums reduced by the lessor of the cumulative actual claims and the cumulative expected claims excluding the appropriate first year claims, i.e.,

$Z * (\text{cumulative renewal premiums}) - \text{lessor}(\text{cumulative actual and expected claims}) = \text{NR}$ .

e. LR% is the greater of the modified lifetime loss ratio standard for the form calculated without inclusion of ALR, and 60%.

(c) The company shall certify that the statutory reserves held in its financial statements are at least as great as the level reflected in the filing.

Specific Authority 624.308, 627.410 FS. Law Implemented 624.307(1), 627.410, 627.411, 627.6699(6) FS. History—New \_\_\_\_\_.

#### 4-149.109 Grounds for Disapproval.

(1) A health rate filing shall be disapproved if:

(a) The benefits are unreasonable in relation to the premiums charged based on the standards in this rule chapter;

(b) A company does not respond to a letter requesting additional information by the date and time required in the letter, unless extended in writing by the Department;

(c) The filing contains inaccurate or inconsistent data;

(d) The filing does not combine the experience of all contract forms providing similar benefits, in accordance with rule 4-149.106; or

(e) The filing does not use credible data as defined in rule 4-149.107.

(2) The Department shall set forth in the disapproval letter the specific basis for the disapproval. The Department shall indicate, if not previously requested under rule 4-149.104(4)(a), what additional data or explanation would be required to better evaluate whether the company's request would be adequately justified.

(3) When a requested change to the premium schedule is unable to be approved due to the company failing to satisfy the standards or provisions of this rule chapter, but the Department has sufficient information to determine that a portion of such request is adequately justified, the Department shall indicate such portion; however, in no event shall any such indication convey rate-making authority to the Department.

Specific Authority 624.308, 627.410 FS. Law Implemented 624.307(1), 627.410, 627.411, 627.6699(6) FS. History—New \_\_\_\_\_.

#### 4-149.110 Actuarial Memorandum for Health Rate Filings.

(1) The actuarial memorandum is a critical document used in the consideration of any filing.

(a) For an initial filing, this document establishes the standards that will be used in considering future rate changes. It is therefore critical that the company and the actuary ensure that the contents of the memorandum are accurate. For a premium schedule revision, the document shall adequately justify the proposed changes.

(b) Pricing assumptions shall reflect the actuary's best estimate of future anticipated experience.

(c) All assumptions shall be adequately justified by supporting data and available to the Department upon request, and

(d) If a company provides projections based on assumptions that differ from those historically experienced, those used in the original filing of the form, or those used for products with similar coverage, it must adequately justify such assumptions and provide an explanation of the reason for the differences.

(2) The actuarial memorandum shall contain each of the following numbered items, as defined in subsection (3), below.

(a) Item 1. Scope & Purpose of Filing

(b) Item 2. Description of Benefits

(c) Item 3. Renewability Clause

(d) Item 4. Applicability

(e) Item 5. Morbidity, Marketing, and Underwriting

(f) Item 6. Mortality and Interest

(g) Item 7. Voluntary Lapse

(h) Item 8. Expenses

(i) Item 9. Premium Classes

(j) Item 10. Issue Age Range

(k) Item 11. Area Factors

(l) Item 12. Average Annual Premium

(m) Item 13. Premium Modalization Rules

(n) Item 14. Active Life Reserves

(o) Item 15. Trend Assumption – Medical and Insurance

(p) Item 16. Minimum Required Loss Ratio

(q) Item 17. Distribution of Business

(r) Item 18. Experience – Past & Future

(s) Item 19. History of Rate Adjustments

(t) Item 20. Number of Policyholders

(u) Item 21. Proposed Effective Date

(v) Item 22. Actuarial Certification

(3) The terms listed in subsection (2) above are described as follows:

(a) Item 1. Scope and Purpose of Filing:

1. This section shall specify whether the filing is a new filing, a rate revision, or a justification of an existing rate.

2. For individual forms and long term care forms, the filing shall contain a summary comparing benefits and rates to existing forms currently available for sale providing similar benefits, as defined by rule 4-149.106.

3. For new individual forms, the company shall provide the date and reason for the discontinuance, within the past five years, of forms with similar benefits as described in rule 4-149.106. The company shall also indicate whether or not the approval of the new form will result in the discontinuance of the offering of any other individual form.

(b) Item 2. Description of Benefits: This section shall include a brief description of:

1. The benefits provided by the contract form, and if applicable,

2. The benefit amounts per unit of coverage, and

3. The available number of units.

(c) Item 3. Renewability Clause: This section shall identify the renewability classification of the form as defined in rule 4-149.103(33).

(d) Item 4. Applicability: This section shall specify whether the company anticipates new issues under the contract form or renewals only.

(e) Item 5. Morbidity, Marketing, and Underwriting:

1. This section shall describe the morbidity basis for the contract form including the source or sources utilized by the company, a brief description of the marketing and underwriting method used by the company, and the effect of the underwriting on claim costs, by duration and in total.

2. A sample claim cost table shall be provided.

3. The company shall separately state the effects of the different types of underwriting, i.e., medical, financial and plan appropriateness. An example of an acceptable brief description is: "This policy form is subject to limited underwriting with (yes/no) questions. The expected impact is: Duration 1 = .15; duration 2 = .05; overall = .03 decrease in claim costs."

(f) Item 6. Mortality and Interest: – This section shall state the mortality basis and pricing interest assumptions utilized by the company. The interest assumption shall at least equal the valuation interest rate for the form.

(g) Item 7. Voluntary Lapse: – This section shall provide a sample lapse table used by the company.

(h) Item 8. Expenses: – This section shall include a brief description of all expense assumptions used by the company, including per policy and percentage of premium expense separately for acquisition, maintenance, and commissions, and any other assumption used. These must be listed for each policy year as well as the average levelized percentage of premium.

(i) Item 9. Premium Classes: This section shall state all the attributes upon which the premium rates vary.

(j) Item 10. Issue Age Range:

1. This section shall specify the issue age range of the form.

2. A statement shall be made as to whether the premiums are on an issue age, attained age, or other basis.

(k) Item 11. Area Factors:

1. This section shall include a brief description and justification for any area factors utilized by the company, and an explanation of any changes since the last filing.

2. The area factors and definitions must also be displayed.

3. Where the consistency of area factors is not readily able to be determined by the filing, a graphic depiction of the area table will be required to be provided, upon request of the Department, to illustrate the geographic boundaries and consistency of area factors.

(l) Item 12. Average Annualized Premium:

1. This section shall display the average annualized premium for both Florida and the nation.

2. If a rate adjustment is proposed, average annualized premiums reflecting the premium schedule both before and after the proposed adjustment shall be provided and the anniversary or annual impact to renewing insureds, i.e., the effect of prior increases, trend, etc.

3. The average annualized premium per policy for individual insurance or per certificate for group insurance shall be calculated based on the distribution of Florida business considering all factors, including modal loading, applicable to the premium schedule.

4. This distribution is:

a. The anticipated issue distribution, if the filing is a new policy form; and

b. The actual inforce distribution, if the filing is for a rate revision or rate justification.

5. Premiums for riders, endorsements and amendments, as well as all fees, must be added to the base plan premiums in proportion to the distribution to determine this average.

(m) Item 13. Premium Modalization Rules:

1. This section shall display the modalization factors and fees utilized by the company, as applicable.

2. For premium modes other than annual, the level of the fees and factors shall not exceed the following, unless adequately justified by the company as necessary to cover the actual additional expenses and loss of investment income on the annual premium for the modal billing:

a. .09 for monthly.

b. .265 for quarterly, and

c. .52 for semi-annual mode payments.

(n) Item 14. Active Life Reserves:

1. This section shall provide a description of the reserve method to be used for the contract.

2. The parameters of mortality, morbidity, lapse and interest shall be presented.

3. Sample calculations for selected ages and durations shall be displayed in new contract filings.

4. The reserve included in loss ratio calculations as provided by rule 4-149.108(22), may be less than the statutory reserve established in accordance with 1. through 3. above and must be separately shown and described.

5. Because these reserves do not represent claim payments, but provide for timing differences, and except as provided by rule 4-149.108(22), they shall not be included in any benefit and loss ratio calculations.

(o) Item 15. Trend Assumptions – Medical and Insurance:

1. This section must describe the trend assumptions utilized by the company in pricing the product and the relevance of the trend based on the features of the particular product.

2. All factors affecting the projection of future claims must be presented.



3. The trend assumptions shall be presented for both medical and insurance trend.

4. A table showing earned premium and loss ratios determined on a constant premium rate basis at the proposed premium schedule level for at least the prior three years.

(p) Item 16. Minimum Required Loss Ratio for the Form:

1. This section shall state the minimum required loss ratio for the form and, where applicable, show the calculation in determining the ratio pursuant to rule 4-149.108(5)(b).

2. This section shall include the initial filed lifetime loss ratio for the form.

3. For a rate change, this shall reflect the modified lifetime loss ratio standard as indicated in rule 4-149.108(2)(d), or as determined by rule 4-149.108(9)(a)3. where applicable.

4. The modified lifetime loss ratio determined by the filing.

(q) Item 17. Distribution of Business:

1. This section shall provide the anticipated issue distribution for new contract forms and for rate revisions, the actual inforce distribution and the originally expected pricing distribution.

2. All criteria having a rating difference shall be included, including but not limited to modal, age, area, benefit, and rider distribution.

(r) Item 18. Experience on the Form (Past and Future Anticipated):

1. This section shall provide a table of the contract form's actual past experience as well as a projection of that expected for the remaining entire lifetime, for the existing business assuming no new entrants, for:

a. Florida only experience; and

b. Nationwide experience, if Florida only experience is not fully credible or if the company elects rule 4-149.107(2). The Nationwide experience provided shall be the complete experience of the company inclusive of Florida experience.

c. When approved credibility method used is different than rule 4-149.107(1) or (3), a table of credibility determined values along with the detail and explanation of how they were derived.

2. For new contract forms, the projection of future anticipated experience may be assumed to be on an annual mode and shall be provided for the entire lifetime assuming an initial number of entrants displaying columns a, b, d, e, h, and i of subsection 5., below for:

a. The expected distribution of sales,

b. The base policy form only, and

c. Each rider or option separately. For riders or options which are not separable from the base coverage because they affect the benefits or assumptions of the base policy, separate projections shall be displayed for the base policy coverage and 100% assumed election of each rider or option separately.

3. For a rate change filing, a table of experience from inception of the form shall be displayed for each calendar year.

4. For a rate change filing, a series of tables shall be displayed for each policy year within each calendar year for the past three calendar years and for any calendar year where past expected claim values are changed from the prior ARC filing. The company shall provide an explanation of the reason for any changes in prior values. The company shall be prepared to justify prior expected claim values if requested by the Department. For the first ARC filing made subsequent to the effective date of this rule chapter, the company shall be prepared to document all prior expected claim values.

5. The experience information shall include the following in a columnar format for the proposed premium schedule change and with no rate change:

a. Year

b. Earned premium

c. Paid claims

d. Incurred claims (Identifying the claim reserve component and updating incurred claims as reserves run-off)

e. Incurred loss ratio (=d/b)

f. Expected claims

g. Expected loss ratio (=f/b)

h. Active Life Reserves and increase in active life reserves

i. Number of contracts (and life-years if used)

6. For future years in an ARC filing, a projection table consisting of columns a, b, d, e, and i of subsection 5 above. For long term care forms using ALR pursuant to section 4-149.108(22), "h" shall be included in the projection table.

7. The specific methodology or formulas and sample calculations used to generate the projected values shall be provided.

8. The table shall provide column totals and subtotals for the past experience period and future experience period. The table shall clearly show cumulative expected claims, cumulative incurred claims, the lifetime loss ratio, and the modified lifetime loss ratio.

9. The complete durational loss ratio table implicit in the determination of the expected claims for the current year as well as the durational loss ratio table in effect prior to the filing. This will be the basis of expected claims for future experience. If these are being revised from the loss ratios in effect prior to this filing, an explanation and justification of the revised table shall be provided.

10. For a rate change filing, the Department requests that the filing include the above data in an electronic spreadsheet format. The cell entries for the projected values shall provide for the formula development of the values rather than hard-coded entries of values. The spreadsheet file shall also establish the assumptions used in determining the projections, such as interest discount rate, percentage rate change, persistency, etc., in designated cells in advance of the table.

11. For new forms, a graphic depiction of the premium schedule by age and benefit shall be submitted to assist the Department in analyzing the internal consistency of the premium schedule. To the degree possible, as many curves as possible should be on the same graph. For attained age premium schedules, this should be on the same graph as the ultimate claim cost curve.

(s) Item 19. History of Rate Adjustments: This section shall list the approval dates and average percentage rate adjustments since inception for all Florida policy forms included in the filing, including trend increase approvals.

(t) Item 20. Number of Policyholders: This section shall report, on both a Florida-only and a nationwide basis:

1. The number of policyholders/certificateholders in force,  
2. The number of such policyholders who will be affected by the proposed rate revision, and

3. An explanation of any difference in the two numbers, i.e., some insureds may be on premium waiver, paid-up, etc.

(u) Item 21. Proposed Effective Date: This section shall state:

1. The proposed effective date, and  
2. The method of the proposed rate revision implementation, i.e., on anniversary, next premium due date, etc.

(v) Item 22. Actuarial Certification: Certification by a qualified actuary that to the best of the actuary's knowledge and judgment:

1. The filing complies with the applicable laws of the State of Florida and with the Rules of the Department of Insurance,

2. The filing complies with all appropriate Actuarial Standards of Practice,

3. That the benefits provided under the filing are reasonable in relation to the proposed premiums, and

4. The modified lifetime loss ratio of [insert] and anticipated loss ratio of [insert] are derived from the projected experience using assumptions reasonably expected to develop.

Specific Authority 624.308, 627.410 FS. Law Implemented 624.307(1), 627.410, 627.411, 627.6699(6) FS. History—New \_\_\_\_\_.

#### 4-149.111 Annual Rate Filing Procedures.

(1)(a) Every company writing health insurance shall file an ARC demonstrating the reasonableness of the benefits in relation to premium rates, for all such contract forms issued, delivered or issued for delivery in this state.

(b) Non-cancelable forms that were discontinued for sale prior to 6/1/94 and where the annual premium is less than \$350 for over 90% of the policies in force, shall be exempt from this filing requirement.

(2) An ARC filing must be received by the Department for each contract form or pooled block of contract forms no later than 12 months from the date of approval or acknowledgment of the previous filing for the contract form. Filings made and

accepted for filing by the Department do not constitute approval or agreement with any pooling arrangements. See rule 4-149.106(1)(e).

(3) The filings required by this Part shall be on a company distinct basis.

(4) Filings shall be prepared in accordance with rule 4-149.104 including all forms referenced therein, and in accordance with either (a) or (b), below. For Medicare supplement forms, a filing pursuant to (a) is required.

(a) A rate filing shall be prepared, under the direction of an actuary, which contains documentation that the proposed benefits are reasonable in relation to the premium rates, pursuant to the applicable rating laws and this Part.

(b) If no rate change is proposed:

1. An actuary shall prepare a filing certifying that benefits are reasonable in relation to premiums currently charged in accordance with the applicable rating laws and this Part. This means that the rates are sustainable by the company with supporting projections based on a current zero percent rate change to the premium schedule for the next 12-month period and future rate changes not exceeding the medical trend assumptions, if applicable, applied to the claim cost projections.

2. The filing must contain:

a. The experience, past and future, on the form as detailed in rule 4-149.110(3)(r), and

b. The actuarial certification detailed in rule 4-149.110(3)(v).

c. Where the company is not changing premium rates or assumptions, the actuary shall so certify.

3. The modified lifetime loss ratio standard for the form in rule 4-149.108(2)(d) shall be increased as prescribed by rule 4-149.108(9)(a), excluding contract forms where premium schedules are not subject to future rate increases.

4. Pursuant to section 627.410(7)(c), Florida Statutes, if the company does not employ a qualified actuary, a rate certification shall be prepared by company personnel or consultants with a minimum of 5-years experience in insurance ratemaking. In such cases, the chief executive officer of the company shall review and sign the rate certification indicating his agreement with the conclusions.

5. A company shall be required to bring a form into compliance with rule 4-149.108(2)(d) if the lifetime loss ratio, calculated at the time of the ARC filing, is less than the modified lifetime loss ratio standard for the form, as defined in rule 4-149.108(2)(d), assuming a 15% increase in the actuary's best estimate of projected claim costs with no other change to the projection. The company shall file two experience exhibits, one with and one without the 15% claim cost margin. This provision shall not apply if the average policy duration on the form is less than 1.5 and the nationwide experience for durations three and later have less than fifty-percent credibility.

(5) For forms with less than 500 policies/certificates inforce nationwide, the Department will waive the requirement for a certification of reasonableness upon receipt of written request from the company provided the company's solvency is not adversely affected.

(6) An ARC filing which is not made in compliance with the standards of this rule chapter, is incomplete, or does not provide additional information requested by the Department to determine that the ARC filing is complete, accurate and in compliance with this rule chapter and actuarial standards of practice, shall be determined not to have complied with the provisions of section 627.410(7), Florida Statute.

Specific Authority 624.308, 627.410 FS. Law Implemented 624.307(1), 627.410, 627.6699(8) FS. History—New \_\_\_\_\_.

#### 4-149.112 Loss Ratio Guarantee Filings.

##### (1) Applicability

(a) This Rule is applicable to individual accident and health insurance contract forms filed pursuant to the provisions of section 627.410(8), Florida Statutes.

(b) If a company elects the loss ratio guarantee option, then the provisions of section 627.410(8), Florida Statutes and this Part are mandatory.

(c) The following policies are not eligible to be filed pursuant to the loss ratio guarantee provisions of section 627.410(8), Florida Statutes:

1. Medicare Supplement policies as defined by section 627.672, Florida Statutes;

2. Long-term care policies as defined by section 627.9404, Florida Statutes;

3. Other policy forms under which more than 50% of the policies are issued to individuals age 65 or over; and

4. Any policy form with existing inforce business that was not subject to an approved loss ratio guarantee in the immediate preceding year.

5. Policy forms that are in violation of any provision of the insurance laws or regulations that would have an impact on the determination of the reasonableness of the benefits in relation to the premiums charged.

##### (2) Initial Filing Exercising the Loss Ratio Guarantee Option.

(a) In order for a company to exercise the rate filing option in section 627.410(8), Florida Statutes, the initial loss ratio guarantee filing for new products shall be made in compliance with Rules 4-149.101 through 4-149.110, and shall be accompanied by a specific written statement regarding the details of the loss ratio guarantee documenting the durational and lifetime loss ratios.

(b) The terms of the guarantee, and the durational and lifetime loss ratios, as filed with the initial request for approval of a loss ratio guarantee, are subject to Department approval.

(c) An officer of the company shall sign the guarantee.

(d) A copy of a disclosure to be provided to all insureds with the issuance of the contract and at the time of any rate revision summarizing that the coverage is subject to a loss ratio guarantee and not prior approval of the Department.

(3) Rate Renewals Pursuant to a Currently Approved Loss Ratio Guarantee. Rates shall be considered approved upon receipt by the Department of a filing which contains the rates and any modification factors, if applicable, and is accompanied by the most current approved loss ratio guarantee. The loss ratio guarantee shall:

(a) Be in writing;

(b) Be signed by an officer of the company;

(c)1. Contain a presentation of the anticipated lifetime and durational target loss ratios contained in the actuarial memorandum in the filing when the loss ratio guarantee was originally approved.

2. If statutory changes render any portion of the original actuarial memorandum obsolete, an amended memorandum shall be filed to reflect those changes and shall contain revised durational and lifetime target loss ratios which are subject to approval by the Department;

(d) Contain a guarantee that the applicable loss ratios for the experience period in which the revised rates will take effect, and for each one year experience period thereafter until further revised rates are filed, will meet the applicable durational and lifetime target loss ratios and rate increase limitations in rule 4-149.108(15), (16) & (17) to ensure that rate escalations are viable for the policyholder market;

(e)1. Contain a certification, signed by an actuary, that the currently expected lifetime loss ratio is not more than 5% less than the filed lifetime loss ratio.

2. The certification shall contain the currently expected lifetime loss ratio and its justification;

(f)1. Contain a guarantee that an independent auditor shall audit the applicable loss ratio results for the experience period at the company's expense.

2. An independent auditor shall be an actuary or an accountant that is:

a. Without bias with respect to the company, and

b. Free from any obligation to or interest in the company, its management, or its owners.

3. The independent auditor shall not have any relationship with the company or any conflict of interest that would impair his or her integrity or objectivity.

4.a. The audit shall be performed in the second calendar quarter of the year following the end of the experience period.

b. The results of the audit shall be reported to the Department no later than the end of that quarter.

5. The audit shall be performed in accordance with generally accepted actuarial and accounting principles and shall conform to the actuarial demonstration requirements in rule 4-149.110;

(g) Contain a guarantee that a refund will be made to policyholders of the amount necessary to bring the applicable experience period loss ratio up to the durational target loss ratios referred to in paragraph (c), above. Any such refund shall:

1. Be proportional, based on earned premium during the experience period;
2. Be made to all policyholders in this state that are insured under the applicable policy form as of the last day of the experience period;
3. Not be required for an individual if that refund would be less than \$10. Refunds of less than \$10 shall be aggregated and paid proportionally to the policyholders receiving refunds;
4. Include interest compounded monthly at the then current variable loan interest rate for life insurance policies pursuant to section 627.4585, F.S., from the end of the experience period until the date of payment;
5. Be paid during the third calendar quarter of the year following the experience period.
6. Not be made until 60 days after the filing of the audit report required by paragraph (f), above; and
7. Be calculated so that the refund is subtracted from earned premiums in the loss ratio calculation, provided however the premium refund shall not be considered a benefit payment, and shall contain a guarantee that if the applicable loss ratio exceeds the durational target loss ratio for that experience period by more than 20% of the durational target loss ratio, the company shall withdraw the policy form for purposes of issuing new policies, if so directed by the Department. This guarantee will apply only when there are at least 2,000 policyholders nationwide or 2,000 accumulated policyholder years.

(4)(a) Applicable loss ratio is defined as the Florida-only loss ratio.

(b) If Florida experience is not fully credible, the loss ratio shall be adjusted based on nationwide loss ratio experience in accordance with rule 4-149.107.

Specific Authority 624.308, 627.410 FS. Law Implemented 624.307(1), 627.410 FS. History—New

#### Part VI Filing of Forms

##### 4-149.120 Purpose and Scope.

(1) Every contract must be submitted to the Department for approval in accordance with the provisions of this Part.

(2) The purpose of Part VI of this rule chapter is to establish filing procedures to assist companies and the Department in preparing and processing life, annuity, accident, and health insurance form filings.

(3) This Part shall apply to all form filings of policies and applications for accident and health insurance, including outlines of coverage, as well as all form filings for life insurance and annuities.

(4) Funding agreements are not required to be filed with the Department for approval.

Specific Authority 627.308, 627.410 FS. Law Implemented 624.307(1), 627.410 FS. History—New

##### 4-149.121 Form Filing Procedures.

(1)(a)1. All form filings shall be made in accordance with paragraph (b) below.

2. All material submitted shall be legible.

3. A file which is illegible or which contains illegible material will be returned unprocessed.

4. A filing will not be considered to have been received and will not be processed until it is complete. A complete filing consists of the material described in paragraph (b) below.

(b) A complete form filing shall consist of the following items:

1.a. A brief transmittal letter, in triplicate, explaining the type and nature of the filing, including the subject, the purpose, and any unusual features relative to products being sold by other companies.

b. The letter shall also indicate whether the submission is a new filing or a resubmission. If the filing is a resubmission, the letter shall indicate when the previous filing was submitted and the date of the approval or disapproval, and the Florida filing numbers of the prior filing.

c. All group contract forms shall indicate the specific Florida statutory cites under which the group contract is qualified to be issued. The filing shall contain sufficient detail to justify the group's qualification under the particular statute section cited;

2.a. Form DI4-560 (rev 4/91), Standardized Data Letter/Florida Department of Insurance/Division of Insurer Services/Forms Filing (Life and Annuities), as adopted in rule 4-149.190, completely filled out, including the certification in Part VII; or

b. Form DI4-562A and B (rev 4/91), Standardized Data Letter/Florida Department of Insurance/Division of Insurer Services/Health Forms Filing and Health Rates Filing, as adopted in rule 4-149.190, completely filled out, including the rate certification completed in accordance with the instructions contained in Form DI4-562 (rev 7/91), Standardized Data Letter/Health Insurance/Instruction Sheet, as adopted in rule 4-149.190;

c.(i) When submitted, both Form DI4-560 and Forms DI4-562A and B shall contain the company's bar code label in the upper right hand corner of the form.

(ii) Additional bar code labels may be obtained from the Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311. The request shall be in writing and shall contain the company name, the federal employer identification number, and payment of \$30 for each company.

3. Form DI4-561 (rev 7/91), Health Insurance Filing Requirements Summary, as adopted in rule 4-149.190, for all health form filings;

4. Any certifications of readability, rates, cost indices, or other items, if required by Rule or statute;

5. Three copies of the form(s) being filed. Each form shall:

a. Include the name of the company;

b. Have an identifying form number in the lower left hand corner of the first page of the form;

6. Each filing shall contain an actuarial memorandum, certified and signed by a qualified actuary. The actuarial memorandum for life and annuity product filings shall demonstrate compliance with the Standard Valuation Law. Filings for life insurance products other than annuities shall also demonstrate compliance with the Standard Nonforfeiture Law. The Department shall use the actuarial guidelines and other guidance included in the NAIC Examiners Handbook as adopted by Rule 4-138 in evaluating compliance with section 625.121, 627.476, and 627.807 as required by section 627.411(1)(a), Florida Statutes.

7. If the company wishes a copy of the form stamped with the Department's approval, the company shall include a self-addressed envelope, with sufficient postage affixed, as part of the form filing.

(2)(a) Each filing shall contain forms for only one type of coverage, e.g., ordinary life, variable life, medical expense.

(b) A filing may contain more than one form if the forms are for the same type of coverage.

(3) Each filing shall contain forms for only one company.

(4) A single form which contains both life and health coverage shall be submitted, with all appropriate forms and checklists, for both life and health coverage.

(5)(a) Complete filings shall be mailed to: Bureau of Life and Health Forms & Rates, Division of Insurer Services, Department of Insurance, Post Office Box 8040, Tallahassee, FL 32314-8040.

(b) All filings sent to the Department by special delivery shall be delivered to: Department of Insurance, 1st Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328.

(6)(a) Only complete filings prepared in accordance with this Part will be processed.

(b) Any filing submitted without all of the required forms or information will be considered incomplete.

(c) All incomplete filings will be returned without processing.

(7) Definitions. As used in this Part:

(a) A new filing is one that is being submitted for the first time, and includes revisions of a previously approved form.

(b) A resubmission is one that is being submitted in response to a final disapproval from the Department. A resubmission does not include ongoing correspondence under the same filing number prior to an affirmative approval or disapproval by the Department.

(c) An illustration is a ledger or proposal used in the sale of a life or annuity insurance policy that shows non-guaranteed elements.

(d) Market Value Adjustment (MVA) – A formula in a contract that adjusts the surrender values of the contract to reflect the changes in current interest rate levels since the beginning of the interest guarantee period.

(e) Funding Agreements – A contract that does not include, directly or indirectly, the risk of any life contingencies and does not provide any insurance on a human life.

Specific Authority 624.308, 627.410 FS. Law Implemented 624.307(1), 624.307, 625.121, 627.410, 627.476, 627.807 FS. History—New

#### 4-149.122 Review.

(1)(a) Filings will be reviewed in accordance with the applicable statutes and Rules.

(b) Filings will be disapproved for inconsistencies or ambiguities that are misleading in violation of section 626.9541, Florida Statutes.

(2)(a) A group life or group annuity contract form may not reserve the right to change contractual provisions that will adversely affect any contract benefit, including annuitization benefits, attributable to contributions already made. A company may make such a change in the contract only with the prior written consent of the policyholder, or certificateholder for a group policy where contributions are made by the certificateholder.

(b) Contract terms providing for the nature and parameters of prospective changes clearly indicated and explained in the contract are permitted.

(3) A contract form that provides for guaranteed settlement options must clearly disclose the basis used to determine such options in the contract.

(4) Except for unallocated group annuity contract forms, all annuity contract forms with a fixed accumulation fund option must include a table of guaranteed values in the contract and associated certificate, if applicable.

(5) The company shall submit a description of distribution systems (e.g., direct marketing, marketing through agents, marketing through financial or other institutions, funeral homes), and the intended target population for all product filings.

(6) A contract form may provide for a MVA, which reflects the changes in current interest rate levels since the beginning of the interest rate guarantee period, upon partial or full surrender of the contract only if the market value formula provides for both upward and downward adjustments. The actuarial memorandum must indicate the basis for the MVA

adjustment and demonstrate that the formula provides for reasonable equity to both the contract holder and the company. Typical formulas provide for a constant that requires that the reference interest rate must decline at least that amount before the contractholder receives any increase in surrender values as a result of the MVA formula. This constant may not exceed .0025. A one way MVA is permitted for employer/pension group contracts where the one way adjustment is limited to the group level and not administered at the individual level.

(7) A sample policy or contract summary required by section 626.99, Florida Statutes, prepared on a "John Doe" basis utilizing the assumptions contained in the "John Doe" sample contract specified in the filing must be included for informational purposes with all applicable policy form filings. The form will be disapproved if the summary does not comply with section 626.99, Florida Statute.

(8) If a sales illustration is to be used with the form, a copy of a sales illustration, based on the John Doe sample specification page in the filing, must be included for informational purposes with the policy form filing. The form will be disapproved if the illustration isn't consistent with the form or is misleading pursuant to section 626.9541, Florida Statute.

(9) All contract forms must be sufficiently clear and contain sufficient language and contract provisions that the contract benefits can be clearly determined from the contract filed for approval.

(10) Contract forms may designate certain quantitative values as variable within the contract for filing purposes provided that:

(a) The variable value is completed and not variable when issued to a purchaser;

(b) Where the designated variable is an option selected by the contract purchaser, it must be indicated on the contract application;

(c) All potential values for the variable option are indicated in the filing including a clear statement that all options are available to all applicants or, if not, the target market of each option and why discrimination would not occur;

(d) Statutory minimum standards are met at all times for all values permitted within the variable range; and.

(e) A summary of how often and what parameters will affect the company's determination of the value.

(11) For life and annuity products, a contract form may provide for certain factors to be subject to change at the option of the company, such as a current expense charge or current credited interest rate or current bonus rate. All contract forms with factors subject to change at the option of the company over the term of the contract form must contain a maximum or minimum value in the contract that creates a guaranteed

minimum contract benefit. Examples include such contract terms as maximum cost of insurance rates, minimum credited interest rates and maximum expense charges.

(12) An annuity contract with a maturity date exceeding age 70 must contain a provision permitting the owner to elect an earlier maturity date.

Specific Authority 624.308, 627.410, 627.805, 626.9611 FS. Law Implemented 624.307(1), 627.474, 627.410, 627.411, 626.9541, 626.9641, 626.99, 624.307, 625.121, 627.476 FS. History—New \_\_\_\_\_.

#### 4-149.123 Prohibited Policies.

(1) Definitions. For purposes of this rule section, the following terms are defined as follows:

(a) Tontine policy or contract – a financial arrangement in which a group of participants share the benefits of a contract where upon the default or death of any participant, the benefits are distributed among the remaining participants and where the policy has no value to any of the participants until the end of a specified period or term.

(b) Contingent endowment policy or contract – a tontine type policy which provides a cash payment or other benefit convertible to cash, payable to the last surviving insured contingent upon the prior death of all other insureds who have been grouped together.

(c) Coupon policy or contract or annual endowment policy or contract – a specialty-type of life insurance with coupons or annual endowments attached to the policy.

1. Each coupon or endowment is redeemable in cash at the end of the policy year.

2. Generally premiums on these types of policies are higher than on standard life insurance policies in order to pay for the coupons.

3. This definition does not include traditional annuity or life insurance contracts that pay benefits annually.

(2) No company shall issue, deliver, or issue for delivery any contract defined or described in subsection (1) above.

(3) This rule shall not be construed to limit the prohibitions specified in section 627.479(1), Florida Statutes.

Specific Authority 624.308, 627.410, 627.479(2) FS. Law Implemented 624.307(1), 627.479 FS. History—New \_\_\_\_\_.

#### **DEPARTMENT OF REVENUE**

##### NOTICE OF CABINET AGENDA ON APRIL 11, 2000

The Governor and Cabinet, on April 11, 2000, sitting as head of the Department of Revenue, will consider approval of amendments to Rules 12E-1.005, 12E-1.012, 12E-1.022 and 12E-1.023, FAC., for adoption. The proposed amendments to Rule 12E-1.005, FAC., are necessary to implement new statutory provisions which require the remittance of payments to the Florida State Disbursement Unit. The proposed amendments to Rule 12E-1.012, FAC., are needed to clarify the procedures for responding to a request from a consumer reporting agency for information about overdue support owed

by an obligor, to incorporate the procedures for periodic reporting of overdue support to consumer reporting agencies and the procedures for requesting consumer reports from consumer reporting agencies. The proposed amendments to Rule 12E-1.022, FAC., are necessary to revise the Department's procedures for establishing repayment to the Department when a payment disbursement error occurs. The proposed amendments to Rule 12E-1.023, FAC., are needed to conform with the statutory provisions authorizing the Department to seek the suspension of an obligor's driver license and motor vehicle registration based upon delinquent child support payments or failure of the obligor to comply with a subpoena or similar order to appear relating to paternity or child support proceedings. The proposed rules were originally noticed in the Florida Administrative Weekly of February 11, 2000, Vol. 26, No. 6, pp. 575-582. A public hearing on the proposed rules was held on March 6, 2000. No comments were received at the public hearing.

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-66	Relocation Assistance Regulations
RULE NOS.:	RULE TITLES:
14-66.001	Purpose
14-66.002	Scope
14-66.003	Definitions
14-66.004	Public Information
14-66.005	Advisory Services
14-66.006	Written Notices
14-66.007	Relocation Assistance Program
14-66.008	Moving and Related Expenses
14-66.009	Replacement Housing Payments
14-66.010	Mobile Homes
14-66.011	Claim Filing and Documentation
14-66.012	Appeal Rights

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule chapter amendment, notice of which was published in Florida Administrative Weekly, Vol. 25, No. 29, dated July 23, 1999, is hereby withdrawn. Change notices were published in Florida Administrative Weekly, Vol. 25, No. 40, October 8, 1999 and Vol. 26, No. 5, dated February 4, 2000.

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE NO.:	RULE TITLE:
64F-17.005	Penalties

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 10, March 25, 1999, Florida Administrative Weekly, has been withdrawn.  
P.O. X07195

**Section IV  
Emergency Rules**

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Reduction in Workforce  
RULE NO.: 53ER00-10

SUMMARY OF THE RULE: The emergency rule sets forth provisions regarding procedures to be followed in a reduction in workforce.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER00-10 Reduction in Workforce.

(1) When the Department of the Lottery implements a reduction in workforce, the reduction will be conducted by seniority, determined by the total length of continuous service with the Lottery beginning with the original date of hire. For purposes of this rule, seniority will be applied within each District and at Headquarters, within each adversely affected job classification. In the event of identical seniority dates among employees within an adversely affected job classification, the employee(s) to be included in the reduction in workforce will be selected by lot, except as follows. The tie breaker procedure described in the previous sentence will not be applied in the event that one or more of the incumbents of adversely affected position(s) possess unique qualifications that fulfill an essential business purpose of the Lottery. An example of such qualifications is bilingual capability where such capability is essential to the performance of the employee's job.

(2) An employee whose position is abolished due to a reduction in workforce shall be placed on administrative leave with full pay and benefits for a period of two weeks following the effective date of the reduction in force, except as provided in subsection (3).

(3) An employee whose position is abolished due to a reduction in workforce and whose vesting date in the Florida Retirement System (FRS) is on or before September 30, 2000, shall be placed on administrative leave according to the following provisions:

(a) The employee will first be required to exhaust all accrued and subsequently earned annual, holiday, and compensatory leave balances.

(b) Once the employee exhausts all leave balances, he or she will be granted administrative leave with full pay and benefits for a period sufficient to reach the vestment date. The use of annual, holiday, or compensatory leave shall not be approved after the effective date of the reduction in workforce, except as provided in this subsection.

(c) On the day following the date on which the employee becomes vested in the FRS as set forth above, the employee will be separated from employment. In the event an employee who is on any form of leave as provided in this subsection enters employment with another employer that is covered by the FRS, the employee's leave shall cease and any remaining annual leave balances shall be either transferred to the new employer or paid in a lump sum cash payment, in accordance with rules 53-16.006(3) and (4) F.A.C.

(4) The Lottery shall pay to each employee separated from employment due to a reduction in workforce a lump sum amount equal to the cost of purchasing one month's continuation coverage under COBRA of the employee's health and dental insurance policies, less required withholdings. This payment shall be made without regard to an employee's decision to elect or not to elect continuation coverage under COBRA.

Specific Authority 24.109(1), 24.105(20)(d) FS. Law Implemented 24.105(20)(d) FS. History--New 3-14-00.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.  
EFFECTIVE DATE: March 14, 2000

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Retailer CUPID CASH Double Commission Bonus Promotion  
RULE NO.: 53ER00-11

SUMMARY OF THE RULE: The emergency rule describes the Retailer CUPID CASH Double Commission Bonus Promotion associated with the sale of CUPID CASH instant tickets.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER00-11 Retailer CUPID CASH Double Commission Bonus Promotion.

(1) Beginning March 13, 2000, through April 23, 2000, the Florida Lottery shall conduct the Retailer CUPID CASH Double Commission Bonus Promotion in which all Florida Lottery Retailers may participate.

(2) During the promotion period, Retailers will receive a bonus sales commission of 5% in addition to their regular 5% sales commission for each full and partial book of CUPID CASH instant tickets that they settle, except as provided in subsection (5), below.

(3) Bonus commissions will be calculated at the time the CUPID CASH instant tickets are settled and included in the Retailer's weekly Settlement Report under "Sales

Commission." All payments will be made to the contracted Retailer and reported to the Internal Revenue Service as compensation.

(4) To be eligible to receive the bonus commission, Retailers must be in good financial standing with the Florida Lottery. Good financial standing is defined as having no dishonored unpaid electronic funds transfers or associated penalties or any other accounts receivable outstanding for more than sixty days.

(5) An awarded 5% bonus commission and 5% regular sales commission will be charged back to the Retailer's account when any book settled during the promotion is subsequently returned as a full or partial book or reported as lost or stolen. The charge back will be for the portion of the settled book which was not sold and will be reflected as an adjustment on the Retailer's weekly Settlement Report.

(6) Retailers whose Florida Lottery contracts are suspended or terminated subsequent to having earned a bonus sales commission but prior to the payment of the bonus commission, shall be paid the bonus commission earned, provided said suspension or termination was not due to noncompliance with Chapter 24, Florida Statutes, Chapter 53, Florida Administrative Code, or Retailer Contract terms.

Specific Authority 24.105(10)(a),(c), 24.112(1), 24.109(1) FS. Law Implemented 24.105(10)(a),(c), 24.112(1) FS. History--New 3-10-00.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.  
EFFECTIVE DATE: March 10, 2000

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game 98 Specifics  
RULE NO.: 53ER00-12

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game 98, "ROAD TRIP" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER00-12 Instant Game 98 Specifics.

(1) Name of Game. Instant Game Number 98, "ROAD TRIP."

(2) Price. ROAD TRIP Lottery tickets sell for \$2.00 per ticket.



(3) ROAD TRIP Lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning ROAD TRIP Lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any ROAD TRIP Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "LUCKY NUMBERS" play symbols and play symbol captions in ROAD TRIP are as follows:

INSERT SYMBOLS

(5) The "HIGHWAY SIGN NUMBERS" play symbols and play symbol captions in ROAD TRIP are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions in ROAD TRIP are as follows:

INSERT SYMBOLS

(7) The bonus "LUNCH MONEY" play symbols and play symbol captions in ROAD TRIP are as follows:

INSERT SYMBOLS

(8) The bonus "GAS MONEY" play symbols and play symbol captions in ROAD TRIP are as follows:

INSERT SYMBOLS

(9) Determination of Prize Winners.

(a) The holder of a ticket having any number exposed in the "HIGHWAY SIGN NUMBERS" play area that matches any number in the "LUCKY NUMBERS" play area shall be entitled to the corresponding prize amount shown for that number, or if TICKET is shown as the corresponding prize, shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00. Prize amounts which may appear in the play area are: \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$1,500 and \$15,000.

(b) The holder of a ticket having two like symbols exposed in the bonus "LUNCH MONEY" play area shall be entitled to a prize of \$5.

(c) The holder of a ticket having two like symbols exposed in the bonus "GAS MONEY" play area shall be entitled to a prize of \$10.

(10) Number and Size of Prizes. The value, number of prizes, and odds of winning in Instant Game Number 98 are as follows:

MATCH THE HIGHWAY SIGN NUMBER(S)  
TO ANY LUCKY NUMBER TO WIN PRIZE SHOWN.  
GET 2 LIKE SYMBOLS UNDER LUNCH MONEY  
WIN \$5. GET 2 LIKE SYMBOLS UNDER GAS  
MONEY WIN \$10.

<u>PRIZE</u>	<u>WIN</u>	<u>NUMBER IN 84 POOLS OF 120 TICKETS PER POOL</u>	<u>ODDS</u>
<u>TICKET</u>	<u>TICKET</u>	<u>1,209,600</u>	<u>1 in 8.33</u>
<u>\$2</u>	<u>\$2</u>	<u>739,200</u>	<u>1 in 13.64</u>
<u>\$2 + \$3</u>	<u>\$5</u>	<u>537,600</u>	<u>1 in 18.75</u>
<u>\$5 (LUNCH)</u>	<u>\$5</u>	<u>470,400</u>	<u>1 in 21.43</u>
<u>\$2 + \$2 + \$3 + \$3</u>	<u>\$10</u>	<u>33,600</u>	<u>1 in 300.00</u>
<u>\$5 + \$3 + \$2</u>	<u>\$10</u>	<u>33,600</u>	<u>1 in 300.00</u>
<u>\$10 (GAS)</u>	<u>\$10</u>	<u>67,200</u>	<u>1 in 150.00</u>
<u>\$10 + \$5</u>	<u>\$15</u>	<u>67,200</u>	<u>1 in 150.00</u>
<u>\$10 x 2 + \$3 + \$2</u>	<u>\$25</u>	<u>4,200</u>	<u>1 in 2,400.00</u>
<u>\$5 x 3 + \$10</u>	<u>\$25</u>	<u>4,200</u>	<u>1 in 2,400.00</u>
<u>\$5 x 10</u>	<u>\$50</u>	<u>1,344</u>	<u>1 in 7,500.00</u>
<u>\$2 x 5 + \$5 x 5 + \$5 (LUNCH) + \$10 (GAS)</u>	<u>\$50</u>	<u>16,800</u>	<u>1 in 600.00</u>
<u>\$10 x 10</u>	<u>\$100</u>	<u>840</u>	<u>1 in 12,000.00</u>
<u>\$20 + \$20 + \$20 + \$10 x 4</u>	<u>\$100</u>	<u>840</u>	<u>1 in 12,000.00</u>
<u>\$50 x 2</u>	<u>\$100</u>	<u>840</u>	<u>1 in 12,000.00</u>
<u>\$2 x 5 + \$5 (LUNCH) + \$10 (GAS) + \$25 x 3 + \$50 x 2</u>	<u>\$200</u>	<u>1,680</u>	<u>1 in 6,000.00</u>
<u>\$100 x 10</u>	<u>\$1,000</u>	<u>5</u>	<u>1 in 2,016,000.00</u>
<u>\$1,500 x 10</u>	<u>\$15,000</u>	<u>2</u>	<u>1 in 5,040,000.00</u>
<u>\$15,000</u>	<u>\$15,000</u>	<u>2</u>	<u>1 in 5,040,000.00</u>

(11) The over-all odds of winning any prize in Instant Game Number 98 are 1 in 3.16.

(12) For reorders of Instant Game Number 98, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c) FS. History—New 3-10-00.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.  
EFFECTIVE DATE: March 10, 2000

Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver

DEPARTMENT OF INSURANCE

The Department of Insurance and Treasurer has taken action on a petition for variance and/or waiver received from Montgomery Ward, LLC, on January 11, 2000. Notice of

receipt of this petition was published in the Florida Administrative Weekly, Vol. 26, No. 3, dated January 21, 2000. No public comment was received. The petition requested a variance and/or waiver from Rules 4-198.011 and 4-198.015, Florida Administrative Code, which pertain to the application process for licensure as a service warranty association under Part III of Chapter 634, Florida Statutes. On March 13, 2000 the Department of Insurance and Treasurer granted a variance and/or waiver to Montgomery Ward, LLC in a Consent Order Granting Petition for Variance or Waiver in DOI Case #33772-99-CO. The Consent Order granted a variance and/or waiver based upon the principles of fairness, the spirit of the reorganization plan of Montgomery Ward, LLC's Chapter 11 Bankruptcy, and the best interest of Florida's insurance buying public.

For a copy of the Consent Order write or call: Willis F. Melvin, Jr., Department of Insurance and Treasurer, Division of Legal Services, Room 612, Larson Building, Tallahassee, Florida 32399-0333, Telephone (850)413-4112.

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#### **PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN that on March 9, 2000, the Florida Public Service Commission received a Petition from RSL COM U.S.A., Inc. d/b/a Westinghouse Communications (Docket No. 992008-TI), seeking partial waiver of Rule 25-4.0161, Florida Administrative Code. The rule requires that each telecommunications company holding a certificate to provide telecommunications service in Florida shall pay an annual Regulatory Assessment Fee for any year in which it held such certificate for any portion of the year. Comments on this Petition should be filed with the Commission's Division of Records and Reporting, Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0863, within 14 days of publication of this notice.

A copy of the Petition may be obtained from the Commission's Division of Records and Reporting, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0850 or by calling (850)413-6770.

For additional information, contact: Lee Fordham, Division of Legal Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0862, or telephone (850)413-6226.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Board of Cosmetology hereby gives notice that it has received a petition, filed on January 24, 2000, by Ronald and Patricia Guntrum, seeking a variance of Rule 61G5-20.002(1)(c)5., with respect to the required minimum square footage for cosmetology salons. Written comments on this petition should be filed with Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399-0750, within 14 days of publication of this notice.

For a copy of the petition, contact: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Department of Environmental Protection announces its entry of a Final Order granting a request for a variance as required by section 120.542(8), F.S.

NAME OF THE PETITIONER: Carlyle Deco, Inc.

DATE THE PETITION WAS FILED: July 8, 1999.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE VARIANCE IS SOUGHT: Section 62B-33.007(3)(c), FAC., which requires all new major structures to be elevated on, and securely anchored to, an adequate pile foundation in such a manner as to locate the building support structure above the design breaking wave crests or wave approach as superimposed on the storm surge with dynamic wave setup of a one-hundred-year storm.

REFERENCE TO THE PLACE AND DATE OF PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, August 6, 1999, Vol. 25, No. 31.

THE DATE OF THE ORDER APPROVING THE VARIANCE OR WAIVER: September 24, 1999

THE GENERAL BASIS FOR THE AGENCY DECISION: The existing structure is located substantially landward of the 100-year erosion limit and immediately landward of Ocean Drive. Because the subject property is significantly landward of the eroded zone, a concrete mat foundation will achieve the purpose of the underlying statute, thereby, satisfying the first criteria of Section 120.542, F.S., for a variance. In addition, the conditions applied by the City of Miami Beach will create a substantial hardship in trying to install a pile foundation. Therefore, the second criteria for a variance is satisfied.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the final order can be obtained by contacting Rosaline Beckham, Department of Environmental Protection, Office of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, telephone (850)487-1262, Extension 186.

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#### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN that on February 25, 2000 the Florida Department of Health received a Petition from Robert A. DiCicco of Palm Lake Mobile Home Park in Naples, Florida 34112. The petition was for permanent waiver of Chapter 64E-15.004(5),(6),(7) of the Florida Administrative Code, which requires sanitary dump stations where 5 or more recreational vehicle spaces are provided.

Comments on this Petition should be filed with Angela Hall, Agency Clerk, Department of Health, Office of the General Counsel, 2020 Capital Circle, S. E., Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition may be obtained from: Ken Widergren, Bureau of Facility Programs, Department of Health, 2020 Capital Circle, S. E., Bin #A08, Tallahassee, Florida 32399-1710, or by calling Mr. Widergren, (850)487-0004.

NOTICE IS HEREBY GIVEN that on March 6, 2000, the Department of Health received a petition from Alpha General Services, Inc. requesting a variance pursuant to Section 120.542, Florida Statutes. Specifically, the petitioner seeks a variance from 64E-6.013(11)(d), Florida Administrative Code, which requires that tanks with seams below the invert of the outlet shall be watertightness tested in accordance with ASTM C 1227-98, Standard Specification for Precast Concrete Septic Tanks, paragraph 9.2.2, after installation in the field.

Comments on this petition should be filed with Angela Hall, Agency Clerk, Department of Health, Office of the General Counsel, 2020 Capital Circle, S. E., Bin A02, Tallahassee, Florida 32399-1734.

A copy of the petition may be obtained from: Angela Hall, Agency Clerk, Department of Health, Office of the General Counsel, 2020 Capital Circle, S. E., Bin A02, Tallahassee, Florida 32399-1734.

NOTICE IS HEREBY GIVEN that the Department of Health has issued an Order and Notice of Disposition of Petition for Variance disposing of the petition for variance from Rule 64E-5.650(2)(b),(c) and (d), Florida Administrative Code, filed by James W. Kaywell, Esquire, on behalf of David Edmund Ruggieri, M.D. Rule 64E-5.650(2)(b),(c) and (d), Florida Administrative Code, specifies the experience requirements for authorized users of radiopharmaceuticals, nuclear generators or reagent kits for imaging and localization studies and the requirement for written approval and documentation of the radiation safety committee at a medical institution of the required training and experience. The petition was filed with the Department on October 17, 1999, and noticed in the Florida Administrative Weekly on February 11, 2000. No comments from interested persons were received.

The Order, which is dated February 23, 2000, provides, in summary, that:

The Petitioner's request for a variance from Rule 64E-5.650(2)(b) and (c), Florida Administrative, is inapposite and is hereby denied. The Petitioner's request for a variance from Rule 64E-5.650(2)(d), Florida Administrative Code, is hereby granted. By varying this rule, the Petitioner can be added as an authorized user of the radioactive materials license that is held by Cardiology Associates of Charlotte County, P.A. Since the medical facility where the Petitioner received

his clinical and work experience no longer exists, it is not possible to obtain documentation from that facility's radiation safety committee, as required by subsection (2)(d) of the rule. However, the documentation provided by the Petitioner is signed by the individual who was both the radiation safety officer of that facility, and a required member of the facility's radiation safety committee. Since this former radiation safety officer has documented the Petitioner's training and experience, the Department, based on its investigation and the contents of its file, is satisfied that the unavailability of the Florida Medical Center radiation safety committee documentation is not an undue hazard to public health and safety.

A copy of the above-referenced Order may be obtained from: Angela Hall, Agency Clerk, Department of Health, Office of the General Counsel, 2020 Capital Circle, S. E., Bin A02, Tallahassee, Florida 32399-1703, telephone (850)245-4005, facsimile (850)410-1448.

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## Section VI Notices of Meetings, Workshops and Public Hearings

### DEPARTMENT OF STATE

The **Florida National Register Review Board** announces a meeting to which all interested persons are invited:

DATE AND TIME: Thursday, April 6, 2000, 9:00 a.m.

PLACE: Library Training Room, R. A. Gray Building, 3rd Floor, North, Tallahassee, Florida

PURPOSE: Review of National Register Nomination Proposals.

A copy of the agenda may be obtained by writing: Survey and Registration Section, Division of Historical Resources, Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, any person with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

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The **State Historic Marker Council** announces the following meeting to be held by conference meeting to which all parties are invited to attend:

DATE AND TIME: April 5, 2000, 10:00 a.m.

PLACE: Conference Room, 3rd Floor, Room 306-B, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL

**PURPOSE:** To review applications for the State Historic Markers.

To obtain a copy of the agenda or further information contact in writing: Bureau of Historic Preservation, R. A. Gray Building, 4th Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

If a person decides to appeal any decision made by the Committee with respect to any matter, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which includes the comments upon which the appeal is being based.

Pursuant Chapter 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact the Bureau of Historic Preservation by telephone (850)487-2333 or Fax (850)922-0496.

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The **African-American Heritage Advisory Committee** announces a public meeting to which all persons are invited:

**DATE AND TIME:** Friday, April 7, 2000, 10:00 a.m.

**PLACE:** Union Bank/Black Archives Research Center and Museum Extension, 219 Apalachee Parkway, Tallahassee, Florida

**PURPOSE:** To provide guidance and leadership in the development of cooperative projects by the Black Archives Research Center, the Museum and the Division of Historical resources to promote a greater knowledge and appreciation of African-American heritage in Florida.

A copy of the agenda may be obtained by writing: Florida African-American Heritage Advisory Committee, Division of Historical Resources, Department of State, The Capitol, Tallahassee, Florida 32300-0250.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, and person with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

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The **Florida Folklife Council** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Friday, April 7, 2000, 10:00 a.m.

**PLACE:** Stephen Foster State Folk Culture Center, White Spring, FL

**PURPOSE:** This is the quarterly meeting to conduct business and review Florida Folk Heritage applications.

A copy of the agenda may be obtained by writing: Florida Folklife Council, Bureau of Historic Preservation, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)487-2333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Chapter 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

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The Board of Trustees of Northeast Florida Preservation, Inc., the citizens' support organization of the St. Augustine Regional Preservation Office, **Division of Historical Resources** announces a meeting to which all interested parties are invited.

**DATE AND TIME:** April 14, 2000, 1:00 p.m.

**PLACE:** Conrad Hall at Henry A. DeLand House, 137 W. Michigan Avenue, DeLand, Florida

**PURPOSE:** Quarterly meeting.

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The **Department of State, Division of Library and Information Services** announces a meeting of the State Library Council, which is open to the public.

**DATE AND TIME:** Friday, April 7, 2000, 10:30 a.m. – 2:30 p.m.

**PLACE:** Orange County Library System, (Orlando Public Library), Third Floor Meeting Room, 101 East Central Boulevard, Orlando, Florida

**PURPOSE:** As authorized by Section 257.02, F.S. and Section 257.031, F.S., the State Library Council advises and assists the Division of Library and Information Services, Department of State, which administers the State Library, on its programs and activities.

For further information, contact: Director, Division of Library and Information Services, R. A. Gray Building, Tallahassee, Florida 32399-0250, telephone (850)487-2651 or Suncom 277-2651.

Pursuant to Chapter 286.26, Florida Statutes, any persons with handicaps wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

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The **Department of State, Division of Cultural Affairs**, announces the following public meeting, to which all persons are invited:

**DATE AND TIME:** Tuesday, April 3, 2000, 1:30 p.m.

**PLACE:** Leon County Health Department, Conference Training Room, 2nd Floor, 2965 Municipal Way, Tallahassee, FL 32304-3800, (850)487-7954

**PURPOSE:** To hold an Orientation meeting to determine potential artwork sites for Art in State Buildings Project No. DOH 9620/9300, Leon County Health Department, Tallahassee, Florida

**COMMITTEE:** Art Selection Committee

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250, (850)487-2980, Ext. 116.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Kirby Mole at (850)487-2980, Ext. 133. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

The **Department of State, Division of Cultural Affairs**, Florida Arts Council, announces a public Committee meeting to which all persons are invited:

**COMMITTEE:** Technology Ad Hoc Committee

**DATE AND TIME:** Wednesday, April 13, 2000, 10:00 a.m. – 3:00 p.m.

**PLACE:** Broward County Library, 100 South Andrews Avenue, Room 8C, Fort Lauderdale, Florida

**PURPOSE:** To explore opportunities for increasing the Division's use of technology in the services to the field and how the Florida Arts Council can assist cultural organizations in their ongoing efforts to improve their use of technological advances.

A copy of the agenda may be obtained by writing: Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250 or by calling Dianne Alborn, Administrative Assistant, at (850)487-2980.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record this meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Dianne Alborn at (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling (850)488-5779.

The **Department of State, Division of Cultural Affairs**, Florida Arts Council, announces public Committee meetings, to which all persons are invited:

**COMMITTEE:** Local Arts Agency/State Service Organization Program Panel

**DATE AND TIME:** Wednesday, April 19, 2000, 9:00 a.m. – Conclusion

**PLACE:** R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

**PURPOSE:** To discuss, review and make recommendations regarding the applications received for the Local Arts Agency/State Service Organization Program.

**COMMITTEE:** Quarterly Assistance/UACAP Committee

**DATE AND TIME:** Wednesday, April 19, 2000, 9:00 a.m. – Conclusion

**PLACE:** R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

**PURPOSE:** To discuss, review and make recommendations regarding the applications received for the Quarterly Assistance Grant and Underserved Arts Communities Assistance Programs.

**COMMITTEE:** Governmental Affairs Committee

**DATE AND TIME:** Wednesday, April 19, 2000, 2:00 p.m. – 4:00 p.m.

**PLACE:** R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

**PURPOSE:** To discuss issues and budget request relating to the 2000 Legislative Session.

**COMMITTEE:** Arts in Education Committee

**DATE AND TIME:** Wednesday, April 19, 2000, 2:00 p.m. – 4:00 p.m.

**PLACE:** R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

**PURPOSE:** Ongoing Committee activities as necessary.

A copy of the agenda may be obtained by writing: Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250 or by calling Dianne Alborn, Administrative Assistant, at (850)487-2980.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meetings, he/she may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the agency at least 48 hours before the meeting by contacting Dianne Alborn at (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling (850)488-5779.

The **Department of State, Division of Cultural Affairs**, Florida Arts Council, announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, April 20, 2000, 9:00 a.m. – Conclusion

PLACE: R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

PURPOSE: To discuss, review and make recommendations regarding the Division of Cultural Affairs' programs and grants, and to conduct other business as necessary.

A copy of the agenda may be obtained by writing: Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250 or by calling Dianne Alborn, Administrative Assistant, at (850)487-2980.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record this meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Dianne Alborn at (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling (850)488-5779.

**DEPARTMENT OF LEGAL AFFAIRS**

The Legislative Reporting Committee of the **Florida Commission on the Status of Women** will hold a conference call on:

DATE AND TIME: April 21, 2000, 10:30 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

PURPOSE: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

**DEPARTMENT OF BANKING AND FINANCE**

The Florida **Board of Funeral and Cemetery Services** announces a public Rules Committee Meeting and all persons are invited to attend.

DATE AND TIME: April 18, 2000, 10:00 a.m. – 5:00 p.m.

PLACE: Room 547, Fletcher Bldg., 101 E. Gaines St., Tallahassee, Florida

PURPOSE: Regular Rules Committee business.

To obtain further information and to obtain a copy of the agenda contact Gladys Hennen, Administrative Assistant II, Division of Securities and Finance, 101 East Gaines St.,

Fletcher Bldg., Room 624P, Tallahassee, FL 32399-0350, telephone number (850)410-9898, seven days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Gladys Hennen at (850)410-9898 at least 48 hours before the meeting. If you are hearing or speech impaired, contact Gladys Hennen via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The **Department of Agriculture and Consumer Services** announces a meeting of the Animal Industry Technical Council.

DATE AND TIME: June 30, 2000, 1:30 a.m. – 4:30 p.m.

PLACE: Marco Island Marriott, 400 South Collier Boulevard, Marco Island, Florida, (941)394-2511

PURPOSE: To discuss animal health issues of concern to the agricultural industry both intrastate and interstate and to provide a forum for the Department to keep agricultural industry groups abreast of state and national activities as they relate to animal health issues in Florida and activities of other states and USDA, affecting Florida's agriculture animal industries.

A copy of the agenda can be obtained by contacting: Dr. Leroy Coffman, Florida Department of Agriculture and Consumer Services, 335 Mayo Building, Tallahassee, FL 32399-0800, (850)410-0900.

If special accommodations are needed to attend this meeting because of a disability, please contact the above mentioned as soon as possible.

The **Department of Agriculture and Consumer Services** announces a meeting of the Aquaculture Interagency Coordinating Council.

DATE AND TIME: April 10, 2000, 1:00 p.m.

PLACE: Division of Aquaculture, 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, Florida

PURPOSE: To discuss activities and issues affecting the growth of aquaculture in Florida.

A copy of the agenda can be obtained by contacting: Karen Metcalf, 1203 Governor's Square Boulevard, Tallahassee, FL 32301, Telephone (850)488-4033.

If special accommodations are needed to attend this meeting because of disability, please contact Karen Metcalf as soon as possible.

The **Department of Agriculture and Consumer Services** announces a meeting of the Aquaculture Review Council.

DATE AND TIME: April 11, 2000, 9:00 a.m.

PLACE: Division of Aquaculture, 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, Florida

PURPOSE: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda can be obtained by contacting: Karen Metcalf at 1203 Governor's Square Boulevard, Tallahassee, FL 32301, Telephone (850)488-4033.

If special accommodations are needed to attend this meeting because of disability, please contact Karen Metcalf as soon as possible.

**DEPARTMENT OF EDUCATION**

The public is invited to a telephone conference call meeting of the Florida **Board of Regents**.

DATE AND TIME: April 7, 2000, 9:00 a.m.

PLACE: Conference Room, 15th Floor, Florida Education Center, Tallahassee, Florida

PURPOSE: To consider legislative issues and updates; and other matters pertaining to the State University System.

A copy of the agenda may be obtained by writing: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 325 West Gaines Street, Tallahassee, Florida 32399-1950.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7333 (TDD), at least 7 days in advance, so that their needs can be accommodated.

The **Florida Art in State Buildings Program (FAMU)** announces the following public meeting, to which all persons are invited:

DATE AND TIME: Wednesday, March 29, 2000, 9:00 a.m.

PLACE: Florida A & M University, Foster Tanner Fine Arts, Room 107, Tallahassee, Florida 32307, (850)561-2842

PURPOSE: To hold an Orientation / Slide Review meeting to determine potential sales and media for artwork, review entries and select artwork for purchase.

COMMITTEE: Art Selection Committee

For more information, or to obtain a copy of the agenda, please contact: Kenneth Falana, User Agency Representative, Art in State Buildings Program, Florida A & M University, Tallahassee, Florida 32307, (850)561-2842.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Art In State Buildings Program.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least

48 hours before the meeting by contacting Kenneth Falana at (850)561-2842. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

The **Florida Art in State Buildings Program (FAMU)** announces the following public meeting, to which all persons are invited:

DATE AND TIME: Wednesday, March 29, 2000, 10:00 a.m.

PLACE: Florida A & M University, Foster Tanner Fine Arts, Room 107, Tallahassee, Florida 32307, (850)561-2842

PURPOSE: To hold an Orientation / Slide Review meeting to determine potential sales and media for artwork, review entries and select artwork for purchase.

COMMITTEE: Art Selection Committee

For more information, or to obtain a copy of the agenda, please contact: Kenneth Falana, User Agency Representative, Art In State Buildings Program, Florida A & M University, Tallahassee, Florida 32307, (850)561-2842.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Art In State Buildings Program.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Kenneth Falana at (850)561-2842. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

The **Florida Art in State Buildings Program (FAMU)** announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: Friday, March 31, 2000, 10:00 a.m.

PLACE: Florida A & M University, Palmetto Street Apartments (Phase III), Recreational Room, Room 106, Tallahassee, Florida 32307, (850)561-2842

PURPOSE: To hold an Orientation / Slide Review meeting to determine potential sales and media for artwork, review entries and select artwork for purchase.

For more information, or to obtain a copy of the agenda, please contact: Kenneth Falana, User Agency Representative, Art in State Buildings Program, Florida A & M University, Tallahassee, Florida 32307, (850)561-2842.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Art In State Buildings Program.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Kenneth Falana at (850)561-2842. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

The **Gulf Coast Community College** District Board of Trustees will hold its monthly meeting as follows.

DATE AND TIME: April 13, 2000, 10:00 a.m. (CDT)

PLACE: Gardner Seminar Room

PURPOSE: Regular monthly meeting.

Contact person for the meeting is Dr. Robert L. McSpadden, President.

**DEPARTMENT OF COMMUNITY AFFAIRS**

The **Department of Community Affairs** announces a meeting of the Affordable Housing Study Commission to which all interested persons are invited.

DATE AND TIME: April 4, 2000, 10:00 a.m. – 5:30 p.m.

PLACE: Sheraton Four Points Hotel, 3835 McCoy Road, Orlando, Florida

PURPOSE: The Commission is charged with developing recommendations to the Governor and Legislature to address the state's acute need for housing for very low-, low-, and moderate-income households. At this meeting the Commission will begin work on a strategic plan for the state to ensure that decent, affordable housing is available for all residents by the year 2010.

A copy of the agenda may be obtained from: Nancy Muller, The Affordable Housing Study Commission, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)922-1606.

Any person requiring special accommodation due to disability or physical impairment should contact Nancy Muller, (850)922-1606, at least five calendar days prior to the meeting. People who are hearing impaired should contact Ms. Muller using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Department of Community Affairs** announces conference call meetings for the Site Visits Work Group and the Priority Strategy and Implementation Work Group of the Governor's Task Force on Domestic Violence to which all interested parties are invited to call in at the number listed below.

**SITE VISITS WORK GROUP**

DATE AND TIME: April 4, 2000, 10:00 a.m. – 12:00 p.m.

PLACE: Conference Call Number (850)488-5778 or Suncom 278-5778

SUBJECT MATTER: General discussion on tool to be developed for conducting site visits.

**PRIORITY STRATEGY AND IMPLEMENTATION WORK GROUP**

DATE AND TIME: April 4, 2000, 2:00 p.m. – 4:00 p.m.

PLACE: Conference Call Number (850)488-5778 or Suncom 278-5778

SUBJECT MATTER: General discussion on priorities set by the Task Force and implementation of those priorities.

**INSTRUCTIONS TO PARTICIPATE IN MEET ME**

**CONFERENCE CALLS:** After you have dialed the above numbers you will hear a tone and automatically be connected to the other conference call participants. If you do not hear voices of other participants, it simply means no one has called in at that time. Stay on the line to allow others to connect. If you have trouble connecting, call (850)488-1234 and tell the operator you are having trouble and reference confirmation number 20B0314.

The **Florida Communities Trust** announces pre-application technical assistance workshops to which all interested persons are invited. No advanced registration or fee is required to attend these workshops.

**FIRST WORKSHOP**

DATE AND TIME: March 29, 2000, 9:00 a.m. – 12:30 p.m. (CST)

PLACE: Chatauqua Building (on Lake DeFuniak), 96 Circle Drive, DeFuniak Springs, Florida, (850)892-8500

**SECOND WORKSHOP**

DATE AND TIME: April 3, 2000, 1:00 p.m. – 4:30 p.m. (EDT)

PLACE: Northeast Florida Regional Planning Council, 9143 Phillips Highway, Suite 350, Jacksonville, Florida, (904)363-6350

**THIRD WORKSHOP**

DATE AND TIME: April 4, 2000, 9:00 a.m. – 12:30 p.m. (EDT)

PLACE: East Central Florida Regional Planning Council, 631 N. Wymore Road, Suite 100, Conference Room, Maitland, Florida, (407)623-1075

**FOURTH WORKSHOP**

DATE AND TIME: April 5, 2000, 9:00 a.m. – 12:30 p.m. (EDT)

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida, (954)985-4416

**FIFTH WORKSHOP**

DATE AND TIME: April 6, 2000, 9:00 a.m. – 12:30 p.m. (EDT)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, Florida, (727)570-5151, Ext. 217

**SIXTH WORKSHOP**



DATE AND TIME: April 10, 2000, 9:00 a.m. – 12:30 p.m. (EDT)

PLACE: Department of Community Affairs, Sadowski Building, Kelley Training Center, Room 305, Tallahassee, Florida, (850)922-2207

PURPOSE: The purpose of these workshops is to provide information and technical assistance to local governments to assist in the preparation of applications for awards for land acquisitions under the Florida Communities Trust Preservation 2000 Program.

ACTION TO BE TAKEN: Information will be presented to assist local governments in completing the Florida Communities Trust Preservation 2000 application form and in understanding the review, evaluation and acquisition procedures.

The Agenda for the workshops will be as follows:

1. Call to order.
2. Explanation by representatives of the Trust as to the purpose of the Florida Communities Trust Preservation 2000 Program and the application procedure.
3. Public questions.
4. Adjournment.

WHERE TO OBTAIN COPIES: A copy of the Florida Communities Trust Preservation 2000 Program application form FCT/P2000-4 (eff. 2-10-98) and Rule Chapter 9K-4, FAC., the rule governing the Preservation 2000 Program of the Florida Communities Trust, will be available at the workshops or may be obtained by calling (850)922-2207, Suncom 292-2207 or by writing: Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Communities Trust at (850)922-2207, Suncom 292-2207 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Communities Trust using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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#### DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District 7, announces a Public Hearing to which all persons are invited.

DATE AND TIME: Tuesday, April 18, 2000, 4:30 p.m. – 7:30 p.m. (with formal presentation beginning at 6:00 p.m.)

PLACE: Days Inn Rocky Point, 7627 Courtney Campbell Causeway, Tampa, FL

PURPOSE: The hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Work Program Item Segment Number: 255433 1; FAP No. M-4047(40); Northwest Expressway Final Environmental Impact Statement (FEIS)

Reevaluation. The limits of the Reevaluation are SR 60 (Memorial Highway) from Cypress Street to the vicinity of the Courtney Campbell Causeway Interchange.

A copy of the agenda may be obtained by writing: Kenneth A. Hartmann, P. E., District Seven Secretary, Florida Department of Transportation, 11201 N. McKinley Drive, Tampa, Florida 33612-6456.

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#### STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting of the Advisory Council to the Florida Hurricane Catastrophe Fund to which all persons are invited.

DATE AND TIME: Monday, April 17, 2000, 2:00 p.m. – 3:00 p.m.

PLACE: Hermitage Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: To discuss rulemaking for the 2000-2001 contract year; to consider approval for filing two rules for adoption; and to discuss the general business of the Council.

This will be primarily a conference call. The Meet Me Conference Call Number is: (850)487-9552 or Suncom: 277-9552.

Anyone wishing a copy of the agenda should contact: Anne Bert, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend the meeting is requested to call Patti Elsbernd, (850)413-1346, five days prior to the meeting so that appropriate arrangements can be made.

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#### FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 5, 2000, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C, Third Floor, Tallahassee, Florida

PURPOSE: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than two working days prior to the proceeding at the address given on the notice, Telephone (850)488-3417.

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### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a Hearing to be held in the following docket, to which all interested persons are invited.

DOCKET NO. 991854-TP – Petition of BellSouth Telecommunications, Inc. for Section 252(b) arbitration of interconnection agreement with Intermedia Communications, Inc.

DATES AND TIME: April 10-11, 2000, 9:30 a.m.

PLACE: Conference Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: The permit parties to present testimony and exhibits relative to the petition of BellSouth Telecommunications, Inc. for Section 252(b) arbitration of interconnection agreement with Intermedia Communications, Inc. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on March 17, 2000. All witnesses shall be subject to cross-examination at the conclusion of their testimony. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, FAC.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

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The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 990108-TP – Request for arbitration concerning complaint of The Other Phone Company, Inc. d/b/a Access One Communications against BellSouth Telecommunications, Inc. regarding breach of resale agreement.

DATE AND TIME: April 10, 2000, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To permit parties to present testimony and exhibits relative to the request for arbitration concerning complaint of The Other Phone Company, Inc. d/b/a Access One against BellSouth Telecommunications, Inc. regarding breach of resale agreement. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on July 30, 1999.

All witnesses shall be subject to cross-examination at the conclusion of their testimony. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, FAC.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

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The Florida **Public Service Commission** announces a Hearing Conference to be held in the following docket, to which all interested persons are invited.

DOCKET NO. 981488-TI – Initiation of show cause proceedings against Accutel Communications, Inc. for Unlawful Billing Practices in violation of Section 364.10(1) and Section 364.604(2), F.S., and Insufficient Management Capability pursuant to Section 364.337(3), F.S.

DATE AND TIME: April 12, 2000, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To permit parties to present testimony and exhibits relative to the initiation of show cause proceedings against Accutel Communications, Inc. for unlawful billing practices in violation of Section 364.10(1) and Section 364.604(2), F.S., and insufficient management capability pursuant to Section 364.337(3), F.S. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on March 23, 2000. All witnesses shall be subject to cross-examination at the conclusion of their testimony. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, FAC.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

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The Florida **Public Service Commission** announces a public meeting in the following docket to which all persons are invited.

Docket No. 990939-WS – Application for rate increase in Martin County by Indiantown Company, Inc.

DATE AND TIME: Wednesday, April 12, 2000, 6:00 p.m.

PLACE: Indiantown Civic Center, 15675 S. W. Ocoola Street, Indiantown, Florida 34956.

PURPOSE: To give customers and other interested persons an opportunity to offer comments on the quality of service the utility provides, the proposed rate increase and to ask questions and comment on other issues.

A copy of the agenda for any meeting may be obtained by writing: Director of Records and Reporting at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

**EXECUTIVE OFFICE OF THE GOVERNOR**

The Florida Partnership for School Readiness, **Executive Office of the Governor**, announces the following public meeting to which all persons are invited.

DATE AND TIME: April 4, 2000, 10:00 a.m. – 5:00 p.m.  
 PLACE: The Cabinet Meeting Room, LL-03, Florida Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Partnership for School Readiness.

A copy of the agenda may be obtained by contacting: Kristin Gilmore or Amy Alan, Florida Partnership for School Readiness, Executive Office of the Governor, Room 131, Knott Building, Tallahassee, Florida 32399, (850)488-0337.

**REGIONAL PLANNING COUNCILS**

The **Northeast Florida Regional Planning Council**, Transportation Committee announces the following public meetings to which all persons are invited:

DATE AND TIME: April 6, 2000, 9:00 a.m.  
 PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL  
 PURPOSE: To discuss pending transportation issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is given that two or more members of the Boards of County Commissioners, City/Town Councils/Commission and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Comprehensive and Project Planning Committee announces the following public meetings to which all persons are invited:

DATE AND TIME: April 6, 2000, 9:00 a.m.  
 PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL  
 PURPOSE: To discuss pending comprehensive and project planning items.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Personnel, Program Planning and Budget Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: April 6, 2000, 9:00 a.m.  
 PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL  
 PURPOSE: To discuss pending personnel, program planning, and budget matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: April 6, 2000, 10:00 a.m.  
 PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL  
 PURPOSE: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Ginny Montgomery at (904)363-6350, Extension 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The **Tampa Bay Regional Planning Council**, District VIII, Tampa Bay Local Emergency Planning Committee (LEPC) announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, March 29, 2000, 10:00 a.m. (Please call to confirm date, time and location)  
 PLACE: Tropicana Products, Inc., 1001 13th Avenue, East, Bradenton, FL 34208  
 PURPOSE: Regular Bi-Monthly District VIII LEPC Meeting.

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

### WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following public meetings and hearings to which all persons are invited:

#### GOVERNING BOARD MEETING

DATE AND TIME: Tuesday, April 11, 2000, 10:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

PURPOSE: Discussion and consideration of District business including regulatory and non-regulatory matters.

#### FINANCE COMMITTEE MEETING

DATE AND TIME: Wednesday, April 12, 2000, 8:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Discussion of Finance Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

#### GOVERNING BOARD MEETING AND PUBLIC HEARING

DATE AND TIME: Wednesday, April 12, 2000, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Discussion and consideration of District business including regulatory and non-regulatory matters.

#### PUBLIC HEARING

DATE AND TIME: Wednesday, April 12, 2000, following the regularly scheduled Governing Board meeting which begins at 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Final rule adoption hearing on proposed revisions to Section 40C-8, FAC., regarding Minimum Flows and Levels.

A copy of the agenda for these meetings may be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, Attention: Ann Freeman, Governing Board Support Specialist.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting Ann Freeman at (904)329-4101. If you are hearing or speech impaired, please contact the District by calling (904)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **St. Johns River Water Management District** announces the following public meeting which will be held either telephonically or as an open committee meeting to which all persons are invited:

MEETING: Finance Committee

DATE AND TIME: Friday, April 28, 2000, 10:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Evaluation of Responses to Request for Proposals (RFP) for Organizational/Management Review for committee recommendation to the full Governing Board at the May 10, 2000 Governing Board meeting.

If any person decides to appeal any decision with respect to any matter considered at the above-listed meeting, such person may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is requested to advise the District at least 48 hours before the meeting by contacting Ann Freeman at (904)329-4101. If you are hearing or speech impaired, please contact the District by calling (904)329-4450 (TDD).

The **Southwest Florida Water Management District** announces the following meetings to which all interested parties are invited.

#### AGRICULTURAL ADVISORY COMMITTEE

DATE AND TIME: Tuesday, April 4, 2000, 5:30 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Building 1, Tampa, Florida

#### INDUSTRIAL ADVISORY COMMITTEE

DATE AND TIME: Tuesday, April 11, 2000, 10:00 a.m.

PLACE: 7601 Highway 301, North, Tampa, Florida

#### PUBLIC SUPPLY ADVISORY COMMITTEE

DATE AND TIME: Friday, April 14, 2000, 9:30 a.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Building 1, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

Copies of the agendas may be obtained by writing: Community Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)836-0797 (Florida), or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** announces the following public hearing to which all interested persons are invited:

**DATES AND TIME:** April 25, 2000, 9:00 a.m. and may be continued until April 26, 2000, 9:00 a.m.

**PLACE:** Governing Board Room, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-6899

**PURPOSE:** The acquisition of certain lands eligible to be considered for funding from the Water Management Lands Trust Fund (Save Our Rivers)/Florida Preservation 2000 Trust Fund which lands are further described as follows:

Part of the Starkey Addition project comprised of one parcel referred to as SWF Parcel No. 16-010-033 consisting of approximately 185± acres and lying in Sections 7 and 18, Township 26, South, Range 17, East in Pasco County, Florida; and The assignment of a conservation easement which is part of the Gum Slough project comprised of one parcel referred to as SWF Parcel No. 19-687-103C consisting of approximately 1,820 acres lying east of the Withlacoochee River and south of State Road 200 within portions of Sections 34 and 35, Township 17, South, Range 20, East, Marion County, Florida and portions of Sections 02, 03, 04, 10 and 11, Township 18, South, Range 20, East, Sumter County, Florida.

Any person deciding to appeal any decision made by the District Governing Board concerning the above-referenced hearing will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal may be based.

A copy of the agenda or a more specific legal description of the lands proposed for acquisition may be obtained by contacting: Fritz H. Musselmann, Land Resources Director, Southwest Florida Water Management District, at the above address.

The District does not discriminate based on disability status. Anyone requiring reasonable accommodations under the ADA should call 1(800)423-1476 (Florida only), Extension 4452, Fax (352)754-6877, TTD only 1(800)231-6103.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

**DATE AND TIME:** April 4, 2000, 12:30 p.m.

**PLACE:** Orlando Utilities Commission, 3800 Gardenia Avenue, Orlando, Florida

**PURPOSE:** To review and gather public input on the Kissimmee Basin Water Supply Plan.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

For more information, contact Chris Sweazy at (407)858-6100.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

**DATE AND TIME:** April 11, 2000, 2:00 p.m.

**PLACE:** District Headquarters B-1 Building, Storch Room, 3rd Floor, 3301 Gun Club Road, West Palm Beach, Florida

**PURPOSE:** The Agricultural Advisory Committee will hold a teleconference to discuss and take a position on proposed revision of the District's Advisory Committee organization.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

For more information, contact Woodie VanVoorhees at (561)682-6332.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

**DATE AND TIME:** April 5, 2000, 9:00 a.m. – 4:00 p.m.

**PLACE:** Pompano Beach Civic Center, 1801 N. E. 6th Street, Pompano Beach, Florida

**PURPOSE:** This meeting is to discuss the completion of the Lower East Coast Regional Water Supply Plan.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

For more information, contact John Mulliken, Lower East Coast Regional Water Supply Plan Project Manager, at (561)682-6649.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: April 7, 2000, 10:30 a.m.

PLACE: District Headquarters B-1 Building, Conference Room 3B, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: The Environmental Advisory Committee will meet to discuss and take positions on issues affecting the environment and will so advise the Governing Board.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

For more information, contact Woodie VanVoorhees at (561)682-6332.

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### REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, April 5, 2000, 10:00 a.m.

PLACE: Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, FL

PURPOSE: Conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776 at least two business days in advance to make appropriate arrangements.

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### SPACEPORT FLORIDA AUTHORITY

The **Florida Space Research Institute** (FSRI) will hold a public meeting of its board of directors:

DATE AND TIME: March 29, 2000, 9:00 a.m. – 12:00 Noon

PLACE: Capitol Building, Tallahassee, Florida

PURPOSE: Include discussions on the selection of an executive director for FSRI; relationship with the Florida Space Grant Consortium; the Space Experiment, Research & Processing Laboratory; and other issues related to the FSRI's start-up development.

Contact Edward Ellegood at (321)730-5301, Extension 1105, for information and an agenda.

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The **Spaceport Florida Authority** announces a Board of Supervisors meeting to which the public is invited.

DATE AND TIME: April 12, 2000, 10:00 a.m. – 12:00 p.m.

PLACE: Florida Department of Transportation, Haydon Burns Building, 5th Floor, 605 Suwanee Street, Tallahassee, Florida 32399-0450

PURPOSE: The Board will continue discussion on the status of ongoing projects including the Next Generation Launch Vehicle (NGLV) facility at Kennedy Space Center, the Horizontal Integration Facility (HIF) facility at Launch Complex 37, and the development at Launch Complex 20; Washington update; Master Planning status and administrative issues.

For more information, contact Mr. Jim Leary at (407)730-5301 Ext. 1121.

To obtain a copy of the agenda, write: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Spaceport Florida Authority at least seven (7) days prior to the meeting.

Please note that if a person decides to appeal any decision made by the Board of Supervisors with respect to any matter considered at the above cited meeting or hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

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The **Florida Commercial Space Financing Corporation** announces a meeting to which the public is invited.

DATE AND TIME: April 12, 2000, 1:00 p.m. – 3:00 p.m.

PLACE: Florida Department of Transportation, Haydon Burns Building, 605 Suwannee Street, 5th Floor, Tallahassee, Florida 32399-0450

PURPOSE: A meeting to continue development, planning and administrative issues and to consider any proposed financing matter related to the business of the corporation.

For more information, contact Mr. Ed O'Connor at (321)730-5301, Extension 1101.

To obtain a copy of the agenda, write: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Spaceport Florida Authority.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

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#### AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF CANCELLATION – The meeting of the **Panel on Excellence in Long-Term Care** scheduled for:

DATE AND TIME: Friday, March 24, 2000, 10:00 a.m. – 2:00 p.m.

PLACE: River Garden Hebrew Home, Wolfson Health and Aging Center, 11401 Old St. Augustine Road, Jacksonville, FL 32258

PURPOSE: Has been cancelled.

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The **Agency For Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council to which all interested parties are invited.

DATE AND TIME: Thursday, March 30, 2000, 10:00 a.m.

PLACE: Greenberg Traurig, Union Planter's Bank Building, 1221 Brickell Ave., Miami, FL 33131, (305)579-0500

PURPOSE: To study and make recommendations on the collection, analysis and dissemination of health care data.

A copy of the agenda may be obtained by writing: Connie Cobia, Information Technology, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Connie Cobia, (850)922-5587, at least five calendar days prior to the meeting.

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The **Agency for Health Care Administration** announces a meeting of the Prescribing Pattern Review Panel and the Drug Utilization Review Board to which all interested parties are invited.

DATE AND TIME: Saturday, April 1, 2000, 10:30 a.m. – 2:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, Conference Room A

PURPOSE: Evaluation of prescribing patterns and profiles of prescribers for selected therapeutic classes in the Medicaid program.

Any attendee requiring special accommodation because of a disability or physical impairment should contact the Agency for Health Care Administration at (850)487-4441, at least five days prior to the meeting.

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#### DEPARTMENT OF MANAGEMENT SERVICES

The **SMART Schools Clearinghouse** announces a regular meeting of the SMART Schools Clearinghouse to which all interested persons are invited:

DATE AND TIME: April 11, 2000, 10:00 a.m.

PLACE: The meeting will be held at the Department of Management Services, Capital Circle Office Center, 4050 Esplanade Way, Suite 101, Tallahassee, Florida 32399-0950.

A copy of the agenda may be obtained by contacting: the SMART Schools Clearinghouse, Office of the Executive Director, 4050 Esplanade Way, Suite 250, Tallahassee, FL 32399-0950, phone (850)921-8699, Suncom 291-8699.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Office of the Executive Director at the above telephone or address at least five (5) calendar days prior to the meeting. If you are hearing- or speech-impaired, please contact the agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Clearinghouse with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

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The **Florida Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting will be held:

DATES AND TIMES: Monday, April 3, 2000, 10:00 a.m. – 5:00 p.m.; Tuesday, April 4, 2000, 9:00 a.m. – 2:00 p.m.

PLACE: Comfort Suites Tallahassee, 1026 Apalachee Parkway, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be discuss general and administrative issues of the Commission.

A copy of the agenda may be obtained by contacting: Ms. Sharon Moultry, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, telephone (850)488-7082, Extension 1036.

VERBATIM RECORD OF MEETING: If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

SPECIAL ACCOMMODATION: Any person requiring special accommodation because of a disability or physical impairment should contact the Clerk of the Commission at (850)488-7082, Extension 1036 at least five calendar days prior to the meeting.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The **Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation** announces Quota Liquor License Drawings to which all persons are invited for the following counties: ALACHUA (1), BREVARD (2), BROWARD (7), CITRUS (1), CLAY (2), COLLIER (2), DADE (4), ESCAMBIA (1), HERNANDO (1), HILLSBOROUGH (2), LEE (2), LEON (1), LEVY (1), MANATEE (1), MARION (1), MARTIN (1), OKALOOSA (1), ORANGE (4), OSCEOLA (1), PALM BEACH (3), PASCO (1), PINELLAS (1), POLK (1), PUTNAM (1), ST. JOHNS (1), ST. LUCIE (1), SARASOTA (1), SEMINOLE (2), SUMTER (2), VOLUSIA (1), WAKULLA (1).

DATE AND TIME: April 4, 2000, 10:00 a.m. EST

PLACE: Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 North Monroe Street, Tallahassee, FL

PURPOSE: To conduct double random computer drawings from the pool of qualified applicants for new quota liquor licenses in each of the above referenced counties and establish each qualified applicant's standing to receive one of the new licenses. Those applicants chosen in the drawings will be notified by certified mail of their eligibility to apply for a license and will be given.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The **Department of Environmental Protection** announces a public workshop to which all persons are invited.

DATE AND TIME: Thursday, April 6, 2000, 10:00 a.m. – 4:00 p.m.

PLACE: DEP, Southeast District Office, 400 North Congress Avenue, West Palm Beach, Florida

PURPOSE: The purpose of the Lake Okeechobee TAC is to assist in the development of a Total Maximum Daily Load (TMDL) for total phosphorus in Lake Okeechobee. Discussion may include the in-lake cycling of phosphorus with emphasis on the role of sediments in phosphorus cycling, tools currently available for modeling the Lake Okeechobee system and the formulation of a method for determining allowable phosphorus loading to the lake.

A copy of the agenda for the meeting may be obtained by contacting: Kim Shugar, Department of Environmental Protection, 2600 Blair Stone Road, MS #3525, Tallahassee, Florida 32399-2400 or by calling her at (850)921-9395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Services Specialist in the Bureau of Personnel at (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Tuesday, April 4, 2000, 7:00 p.m. (EST)

PLACE: Oscar Scherer State Park, Recreation Hall, 1843 South Tamiami Trail, Osprey, Florida 34229

PURPOSE: To receive comments regarding management and land uses for Oscar Scherer State Park before to the development of a management plan for the park.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting. Any request for special accommodations can be made by writing: Department of Environmental Protection, Division of Recreation and Parks, District 4 Administration, 1843 South Tamiami Trail, Osprey, Florida 34229.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Tuesday, April 4, 2000, 7:00 p.m. (EST)

PLACE: McLarty Treasure Museum, 13180 North A1A, Vero Beach, Florida 32963

PURPOSE: To present the current management plan for Sebastian Inlet State Recreation Area to the public.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting. Any request for special accommodations can be



made by writing: Department of Environmental Protection, Division of Recreation and Parks, District 3 Administration, 1800 Wekiwa Circle, Apopka, Florida 32712.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a DEP Advisory Group meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 5, 2000, 9:00 a.m. (EST)

PLACE: McLarty Treasure Museum, 13180 North A1A, Vero Beach, Florida 321963

PURPOSE: To discuss the current management plan for Sebastian Inlet State Recreation Area with the DEP Advisory Group.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting. Any request for special accommodations can be made by writing: Department of Environmental Protection, Division of Recreation and Parks, District 3 Administration, 1800 Wekiwa Circle, Apopka, Florida 32712.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public meeting to which all persons are invited:

Coordinating Council meeting

DATE AND TIME: April 7, 2000, 9:30 a.m. – 4:30 p.m.

PLACE: Twin Lakes Park, Administrative Building, Conference Room A, 6700 Clark Road, Sarasota, Florida

PURPOSE: To convene the Myakka River Management Coordinating Council, as provided for in Section 258.501(6), Florida Statutes.

ACTION TO BE TAKEN: Conduct Council business for administrating the Myakka River as a Wild and Scenic River.

A copy of the agenda may be requested from: Chris Becker, Division of Recreation and Parks, District 4 Administration, 1843 South Tamiami Trail, Osprey, Florida 34229-9663 or by calling (941)486-2053.

If a person decides to appeal any decision made by the board, agency, or committee with respect to any matter considered at such a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested in writing at least 7 (seven) days in advance.

**DEPARTMENT OF HEALTH**

The Florida **Board of Dentistry** will hold the following workshop to which all persons are invited:

Anesthesia Workshop

DATE AND TIME: Thursday, April 13, 2000, 9:00 a.m.

PLACE: Hilton Miami Airport & Towers, 5101 Blue Lagoon Drive, Miami, FL 33126, (305)262-1000

PURPOSE: To revisit defibrillator issues and other Anesthesia Committee business.

A copy of any item on the agenda may be obtained by writing: William H. Buckhalt, Executive Director, Board of Dentistry, 2020 Capital Circle, S. E., BIN #C06, Tallahassee, Florida 32399-3256 or you may call (850)488-6016. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)488-6016, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Dentistry** will hold the following meetings to which all persons are invited:

DATES AND TIMES: Thursday, April 13, 2000, Committees begin immediately following the Anesthesia Workshop with the General Business Meeting following and reconvening on Friday, April 14, 2000, 8:00 a.m.

PLACE: Hilton Miami Airport & Towers, 5101 Blue Lagoon Drive, Miami, FL, (305)262-1000

PURPOSE: To conduct Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: William H. Buckhalt, Executive Director, Board of Dentistry, 2020 Capital Circle, S. E., BIN #C06, Tallahassee, Florida 32399-3256, or you may call (850)488-6016. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber at (850)488-6016, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Council on Physician Assistants**, announces a Conference Call.

DATE AND TIME: Wednesday, April 5, 2000, 12:30 p.m.

PLACE: Via Meet Me Number (850)488-2854 or SC 278-2854

PURPOSE: To conduct general business of the Council.

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)488-3622, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The **Board of Opticianry** announces a telephone conference call. All interested parties are invited to participate at the phone number below, which is open to the public.

DATE AND TIME: April 11, 2000, 9:00 a.m. – 10:00 a.m.

PLACE: Phone number (850)488-5776

PURPOSE: Discuss Specs & Winks request for Declaratory Statement.

Any person requiring special accommodations for this conference call due to disability or physical impairment should contact (850)488-0595 at least five (5) calendar days prior to the conference call. If you are hearing or speech impaired, please contact the office using the Florida Dual Party Relay system at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Pharmacy** announces a public meeting to which all persons are invited.

DATES AND TIME: April 17-18, 2000, 8:00 a.m., EDT

PLACE: Embassy Suites Hotel, 1100 S. E. 17th St., Ft. Lauderdale, FL

PURPOSE: The Board will conduct disciplinary proceedings, general board business and rules review.

The probable cause panel will meet after the April 17th session.

This meeting is closed to the public, however, there may be cases where probable cause was previously found which are to be reconsidered.

A copy of the board agenda and any probable cause materials which are open to the public may be obtained by writing: John D. Taylor, Executive Director, Board of Pharmacy, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Sharon Knowles, (850)488-7220, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health** and the **Board of Occupational Therapy Practice** and the Probable Cause Panel of the Board of Occupational Therapy announce meetings to which all persons are invited:

Probable Cause Panel

DATE AND TIME: April 10, 2000, 8:00 a.m. (EST) or soon thereafter (the General Board Meeting will commence immediately following the Probable Cause Panel or soon thereafter)

PLACE: Holiday Inn Select, 316 W. Tennessee Street, Tallahassee, FL 32301, (850)222-9555

PURPOSE: Reconsideration of cases previously heard by the Probable Cause Panel; Rules Committee Meeting; General Business Meeting; Legislative Workshop; Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Occupational Therapy Practice, 2020 Capital Circle, S. E., BIN #C05, Tallahassee, Florida 32399-3255 or by calling the board office at (850)487-2098.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850)487-2098. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health** and the **Board of Physical Therapy Practice** announces a conference call to which all persons are invited.

DATE AND TIME: April 13, 2000, 8:30 a.m. or soon thereafter

PLACE: Number – Nonsuncom (850)921-2591, Suncom 291-2591

PURPOSE: Education Committee Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 2020 Capital Circle, N. E., BIN #C05, Tallahassee, Florida 32399-3255 or by calling the board office at (850)487-2098.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850)487-2098. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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The **Department of Health** and the **Board of Physical Therapy Practice** announces a meeting to which all persons are invited.

DATES AND TIMES: April 13, 2000, 6:00 p.m. or soon thereafter; April 14, 2000, 8:00 a.m. or soon thereafter

PLACE: The Radisson Airport Hotel, 5555 Hazeltine National Drive, Orlando, FL 32812, (407)856-0100

PURPOSE: Rules Workshop, General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 2020 Capital Circle, S. E., BIN #C05 Tallahassee, Florida 32399-3255 or by calling the board office at (850)487-2098.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850)487-2098. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that

a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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The **Department of Health** and the **Board of Respiratory Care** announces a meeting to which all persons are invited.

DATE AND TIME: April 7, 2000, 9:00 a.m. or soon thereafter

PLACE: The Radisson Airport Hotel, 5555 Hazeltine National Drive, Orlando, FL 32812, (407)856-0100

PURPOSE: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 2020 Capital Circle, S. E., BIN #C05, Tallahassee, Florida 32399-3255 or by calling the board office at (850)487-2098.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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The **Department of Health**, Bureau of Emergency Medical Services, announces a public meeting to which all persons are invited.

DATE AND TIME: April 5, 2000, 10:00 a.m. – 11:00 a.m.

PLACE: 4025 Esplanade Way, Tallahassee, Florida 32301-4881. This is a telephone conference call at 1(888)860-6808.

PURPOSE: A committee appointed by the Bureau of Emergency Medical Services is holding a meeting to develop the State Trauma System Plan.

A copy of the agenda may be obtained by writing: Department of Health, Bureau of Emergency Medical Services, 2020 Capital Circle Southeast, Bin #C18, Tallahassee, Florida 32399-1738, or by calling Beth Hamilton at (850)245-4440, ext. 2775.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency before April 2, 2000 by contacting Beth Hamilton at (850)245-4440, Ext. 2775. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Purchase Order Number XOO699

The **Department of Health**, Bureau of Water and Onsite Sewage Programs announces a meeting of Drinking Water Well stakeholders to discuss Chapter 64E-8, FAC. issues. This meeting is open to the public.

DATE AND TIME: Friday, April 7, 2000, 9:00 a.m. – 12:00 p.m.

PLACE: Conference Room B, South Tower Hurston Building, 1st Floor, 400 West Robinson Street, Orlando, FL 32801

PURPOSE: The purpose of this meeting will be for interested parties to discuss the recent changes to Chapter 64E-8, FAC., and to confer on implementation.

The person to be contacted regarding this meeting is: Mr. Bill Melton, Environmental Specialist III, Dept. of Health, Bureau of Water and Onsite Sewage Programs, 2020 Capital Circle, S. E., BIN #A08, Tallahassee, FL 32399-1710, Telephone (850)488-4070.

The **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: May 18, 2000, 9:00 a.m.

PLACE: Florida Association of Realtors, 7025 Augusta National Drive, Orlando, FL 32822, Local Telephone (407)438-1400

PURPOSE: Identify and discuss issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Water and Onsite Sewage Programs, 2020 Capital Circle, S. E., Bin #A08, Tallahassee, Florida 32399-1713.

#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Florida **Commission on Mental Health and Substance Abuse** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, March 31, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Jackson Memorial Hospital, Diagnostic Treatment Center, Room 259, 1611 N. W. 12th Ave., Miami, FL

PURPOSE: Following a brief business meeting and discussion of Commission goals, Commissioners will take an orientation tour of providers of mental health and substance abuse services in the Miami area. The specific itinerary will be provided at the meeting. At the end of the day, Commissioners will return to Jackson Memorial Hospital to discuss the day's program visits. Members of the public are invited at that time to comment on the Commissioners' discussion and/or share concerns. Written testimony about mental health and substance abuse issues may also be sent to: Dr. Nancy Bell, Executive Director, 13301 Bruce B. Downs Blvd., Tampa, FL 33612-3807.

A copy of the agenda may be obtained by calling (813)974-5085.

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in this meeting should contact Denise Putnal prior to the meeting at the Department of Children and Family Services, 1317 Winewood Boulevard, Building 3, Room 102, Tallahassee, FL 32399-0700, Telephone (850)922-4272, Suncom 292-4272 or call via the Florida Relay Service, 1(800)955-8771 (TDD).

The **Health and Human Services**, Board of District 4 announces the following public meetings to which all persons are invited.

DATE AND TIME: April 13, 2000, 2:00 p.m.

PLACE: City Hall, Commissioners Meeting Room, 75 King Street, St. Augustine, FL

PURPOSE: Regular Board meeting for general business.

The Health and Human Services Board Committees will meet as follows:

COMMITTEE: Health Committee

DATE AND TIME: April 18, 2000, 3:00 p.m.

PLACE: Conf. Room 1

COMMITTEE: Children's Committee

DATE AND TIME: April 13, 2000, 12:30 p.m.

PLACE: Conf. Room 1

COMMITTEE: Adult Committee

DATE AND TIME: April 13, 2000, 12:30 p.m.

PLACE: Conf. Room 1

COMMITTEE: Budget Committee

DATE AND TIME: April 6, 2000, 12:00 p.m.

PLACE: Conf. Room 1

A copy of the agenda may be obtained by writing: Department of Children and Family Services, P. O. Box 2417, Jacksonville, FL 32231-0083, Attention: Harry Smith.

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.) please notify Harry Smith, (904)723-2151, at least 48 hours in advance of the meeting. Hearing impaired please call (904)646-2859 (TDD).

The **Department of Children and Family Services**, Alcohol, Drug Abuse and Mental Health Program Office, announces a public meeting to which all persons are invited:

DATE AND TIME: April 14, 2000, 10:00 a.m. – 11:00 a.m.

PLACE: Cocoa Public Library, 308 Forrest Avenue, Cocoa, Florida 32922

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the designation or re-designation of District 7, Public Baker Act receiving facilities.

A G E N D A

Wuesthoff Health Systems

NOTE: Persons with disabilities requiring accommodations in order to participate in this event should contact the following person(s) by telephone or in writing: Vicki Shelton or Susan Black, 400 West Robinson Street, S430, Orlando, Florida 32801, Telephone (407)245-0420 or 1(800)955-8771 (TDD/TTY) or 1(800)955-8770 (Voice), by close of business (5:00 p.m.) on April 6, 2000.

FOR FURTHER INFORMATION CONTACT: Vicki Shelton, 400 West Robinson Street, Suite S430, Orlando, Florida 32801, Telephone (407)245-0420.

The **Department of Children and Family Services**, Alcohol, Drug Abuse and Mental Health Program Office, announces a public meeting to which all persons are invited:

DATE AND TIME: April 17, 2000, 10:00 a.m. – 11:00 a.m.

PLACE: Hurston Building, North Tower, Conference Room #1, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the designation or re-designation of District 7, Public Baker Act receiving facilities.

A G E N D A

SEMINOLE COMMUNITY MENTAL HEALTH CENTER, INC.

OSCEOLA MENTAL HEALTH CENTER, INC.

NOTE: Persons with disabilities requiring accommodations in order to participate in this event should contact the following person(s) by telephone or in writing: Vicki Shelton or Susan Black, 400 West Robinson Street, S430, Orlando, Florida 32801, Telephone (407)245-0420, or 1(800)955-8771 (TDD/TTY) or 1(800)955-8770 (Voice), by close of business (5:00 p.m.) on April 6, 2000.

FOR FURTHER INFORMATION CONTACT: Vicki Shelton, 400 West Robinson Street, Suite S430, Orlando, Florida 32801, Telephone (407)245-0420.

The **Department of Children and Family Services**, District Ten (Broward County) **Mental Health Program** Office, announces a public meeting to which all persons are invited:

DATE AND TIME: April 25, 2000, 9:00 a.m. – 11:00 a.m.

PLACE: Sunrise Regional Medical Center, 555 S. W. 148 Avenue, Sunrise, Florida 33325, First Floor Cafeteria

THE GENERAL SUBJECT MATTER AND AGENDA IS: The department is seeking public input and information in consideration of the designation or re-designation of the above listed facility as a private Baker Act receiving facility.

Persons desiring additional information may call (954)713-3024 or (954)467-4509 (TDD).

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a training workshop to which all interested parties are invited. No official action will be taken on any item.

DATE AND TIME: April 6, 2000, 4:00 p.m. – 7:00 p.m.

PLACE: Seltzer Room, 6th Floor of the City Centre Building, Florida Housing Finance Corporation, 227 N Bronough St., Tallahassee, Florida 32301

A copy of the agenda may be obtained by contacting: Mary Floyd, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, phone number (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Mary Floyd, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Housing Finance Corporation** announces a public meeting of the Board of Directors to which all interested parties are invited:

Fiscal Committee

Guarantee Committee

Professional Services Selection Committee

FHFC Board Workshop / Meeting

DATE AND TIME: April 7, 2000, 9:00 a.m.

PLACE: Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, Florida 32301

PURPOSE:

- (1) Consider, review, and/or approve recommendations made by the Fiscal Committee.
- (2) Consider, review, and/or approve recommendations made by the Guarantee Program Committee.
- (3) Consider, review, and/or approve recommendations made by the Professional Services Selection Committee.
- (4) Consider, review, and/or approve recommendations made by the Executive Committee.
- (5) Authorize the Corporation Staff to proceed with all actions necessary for the sale of bonds on upcoming multifamily issues.
- (6) Consider financing and inducement resolutions for various multifamily developments, under any multifamily program, including the ranking of projects.
- (7) Consider approval of trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.

- (8) Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
- (9) Consider adopting resolutions authoring negotiated or competitive sale of bonds on various single-family and multifamily issues.
- (10) Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
- (11) Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
- (12) Consider and adopt targeting for use of the 1998 Multifamily Tax Exempt Bond Allocation.
- (13) Consideration of approval of underwriters for inclusion on approved master list and teams.
- (14) Consideration of all necessary actions with regard to the HOME Rental Program.
- (15) Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
- (16) Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
- (17) Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
- (18) Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
- (19) Consideration of all necessary actions with regard to the Home Ownership Programs.
- (20) Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.

A copy of the agenda may be obtained by contacting: Mary Floyd, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, phone number (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Mary Floyd at the Florida Housing Finance Corporation at (850)488-4197 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

The Florida **Fish and Wildlife Conservation Commission** has scheduled an Executive Meeting. This notice announces the date, time and place of that meeting to all interested persons:

**DATES AND TIME:** March 29-31, 2000, 9:00 a.m., each day (to be held in conjunction with the Commission's regularly scheduled Commission Meeting)

**PLACE:** Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

**LEGAL AUTHORITY:** Article IV, Section 9, Florida Constitution.

**PURPOSE:** During this meeting, the Commissioners, the Executive Director and the General Counsel shall meet in private to discuss pending litigation in which the Commission is a party.

The meeting will be recorded by a certified court reporter. Upon conclusion of litigation, a verbatim transcript of the meeting may be obtained from the Office of the General Counsel, Florida Game and Fresh Water Fish Commission, 620 S. Meridian Street, Tallahassee, Florida 32399-1600.

The Florida **Fish and Wildlife Conservation Commission** announces a Management Advisory Group Meeting for the Okaloacoochee Slough Wildlife Management Area, located near La Belle in Hendry County, Florida.

**DATE AND TIME:** Tuesday, April 4, 2000, 9:00 a.m.

**PLACE:** Hendry County Agricultural Extension Building, 1085 Plant Boulevard, La Belle, Florida 33935

**PURPOSE:** To convene a meeting of stakeholders to provide priority considerations to the FWC for future management of the Okaloacoochee Slough Wildlife Management Area. The input received will be used to develop the five-year Conceptual Management Plan for the Okaloacoochee Slough Wildlife Management Area.

**FLORIDA TELECOMMUNICATIONS RELAY**

The **Florida Telecommunications Relay, Inc.** announces a regular meeting of the Board of Directors.

**DATE AND TIME:** Monday, March 27, 2000, 10:00 a.m.

**PLACE:** 1311A Paul Russell Road, Tallahassee, Florida

**PURPOSE:** Regular meeting of the Board of Directors.

A copy of the agenda may be obtained by writing: Mr. James Forstall, Executive Director, 1311B Paul Russell Road, Suite 101B, Tallahassee, FL 32301-4860.

The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

**SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION**

The **Sunshine State Governmental Financing Commission** announces a public meeting, where all interested parties are invited:

DATE AND TIME: Friday, March 31, 2000, 11:00 a.m.

PLACE: Conference Room R, Second Floor, City Hall, City of Orlando, 400 S. Orange Avenue, Orlando, FL

PURPOSE: Board of Directors Business Meeting.

DATE AND TIME: Friday, April 14, 2000, 11:00 a.m.

PLACE: Commission Conference Room, Eighth Floor, City Hall, City of Fort Lauderdale, 100 North Andrews Avenue, Fort Lauderdale, FL

PURPOSE: Board of Directors Business Meeting.

DATE AND TIME: Friday, April 14, 2000, 12:00 Noon

PLACE: Commission Conference Room, Eighth Floor, City Hall, City of Fort Lauderdale, 100 North Andrews Avenue, Fort Lauderdale, FL

PURPOSE: Annual Membership Business Meeting.

A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, (850)878-1874.

**FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

The **Florida Automobile Joint Underwriting Association** announces a meeting to which all persons are invited:

Investment Committee

DATE AND TIME: March 31, 2000, 1:00 p.m.

PLACE: Miami Airport Marriott, 1201 Lejeune Road, Miami, Florida

PURPOSE: To consider the RFQ for Financial Analysis Services and appoint a financial advisor.

Additional information may be obtained from: Lisa Blackwell, FAJUA, 1113 E. Tennessee St., Suite 401, Tallahassee, FL 32308, (850)681-2003.

**PINELLAS WAGES COALITION**

NOTICE OF CHANGE – The **Pinellas WAGES Coalition** announces the following change in the following Services Committee meetings:

DATE AND TIME: April 6, 2000, 2:00 p.m.

PLACE: 3151 3rd Avenue, North, 300 Plaza West, Room 143, St. Petersburg, FL

PURPOSE: Regular meeting of the Services Committee.

ISSUES TO BE DISCUSSED: Current and potential new programs/services to WAGES participants.

Members of the public are invited to attend and to be heard. Agendas can be obtained 7 days in advance of the meeting at 13770 58th Street, North, Suite 304, Clearwater, FL 33760 or by calling (727)507-6197.

Any person wishing to appeal any decision made by the Pinellas WAGES Coalition's Services Committee with respect to any matter considered at such meeting will need a record of the proceedings and, for such purpose, may 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. The inclusion of this statement does not create or imply a right to appeal any decision made at this meeting if the right to an appeal does not exist as a matter of law or policy.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this proceeding is asked to advise the agency sending the notice no later than three working days prior to the proceeding at the address given on the notice, telephone (813)507-6197.

**JUSTICE ADMINISTRATIVE COMMISSION**

The **Justice Administrative Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: April 12, 2000, 2:00 p.m.

PLACE: Justice Administrative Commission Conference Room, 117 West College Avenue, Tallahassee, Florida 32301

PURPOSE: Regular Commission Meeting.

In conjunction with the Americans with Disabilities Act, please contact June Hart at (850)488-2415 if special accommodations are needed. For TDD service, please use Dual Party Relay System 1(800)955-8771.

**FLORIDA INDEPENDENT LIVING COUNCIL**

The **Florida Independent Living Council, Inc.** announces the following public forums for comments on amendments to the State Plan for Independent Living (SPIL):

DATE AND TIME: Wednesday, April 26, 2000, 3:00 p.m. – 5:00 p.m.

PLACE: CIL of Jacksonville, 2709 Art Museum Drive, Jacksonville, Florida 32207, (904)399-8484 Voice/TDD, 1(888)427-4313 Toll Free, (904)396-0859 Fax

For further information contact the CIL of Jacksonville at the above listed numbers.

DATE AND TIME: Thursday, April 27, 2000, 3:00 p.m. – 5:00 p.m.

PLACE: Department of Labor and Employment Security, Excellence Room, 9215 N. Florida Avenue, Tampa, Florida, (813)975-6560 Voice/TDD, (813)975-6559 Fax

For further information contact Self-Reliance, Inc. CIL at the above listed numbers.

PURPOSE: To obtain public comments on the amendments to the State Plan for Independent Living.

A copy of the amendments to the State Plan may be obtained by contacting: Florida Independent Living Council, Inc., 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, telephone (850)488-5624 or toll-free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability should submit a request for such accommodation in writing at least one week before the meeting date.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

**FIRST FLORIDA GOVERNMENTAL FINANCING COMMISSION**

The **First Florida Governmental Financing Commission** announces a public meeting, where all interested parties are invited:

DATE AND TIME: Friday, May 12, 2000, 10:00 a.m.

PLACE: Council Chambers, City Hall, City of St. Petersburg, 175 Fifth Street, North, St. Petersburg, Florida

A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, Post Office Box 14923, Tallahassee, FL 32317-4923 or calling (850)878-1874.

**Section VII**

**Notices of Petitions and Dispositions Regarding Declaratory Statements**

**DEPARTMENT OF BANKING AND FINANCE**

NOTICE IS HEREBY GIVEN that the Department of Banking and Finance, Division of Securities and Investor Protection, received a Petition for Declaratory Statement from counsel for Southern States Cooperative, Inc. on February 25, 2000 (File No. 2946-S-3/00). The Petition seeks the Department's position on whether certain employees (headquarters clerical assistants and retain location employees) would be required to register as "associated persons" in connection with a proposed non-underwritten, registered public offering of unsecured promissory notes.

A copy of the Petition can be obtained by writing: Agency Clerk, Department of Banking and Finance, Suite 526, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

**DEPARTMENT OF REVENUE**

The Petitioner, a licensed private investigative agency, locates individuals entitled to unclaimed property according to public records obtained from the Department of Banking and Finance. If a claimant is located, the Petitioner contracts to recover the property for a fee. The Department issued a Declaratory Statement determining that the activity is not a taxable investigative service pursuant to Section 212.05(1)(j), Florida Statutes, as interpreted by Rule 12A-1.0092, Florida Administrative Code.

A copy of the Declaratory Statement may be obtained by contacting: Judy Langston, Agency Clerk, Office of General Counsel, P. O. Box 6668, Tallahassee, Florida 32314-6668, (850)488-0712.

**DEPARTMENT OF CITRUS**

NOTICE IS HEREBY GIVEN that on March 6, 2000, the State of Florida, Department of Citrus, received a Petition to Initiate Rulemaking from the Florida Citrus Processors Association, P. O. Box 780, Winter Haven, Florida 33882, who members are regulated by the Florida Department of Citrus. The petition requests that Chapter 20-111, Florida Administrative Code, be amended by repealing the entire section 20-111.008, which section provides standards for citrus wines using the "Made With Florida Citrus" trademark.

A copy of the Petition may be obtained from: Joan B. Martin, Administrative Assistant, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an Declaratory Statement in In Re: Petition for Declaratory Statement Lucky's Landing Mobile Home Owners Association; Docket Number DS1999189.

The Declaratory Statement declares that for the rights provided in section 723.071, Florida Statutes to be enforceable, the provisions of section 723.075(1), Florida Statutes must be met. A homeowners association that has members who do not own a mobile home located in the park, does not comply with section 723.075(1), Florida Statutes.



The Division further declares that there is no prohibition in chapter 723, Florida Statutes that would preclude the recreational vehicle owners from being members of the association.

A copy of the Declaratory Statement may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

On February 21, 2000, the Department of Environmental Protection received a petition for declaratory statement from the St. Lucie River Legal Defense Fund, Inc. The petition is seeking a declaratory statement regarding permitting of the S-80 water control structures (also known as the C-44 control structure) which regulate water flow into the St. Lucie River.

A copy of the petition may be obtained by contacting: Jennifer L. Fitzwater, Office of General Counsel, 3900 Commonwealth Blvd., MS #35, Tallahassee, Florida 32399-3000, telephone (850)488-9314.

**DEPARTMENT OF HEALTH**

The Board of Dentistry hereby gives notice that the Petition for Declaratory Statement filed on behalf of David I. Monier, D.M.D., Edwin L. Holland, D.D.S., and Leo J. Curtin, D.M.D., has been withdrawn. Notice of receipt of the Petition was published in Vol. 26, No. 7, of the February 18, 2000, Florida Administrative Weekly. The Petition was on the agenda for the Board's consideration at its March 3, 2000 meeting, but on March 2, 2000, the Board received notice that the Petition was being withdrawn.

The Board of Medicine hereby gives notice that it has issued a Final Order in the Petition for Declaratory Statement filed by Jack W. MacDonald, M.D., on behalf of the medical staff of Tallahassee Memorial HealthCare. The Board reviewed the petition at its meeting on February 4, 2000, in Jacksonville, Florida. The Board published a Notice of Receipt of Petition for Declaratory Statement on January 21, 2000, in Vol. 26, No. 3, of the Florida Administrative Weekly. The Board's Final Order declines to issue a declaratory statement in response to the petition.

The person to be contacted regarding the Declaratory Statement is: Tanya Williams, Executive Director, Board of Medicine, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN that the Department of Children and Family Services received a petition for declaratory statement in In Re: Petition for Declaratory Statement, University of South Florida, Petitioner.

The Petitioner requests a declaratory statement as to whether and the extent to which its substance abuse program must be licensed and regulated under Chapter 397, Florida Statutes.

A copy of the Petition for Declaratory Statement, DCF Case Action 00-040DS may be obtained by writing: Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2 Room 204X, Tallahassee, FL 32399-0700.

Please refer comment to Virginia Daire, Assistant General Counsel, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204X, Tallahassee, FL 32399-0700.

NOTICE IS HEREBY GIVEN that the Department of Children and Family Services received a petition for declaratory statement in In Re: Petition for Declaratory Statement, Florida Institute for Medicare Advocacy, Inc., Petitioner.

The Petitioner requests a declaratory statement as to whether its Pooled Trust and Joinder Agreement complies with Department rules contained in Chapter 65A-1 governing the establishment of qualified pooled trusts.

A copy of the Petition for Declaratory Statement, DCF Case Action 00-041DS may be obtained by writing: Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2 Room 204X, Tallahassee, FL 32399-0700.

Please refer comment to Virginia Daire, Assistant General Counsel, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2 Room 204X, Tallahassee, FL 32399-0700.

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

NAACP, Inc., through its Florida Conference of Branches of NAACP, Mattie Garvin, on her own behalf and as Mother of Keith Garvin, and Keith Garvin vs. Board of Regents and Department of Education; Rule No.: 6C-6.001, 6C-6.002 and 6C-6.003; Case No.: 00-0952RP

David P. Siegel vs. University of Central Florida; Rule No.: 6C2-3.004; Case No.: 99-4622RX

Daniel G. Hennessey vs. Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, State of Florida; Rule No.: 61D-6.002(1); Case No.: 99-5254RX

National Association of Lottery Purchasers vs. Department of Lottery; Rule No.: 53ER99-48; Case No.: 99-4431RE

Florida Academy of Cosmetic Surgery, Inc.; Charles Graper, M.D., D.D.S., FACS; R. Gregory Smith, M.D. vs. Department of Health, Board of Medicine; Rule No.: 64B8-9.009; Case No.: 00-0951RP

Florida Academy of Cosmetic Surgery, Inc.; Charles Graper, M.D., D.D.S., FACS; R. Gregory Smith, M.D. vs. Department of Health, Board of Medicine; Rule No.: 64B8-9.009; Case No.: 00-1058RX

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Florida Medical Association, Florida Osteopathic Medical Association, Florida Academy of Family Physicians, Florida Chapter American College of Physicians, American Society of Internal Medicine, Florida Chapter of the American College of Surgeons, Florida Surgical Society, Florida Psychiatric Society, Florida Academy of Pain Medicine, Florida Society of Anesthesiologists, Florida Society of Ophthalmology, Florida OB-GYN Society and Florida College of Emergency Physicians vs. Department of Health, Florida Board of Nursing, Florida Nurses Association and Florida Association of Nurse Anesthetists; Rule No.: 64B9-4.009; Case No.: 99-5337RP; Invalid

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

A meeting to review and evaluate proposals received in response to the Request for Proposals (RFP) #2000-17, Selection of Diagnostic Reading Assessment Instruments for Use in Florida Schools, will be held April 10-13, 2000, 9:00 a.m. – 4:30 p.m., in Turlington Building, Room 1704. To obtain additional information and request an agenda for this meeting, please contact Dr. Judith Keck by calling (850)488-8198.

**NOTICE TO PROFESSIONAL CONSULTANTS**

Florida State University, State of Florida, announces that professional services for minor projects are required in the discipline(s) of architecture.

Minor projects are specific projects for renovations, alterations, and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis. This will be a multiple award for an initial period of one year beginning on or about July 1, 2000 and ending June 30, 2001 with an option to renew for one additional one year period.

**INSTRUCTIONS:**

Firms desiring to provide professional services shall apply by letter specifying the campus service agreement for which they are applying. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. A completed Board of Regents "Professional Qualifications Supplement," dated either 2/99 or 9/99 Applications on any other form or applications exceeding the 40 page limit will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered in the State of Florida to practice the required profession at the time of application. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit five copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

The plans and specifications for campus service projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133,

Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplements, descriptive project information and selection criteria may be obtained through our website, [www.vpfa.fsu.edu/fpc](http://www.vpfa.fsu.edu/fpc), or by contacting:

Lynetta Mills, Facilities Planning & Construction  
109 Mendenhall Maintenance, Building A  
Florida State University  
Tallahassee, Florida 32306-4152  
(850)644-2843 telephone, (850)644-8351 facsimile

For further information on campus service projects, contact: Lisa A. Durham, Sr. Project Manager, at the address and phone listed above.

Submittals must be received at the above location, by 2:00 p.m., local time, on Tuesday, April 25, 2000. Facsimile (FAX) submittals are not acceptable and will not be considered.

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#### NOTICE TO CONSTRUCTION MANAGERS

Florida State University announces that construction management services will be required for the project listed below:

Project and Location: Minor Projects at  
Florida State University  
Tallahassee, Florida

Project Description: The construction manager will be a single point of responsibility for performance of minor project construction contracts, functioning as an independent contractor; publicly bidding trade contracts. A minor project is defined as a project with a construction budget estimated to be less than \$1,000,000. Accordingly, the selected firm(s) minimum bonding capacity should be \$1,000,000. This will be a multiple award for an initial period of one year beginning on or about July 1, 2000 and ending June 30, 2001 with an option to renew for one additional one year period.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a description of the final interview requirements and a copy of the standard State University System's construction management agreement for minor projects. The Selection Committee may reject all proposals and stop the

selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the architect/engineers under contract with the University to provide services on minor projects.

INSTRUCTIONS: Firms desiring to provide construction management services for the project shall submit a letter of application and the completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained on line at [www.vpfa.fsu.edu/fpc](http://www.vpfa.fsu.edu/fpc) or by contacting:

Lynetta Mills, Facilities Planning & Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile.

For further information on the project, contact: Lisa A. Durham, Sr. Project Manager, at the address and phone listed above.

Five bound copies of the required proposal data shall be submitted. Submittals must be received in the FSU Facilities Planning & Construction Office by 2:00 p.m., local time, on Thursday, April 27, 2000. Facsimile (FAX) submittals are not acceptable and will not be considered.

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#### NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida, on behalf of the State of Florida, Board of Regents, announces that professional services for minor projects are required in the following discipline(s):

Architects (2): Tampa, St. Petersburg, Sarasota and Lakeland Campuses

Minor projects are specific projects for renovations, alterations, and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis for the upcoming fiscal year, July 1 – June 30, 2001.

Award of contract is for an initial period of one year with an Owner's option to renew for one additional year.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a factor in the selection of the firm.

Attach to each letter of application:

1. A completed Board of Regents "Professional Qualifications Supplement," dated September, 1999. Applications on any other form will not be considered. Submittals of more than 40 pages (which includes the letter of interest) will be disqualified. Notwithstanding the prohibition against design consultants, the listing of any consultant for the purpose of including certified MBE firms on the project team is acceptable.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit 6 (six) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

Interested firms are invited to attend a meeting to be held at 2:00 p.m. on Thursday, April 13, 2000, at the University of South Florida, Facilities Planning and Construction, Conference Room, FPC 110, to review the scope and requirements of this project. All interested firms are encouraged to attend. Requests for meetings by individual firms will not be granted.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplements, descriptive project information, and selection criteria may be obtained by contacting:

Natasha Stewart, Senior Word Processing Operator, Facilities Planning and Construction, University of South Florida, FPC 110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550, Phone (813)974-0850, Fax (813)974-3542.

Submittals must be received in the University of South Florida, Facilities Planning and Construction Office, FPC 110, by 2:00 p.m. local time, on Monday, April 24, 2000 and shall be addressed to Ron Hanke, Project Manager, Facilities Planning and Construction, University of South Florida, FPC 110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550. Facsimile (FAX) submittals are not acceptable and will not be considered.

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#### NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida, on behalf of the State of Florida, Board of Regents, announces that professional services for minor projects are required in the following discipline:

Engineer (1): Mechanical/Plumbing/Electrical – All Campuses  
 Minor projects are specific projects for renovations, alterations, and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis for the upcoming fiscal year, July 1 – June 30, 2001.

Award of contract is for an initial period of one year with an Owner's option to renew for one additional year.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. A completed Board of Regents "Professional Qualifications Supplement," dated September, 1999. Applications on any other form will not be considered. Submittals of more than 40 pages (which includes the letter of interest) will be disqualified. Notwithstanding the prohibition against design consultants, the listing of any consultant for the purpose of including certified MBE firms on the project team is acceptable.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit 6 (six) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

Interested firms are invited to attend the appropriate meeting to be held on Thursday, April 13, 2000, at the University of South Florida, Facilities Planning and Construction, Conference Room, FPC 110, at 10:00 a.m. to review the scope and requirements of minor projects. All interested firms are encouraged to attend. Requests for meetings by individual firms will not be granted.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplements, descriptive project information and selection criteria may be obtained by contacting:

Laura Davis, Senior Word Processing Operator, Facilities Planning and Construction, University of South Florida, FPC 110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550, Phone (813)974-0332, Fax (813)974-3542.

Submittals must be received in the University of South Florida, Facilities Planning and Construction Office, FPC 110, by 2:00 p.m. local time, on Monday, April 24, 2000 and shall be addressed to Toufic Moumne, Engineer, Facilities Planning and Construction, University of South Florida, FPC 110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550. Facsimile (FAX) submittals are not acceptable and will not be considered.

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#### NOTICE TO CONSTRUCTION MANAGERS

The University of South Florida, on behalf of the State of Florida, Board of Regents, announces that Construction Management services will be required for minor projects as listed below:

Project: Minor Projects at University of South Florida;

Project Location: Tampa, Sarasota, St. Petersburg, and Lakeland Campuses.

Project Description: The construction manager will be a single point of responsibility for performance of multiple construction contracts currently up to \$1,000,000 individually, functioning as an independent contractor, publicly bidding trade contracts. A minor project is presently defined as a project with a construction budget estimated to be less than \$1,000,000. Accordingly, the selected firm(s) minimum

bonding capacity should be \$1,000,000. This will be a multiple award contract for an initial period of one year, fiscal year July 1 through June 30, 2001, with an Owner's option to renew for one additional year. Two contracts will be awarded. Both selections shall be made based on the standard selection categories, with the exception that certified MBE shall be a 20 point category in one of the selections.

Selection of finalists for interview will be made on the basis of construction manager qualifications including experience and ability; past experience, bonding capacity; record-keeping/administrative ability, critical path scheduling expertise, cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff, and consultants; and ability to meet the minority business enterprise participation requirements of 30%. In one selection, consideration of 20 points will be given in section 12 of the CMQS for minority business enterprise participation, with the highest score being assigned to certified MBE firms who are qualified to do construction management. Finalists will be provided with a copy of a list of the final interview evaluation criteria and copy of the standard State University System's construction management agreement for minor projects. The final ranking for each category shall be determined based on the oral presentations and references. The Selection Committee may reject all proposals and may stop the selection process at any time.

**INSTRUCTIONS:** Firms desiring to provide construction management services for this project shall submit a letter of application and a completed State of Florida, Board of Regents Construction Manager Qualifications Supplement. Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages should be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal information will be returned.

All applicants must be licensed to practice as General Contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Regents Construction Management Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting:

Laura Davis, Senior Word Processing Operator, Facilities Planning and Construction; University of South Florida, 4202 E. Fowler Avenue, FPC 110, Tampa, Florida 33620-7550, Phone: (813)974-0332, or by FAXING a request to (813)974-3542. Interested firms are invited and encouraged to attend a meeting to be held at 3:30 p.m. local time, on Thursday, April 13, 2000, at the University of South Florida, Facilities Planning and Construction conference room, FPC 109, to review the scope and requirements of minor projects. Requests for meetings by individual firms will not be granted. Six (6) bound copies of the required proposal data shall be submitted to: Ray Gonzalez, Project Manager, Facilities Planning and Construction, University of South Florida, 4202 E. Fowler Avenue, FPC 110, Tampa, Florida 33620-7550. Submittals must be received by 2:00 p.m. local time, Monday, April 24, 2000. Facsimile (FAX) submittals are not acceptable and will not be considered.

**CALL FOR BIDS**

Made by the University of West Florida on behalf of the State of Florida, Board of Regents.

**PROJECT: BR-740 UTILITIES/INFRASTRUCTURE IMPROVEMENTS CAMPUS-WIDE HOT/CHILLED WATERLINE REPLACEMENT PHASES I AND II THE UNIVERSITY OF WEST FLORIDA**

**QUALIFICATIONS:** All bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2, and the following:

- 1) Prime bidders shall be a State of Florida Certified Mechanical Contractor.
- 2) Prime bidders shall have completed not less than three projects of similar size and scope within the last five years, including the installation of pre-insulated piping systems of the type proposed for this project.
- 3) Prime bidders shall have sufficient existing qualified staff to complete the project according to the accelerated schedule required by the bid documents.
- 4) Electrical subcontractors shall be a State of Florida Certified Electrical Contractor.
- 5) Electrical subcontractors shall have completed not less than three projects of similar size and scope within the last five years, including the installation of medium-voltage (12,470 volt) switchgear.
- 6) Bidders shall submit evidence of the above qualifications not less than 14 days prior to the bid on a form supplied by the Engineer.

Sealed Bids will be received on:

**DATE AND TIME:** Thursday, April 27, 2000, until 2:00 p.m. local time

**PLACE:** Building 90, Conference Room, The University of West Florida, 11000 University Parkway, Pensacola, Florida 32514, at which time and place they will be publicly opened and examined. Mailed bids should be sent to:

Office of Facilities Planning  
 The University of West Florida  
 11000 University Parkway  
 Pensacola, FL 32514  
 Attn.: Phil Turner, Director Facilities Planning  
 (850)474-2938

**PROPOSAL:** Bids must be submitted in full and in accordance with the requirements of the Drawings and Project Manual, which may be obtained or examined at the office of the:

**ARCHITECT/ENGINEER:**  
 Schmidt, Dell, Cook & Associates, Inc.  
 Consulting Engineers  
 139 East Government Street  
 Pensacola, Florida 32501  
 Telephone: (850)438-0050

**MINORITY PROGRAM:** Bidders are encouraged to utilize Minority Business Enterprises certified by the State of Florida Minority Business Advocacy and Assistance Office, Department of Labor and Employment Security. Consideration will be given to the percentage of participation, as described in the Instructions to Bidders, in the award of the contract.

**PRE-SOLICITATION/PRE-BID MEETING:** Each Bidder is required to attend the pre-solicitation/pre-bid meeting. Minority Business Enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project.

The pre-bid meeting is scheduled for:

**DATE AND TIME:** Thursday, April 13, 2000, at 2:00 p.m. local time.

**PLACE:** Building 90, Conference Room, The University of West Florida, 11000 University Parkway, Pensacola, Florida 32514

**DEPOSIT:** A deposit of \$100.00 per set of drawings and Project Manual is required with a limit of three (3) sets per Prime Bidder; and two (2) sets of Drawings and Project Manuals for electrical subcontractors.

**REFUND:** The deposit shall only be refunded to those prime bidders or electrical subcontractors, who after having examined the drawings and specifications:

- a. Submit a bona fide bid, or
- b. Provide written evidence that they have submitted bids as electrical subcontractors,

and who return the drawings and Project Manuals in good condition within fifteen (15) days after receipt of bids.

**PURCHASE:** Full sets of Bid Documents may be examined at the Architect/Engineer's office. Full sets may be purchased through the Architect/Engineer for \$300.00 per set for printing and handling cost. Partial sets may be purchased at \$5.00 per

sheet of the drawings and \$.50 per sheet of the Project Manual, and are sold subject to the provisions of Article B-27 of the Instructions to Bidders.

**PUBLIC ENTITY CRIMES:** As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Notice to Bidders  
 The School District of Lee County, Florida  
 Purchasing Department  
 QUOTATION REQUEST FOR:  
 OPPORTUNITY BUY AND SPECIAL BUY  
 FOOD PRODUCTS

Bid No.: 5847                      Bid Opening Date: April 4, 2000  
 Request a bid package by:  
 Phone: (941)479-4250, Fax: (941)337-8200, In Person or Mail:  
 3308 Canal Street, Fort Myers, Florida 33916-6594  
 Requests must be received by March 28, 2000, 2:00 p.m.  
 Complete bid package available only upon request.  
 By: Linda Owen, Senior Buyer

**DEPARTMENT OF TRANSPORTATION**

The Florida Department of Transportation, District 4 announces sealed bids will be received until 2:00 p.m., (local time) on Friday, April 21, 2000, in The District Contracts Office, First Floor of the State of Florida Department of Transportation, District Four Office, 3400 W. Commercial Blvd., Fort Lauderdale, Florida 33309, for the following work:  
**PROJECT DESCRIPTION:** Broward County; FCO  
**CONTRACT NO.** E4B85; **FM NO.** 23286015201; Work consists of constructing three pre-designed metal buildings at the Florida Department Transportation Fort Lauderdale Operations Center located at 5548 Northwest Ninth Avenue, Fort Lauderdale. (150 Calendar Days)

**NOTE:** Bid packages will not be issued after 2:00 p.m. on April 20, 2000.

**BID OPENING:** Bids will be opened at 2:00 p.m., (Local Time) on April 21, 2000, in the Second Floor Conference Room

**NOTE:** Contractors must be certified by Butler Metal Buildings and shall have at least five years contracting experience and at least two years Butler building experience and be a licensed, bondable, and insured Butler building supplier.

Bid packages will be available on March 17, 2000.

**BID POSTING:**

**NOTE:** Bidders are hereby notified that all bids on any of the above projects are likely to be rejected if the lowest responsive bid received exceeds the engineer's estimate by more than ten percent. In the event any of the bids are rejected for this reason, the project may be deferred for readvertising for bids until such a time that a more competitive situation exists.

Unless bidders are notified by certified mail or express delivery, return receipt, the summary of bids for this project will be posted at the District Four Office, 3400 Commercial Blvd., Fort Lauderdale, Florida 33309, on Friday, April 28, 2000 at 2:00 p.m. Posting will provide notice of the Department's intent to award a contract or to reject any or all bids.

To order documents, for bid results and intent to award call voice mail (954)777-4622 or requests may be faxed to (954)777-4602 Lizz Holmes, District Four Contract Administrator.

**BID BOND:** The Department will accept sealed bids from qualified bondable contractors. A Proposal Guaranty of not less than five percent of the total actual bid in the form of either a certified check, cashier's check, trust company treasurer's check, bank draft of any national or state bank, or a Surety Bid Bond made payable to the Department of Transportation must accompany each bid in excess of \$150,000.00. A check or draft in an amount less than five percent of the actual bid will invalidate the bid. Bid Bonds shall conform to DOT Form 375-020-09 furnished with the proposal forms.

**AFFIRMATIVE ACTION:** The State of Florida Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the Regulations of the Department of Commerce (15 C.F.R., Part 8) issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

**THE DISADVANTAGED BUSINESS ENTERPRISE GOALS FOR THESE PROJECTS ARE SHOWN ALONG WITH THE LENGTH AND DESCRIPTION IN THIS BID SOLICITATION NOTICE. PLEASE CHECK THE SPECIAL PROVISIONS FOR INSTRUCTIONS FOR SUBMISSION OF DBE AFFIRMATIVE ACTION PLAN.**

**PRE-QUALIFICATION:** A contractor must be pre-qualified in accordance with Rule Chapter 14-22, Florida Administrative Code, on the date of the letting in order to submit a bid in excess of \$250,000.00. Any bid in excess of \$250,000.00 submitted by a contractor which is not pre-qualified in

accordance with Rule Chapter 14-22, Florida Administrative Code, on the date of the letting shall be declared "IRREGULAR" and will be REJECTED.

"In order for the Department to have the information required to determine a bidder's current capacity, it is necessary that the bidder submit on the day of the letting, a Certification of Current Capacity that shall be executed under oath and be accompanied and supported by a Status of Contracts on Hand Report. These documents must be included in at least one proposal for each letting that the contractor submits bids. Failure to submit these documents may result in a determination that all bids submitted by the contractor for that letting are non-responsive or irregular and not to be considered." Rule 14-22.006(3), Florida Administrative Code.

**BID SOLICITATION PROTEST RIGHTS:** Pursuant to DOT Rule Chapter 14-25, Florida Administrative Code, and Section 337.11, Florida Statutes, any person adversely affected by a bid solicitation shall file both a notice of protest and bond within 72 hours of the receipt of the bid documents, and shall file a formal written protest within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. Any person who files a notice of protest as to a bid solicitation pursuant to this rule shall post with the Department, at the time of filing the notice of protest, a bond payable to the Department in the following amounts: for an action protesting a bid solicitation for which bidders must be pre-qualified by the Department to be eligible to bid, the Bond shall be \$5,000.00; for an action protesting a bid solicitation, bid rejection, or contract award that does not require qualification of bidders, the bond shall be \$2,500.00. The required notice of protest, bond, and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, Mail Station 58, Room 550, 605 Suwannee Street, Tallahassee, Florida 32399-0458, telephone number (850)414-5393. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

A protest is not timely filed unless the notice of protest, bond, and the formal protest are each received by the Clerk of Agency Proceedings within the required time limits.

**AWARD/NON AWARD PROTEST RIGHTS:** Any person who feels they are adversely affected by the intended decision of the Department to award a contract or to reject all bids shall file, with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Room 550, Tallahassee, Florida 32399-0458, telephone number (850)414-5393, both a notice of protest and bond within 72 hours after the posting of the Summary of Bids. If notice of intended decision is given by certified mail or express delivery, the adversely affected person must file both the notice of protest and bond within 72 hours after receipt of the notice of

intent. At the time of filing the notice of protest, a bond payable to the Department in the following amounts: for an action protesting a bid rejection or contract award that requires pre-qualification of bidders, the bond shall be equal to one percent of the lowest bid submitted or \$5,000.00, whichever is greater. For an action protesting a bid solicitation, bid rejection, or contract award that does not require pre-qualification of bidders, the bond shall be \$2,500.00. Additionally, a formal written protest must be filed within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with Section 337.11, Florida Statutes, and DOT Rule Chapter 14-25, Florida Administrative Code. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

A protest is not timely filed unless the notice of protest, bond, and the formal protest are each received by the Clerk of Agency Proceedings within the required time limits. A protest which is filed prematurely will be deemed abandoned unless timely renewed.

**NOTE:** The Department will accept legible facsimile (FAX) Proposal Revisions Pursuant to the Project Specifications at Fax No. (954)777-4602, if received in full by 11:00 a.m. on the day of the letting. A faxed proposal revision will not be considered if received at a different FAX number.

**MINIMUM WAGE:** Wage Rates: Pursuant to the Fair Labor Standards Act, the Minimum Wage Rates for the project(s) included in this Notice shall be \$5.15 per hour.

The right is reserved to reject any or all bids.

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## REGIONAL PLANNING COUNCILS

### REQUEST FOR LETTERS OF INTEREST/STATEMENTS OF QUALIFICATIONS

The West Florida Regional Planning Council (WFRPC), which provides staff services to the Pensacola, Fort Walton Beach and Panama City Urbanized Area Metropolitan Planning Organizations (MPO), is seeking the services of a qualified transportation planning consultant(s) to act as the General Planning Consultant (GPC) for each of the MPOs. This is to be considered as three (3) separate solicitations, as each MPO will independently evaluate and select a GPC. Therefore, there may be one, two, or three consultants selected as a result of this solicitation. Qualified consultants shall be pre-qualified by the Florida Department of Transportation in Multi-Modal Systems Transportation Planning. The Consultant and all sub-consultants shall submit Forms 254 and 255 with the Letters of Interest/Statements of Qualifications. Each MPO reserves the right to reject any and all letters.



The Scope of Services for the GPC is available for download from the WFRPC Web Site at: [www.wfrpc.dst.fl.us](http://www.wfrpc.dst.fl.us). The Scope can also be obtained by calling or writing the contact person listed below. The GPC shall expect to work on multiple tasks identified in the MPO's Unified Planning Work Program (UPWP).

Consultants shall submit five (5) copies of the Letter of Interest/Statement of Qualifications for each urbanized area of interest and shall declare in the letter for which MPO they are interested. Consultants may express interest in one, two, or all three MPOs. Letters shall be no longer than eight (8) pages and shall include the following information.

1. Name of firm, address, responsible office for the project and name of the project manager, contact information (phone, fax, email).
2. Key personnel, title and experience of personnel to be assigned to each task identified in the UPWP as requiring consultant assistance. List the UPWP Task Number, identify personnel who would work on that task, provide description of previous work and experience relevant to the task. Individual personnel resumes are not to be included.
3. Subconsultants which may be assisting with the project, personnel to be assigned to specified tasks and relevant experience.
4. Indicate if the prime firm and/or subconsultants are state-certified as DBE/MBE.

Letters of interest/statements of qualifications shall be received by the West Florida Regional Planning Council no later than Friday, April 28, 2000 and shall be sent to:

West Florida Regional Planning Council  
ATTN: Michael W. Zeigler  
Director of Transportation Planning  
Post Office Box 486  
Pensacola, Florida 32593-0486  
Phone: (850)595-8910

#### Request for Letters of Interest and Qualifications

The Northeast Florida Regional Planning Council is seeking qualifications or firms interested in coordinating transportation services for the transportation disadvantaged in St. Johns County, Florida. The selected coordinator will be the designated Community Transportation Coordinator for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes (F.S.) and more fully described in Rule 41-2 of the Florida Administrative Code (FAC.).

The Community Transportation Coordinator is defined by Chapter 427, F.S. as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has

full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in s. 427.015(2), F.S.

The transportation disadvantaged are defined by Chapter 427 F.S. as "those persons who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities or other life sustaining activities or children who are handicapped or high-risk or at-risk as defined in s. 411.202."

Interested providers are required to provide the following as proof of qualifications: a list of coordination experience; a list of scheduling and routing software used by your organization; a list of vehicles to be used (if applicable); a current financial statement, a current medicaid provider number, and an organizational chart.

Selection of potential providers will be based on a ranking of their expertise, overall capabilities, recent experience in similar programs, and proposed methods of achieving cost-effective services. Potential providers should submit three (3) copies of their expression of interest and qualifications in a sealed envelope, to the Northeast Florida Regional Planning Council, Attention: Mr. Brian D. Teeple, AICP, Executive Director, 9143 Philips Highway, Suite #350, Jacksonville, Florida 32258. Letters must be marked, "LETTER OF INTEREST AND QUALIFICATIONS FOR ST. JOHNS COUNTY COMMUNITY TRANSPORTATION COORDINATOR." Letters of interest and qualifications must be received by 5:00 p.m., April 20, 2000.

Questions should be addressed to: Mr. Stephen L. Jones, AICP, Senior Regional Planner, Telephone (904)363-6350, Ext. 115. Faxed and e-mailed responses WILL NOT be accepted. Letters received after the deadline will be returned unopened with the notation, "This letter of interest was received after the delivery time designated for receipt and opening in the legal notice." Only responses to the request for letters of interest will be considered if a request for proposals is issued for Community Transportation Coordinator.

The Northeast Florida Regional Planning Council reserves the right to accept or reject any and all responses in the best interest of the State.

#### Request for Letters of Interest and Qualifications

The Northeast Florida Regional Planning Council is seeking qualifications or firms interested in coordinating transportation services for the transportation disadvantaged in Putnam County, Florida. The selected coordinator will be the designated Community Transportation Coordinator for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes (F.S.) and more fully described in Rule 41-2 of the Florida Administrative Code (FAC.).

The Community Transportation Coordinator is defined by Chapter 427, F.S. as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in s. 427.015(2), F.S.

The transportation disadvantaged are defined by Chapter 427 F.S. as "those persons who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities or other life sustaining activities or children who are handicapped or high-risk or at-risk as defined in s. 411.202."

Interested providers are required to provide the following as proof of qualifications: a list of coordination experience; a list of scheduling and routing software used by your organization; a list of vehicles to be used (if applicable); a current financial statement, a current medicaid provider number, and an organizational chart.

Selection of potential providers will be based on a ranking of their expertise, overall capabilities, recent experience in similar programs, and proposed methods of achieving cost-effective services. Potential providers should submit three (3) copies of their expression of interest and qualifications in a sealed envelope, to the Northeast Florida Regional Planning Council, Attention: Mr. Brian D. Teeple, AICP, Executive Director, 9143 Philips Highway, Suite #350, Jacksonville, Florida 32258. Letters must be marked, "LETTER OF INTEREST AND QUALIFICATIONS FOR PUTNAM COUNTY COMMUNITY TRANSPORTATION COORDINATOR." Letters of interest and qualifications must be received by 5:00 p.m., April 20, 2000.

Questions should be addressed to: Mr. Stephen L. Jones, AICP, Senior Regional Planner, Telephone (904)363-6350, Ext. 115. Faxed and e-mailed responses WILL NOT be accepted. Letters received after the deadline will be returned unopened with the notation, "This letter of interest was received after the delivery time designated for receipt and opening in the legal notice." Only responses to the request for letters of interest will be considered if a request for proposals is issued for Community Transportation Coordinator.

The Northeast Florida Regional Planning Council reserves the right to accept or reject any and all responses in the best interest of the State.

## METROPOLITAN PLANNING ORGANIZATIONS

### NOTICE TO PROFESSIONAL CONSULTANTS REQUEST FOR QUALIFICATIONS

**PURPOSE:** Pursuant to law and regulations, the Pasco County Metropolitan Planning Organization, hereinafter referred to as MPO, in conjunction with the Florida Department of Transportation, hereinafter referred to as the Department, requests that qualified consultants submit Letters of Response for consideration in the competitive selection for professional services on the following project:

**MAJOR TYPE OF WORK:** Groups 13.0, 13.3, 13.4, and 13.5, Planning.

**PROJECT:** General planning services to include all or part of the following: Level of Service studies, access management, functional classification, impact fee, Capital Improvement Plan, other related planning activities as defined in the MPO's Unified Planned Work Program (UPWP) and other planning activities not specifically mentioned in UPWP that improve efficiency and productivity of MPO staff in performing their assignments.

**RESPONSE EVALUATION:** All respondents will be evaluated in accordance with Section 287.055(4), Florida Statutes and must be determined by MPO and the Department to be qualified to do business in Florida and qualified to perform the advertised work requirements. The above projects fall into the selection process so indicated in the Department's Administrative Rule 14-75, wherein at least three firms will be requested to submit technical proposals. The contract fee will be negotiated in accordance with Section 287.055, Florida Statutes.

**SUBCONSULTANT OPPORTUNITY:** Subconsultants who are not prequalified by the Department shall be subject to compensation restrictions as specified in Florida Administrative Code Rule 14-75. Any such subconsultant utilized must be technically qualified by District Seven before work may commence. Preference points will be given in the technical proposal evaluation for certified DBE consultants and non-DBE consultants who propose certified DBE consultants.

**NOTIFICATION OF CRIME CONVICTION:** Each applicant shall notify the Department within 30 days after a conviction of a contract crime applicable to it or any officers, directors, executives, shareholders active in management, employees, or agents of its affiliates. Under Section 337.164, Florida Statutes, the privilege of conducting business with the Department shall be denied to applicants so convicted until such applicant is properly reinstated pursuant to Section 337.165, Florida Statutes, and Rule Chapter 14-75, Florida Administrative Code.

**FEDERAL DEBARMENT:** By signing and submitting a Letter of Response/Proposal, the consultant certifies that no principal (which includes officers, directors, or executives) is

presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation on this transaction by an Federal department or agency.

**EQUAL OPPORTUNITY STATEMENT:** The Pasco County MPO, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4; and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, issued pursuant to such Act, hereby notifies all respondents that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to respond to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

**RESPONSE PROCEDURE:** Consultants who are interested in these projects may obtain a copy of the Scope of Services outline by contacting Mabel Risner at (727)847-8140. Consultants are required to submit a Letter of Response to the Requesting Unit indicating their desire to be considered for these projects. The letter must be brief (no more than two pages) and should, as a minimum, include the following information:

1. Name and address of firm.
2. Contact person for the project and telephone number.
3. Key personnel and their titles and/or classifications (do not include resumes).
4. Subconsultant that may be used for the project.
5. Relevant past experience.
6. Name(s) of DBE-certified subconsultants that may be used for the project, if any.
7. Project No. 1157037 and SPN No. 259340-1.

**SHORT-LIST SELECTION PROCESS:** From the Letters of Response received, MPO shall short-list a minimum of three firms. Short-list selection consideration will be given only to those firms who are qualified pursuant to law and who have been prequalified by the Department to perform the indicated Type of Work. Any firm who has not been qualified by the Department and would like to be considered for this project must request a Request for Qualification Package from Contractual Services Office in Tallahassee, (850)414-4485.

**REQUESTING UNITS:** MPO and FDOT, District Seven, Tampa.

**LETTERS OF RESPONSE ADDRESS THREE COPIES TO:** Pasco County Metropolitan Planning Organization, Attention Mabel Risner, 7530 Little Road, Suite 320, New Port Richey, FL 34654.

**ADDRESS ONE COPY TO:** Florida Department of Transportation, District Seven, Tampa, Attention Diane Drake, Professional Services, MS7-700, Professional Services Unit, 11201 North McKinley Drive, Tampa, FL 33612-6402.

**LETTERS OF RESPONSE DEADLINE:** April 17, 2000 (5:00 p.m. EST).

## **SPACEPORT FLORIDA AUTHORITY**

### **INVITATION TO BID**

Competitive sealed bids will be received by SPACEPORT FLORIDA AUTHORITY at 100 Spaceport Way, Cape Canaveral, Florida 32920-4003 until April 7, 2000, 4:00 p.m. EST for the following:

Provide one communication T-1 line with long distance service at Spaceport Florida Authority.

For additional information please contact: Marty Winslow, (321)730-5301, Ext. 1122.

SPACEPORT FLORIDA AUTHORITY reserves the right to accept or reject any and all responses in the best interest of the State.

## **DEPARTMENT OF MANAGEMENT SERVICES**

### **NOTICE TO PROFESSIONAL CONSULTANTS PUBLIC ANNOUNCEMENT FOR PROFESSIONAL SERVICES FOR ARCHITECTURAL SERVICES FOR CONTINUING AREA CONTRACTS AREA 6**

The State of Florida, Department of Management Services, requests qualifications from Architectural firms to provide services as stated in Area 6, counties of Charlotte, Collier, De Soto, Glades, Hendry, Highlands, Lee, Okeechobee and other counties as may be determined necessary by the owner. The firm selected under this Continuing Area Contract will be responsible for assigned projects having estimated construction costs and study fees not exceeding the threshold amounts of \$500,000 (construction) and \$25,000 (fees) respectively, provided for in section 287.055, Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

**RESPONSE DUE DATE:** May 1, 2000, 5:00 p.m. local time.

Applications are to be sent to Mrs. Carole Nichols, Department of Management Services, Division of Building Construction, 4030 Esplanade Way, Suite 335Q, Tallahassee, Florida 32399-0950, telephone (850)487-2824 E-mail: nicholc@dms.state.fl.us

**DATE AND LOCATION OF SHORTLIST:** May 9, 2000, Department of Management Services, Division of Building Construction, 4508 Oak Fair Boulevard, Suite 200, Tampa, Florida 33610

**DATE AND LOCATION OF INTERVIEWS:** May 23, 2000, Department of Management Services, Division of Building Construction, 4508 Oak Fair Boulevard, Suite 200, Tampa, Florida 33610

Any changes to the above dates will be published on our web site, <http://fcn.state.fl.us/dms/dbc/opportun/index.html>

**INSTRUCTIONS**

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections containing the following information:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data.
2. Professional Qualifications Supplement (PQS) Form DBC5112.
3. A copy of the firm's current Florida Professional Registration License Renewal.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
5. Completed SF-254.
6. Completed SF-255.

Please include one stamped, self-addressed envelope for notice of selection results. Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Applicants are advised that plans and specifications for A/E projects may be reused.

Selections will be made in accordance with Chapter 287.055, Florida Statutes. The selected firms will be given official notice of selection results by Fax and/or mail. Any protests of the selection must be made within 72 hours of the date of receipt. The selection results will also be published in the "Florida Administrative Weekly" and on our web site,

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**PUBLIC ANNOUNCEMENT FOR CONSTRUCTION  
MANAGEMENT SERVICES FOR  
CONTINUING AREA CONTRACTS AREA 5**

The State of Florida, Department of Management Services, requests qualifications from firms to provide Construction Management Services in Area 5, Counties of Citrus, Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, Sarasota, Sumter, and other counties as may be determined necessary by the owner. The Department of Management Services will enter into a contract with one construction management firm with responsibility for performance of construction contracts that will vary in size up to \$500,000, functioning as an independent contractor. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Selection of finalists for interview will be made on the basis of construction manager qualifications including experience and ability, bondability, record-keeping/administrative ability,

scheduling expertise, cost estimating and cost control ability, quality control capability, qualifications of involved management staff and ability to involve Minority Business Enterprises.

Applicant must be licensed in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application. The selection will be made in accordance with Section 255.29(3), F.S. and the procedures and criteria of Building Construction.

**INSTRUCTIONS**

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections in the following order:

1. A letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
6. References from prior clients received within the last five years.

**RESPONSE DUE DATE:** May 1, 2000, 5:00 p.m. local time.

Applications are to be sent to Mrs. Carole Nichols, Department of Management Services, Division of Building Construction, 4050 Esplanade Way, Building 4030, Suite 335Q, Tallahassee, Florida 32399-0950, Telephone (850)487-282 or E-mail: nicholc@dms.state.fl.us

**DATE AND LOCATION OF SHORTLIST:** May 9, 2000, Department of Management Services, Division of Building Construction, 4508 Oak Fair Blvd., Suite 200, Tampa, Florida 33610.

**DATE AND LOCATION OF INTERVIEWS:** May 23, 2000, Department of Management Services, Division of Building Construction, 4508 Oak Fair Blvd., Suite 200, Tampa, Florida 33610.

Any changes to the above dates will be published on our web site, <http://fcn.state.fl.us/dms/dbc/opportun/index.html>

The selected firms will be given official notice of selection results by Fax and/or mail. Failure to file a protest within 72 hours (not including Saturday, Sunday, or a legal holiday) after receipt of notice shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. The selection results will also be published in the "Florida Administrative Weekly" and on our web site.

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**PUBLIC ANNOUNCEMENT OF A/E  
SELECTION RESULTS**

The Department of Management Services, Building Construction, announces that on the date listed below, authority was issued to negotiate and enter into a contract for Professional Services in accordance with the Consultants Competitive Negotiation Act for the following:

DATE: March 7, 2000

NAME OF CLIENT AGENCY: Marshall Barnes

PROJECT NUMBER: JB-99029000

PROJECT NAME: Supreme Court Office Space Study

1. Barnett Fronczak Architects – Tallahassee, FL
2. Hellmuth Obata, Kassabaum – Tampa, FL
3. Saxelbye Architects, Inc. – Jacksonville, FL
4. Manuasa Lewis & Dodson Architects, Inc. – Tallahassee, FL

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**NOTICE OF APPLICATION PERIOD FOR  
PREAPPROVED ADVANCED CLEANUP PROGRAM**

The Department of Environmental Protection announces, in accordance with Section 376.30713, F.S., that it will accept preapproved advanced cleanup (PAC) applications submitted between May 1, 2000 and on or before 5:00 p.m. on June 30, 2000. Public opening of timely submitted applications shall be on July 7, 2000 beginning at 9:30 a.m. at the Department of Environmental Protection, 2600 Blair Stone Road, Room 433, Tallahassee, Florida. The required application form and instructions for the Preapproved Advanced Cleanup Program may be obtained by contacting Gwenn Godfrey, Contracts Administrator, Department of Environmental Protection, 3800 Commonwealth Boulevard, MS #93, Room 235, Tallahassee, Florida 32399-3123, Telephone (850)922-5942.

**DEPARTMENT OF HEALTH**

**Invitation to Negotiate  
Linking Clients to Community Care**

The Florida Department of Health, Bureau of HIV/AIDS, has funds available to address the issue of enhancing linkages to community care for HIV-positive persons or those who are at risk of contracting HIV. The Bureau of HIV/AIDS is requesting proposals from for-profit and non-profit 501 (c) (3) community-based organizations and AIDS service organizations to implement comprehensive linkage systems in Florida. Agencies must have a background in providing counseling/testing, outreach and case management services to those who are HIV-positive, who have AIDS, or who are at risk of contracting HIV. County health departments and universities are not eligible to apply.

The Department of Health has committed a total of \$100,000 and anticipates funding no less than two projects with an estimated value of \$50,000 per contract. Agencies from any county in Florida are eligible to apply for funding.

Proposals submitted in response to this Invitation to Negotiate are due by 5:00 p.m., E.S.T., May 8, 2000. Requests for a copy of the Invitation to Negotiate should be sent in writing to:

MAIL: Priscilla Wood, Department of Health, Bureau of HIV/AIDS, 2020 Capital Circle, S. E., Bin #A09, Tallahassee, Florida 32399-1757

COURIER/OVERNIGHT MAIL: Priscilla Wood, Department of Health, Bureau of HIV/AIDS, 2585 Merchant's Row Boulevard, Room 335K, Tallahassee, Florida 32399

**HILLSBOROUGH COUNTY AVIATION AUTHORITY**

**NOTICE TO DESIGN-BUILD FIRMS**

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Florida Statutes 287.055, Letters of Interest from Design-Build firms desiring to render Design-Build Services for the following project at Tampa International Airport, Tampa Florida:

**MODERNIZATION AND RENOVATION OF THE TICKET  
LEVEL AND OTHER AREAS WITHIN THE AIRPORT  
TERMINAL COMPLEX AND RELATED WORK**

Services to be furnished shall include, but not be limited to, all architectural design and all engineering related to structural, mechanical, plumbing, fire protection, electrical, electronic and information technology systems; architectural/engineering services during construction; construction by a qualified contractor; and related surveys and testing. Professional services will also be required by a registered illumination engineer and a registered landscape architect specializing in interior landscape design. A more detailed scope of services will be included in the formal Request for Qualifications.

Qualified Design-Build firms desiring considerations for this Project must give written notifications in the form of a Letter or Interest to:

William J. Connors, Jr.  
Senior Director of Planning and Design  
Hillsborough County Aviation Authority  
Post Office Box 22287  
Tampa, Florida 33622

Interested parties may inquire as to project description, details, and required data submission to William J. Connors, Jr., Senior Director of Planning and Design, telephone number (813)870-8704. **ONLY A LETTER EXPRESSING INTEREST IN RECEIVING THE FORMAL REQUEST FOR QUALIFICATIONS IS REQUIRED AT THIS TIME.** Subsequent to receiving Letters of Interest, a Request for Qualifications will be sent to all respondents and adequate response time set forth in that package.

A MANDATORY Pre-Qualification Conference will be held Wednesday, April 12, 2000, at 10:00 a.m. Local Time, in the Board Room of the Hillsborough County Aviation Authority located in the Landside Terminal Building, Third Floor, Blue Side, at Tampa International Airport. Details of this conference will be included in the Request for Qualifications.

Replies to this Notice must be received at or before 5:00 p.m., Local Time, Tuesday, April 4, 2000.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

By: /s/ Louis E. Miller  
 Louis E. Miller, Executive Director

**BOCA RATON AIRPORT AUTHORITY**

Notice of Request for Proposal

Notice is hereby given that the Boca Raton Airport Authority (BRAA) will accept Requests for Proposals (RFP) for the following:

Lease of a 15 acre Parcel at the Boca Raton Airport (RFP #02-2000)

It is the intent of the Boca Raton Airport Authority to lease the described property in accordance with the terms and conditions of the above referenced RFP. Prospective proposers may obtain a copy of the complete RFP and proposed lease agreement by one of the following methods:

1. Calling the Boca Raton Airport Authority at 561-391-2202 and request a copy by the above noted RFP number.
2. E-Mail BRAA at mail@bocairport.com and request a copy of the RFP by number.

Proposal Packages are available at the office of the Boca Raton Airport Authority located at 3700 Airport Road, Suite 304, Boca Raton, FL 33431 for a non-refundable fee of \$30.00.

Prospective proposers are advised that proposals will only be accepted in accordance with the terms and conditions of the RFP.

A non refundable application fee of \$100.00 is required with each submitted proposal.

The described property is located at the Boca Raton Airport and is more fully described in the RFP document. The BRAA will consider several factors in determining the most responsive and responsible proposal, and reserves the right to do what is in the best interest of the Airport, including rejecting all proposers, or waiving minor irregularities.

The following objective and subjective criteria shall be used to determine the most responsive proposal. All proposals received in accordance with the RFP shall be reviewed by a committee selected by the Boca Raton Airport Authority.

	Maximum Points
1. Bid price per square foot and total annual rent	50 points
2. Mandatory Fuel Facility	25 points
3. Total Sq. Feet of Hangar Space Improvement	7 points

4. Cost of Capital Improvement proposed for the site during the first 3 years of the lease	4 points
5. Maintenance Hangar	4 points
6. Experience, qualifications, and past performance of proposing firm	4 points
7. Use of the Property in Fulfilling the existing needs of the Boca Raton Airport	3 points
8. Design characteristics to include aesthetics, and architectural concept	3 points
<b>TOTAL POINTS</b>	<b>100</b>

Proposers will be required to submit a bid bond with their proposal in the amount of \$15,000. Acknowledgement and agreement is given by both parties that the amount herein set is not intended to be or shall be deemed to be in the nature of liquidated damages nor is it intended to limit the liability of the proposer to BRAA in the event of a material breach of the agreement.

All proposals shall be due no later than 2:00 p.m. EST, on May 15th, 2000, at the Boca Raton Airport Authority, located at 3700 Airport Road, Suite 304, Boca Raton, Florida 33431. Any proposals submitted after this time shall not be considered.

**Section XII  
 Miscellaneous**

**DEPARTMENT OF BANKING AND FINANCE**

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notice. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., April 14, 2000):

**APPLICATION TO MERGE**

Constituent Institutions: MembersFirst Credit Union of Florida, 64 South Reus Street, Pensacola, Florida 32501, and Cyanamid Employees Credit Union, 4575 Bell Lane, Pace, Florida 32571

Resulting Institution: MembersFirst Credit Union of Florida, Pensacola, Florida

Received: March 8, 2000

**DEPARTMENT OF INSURANCE**

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL  
CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA  
CASE NO.: 00-0004

In Re: The Receivership of CADUCEUS SELF INSURANCE  
FUND, INC.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND  
CLAIMANTS HAVING BUSINESS WITH CADUCEUS  
SELF INSURANCE FUND, INC.

You are hereby notified that by order of the Circuit Court  
of the Second Judicial Circuit, in and for Leon County, Florida,  
entered the 3rd day of January, 2000, the Department of  
Insurance of the State of Florida was appointed as Receiver of  
CADUCEUS SELF INSURANCE FUND, INC., and was  
ordered to liquidate the assets of said company.

Policyholders, claimants, creditors, and other persons in  
this State having claims against the assets of CADUCEUS  
SELF INSURANCE FUND, INC. shall present such claims to  
the Receiver on or before 11:59 p.m. September 3, 2000, or  
such claims shall be forever barred.

Requests for forms for the presentation of such claims and  
inquiries concerning this Receivership should be addressed to:

The Division of Rehabilitation and Liquidation of the  
Florida Department of Insurance, Receiver for CADUCEUS  
SELF INSURANCE FUND, INC., Post Office Box 10280,  
Tallahassee, Florida 32302-2280.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL  
CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA  
CASE NO.: 99-4481

In Re: The Receivership of FTBA MUTUAL, INC.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND  
CLAIMANTS HAVING BUSINESS WITH FTBA  
MUTUAL, INC.

You are hereby notified that by order of the Circuit Court  
of the Second Judicial Circuit, in and for Leon County, Florida,  
entered the 3rd day of January, 2000, the Department of  
Insurance of the State of Florida was appointed as Receiver of  
FTBA MUTUAL, INC., and was ordered to liquidate the  
assets of said company.

Policyholders, claimants, creditors, and other persons in  
this State having claims against the assets of FTBA MUTUAL,  
INC. shall present such claims to the Receiver on or before  
11:59 p.m. January 1, 2001, or such claims shall be forever  
barred.

Requests for forms for the presentation of such claims and  
inquiries concerning this Receivership should be addressed to:

The Division of Rehabilitation and Liquidation of the  
Florida Department of Insurance, Receiver for FTBA  
MUTUAL, INC., Post Office Box 10280, Tallahassee, Florida  
32302-2280.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL  
CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA  
CASE NO.: 99-5065

In Re: The Receivership of VANTAGE HEALTHPLAN,  
INC., a Florida Health Maintenance Organization.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND  
CLAIMANTS HAVING BUSINESS WITH VANTAGE  
HEALTHPLAN, INC.

You are hereby notified that by order of the Circuit Court  
of the Second Judicial Circuit, in and for Leon County, Florida,  
entered the 14th day of September, 1999, the Department of  
Insurance of the State of Florida was appointed as Receiver of  
VANTAGE HEALTHPLAN, INC., and was ordered to  
liquidate the assets of said company.

Policyholders, claimants, creditors, and other persons in  
this State having claims against the assets of VANTAGE  
HEALTHPLAN, INC. shall present such claims to the  
Receiver on or before 11:59 p.m. May 31, 2000, or such claims  
shall be forever barred.

Requests for forms for the presentation of such claims and  
inquiries concerning this Receivership should be addressed to:

The Division of Rehabilitation and Liquidation of the  
Florida Department of Insurance, Receiver for VANTAGE  
HEALTHPLAN, INC., Post Office Box 10280, Tallahassee,  
Florida 32302-2280.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**NOTICE OF APPROVAL FOR PRESERVATION  
2000 FUNDS**

The Florida Communities Trust (Trust) reviewed and  
approved project plans for land acquisition projects submitted  
under the Trust Preservation 2000 Program, P4A, P56, P7A,  
P8A, and P9A funding cycles. The project plans listed below  
were reviewed in accordance with Rule 9K-4.011, FAC., by  
the Trust governing body at its March 20, 2000 meeting. The  
governing body authorized the Chair to execute the agreements  
for acquisition of the project sites and all other documents  
necessary to close the projects and release funds as follows:

Project: 94-025-P4A/Myakkahatchee Creek Environmental  
Park – Phase IV (12 parcels)

Grantee: City of North Port

Amount of Approved Funds: the lesser of 50% of the final total  
project costs or \$92,525.00.

Project: 94-042-P4A/Sun'n Lake Preserve (5 lots)

Grantee: Highlands County

Amount of Approved Funds: the lesser of 50% of the final total  
project costs or \$1,129,300.00

Project: 95-052-P56/Indrio North Savannahs (20 parcels)  
 Grantee: St. Lucie County  
 Amount of Approved Funds: the lesser of 50% of the final total project costs or \$1,175,000.00

Project: 96-013-P7A/Egans Creek Greenway Phase II (1 parcel)  
 Grantee: City of Fernandina Beach  
 Amount of Approved Funds: the lesser of 100% of the final total project costs or \$1,515,218.95

Project: 96-044-P7A/Round Island South (2 parcels)  
 Grantee: Indian River County  
 Amount of Approved Funds: the lesser of 50% of the final total project costs or \$531,000.00

Project: 96-059-P7A/Turkey Creek Blueway – Greenway (1 parcel)  
 Grantee: City of Palm Bay  
 Amount of Approved Funds: the lesser of 100% less \$25,000.00 of the final total project costs or \$595,630.00

Project: 98-010-P8A/North Peninsula In-holdings (1 parcel)  
 Grantee: Volusia County  
 Amount of Approved Funds: the lesser of 90% of the final total project costs or \$1,134,360.00

Project: 98-025-P8A/Sunrise Park (1 parcel)  
 Grantee: Charlotte County  
 Amount of Approved Funds: the lesser of 90% of the final total project costs or \$1,113,300.00

Project: 98-072-P8A/Oak Shores Reclamation (3 parcels)  
 Grantee: Sarasota County  
 Amount of Approved Funds: the lesser of 40% of the final total project costs or \$1,433,840.00

Project: 98-089-P8A/Scenic Highway Bluffs Preserve (1 parcel)  
 Grantee: City of Pensacola  
 Amount of Approved Funds: the lesser of 90% of the final total project costs or \$810,375.00

Project: 99-002-P9A/St. Johns River Park (1 parcel)  
 Grantee: St. Johns County  
 Amount of Approved Funds: the lesser of 99.77% of the final total project costs or \$2,195,000.00

Project: 99-010-P9A/Cypress Creek Preserve – Phase II (1 parcel)  
 Grantee: Hillsborough County  
 Amount of Approved Funds: the lesser of 33.77% of the final total project costs or \$2,200,000.00

Project: 99-055-P9A/Oslo Riverfront South (3 parcels)  
 Grantee: Indian River County  
 Amount of Approved Funds: the lesser of 50% of the final total project costs or \$872,500.00

**NOTICE OF ADMINISTRATIVE HEARING RIGHTS**

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 9K-1.008, FAC. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

**NOTICE OF APPLICATION PERIOD**

The FLORIDA COMMUNITIES TRUST announces an application period for receiving applications from local governments requesting funding awards from the Trust's PRESERVATION 2000 PROGRAM.

**DEADLINE:** The deadline for submitting applications shall be 5:00 p.m. (EDT) on Friday, June 9, 2000. Applications must be received by the Florida Communities Trust by the above stated deadline. No waiver of the deadline shall be allowed, except as



set forth in Rule 9K-4.007(2), FAC. Applications that do not meet the stated deadline shall not be eligible for evaluation and scoring.

**APPLICATION FORMS:** Applications for funding must be made on Application Form FCT/P2000-4 (eff. 2/10/98), following procedures in Rule Chapter 9K-4, FAC. Copies of the rule chapter and application form will be available at the pre-application workshops or may be obtained by calling the Trust at (850)922-2207 (SunCom 292-2207) or writing the Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100.

**ADDRESS:** For mail and carrier service deliveries, the delivery address is Florida Communities Trust, 2555 Shumard Oak Boulevard, Room 310, Tallahassee, FL 32399-2100. For hand deliveries, the delivery location is Room 310, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL.

**FUNDS AVAILABLE:** Funds available for awards will derive from the Series 2000 bonds, which are expected to be sold in April 2000; interest accruals on funds deposited for investment; and any remainder funds from earlier Preservation 2000 projects that closed under budget or were terminated. As of the date of submittal of this Notice, the Trust expects that approximately \$22,000,000 of Series 2000 bond proceeds will be available for use in the ninth funding cycle of the Preservation 2000 Program; all other funds are committed to current projects.

**LOCAL MATCH:** Section 259.101(3)(c), F.S. requires that of the funds allocated to the Trust, at least one half of the Preservation 2000 funds shall be matched by applicants on a dollar-for-dollar basis. Rule 9K-4.0031(6)(b), FAC, allows 100% grant funding to counties with populations under 75,000 and municipalities with populations under 10,000. All other applicants shall provide some level of match toward project costs.

**LIMITS ON AWARDS:** Under the provisions of Rule 9K-4.0031(8), FAC., the limitation of awards to an applicant selected for funding by the Trust shall not exceed ten percent (10%) of the amount of funds available as stated above, except that awards to partnership applicants, pursuant to Rule 9K-4.0031(8), FAC., shall not exceed twenty percent (20%) of the total funds available as stated above. Based upon the funds known to be available as of the date of this notice, the limit to a single applicant shall be \$2,200,000; the limit to a partnership application shall be \$4,400,000.

**WORKSHOPS:** Pre-application technical assistance workshops will be conducted. A schedule of the workshops can be found in the March 24, 2000 edition of the Florida Administrative Weekly or may be requested from the Trust at the phone number or mailing address given above.

**MORE INFORMATION:** Local governments interested in submitting an application may contact the Florida Communities Trust at (850)922-2207 (SunCom 292-2207) or at the above address for more information or technical assistance.

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## DEPARTMENT OF LAW ENFORCEMENT

The Florida Department of Law Enforcement is scheduled for an on-site assessment as part of a program to achieve accreditation by verifying it meets professional standards.

Administered by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), the accreditation program requires agencies to comply with state-or-the-art standards in four basic areas: policy and procedures, administration, operations, and support services.

As a part of the on-site assessment, agency members and the general public are invited to offer comments by calling 1(877)851-5241, on Tuesday, April 11, 2000 between the hours of 1:00 p.m. – 5:00 p.m. Comments will be taken by the Assessment Team. Telephone comments are limited to 10 minutes and must address the agency's ability to comply with CALEA's standards.

A copy of the standards is available through FDLE's Public Information Office in Tallahassee, (850)410-7001.

Anyone wishing to submit written comments about the Florida Department of Law Enforcement's ability to meet the standards of accreditation are requested to send them to the Commission on Accreditation for Law Enforcement, Inc. (CALEA), 10306 Eaton Place, Suite 320, Fairfax, Virginia 22030-2201.

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## DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Motorrad of North America, intends to allow the establishment of A & G Auto Exchange, Inc., as a dealership for the sale of motorcycles & scooters, at 2050 N. E. 155th St., N. Miami (Dade County), Florida 33162, on or after February 19, 2000.

The name and address of the dealer operator(s) and principal investor(s) of A & G Auto Exchange, Inc. are: dealer operator: Armando Maury, 8855 Collins Ave., Apt. 707, Surfside, FL 33154; principal investor(s): Armando Maury, 8855 Collins Ave., Apt. 707, Surfside, FL 33154.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Ray Campanile, Vice President,/GM, Motorrad of North America, 4 Signal Avenue, Suite C, Ormond Beach, FL 32174.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Clarification Concerning  
the Relocation of a Franchise Motor Vehicle Dealer  
in a County of more than 300,000 Population

On July 16, 1999, a notice was published indicating that, pursuant to Section 320.642, Florida Statutes, notice is given that Ford Motor Company, intends to allow the relocation of Gator Ford Truck Sales, Inc., as a dealership for the sale of Ford cars and light trucks, from its present location at 7528 Highway 301 North, Tampa (Hillsborough County), Florida 33637-6379, to a proposed location at 6111 Country Road 579, Seffner (Hillsborough County), Florida 33584, on or after July 25, 1999.

Ford Motor Company has requested that this notice be published to clarify that the proposed relocation is for all sales and service of all Ford vehicles which is authorized to be conducted by Gator Ford Truck Sales, Inc. Gator Ford Truck Sales, Inc. is authorized to sell and service all Ford trucks.

The name and address of the dealer operator(s) and principal investor(s) of Gator Ford Truck Sales, Inc. is Mr. David F. Kilcoyne, 2505 South Dundee Street, Tampa, Florida 33629.

The notice indicates an intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be

submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mr. Darrin Chrisman, Representation Manager, Ford Motor Company, P. O. Box 955400, Maitland, Florida 32794-5400.

Protests to this relocation have been received from Ernie Haire Ford, Inc. and Brandon Ford. If no additional petitions or complaints are received, an order will be issued approving the relocation, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes, if the pending protests are resolved in favor of Ford Motor Company and Gator Ford Truck Sales, Inc.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, General Motors Corporation, intends to allow the establishment of Morse Operations, Inc. d/b/a Ed Morse Cadillac/Sawgrass, as a dealership for the sale of Cadillac vehicles at parcel of land in the southeast one-quarter (S. E. 1/4) of section 27, township 49 south, range 40 east, "Sawgrass Commerce Center", on Sunrise Boulevard, within the city of Sunrise (Broward County), Florida 33323, on or after April 10, 2000.

The name and address of the dealer operator(s) and principal investor(s) Morse Operations, Inc. d/b/a Ed Morse Cadillac/Sawgrass are: dealer operator: Edward J. Morse, Jr., 6363 N. W. 6th Way, Suite 400, Ft. Lauderdale, FL 33309; principal investor(s): Edward J. Morse Jr. through Morse Operations, Inc., 6363 N. W. 6th Way, Suite 400, Ft. Lauderdale, FL 33309, and Edward J. Morse, Sr. through Morse Operations, Inc., 6363 N. W. 6th Way, Suite 400, Ft. Lauderdale, FL 33309.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ms. Jody L. Huey, Dealer Contractual Manager, General Motors Corporation, Dealer Contractual Group, 100 Renaissance Center, Mail Code 482-A07-C66, Detroit, MI 48265-1000.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for the Relocation of a  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Southeast Toyota Distributors, Inc., intends to allow the relocation of UAG Kissimmee Motors, Inc., d/b/a Kissimmee Toyota, as a dealership for the sale of Toyota cars and trucks, from its present location at 2535 N. Orange Blossom Trail, Kissimmee, FL, to a proposed location described as follows: In Orange County, Florida, on the west side of South Orange Blossom Trail, also known as U.S. Highway 17-92, approximately 200 feet south of the intersection of the Central Florida Parkway and South Orange Blossom Trail, as more particularly described in Exhibit "A" hereto, by March 1, 2001.

The name and address of the dealer operator(s) and principal investor(s) of UAG Kissimmee Motors, Inc., d/b/a Kissimmee Toyota are: dealer operator: Marshall Cogan, 13400 West Outer Dr., Detroit, MI 48239 and Roger Carter, 2535 N. Orange Blossom Trail, Kissimmee, FL 34744; principal investor(s): Roger S. Penske, Chairman, 13400 West Outer Drive, Detroit, MI 48239, Samuel X. Difeo, Jr., President, 13400 West Outer Drive, Detroit, MI 48239, Jim Davidson, Exec. Vice President, Finance, 13400 West Outer Drive, Detroit, MI 48239.

The notice indicates an intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: L. Taylor Ward, III, Vice President & General Counsel, Southeast Toyota Distributors, Inc., 100 N. W. 12th Avenue, Deerfield Beach, Florida 33442.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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**WATER MANAGEMENT DISTRICTS**

Notice of Approval of Priority Water Bodies and Schedule  
for Establishment of Minimum Flows and Levels

NOTICE IS HEREBY GIVEN that pursuant to Section 373.042, Florida Statutes, the Department of Environmental Protection has approved the priority water bodies list and schedule for establishment of Minimum Flows and Levels by the Northwest Florida Water Management District as follows: Minimum flows for the Apalachicola River are being scheduled for September 2000 and being established in conjunction with the interstate coordination efforts to negotiate a water allocation formula under the Apalachicola-Chattahoochee-Flint River Basin Commission pursuant to Section 373.71, Florida Statutes and Public Law No. 105-104. The priority list has also been revised to include minimum aquifer levels for the Floridan Aquifer in coastal Okaloosa, Santa Rosa and Walton counties. The effort to establish minimum levels for the Floridan Aquifer in this area will consider the potential migration of saline water into fresh groundwater supplies and is scheduled for completion in January 2005.

The person to be contacted regarding the above notice is: Ron Bartel, Director, Resource Management Division, NFWFMD, 81 Water Management Drive, Havana, Florida 32333.

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**LAND AND WATER ADJUDICATORY COMMISSION**

On February 14, 2000, the Florida Land and Water Adjudicatory Commission ("FLWAC" or "Commission") received a petition to establish the Sampson Creek Community Development District (the "District"). The Commission will follow the requirements of Rule Chapter 42-1, Florida Administrative Code (FAC.), as amended, and Chapter 190, Florida Statutes (F.S.), as amended, in ruling on this petition.

**SUMMARY OF CONTENTS OF PETITION:** The petition filed by The St. Joe/Arvida Company, L.P., requests that the Commission establish a community development district located in St. Johns County, Florida. The land area proposed to be served by the District comprises approximately 1,015 acres. The proposed District is generally located 0.5 miles west of Interstate 95 and on the south side of County Road 210. The site is located on the east and west sides of Leo Maguire Road.

There are two parcels within the external boundaries of the proposed District that are to be excluded from the District. The two out-parcels include a tower site of approximately 2.4 acres owned by AT&T Communications of Southern States, Inc., and a cemetery site of approximately 1.3 acres owned by Sampson Cemetery, Inc. The proposed development within the District contemplates the construction of approximately 799 single family residential dwelling units, with associated retention areas, roadways, common areas, a recreation complex and an eighteen-hole golf course including associated maintenance facilities. The Petitioner has obtained written consent to establish the District from the owners of 100% of the real property located within the proposed District. The District, if established, intends to participate in the construction of certain facilities and services such as roadways, lighting, water and wastewater, water management, landscaping and irrigation, recreation, and security on the lands within the District.

**SUMMARY OF ESTIMATED REGULATORY COSTS:** The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 8 to the petition to establish the District. The scope of the SERC is limited to evaluating the regulatory cost consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number and types of individuals likely to be required to comply with the rule or who will be affected; (b) a good faith estimate of the costs to any state and local government entities of implementing and enforcing the proposed rule, and any anticipated affect on state and local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principal entities that are likely to be required to comply with the rule include the District, the State of Florida, and St. Johns County. In addition, future property owners will be affected by the establishment of the proposed District. Under section (b), the FLWAC and State of Florida will incur minimal one-time administrative costs. St. Johns County will also incur one-time administrative costs which are offset by the required filing fee paid to the County. Adoption of the proposed rule to approve the formation of the District will not have an adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. Also, various financing

reserves must be provided for, such as a Debt Service and capitalized interest in addition to estimated costs of bond issuance. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual special assessment levy for the operations and maintenance of the District. Under section (d), approval of the petition to establish the District will have only incidental or a positive impact on small businesses and will not have any impact on small counties and cities. St. Johns County is not a small county as defined. Under section (e), the analysis was based on an application of economic theory with input received from the petitioner's engineer and other professionals associated with the petitioner.

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

**TIME AND DATE:** 10:00 a.m., Monday, April 10, 2000

**PLACE:** St. Johns County Public Library, Meeting Room, 60 Davis Pond Boulevard, Jacksonville, Florida 32259

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Jonathan Johnson at (850)222-7500 at least 5 business days in advance to make appropriate arrangements.

**COPIES OF THE PETITION MAY BE OBTAINED BY CONTACTING:** Jonathan Johnson, Hopping Green Sams & Smith, Post Office Box 6526, Tallahassee, Florida 32314 or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, telephone number (850)488-7793.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**CERTIFICATE OF NEED**

**DECISIONS ON BATCHED APPLICATIONS**

The Agency For Health Care Administration made the following decisions on Certificate of Need applications for the hospital batching cycle with an application due date of September 15, 1999:

County: Broward Service District: 10

CON #: 9259 Decision Date: 3/9/2000 Decision: A

Facility/Project: Best Care Agency, Inc.

Applicant: Best Care Agency, Inc.

Project Description: Establish a Medicare certified home health agency

Approved Cost: \$20,000

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in

the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes and Chapter 59C-1, Florida Administrative Code.  
 AHCA Purchase Order Number S5900H00396.

**CERTIFICATE OF NEED  
 EXEMPTIONS**

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

- |  |                       |
|--|-----------------------|
| County: Seminole   | District: 7           |
| ID #: 0000024A   | Issue Date: 3/2/2000  |
| Facility/Project: South Seminole Hospital  |                       |
| Applicant: Orlando Regional Healthcare System, Inc.  |                       |
| Project Description: Establish an adult inpatient diagnostic cardiac cath program                |                       |
| Proposed Project Cost: \$3,750,000   | Equipment Cost:       |
| County: Sarasota   | District: 8           |
| ID #: 0000049  | Issue Date: 6/17/2000 |
| Facility/Project: HEALTHSOUTH Rehabilitation Hospital of Sarasota                                |                       |
| Applicant: HEALTHSOUTH of Sarasota, Limited Partners   |                       |
| Project Description: Relocate an off-site outpatient clinic                                      |                       |
| Proposed Project Cost: \$200,000   | Equipment Cost:       |
| County: Orange   | District: 7           |
| ID #: 0000083  | Issue Date: 3/3/2000  |
| Facility/Project: Florida Hospital-Apopka  |                       |
| Applicant: East Pasco Medical Center, Inc.   |                       |
| Project Description: Install a new CT scanner in existing space previously operated as a CT room |                       |
| Proposed Project Cost: \$847,465   | Equipment Cost:       |
| County: Pasco  | District: 5           |
| ID #: 0000084  | Issue Date: 3/6/2000  |
| Facility/Project: Community Hospital of New Port Richey  |                       |
| Applicant: New Port Richey Hospital, Inc.  |                       |
| Project Description: Construct an exterior wall to enclose the existing covered patio            |                       |
| Proposed Project Cost: \$250,000   | Equipment Cost:       |
| County: Brevard  | District: 7           |
| ID #: 0000087  | Issue Date: 3/6/2000  |
| Facility/Project: Beverly Health & Rehab. Services Palm Bay                                      |                       |
| Applicant: Beverly Enterprises-Florida, Inc.   |                       |
| Project Description: Renovate the private dining area of the dedicated Alzheimer patient wing    |                       |
| Proposed Project Cost: \$45,000  | Equipment Cost:       |
| County: Palm Beach   | District: 9           |
| ID #: 0000092  | Issue Date: 3/7/2000  |
| Facility/Project: Good Samaritan Hospital  |                       |
| Applicant: Good Samaritan Hospital, Inc.   |                       |
| Project Description: Termination of obstetrical services   |                       |

- |  |                      |
|--|----------------------|
| Proposed Project Cost: \$0   | Equipment Cost:      |
| County: Hillsborough   | District: 6          |
| ID #: 9700406D   | Issue Date: 3/1/2000 |
| Facility/Project: H. Lee Moffitt Cancer Center & Research Institute Hosp.                          |                      |
| Applicant: H. Lee Moffitt Cancer Center & Research Institute, Inc.                                 |                      |
| Project Description: Outpatient surgery expansion  |                      |
| Proposed Project Cost: \$13,980,000  | Equipment Cost:      |
| County: Palm Beach   | District: 9          |
| ID #: 9900187A   | Issue Date: 3/1/2000 |
| Facility/Project: Good Samaritan Medical Center  |                      |
| Applicant: Good Samaritan Hospital, Inc.   |                      |
| Project Description: Renovate existing space to establish an adult diagnostic cardiac cath program |                      |
| Proposed Project Cost: \$2,160,000   | Equipment Cost:      |
| AHCA Purchase Order Number S5900H00396.  |                      |

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**NOTICE OF AVAILABILITY  
 Florida Finding of No Significant Impact  
 CS120602060 – WASTEWATER MANAGEMENT  
 SYSTEM**

The Florida Department of Environmental Protection has determined that the proposed wastewater management system to serve the Key Largo area of Monroe County will not have a significant adverse environmental impact. The total project cost is estimated at \$60 million. The project may qualify for a Clean Water Act State Revolving Fund loan composed of federal funds and state matching funds.  
 A full copy of the Florida Finding of No Significant Impact can be obtained by writing to Dick Smith, Bureau of Water Facilities Funding, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

**DEPARTMENT OF HEALTH**

On March 9, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency SUSPENSION with regard to the license of Carolyn White, L.P.N. license number PN 1197031. Carolyn White's last known address is 1129 Highland Avenue, Dunedin, Florida 34698. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 455.621(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On March 9, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency SUSPENSION with regard to the license of Susan Sasser, R.N. license number RN 1010572. Susan Sasser's last known address is 10211 Walnut Boulevard, North, Jacksonville, Florida 32257 and 10275 Old St. Augustine Road, Jacksonville, Florida 32257. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 455.621(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On March 9, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency SUSPENSION with regard to the license of Marilyn Bess Stouffer license number 2677802. Marilyn Bess Stouffer's last known address is 6770 N. W. 21st Street, Margate, Florida 33063. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 455.621(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On March 9, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency SUSPENSION with regard to the license of Susan J. Hamilton license number 0858101. Susan J. Hamilton's last known address is 7680 Westwood Drive, Apartment 806, Tamarac, Florida 33321. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the

public health, safety and welfare pursuant Sections 455.621(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On February 13, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Pamela Felch, R.N., license number RN 2178042. FELCH's last known address is 1006 Palm Beach Trace, Royal Palm Beach, Florida 33411. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 455.621(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On March 1, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of William Charles Leach, M.D., license number ME 0044750. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

Pursuant to section 397.427, Florida Statutes, and administrative rules adopted thereunder, the Department of Children and Family Services has conducted a survey to determine the need for new medication (methadone) treatment service providers. The survey results are provided by the Department of Children and Family Services as follows:

District 8

The need for additional outpatient methadone maintenance services has been established in this district. Prospective applicants for a license to operate an outpatient methadone maintenance program in District 8 may direct requests for an application for licensure to the following:

District 8, Department of Children and Family Services  
District Alcohol, Drug Abuse and Mental Health Program Office  
Ft. Myers Regional Service Center  
2295 Victoria Avenue (33901), Post Office Box 60085  
Attention: Janet Chapman  
Ft. Myers, Florida 33906

The closing date for submitting applications for licensure to the department's district office is Monday, April 17, 2000, 5:00 p.m., Eastern Standard Time.

Copies of the assessment report may be obtained from:

Department of Children and Family Services  
Substance Abuse Program Office  
1317 Winewood Boulevard  
Building 3, Room 105-I  
Tallahassee, Florida 32399-0700

**FLORIDA HOUSING FINANCE CORPORATION**

The Florida Housing Finance Corporation announces that it maintains names and addresses of persons and organizations to which solicitations are distributed when procuring for the services listed below.

Those who wish to be included on such distribution list(s) must send a written request to the attention of Debbie Moran at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 or facsimile (850)414-6545. The written request must specify the service type(s) for which the person or organization wishes to receive a solicitation, name of the organization and contact person, mailing address, phone number and facsimile number.

Accounting  
Arbitrage Rebate Analyst  
Auditing  
Bond Underwriter/Investment Banker

Counsel  
Counsel, Bond  
Counsel, Disclosure  
Counsel, Special  
Credit Underwriting Services  
Employee Benefits Plan Providers  
Environmental Assessment  
Financial Advisor  
Information Technology  
Insurance Agent  
Investment Advisory Service  
Lenders, Single Family  
Market Study  
Originator/Servicer  
Pension Plan Providers  
Primary Mortgage Insurance Provider, Single Family  
Printing  
Program Administrator/Master Servicer  
Remarketing Agent  
Servicer, Other  
Servicer, SHIP Program  
Servicer, Single Family  
Technical Assistance  
Trustee

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**VISIT FLORIDA**

**ECOTOURISM/HERITAGE TOURISM GRANTS  
PROGRAM APPLICATIONS**

VISIT FLORIDA, 661 E. Jefferson Street, Suite 300, Tallahassee, Florida 32301, is accepting applications for its 2000-2001 Ecotourism/Heritage Tourism Grants Program. Application packages may be obtained by writing VISIT FLORIDA at the address listed above; attention Ecotourism/Heritage Tourism Grants Program; by faxing a request to "Ecotourism/Heritage Tourism Grants Program" at (850)224-2938; by calling Clarissa Otero at (850)488-5607 (ext. 363), or by e-mailing a request to [cotero@flausa.com](mailto:cotero@flausa.com). VISIT FLORIDA reserves the right to reject any or all applications.

Application due date and time is Friday, May 5, 2000 at 5:00 p.m. All applications received after 5:00 p.m. on Friday, May 5, 2000, will be returned to the applicant.

Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN March 6, 2000  
 and March 10, 2000**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

5B-43.005	3/8/00	3/28/00	26/2	
5B-43.009	3/8/00	3/28/00	26/2	
5B-43.011	3/8/00	3/28/00	26/2	

**DEPARTMENT OF EDUCATION**

**State Board of Education**

6A-10.0311	3/8/00	3/28/00	26/3	
6A-10.0315	3/8/00	3/28/00	26/3	
6A-16.026	3/8/00	3/28/00	26/2	

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

12A-1.051	3/10/00	3/30/00	25/43	25/51
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**DEPARTMENT OF TRANSPORTATION**

14-24.001	3/8/00	3/28/00	26/1	
14-79.006	3/8/00	3/28/00	26/1	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Office of Licensure and Certification**

59A-24.005	3/9/00	3/29/00	25/50	
59A-24.006	3/9/00	3/29/00	25/50	

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-4.244	3/6/00	3/26/00	25/51	26/6
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**DEPARTMENT OF HEALTH**

**Division of Environmental Health and Statewide Pro**

64E-9.003	3/10/00	3/30/00	25/47	
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**FISH AND WILDLIFE CONSERVATION**

**COMMISSION**

**Freshwater Fish and Wildlife**

68A-15.061	3/10/00	3/30/00	25/52	26/7
68A-25.002	3/10/00	3/30/00	25/52	26/7

**Marine Fisheries**

68B-39.004	3/10/00	3/30/00	25/52	
68B-46.001	3/10/00	3/30/00	25/52	
68B-46.002	3/10/00	3/30/00	25/52	26/7