

to obtain child support. Noncustodial parents must show they are current with court-ordered child support payments. It also provides for good cause for non-cooperation by custodial parents when cooperation is not in the best interest of the child, custodial parent, or caretaker relative. Additionally, it provides for the development and revision of forms related to statutory and policy requirements to be incorporated by reference.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.32 FS.

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

TIME AND DATE: 9:00 a.m., December 4, 2000

PLACE: 1317 Winewood Blvd., Bldg. 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Program Support Unit, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, Telephone (850)488-3090

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

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE TITLE:

Citrus Canker Eradication

RULE NO.:

5B-58.001

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish procedures for conducting risk assessments in commercial groves which are infested or exposed to citrus canker, modify the delivery of Immediate Final Orders and what must be attached to those orders, and provide for the confiscation of citrus plants in containers in violation of the provisions of the quarantine. This clarifies the variables used in determining the distance within which exposed citrus trees must be removed, simplifies the Immediate Final Order and helps prevent the spread of the disease within or outside of the quarantine area which can occur when containerized citrus plants are moved.

SUMMARY: Defines Citrus Canker Risk Assessment Group and landscape maintenance operators; established guidelines for conducting risk assessments in commercial groves; deletes the Immediate Final Order attachments; permits Immediate Final Orders to be delivered by regular mail, common courier or posted on the property; deletes the language about maintaining property files although the program will maintain such files; states that non-production people entering citrus

groves must decontaminate personnel and equipment; and provides for the immediate confiscation of citrus plants maintained in containers when in violation of the quarantine.

SPECIFIC AUTHORITY: 570.07(21),(23), 581.091(1), 581.101(1), 581.031(1),(4),(5), 581.184 FS.

LAW IMPLEMENTED: 580.07(2),(13),(21), 581.031(6),(7),(9),(15),(17),(19),(30), 581.083, 581.101, 581.131, 581.141, 581.184, 581.211 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., December 4, 2000

PLACE: Division of Plant Industry, Cowperthwaite Building, Auditorium, 3027 Lake Alfred Road, Winter Haven, Florida 33881

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, Florida 32614-7100, Phone (352)372-3505

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-58.001 Citrus Canker Eradication.

(1) Definitions. For the purpose of this rule, the definitions in Section 581.011, Florida Statutes, and the following definitions shall apply:

(a) through (d) No change.

(e) Citrus Canker Risk Assessment Group. A group of scientists and regulatory officials with knowledge of citrus canker disease and its eradication appointed by the director to make biologically sound recommendations for the control and eradication of citrus canker from the state. Risk assessments are science-based evaluations. The risk assessment group provides scientific opinion and recommendations on control and eradication strategies and other issues upon request for assistance from the Citrus Canker Eradication Program.

~~(f)(e)~~ Commercial citrus grove. A solid set planting of 40 or more citrus trees.

~~(g)(f)~~ Commercial citrus-producing area. American Samoa, Arizona, California, Florida, Guam, Hawaii, Louisiana, Northern Mariana Islands, Puerto Rico, Texas, and the Virgin Islands of the United States.

~~(h)(g)~~ Exposed. Determined by the department to likely harbor citrus canker bacteria because of proximity to infected plants, or probable contact with personnel, or regulated articles, or other articles that may have been contaminated with bacteria that cause citrus canker, but not expressing visible symptoms.

~~(i)(h)~~ Infected. Harboring citrus canker bacteria and expressing visible symptoms.

(j) Landscape maintenance operators. Any person or company engaged in the business of landscape maintenance where equipment or other regulated articles are moved between non-contiguous properties.

(k)(+) Regulated articles. Any article capable of transporting or harboring citrus canker; including:

1. Trucks, tractors and all other equipment used in the quarantine areas for the production, cultivation, harvesting, processing and packing, and transportation of citrus or regulated articles, or entering citrus groves for other non-production purposes.

2. All lawn and garden tools and nursery equipment used in the quarantine areas.

3. Plant clippings and lawn and yard debris from the quarantine areas.

(2) through (4) No change.

(5) Control procedures.

(a) Risk Assessment. The department shall perform risk assessment procedures in the quarantine areas to determine the steps necessary to eradicate, control, and prevent the dissemination of citrus canker. The Director shall evaluate the risk assessment requests in consultation with the Citrus Canker Risk Assessment Group Leader to determine the need to engage the services of the Citrus Canker Risk Assessment Group to conduct a full risk assessment. All citrus trees which are infected or infested shall be removed. The decision to remove exposed trees will take into consideration the recommendations of the Citrus Canker Risk Assessment Group. In developing the recommendations, the Citrus Canker Risk Assessment Group will take the following variables into consideration: property type, cultivar, cultivar susceptibility, tree size and age, size of block, tree spacing, horticultural condition, tree distribution, tree density, weather events, wind breaks, movement factors, disease strain, exposure, infection age, infection distribution, disease incidence, Asian citrus leafminer damage, survey access, security of property, sanitation, management practices, closeness of other host properties, and closeness of other infected properties. Risk assessment procedures will consider the aggressiveness of the pathogen in the field, the level of disease inoculum, the location and spatial distribution of infected and exposed plants, the variety and type of plants, the risk of spread to areas growing citrus commercially, maintenance practices, and other relevant information.

(b) Control Procedure Documents. The control procedures shall include the preparation of the following documents for each piece of property potentially harboring infected or exposed citrus:

1. A report verifying the presence of, or exposure to, citrus canker through either a laboratory or field diagnosis.

2. A written inventory including size, condition, and variety of citrus located on the infected or exposed property.

3. A map of the infected or exposed property with the location of citrus subject to control action.

4. A recommendation for control action.

(b)(e) Immediate Final Orders. The Department shall issue an Immediate Final Order stating the quarantine and control methods to be implemented on the infected or exposed citrus located on the property. It may be delivered in person, by mail or similar common carrier, or posted on the property. A copy of the citrus canker diagnostic report, inventory, map, and recommendation referred to above will be attached to each respective Immediate Final Order. The Immediate Final Order will be provided to each property owner. If provided by personal delivery, the person making the delivery of the Immediate Final Order shall note on the order the date and time of delivery, the name of the recipient of the Order and the name of the person delivering the Order. If provided by mail, the Immediate Final Order shall be sent certified mail return receipt requested. The Immediate Final Order shall be immediately appealable or enjoinable. If the property owner is in agreement and signs the waiver accompanying the Immediate Final Order, control measures in accordance with risk assessment procedures shall proceed. If the property owner refuses to sign the waiver, then control measures mandated by risk assessment procedures shall begin no sooner than five days from the property owner's receipt of the Immediate Final Order. Immediate final orders are not required for control action in commercial citrus groves provided the owner agrees voluntarily to the control action and enters into an agreement not to sue with the department.

(d) Property File. The department shall maintain a property file for each separate piece of property. The file shall contain those documents that were required to be prepared for risk assessment and the following: a copy of the Immediate Final Order with all attachments, a map identifying the location of infected or exposed citrus and the type of control action taken.

(6) Movement of citrus nursery stock or citrus plants.

(a) The movement or planting of citrus nursery stock, citrus plants or plant parts in the quarantine areas is prohibited with the exception of citrus nursery stock planted in a commercial citrus grove as recommended by risk assessment procedures or destined to an area other than a commercial citrus-producing area.

(b) Citrus nursery stock may move through the quarantine areas for planting outside the quarantine areas provided it is completely covered or enclosed in containers or in a compartment of a vehicle during movement. The shipment must be accompanied by an invoice denoting a purchaser outside of the quarantine areas.

(7) Movement of citrus fruit originating within the quarantine areas. Notwithstanding Subsection (6) of this rule, citrus fruit produced originating within the quarantine areas may be moved from or within the quarantine areas upon

obtaining a citrus canker Citrus Fruit Harvesting Permit, Revised 6/99, DACS-08123 (formerly PI-123), from the Citrus Canker Program, 3027 Lake Alfred Road, Winter Haven, Florida 33881, and incorporated herein by reference, and be in compliance with the following requirements:

(a) The grove producing the fruit has been inspected by the department and found to be free of citrus canker. Groves must be mowed and otherwise maintained to facilitate inspection.

(b) The fruit has been treated in accordance with Subsection ~~(12)(14)~~ of this rule.

(c) through (e) No change.

(8) No change.

(9) Movement of plant clippings and lawn and yard debris.

(a) No change.

(b) Landscape ~~Lawn~~ maintenance operators within the quarantine areas shall demonstrate that they have:

1. Treated regulated articles in accordance with the requirements of Subsection ~~(13)(12)~~ of this rule upon departure from any property.

2. Treated personnel in accordance with the requirements of Subsection ~~(14)(13)~~ of this rule when departing from any property.

(c) Compliance Agreements. All landscape ~~lawn~~ maintenance operators ~~operations~~ within the quarantine areas ~~shall have a citrus canker certificate for each movement demonstrating compliance with paragraph (a) or~~ must enter into a compliance agreement, DACS-08031, effective 5/99, providing for compliance with this rule. All landscape ~~lawn~~ maintenance companies will be provided with a serialized decal upon signing a compliance agreement. Decals shall be prominently displayed on the driver's side of the windshield of the vehicle. All landscape ~~lawn~~ maintenance operators shall on demand provide the department with a list that includes the names and physical address of all clients.

(10) Movement of citrus fruit through Quarantine areas. Notwithstanding Subsection (6) of this rule, citrus fruit originating outside the quarantine areas may be moved through the quarantine areas without a citrus canker certificate provided the following conditions are met:

(a) through (b) No change.

(11) Decontamination requirements. All harvesters, intermediate handlers, grove caretakers, packers, and processors both within and outside of the quarantine area must decontaminate equipment, ~~and~~ personnel and regulated articles and sign the applicable compliance agreement, DACS-08031, effective 5/99, and incorporated into this rule by reference. A copy of DACS-08031 may be obtained from the Citrus Canker Program, 3027 Lake Alfred Road, Winter Haven, Florida 33881. All non-production people entering commercial citrus groves must decontaminate equipment, personnel and regulated articles in accordance with (13) and (14) if contact with citrus does occur.

(12) through (14) No change.

(15) Citrus plants in containers. Maintaining citrus plants in containers within the quarantine areas is prohibited unless they are located in a nursery or nursery stock dealer establishment which is registered with the department or are awaiting planting in a commercial grove. Citrus plants in containers found in quarantine areas will be confiscated immediately and destroyed without compensation. It shall be unlawful for ~~nurseries or~~ nursery stockdealers in the quarantine areas to add citrus plants to their inventory. It shall be unlawful for nurseries to add citrus plants to their inventory unless they have a demonstrated market for the plants in states or countries outside of a commercial citrus-producing area as defined in (1)(g). Nurseries and nursery stockdealers operating in the retail trade must keep all citrus plants in a secure locked area or the plants will be confiscated by the department without compensation.

(16) No change.

Specific Authority 570.07(21),(23), 581.091(1), 581.101(1), 581.031(1),(4),(5), 581.184 FS. Law Implemented 570.07(2),(13),(21), 581.031(6),(7),(9),(15),(17), 581.083, 581.101, 581.131, 581.141, 581.184, 581.211 FS. History—New 1-17-96, Amended 4-9-96, 5-14-97, 8-19-97, 11-19-97, 11-16-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Constance C. Riherd, Assistant Director, Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gaskalla, Director, Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 6, 2000

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE TITLE: RULE NO.:

General Requirements 6F-1.001

PURPOSE AND EFFECT: The purpose of this rule amendment is to add clarity and bring the rule into compliance with Section 246.203(7), Florida Statutes. The effect is a rule that is current, concise and comprehensive.

SUMMARY: This rule amendment adds clarity and brings the rule into compliance with Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 246.205(1), 246.207(1)(e), 246.213(1) FS.

LAW IMPLEMENTED: 120.53(1), 246.207(1)(e), 246.213(1), 246.215(1), 246.217(3), 246.226, 246.2265, 246.228 FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge Avenue, Melbourne, Florida 32901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-1.001 General Requirements.

(1) All correspondence, forms and applications relating to the operation and licensing of nonpublic career education independent postsecondary vocational, technical, trade and business schools as required by Sections 246.201 through 246.231, Florida Statutes, shall be sent to: State Board of Nonpublic Career Education Independent Postsecondary Vocational, Technical, Trade and Business Schools, Department of Education, The Florida Education Center, Tallahassee, Florida 32399. All original letters and applications shall be a part of the records of the Board and may be retained by it.

(2) through (6) No change.

(7) To implement the Institutional Assessment Trust Fund the Board shall be responsible for authorizing the expenditure of that portion of the trust fund consisting of the fees and fines imposed upon non-public schools which it licenses. Such authorization shall be in the form of an operating budget establishing categories of expenditures consistent with the State Automated Management and Accounting System related to the Board's responsibilities as set forth in statute. The operating budget shall be established by resolution of the Board enacted at its last regularly scheduled meeting ~~of the~~ ~~in~~ each fiscal year. By subsequent resolutions, the Board may transfer funds among and within budget categories as necessary and desirable for the efficient and effective administration of Sections 246.201 through 246.231, Florida Statutes.

Specific Authority 246.205(1), 246.207(1)(e), 246.213 FS. Law Implemented 120.53(1)(b), 246.207(1)(e), 246.213(1), 246.215(1), 246.217(3), 246.226, 246.2265, 246.228 FS. History--New 12-19-74, Formerly 6F-7.01, Amended 7-26-78, 5-10-84, Formerly 6F-1.01, Amended 5-27-87, 7-17-90, 10-3-91, 3-29-93, 12-4-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for 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: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE TITLE: Certificate of License for Schools RULE NO.: 6F-2.001

PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify the required information to be submitted by licensed schools and specify the extension period for a temporary license.

SUMMARY: This rule amendment clarifies what corporation and license number information is to be submitted with the renewal application report and biennial report and provides guidelines for the length of time for extensions of the temporary license.

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: 246.205(1), 246.207(1)(e), 246.213, 246.219 FS.

LAW IMPLEMENTED: 120.60, 246.207(1)(e), 246.213, 246.215, 246.217, 246.219 FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge Avenue, Melbourne, Florida 32901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-2.001 Certificate of License for Schools.

(1) A corporation desiring to be a licensed school, subject to the jurisdiction of the Board, shall file with the Board an application for a license on forms prescribed in Rule 6F-4.001, FAC. Each educational site shall hold a separate license which is not transferable. Any variance from this requirement shall require specific prior approval by the Board.

(2) A school as defined in Section 246.203(1), Florida Statutes, is required pursuant to Section 246.215(1), Florida Statutes, to be an organization in the form of a corporation,

before the school may seek a license from the Board. Each application for a new school license ~~and each application for renewal of a school license~~ shall be accompanied by a copy of the applicant's articles of incorporation and a copy of the verification which the applicant has received from the Department of State which verifies that the articles of incorporation encompass operations as a school, as defined in Section 246.203(1), Florida Statutes, and that the school may conduct operations as such a school upon obtaining the required license from the Board. Each application for renewal of a school license shall be accompanied by evidence from the Secretary of State that the corporation's status is active, all fees have been paid, the annual report has been filed, and the corporation has not filed Articles of Dissolution.

(3) A school's license may be revoked or suspended or its application denied and the school may be subject to any combination of the disciplinary actions authorized in Section 246.228, Florida Statutes, and the additional regulatory powers provided in Section 246.2265, Florida Statutes, if the school violates or fails to comply with any provisions of Sections 246.201-246.231, Florida Statutes, or rules of the Board adopted thereunder; engages in any act or omission, or permits the existence of any condition or circumstance on the basis of which the Board could have denied an application for licensure; violates or fails to comply with the policies, procedures, and responsibilities as stated in the school's catalog and enrollment agreement last approved by the Board; or otherwise fails to protect the individual student from deceptive, fraudulent, or substandard education as a result of the school's acts or omissions.

(4) An applicant, including an owner or director or officer of a corporation owning or controlling an applicant institution, requesting a license from the Board must certify that they have not been convicted of a crime relating to the unlawful operation or management of a school, and that they have not closed an educational institution without either an orderly train-out of the students or appropriate refunds to students. The Board may obtain appropriate criminal justice information and releases of compliance from other state agencies at the expense of the applicant.

(5) Types of licensure. Each provisional license, regular license, or biennial license issued by the Board shall state specifically which programs the school is authorized to offer. Each school subject to the jurisdiction of the Board, shall apply for a license and be issued a provisional or regular license by the Board before advertising, soliciting or enrolling students.

(a) Temporary license.

1. A temporary license may be issued by the Board to an applicant who has complied with licensure requirements with the exception of:

- a. professionally printed and permanently bound catalogs and evidence of the number printed;
- b. printed enrollment agreements;

c. evidence of compliance with local zoning, fire, safety and sanitation standards;

d. verification that construction, alterations, decorating, and such other work has been completed in compliance with applicable regulations; and

e. Evidence that all furniture, fixtures, equipment, materials and supplies necessary for effective operation of the school are on hand, in place, and in good condition.

2. The initial temporary license may be issued for a period ~~not to exceed~~ of four (4) months. A school which desires an extension of the initial temporary license shall submit a written request to the Board for approval. ~~Each~~ A temporary license extension may be issued for a period of up to four (4) months ~~not to exceed one (1) year from the date of the initial temporary license~~. During the period of temporary licensure a school shall not advertise, solicit or recruit students, collect fees, or begin school operation. The school shall not use such terms as licensed or approved in reference to the Board or to the State of Florida. If the school wishes to refer to its licensure, it shall use the term temporary license. Each application for approval of a temporary license extension shall be accompanied by a fee as outlined in Rule 6F-2.0026, FAC.

(b) Provisional license.

1. A provisional license ~~may shall~~ be issued to a school that has complied with all standards required for a temporary license, and has complied with all conditions outlined by the Board including an executed lease or other evidence of ownership and appointment of staff and submitted:

- a. professionally printed and permanently bound catalogs and evidence of the number printed;
- b. printed enrollment agreements;
- c. evidence of compliance with local zoning, fire, safety and sanitation standards;
- d. verification that construction, alterations, decorating, and such other work has been completed in compliance with applicable regulations; and
- e. evidence that all furniture, fixtures, equipment, material and supplies necessary for effective operation of the school are on hand, in place, and in good condition.

2. A provisional license may be issued for a period of up to one (1) year. A provisional license permits a school to begin official operation, advertise, solicit students, enroll students, and collect fees.

3. A provisional license will be in effect during the school's first year of operation.

4. Upon written request, the Board may issue a provisional license to a school for a period of up to one (1) year if the school does not comply with licensure renewal requirements for a regular license due to extenuating circumstances. Upon written request, this provisional license may be extended by the Board for a period not to exceed one (1) year if the Board determines that the school has made a good faith effort to

comply with applicable requirements. Each extension of a provisional license will require the payment of a fee as described in Rule 6F-2.0026, FAC.

(c) Regular license.

1. A regular license ~~may~~ shall be issued by the Board to a school holding a provisional license that has complied with all licensure requirements and has been approved by the Board for a regular license.

2. A regular license shall be valid for a period of one (1) year and subject to renewal annually. A school holding regular license status may revert to a provisional license if probable cause is found.

(d) Biennial license.

1. A biennial license ~~may~~ shall be issued to a school if the school has been licensed for a minimum of five (5) years, has no complaints pending whereupon probable cause has been found, and has complied with Rules 6F-1.001-6F-4.001, FAC., and Sections 246.201-246.231, Florida Statutes.

2. A biennial license shall be valid for a period of two (2) years and subject to renewal thereafter. A school holding a biennial license may revert to a regular or provisional license if probable cause is found.

3. At the close of the first year of biennial licensure, the school shall submit reports to the Board. The reports shall include ~~but not be limited to:~~ the name, ~~and~~ location, ~~and~~ license number of the school, the name of the administrative officer, the number of students enrolled, withdrawn, graduated, the percentage of placement of graduates, a copy of the school's enrollment agreement and catalog.

(6) The Board shall grant or deny each application for a license for a school in accordance with the applicable provisions of Section 120.60, Florida Statutes.

(7) Applications for renewal of a provisional, regular, or biennial license shall be submitted to the Board at least one hundred twenty (120) days prior to the expiration of the school's license. A delinquent fee as outlined in Rule 6F-2.0026, FAC., shall be charged for failure to submit a complete renewal application report in accordance with the time prescribed herein. A license requiring an extension by the Board because the Renewal Application Report was received too late for Board action at a regularly scheduled Board meeting held prior to the expiration of the license or a license requiring an extension because all licensure requirements are not met prior to the license expiration date shall be accompanied by a fee as prescribed in Rule 6F-2.0026, FAC.

(8) Institutions that are licensed by the State Board of Independent Colleges and Universities or are exempt from the State Board of Independent Colleges and Universities, which offer any certificate, diploma, or non-credit program leading to an occupation must obtain a license from the Board. The Board will evaluate and license all non-degree programs in accordance with Rules 6F-1.001-6F-4.001, FAC., and Sections 246.201-246.231, Florida Statutes. The Board will accept the

State Board of Independent Colleges and Universities license or exemption status in meeting the requirements of the Board, except in reference to obtaining approval for non-degree programs. Institutions shall remit all fee requirements referenced in Rule 6F-2.0026, FAC., and shall contribute to the Student Protection Fund for each licensed non-degree program as outlined in Rule 6F-2.0017, FAC.

~~(9) Applications for renewal of a provisional, regular, or biennial license shall be submitted to the Board at least one hundred twenty (120) days prior to the expiration of the school's license. A delinquent fee as outlined in Rule 6F-2.0026, FAC., shall be charged for failure to submit a complete renewal application report in accordance with the time prescribed herein.~~

~~(9)(10)~~ Any significant changes, such as, but not limited to programs or method of operation during the period of licensure, shall be reported by the licensee to the Board. Changes which require an application for a license, to amend a license, or which require specific prior approval by the Board shall be subject to the specific rule provisions relating to such changes. Such changes include but are not limited to changes in school name, location, ownership, and the addition, deletion, and modification of a program.

~~(10)(11)~~ The school shall receive Board approval for an amended license prior to implementation of the modification. A change in a program name or title, a change in the total hours of an existing program, or a change in the title of the credential to be awarded for successful completion, shall constitute a program modification. Any program change not defined as a program modification shall require written notification to the Board. Any program changes that are required by a professional licensure board shall be exempt from fees. These modifications shall include:

(a) A school requesting approval to add a new program shall submit:

1. A completed Form 10 (Dictionary of Occupational Titles), incorporated by reference in Rule 6F-4.001, FAC., which outlines the program title, program objective, program description, type of credential issued, entrance requirements, program length, tuition, and a complete program breakdown.

2. A statement regarding the specific need for the program and how the need was determined.

3. The anticipated enrollment in the program.

4. The projected sources and amount of financial support for the program.

5. A statement regarding the relation of the course or program to the purpose of the institution.

6. Evidence that the school site contains adequate square footage to accommodate the program and that all materials, supplies, and equipment necessary for effective operation of the program are in place and in good condition.

7. A fee as prescribed in Rule 6F-2.0026, FAC.

(b) A school requesting approval to modify an existing program shall submit:

1. A fee as prescribed in Rule 6F-2.0026, FAC.; and

2. A completed Form 10 (Dictionary of Occupational Titles) which outlines the program title, program objective, program description, type of credential issued, entrance requirements, program length, tuition, and a complete program breakdown; and

3. A statement regarding the specific need for modifying the existing program and how the need was determined.

(c) A school requesting approval to discontinue a program shall submit:

1. The reason for determining the need to discontinue the program; and

2. The status of student enrollment, if any, in the program; and

3. Verification and evidence that all students enrolled in the program were given the choice of completing the program prior to its discontinuance or receiving a full refund of all monies paid.

(d) A school requesting approval to change the name of the institution shall:

1. Select a name as defined in Rule 6F-2.002(2), FAC.

2. Submit a fee as prescribed in Rule 6F-2.0026, FAC.

(11)(12) Change of Location.

(a) A school which desires to move the school's operation within ten (10) miles of the currently licensed location shall:

1. Advise the State Board of the contemplated move thirty (30) days prior to the move; and

2. Provide the Board with a detailed description of the new facility and verification that the new facility is properly zoned; and

3. Provide the Board with copies of revised catalogs and contracts and other published materials to reflect the school's change of address; and

4. Submit a fee for the reissuance of the school's license as prescribed in Rule 6F-2.0026, FAC.

(b) A school which desires to move the school's operation within eleven (11) to forty (40) miles of the currently licensed location shall:

1. Advise the State Board of the contemplated move thirty (30) days prior to the move; and

2. Provide the Board with a detailed description of the new facility and verification that the new facility is properly zoned; and

3. Provide the Board with a complete student status report, including notification letters to currently enrolled students, and those enrolled but who have not yet begun classes. The school shall offer to train-out currently enrolled students at the present location or refund all fees. Students enrolled in future classes shall be given a choice of attending the new location or receiving a full refund of all monies paid; and

4. Provide the Board with copies of revised catalogs and contracts and other published materials to reflect the school's change of address; and

5. Submit a fee as prescribed in Rule 6F-2.0026, FAC.

(c) Any school which moves its facility more than forty (40) miles from its currently licensed location shall file a new application for license in accordance with Sections 246.201-246.231, Florida Statutes.

Specific Authority 246.205(1), 246.207(1)(e), 246.213, 246.219 FS. Law Implemented 120.60, 246.207(1)(e), 246.213, 246.215, 246.217, 246.219 FS. History--New 12-19-74, Formerly 6F-6.01, Amended 7-26-78, 5-10-84, Formerly 6F-2.01, Amended 5-27-87, 7-17-90, 10-3-91, 3-29-93, 11-27-95.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Commissioner for 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: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE TITLE: Change in Ownership
RULE NO.: 6F-2.0015

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the rule references and provide clarifying language. The effect is a rule that is current and comprehensible.

SUMMARY: The rule amendment corrects rule references within the rule and provides clarifying language.

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: 246.205(1), 246.201(1)(e), 246.213(1) FS.

LAW IMPLEMENTED: 246.207(1)(e), 246.213, 246.215 FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge
Avenue, Melbourne, Florida 32901

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Loretta Costin, Director, Division of
Workforce Development, Department of Education, 325 West
Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-2.0015 Change in Ownership.

(1) through (2) No change.

(3) Each licensee shall be responsible for arranging and conducting a change in ownership transaction in a manner and at a time so that there is no adverse impact on the opportunity of currently enrolled students to complete their training and receive counseling and placement services. In addition the school shall remain responsible for properly completing the training of the enrolled students and for providing the counseling and placement services and shall be subject to disciplinary action for violations of statutes and rules which occur in that regard. A change of ownership of a school or the voiding of license or issuance of a new license, shall not in any manner void or interfere with the school's legal obligations to enrolled students to provide training, counseling, placement or other services required under the student's enrollment agreement or under Rules 6F-1.001 through 6F-4.001, FAC., Sections 246.201 through 246.31, Florida Statutes, and Board rules. The school shall be under a continuing obligation to fulfill the terms of its contracts with the enrolled students.

(4) As a condition of receiving a new provisional license the applicant shall demonstrate to the satisfaction of the Board that adequate provisions have been made to meet the school's responsibility to make refunds, in accordance with the school's refund policy as last approved by the Board, to those students who signed enrollment agreements subsequent to the date on which the school's license under the previous ownership was last issued or renewed.

(a) through (b) No change.

(c) If the Board denies a new provisional license, the school shall comply with Subsection (1) hereof, but shall conduct no other operations. The school shall discontinue operations when all students have been accounted for by graduation, and withdrawal or termination of enrollment and all refund payments have been made. The school's discontinuance shall be in accordance with ~~Rules 6F-1.001(4) and 6F-2.002(5)(f); 6F-2.0024(17), FAC.~~

(5) An expedited process, subject to stated limitations, is hereby provided for schools who seek to avoid a disruption or discontinuity in school operations which might otherwise result from a change in ownership and the extinguishment of the license. The school which seeks to be licensed on and after the effective date of the change in ownership transaction may submit a modified application for a new school license at least sixty (60) days prior to a regularly scheduled Board meeting which precedes the intended effective date of the change in ownership transaction. The modified new school application shall consist of:

(a) through (g) No change.

(h) A completed "Transmittal of Institution Application Fee" Form 3, incorporated by reference in Rule 6F-4.001, FAC., and a fee as prescribed in Rule 6F-2.0026(1)(a), FAC., together with a check or money order for the amount of the new school application fee, which shall be submitted in accordance with the instructions printed on ~~the~~ Form 3.

Specific Authority 246.205(1), 246.207(1)(e), 246.213(1) FS. Law Implemented 246.207(1)(e), 246.213, 246.215 FS. History--New 7-17-90, Amended 3-29-93, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Cox, Deputy Commissioner for 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: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 1, 2000

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

RULE TITLE: Change in Control
RULE NO.: 6F-2.0016

PURPOSE AND EFFECT: The purpose of this amendment is to add a specific rule reference within the rule. The effect is to have a rule which correctly identifies the applicable rule.

SUMMARY: This rule amendment adds the specific rule reference for forms that are adopted in rule and are to be used by the licensed institutions.

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: 246.207(1)(e), 246.213 FS.

LAW IMPLEMENTED: 246.213., 246.215 FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge
Avenue, Melbourne, Florida 32901

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Loretta Costin, Director, Division of
Workforce Development, Department of Education, 325 West
Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-2.0016 Change in Control.

(1) through (2) No change.

(3) When a change in control occurs as defined in subsection (2) of this rule, prior approval of the Board is required. The licensee shall submit a written statement of the proposed changes including Form 7, Instructional and Administrative Personnel, as incorporated by reference in Rule 6F-4.001, FAC., for each of the proposed members for whom Form 7 has not been previously submitted.

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 246.213, 246.215 FS. History—New 7-17-90, Amended 3-29-93, 8-17-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Commissioner for 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: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE TITLE: Student Protection Fund

RULE NO.:
6F-2.0017

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete language which is no longer applicable to the student protection fund. The effect is to have in rule requirements which are current.

SUMMARY: This rule amendment deletes obsolete language.

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: 246.207(1)(e), 246.213 FS.

LAW IMPLEMENTED: 246.207(1)(e),(2)(g), 246.213(1) FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge
Avenue, Melbourne, Florida 32901

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Loretta Costin, Director, Division of
Workforce Development, Department of Education, 325 West
Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-2.0017 Student Protection Fund.

(1) No change.

(2) Intent. The intent of this fund is to establish a financial program through which funds will be available to complete the training of students who enroll in nonpublic career education independent postsecondary, vocational, technical, trade and business schools that cease operations before the students have completed the program. This rule shall apply regardless of whether the cessation of the school's operations is pursuant to: a decision by the school; an order from the Board; an action by another governmental entity; or any other cause.

(3) No change.

(4) Computation and Payment of Assessment.

(a) The amount of the assessment due from each licensed school shall be computed by multiplying the "amount per student" which applies to each program offered by the school by the sum of the new starts which occurred in that program during the applicable counting period and by summing the total amount due for each program.

(b) The counting period shall be the period of July 1 through June 30, which precedes the date of expiration of the school's current license. ~~For schools that hold a license on the effective date of this rule, the first counting period shall begin on the effective date of this rule.~~ For schools that are granted initial licensure, ~~after the effective date of this rule~~ the first counting period shall begin on the date the initial provisional license is issued.

(c) Each school shall remit the total assessment due with its Renewal Application Report, except that a school holding a biennial license shall also submit the total assessment due for each new start during the first counting period during its biennial license period with the report submitted at the close of the first year of a biennial license period. The payment ~~shall be made by check or money order payable to the State of Florida,~~ and shall be submitted with Form SPF1, Transmittal of Student Protection Fund Fee, as incorporated by reference in Rule 6F-4.001, FAC.

(d) For programs offered by correspondence or distance education and for programs offered as a combination of distance education and residential training, only Florida students shall be counted for purposes of computing the assessment. For purposes of this rule a Florida student is a student whose mailing address for purposes of receiving distance education lessons and materials from the school is a Florida address, and is a student who begins attendance in a residential portion of a combination program at a location within Florida. For purposes of determining the applicable "amount per student", the residential training portion of a combination program shall be treated separately from the distance education portion. If a student attending a residential portion of a combination program at a location within Florida is a resident of a state where the licensed school contributes to a student protection fund, the school will not be required to contribute for that student in Florida.

(e) For programs which are not distance education courses and are offered by schools located outside of Florida which are licensed in Florida for purposes of soliciting and recruiting students from within Florida, the assessment shall be due only for students who resided in Florida at the time the student was enrolled.

(f) The full and timely payment of the assessment is a condition of licensure. Failure to make such payment shall be grounds for disciplinary action against the school or for denial of an application for license renewal. ~~If a student attending a residential portion of a combination program at a location within Florida is a resident of a state where the licensed school contributes to a student protection fund, the school will not be required to contribute for that student in Florida.~~

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 246.207(1)(e),(2)(g), 246.213(1) FS. History--New 10-3-91, Amended 12-4-95, 9-9-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Commissioner for 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: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE TITLE: Minimum Standards for Licensure of Schools

RULE NO.:

6F-2.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the list of examinations/instruments designated to assess student mastery of basic skills; amend a credential classification; place all requirements for distance education schools in one section of the rule; and remove the minimum placement percentages for schools that are exclusively distance education with no residential requirement component to the program. The effect is to provide a rule that is current and comprehensive thus providing stability and consistency in the licensure process.

SUMMARY: This rule amendment amends the list of basic skills assessment instruments; specifies the credential nomenclature for the specialized degree; places all requirements for distance education schools in one section of the rule; and removes the minimum placement percentages for schools that are exclusively distance education with no residential requirements component of the program. The minimum retention requirements for distance education schools remains unchanged.

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: 246.207(1)(e), 246.213. 246.222 FS.

LAW IMPLEMENTED: 246.207(1)(d), 246.213(2)(a)(b)(d), 246.215(1), 246.222 FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge Avenue, Melbourne, Florida 323901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-2.002 Minimum Standards for Licensure of Schools.

(1) through (2) No change.

(3) Financial standards for licensed schools.

The financial statement for a new school shall be submitted on Form FS-1 as incorporated by reference in Rule 6F-4.001, FAC. The financial statement for a renewal of a license shall be accompanied by a current financial statement attested to by the chief administrative officer for the purpose of showing that the financial resources of the school are adequate to fulfill its instructional and business obligations.

(a) through (e) No change.

(f) If any school does not meet the above requirements, the Board, at its discretion, shall take the following action:

1. Deny the issuance of an initial license; or

2. Deny renewal of the school's license; or

3. Require that the school show cause why its license should not be revoked; or

4. Require that school owners, representing over fifty (50) percent of equity ownership and voting control, enter into a train-out guarantee with the Board; or

5. Require the school to post an acceptable bond with the Board in an amount sufficient to ensure the payment of all train-out costs for which the school may be obligated; or

6. Require the school to deposit and hold in an escrow account, under terms and conditions approved by the Board, all tuition receipts from any and all students, except that portion of such receipts representing the prorata portion of tuition to be earned during the thirty (30) days next following receipt of any such funds; or require the school to submit a financial improvement plan. A financial improvement plan includes a written business plan demonstrating the institutions rationale

for its financial circumstances, projections demonstrating an organized approach at bringing the institution into compliance, and a written one (1) year, five (5) year budget/projection; or

7. Provide the Board with quarterly financial statements and budgets; or

8. Revoke the school's license.

(4) No change.

(5) Basic Skills. A school offering a program of four hundred fifty (450) or more clock hours or the credit hour equivalent shall administer a basic skills examination to each student who enrolls. A student may be exempted from this provision by providing evidence of a high school diploma or general equivalency diploma, or demonstrate the student's ability to benefit from the program of study. The following instruments examinations are designated to assess student mastery of basic skills and shall be used according to standards established for test administration and interpretation set forth in Standards for Educational and Psychological Testing (APA, AERA, NCME, 1992 1985) as incorporated by reference in Rule 6A-10.040, FAC.:

(a) Test of Adult Basic Education (TABE) – Complete battery or Survey Form, Forms 7 & 8, 1994; or 1986: Forms 5 & 6 complete battery or the Tests of Adult Basic Education Survey Form.

(b) Adult Measure of Essential Skills (AMES) 1997; or Basic Learning Examination (ABLE), Levels 1,2,3.

(c) Comprehensive Adult Student Assessment System (CASAS), (To be used with limited English proficient students) Levels A,B,C; or

(d) Tests of Adult Basic Education – Work Related (TABE-WR), 1994; or

(e) Wonderlic Basic Skills Test (WBST), 1994.

1. Minimum basic skills grade levels in mathematics and language are defined in each vocational program description in accordance with Rule 6A-6.0571, FAC.

2. Students deemed to lack the required minimal level of basic skills as measured by one of the designated examinations shall be provided with instruction specifically designed to correct the deficiencies.

3. Upon completion of the instruction, the students shall be retested by using an alternative form of the same examination that was used for initial testing or another approved examination.

4. A school desiring to administer an entry level basic skills test not identified in this rule or not previously approved by the Board for use as an entry level basic skills test shall submit for Board approval a written request. This must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills.

5. Schools must maintain copies of student's high school diplomas, general equivalency diplomas or official high school transcripts to meet the exemption requirements of this rule.

6. Schools that use the ability to benefit exemption must use a test approved by the United States Department of Education and administered by an independent tester. Acceptable entrance scores must be in accordance with the standards of the individual examination as it relates to the student program. These test scores must be published in the current school catalog.

7. Visitations to school premises, use of school facilities, or periods of internship at off-premises facilities, shall bear a direct relationship to the occupational goal and shall be clearly indicated in the program and the school catalog.

8. The Board shall recognize the following credentials for the satisfactory completion of a program:

a. Certificate: For a course or program with specific identification on the certificate to identify if the issuance is for a course or program.

b. Diploma: For an occupational program.

c. Occupational Specialized Associate Degree: For a program which contains a minimum of one thousand two hundred (1200) hours of instruction or the credit hour equivalent.

(6) through (8) No change.

(9) Student Services. Each school shall provide at least the following student services:

(a) through (b) No change.

(c) If the school's placement percentage is less than sixty (60) percent, the school shall submit additional placement reports for three (3) consecutive reporting periods and the school shall submit a placement improvement plan to include ~~but not be limited to~~ the following:

1. Placement personnel,
2. Placement process,
3. Job development,
4. Forms and data collection, and
5. Statistical information.

(10) Distance education/Correspondence Schools.

(a) No change.

(b) Distance Education/Correspondence schools also shall furnish the following to the Board for each program offered:

1. First twenty-five (25) percent of lessons and an outline of the balance.

2. An inventory of equipment and materials to be provided the student.

3. A detailed description of how each distance education/correspondence program shall be conducted including procedures for distribution, examination, counseling, progress reporting, and placement.

4. If the retention percentage for a distance education/correspondence school is less than twenty (20) percent, the school shall submit additional retention reports for three (3) consecutive reporting periods and the school shall submit a retention improvement plan to include the following:

a. The school's mission and philosophy in regards to retention.

b. Staff assigned with retention responsibilities.

c. The retention process utilized by the school.

d. Forms and data collection.

e. Statistical information.

5. If the placement percentage for a combination distance education/correspondence residential school is less than sixty (60) percent, the school shall submit additional placement reports for three (3) consecutive reporting periods and the school shall submit a placement improvement plan to include the following:

a. Placement personnel.

b. Placement process.

c. Job development.

d. Forms and data collection, and

e. Statistical information.

Minimum placement percentages are not required for distance education/correspondence schools which are exclusively distance education/correspondence with no residential requirement.

Specific Authority 246.207(1)(e), 246.213, 246.222 FS. Law Implemented 246.207(1)(e), 246.213(2)(a)(b)(d), 246.215(1), 246.222 FS. History--New 12-19-74, Formerly 6F-5.01, Amended 7-26-78, 11-14-78, 5-10-84, Formerly 6F-2.02, Amended 5-27-87, 7-16-89, 7-17-90, 5-14-91, 10-3-91, 3-29-93, 12-4-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Commissioner for 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: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE TITLE:

Fair Consumer Practices

RULE NO.:

6F-2.0024

PURPOSE AND EFFECT: The purpose of this rule amendment is to address withdrawal fees, catalog requirements, refund policies, and to bring the rule into compliance with other rules by specifying the classification of the credentials awarded by the schools. The effect is to clarify the requirements for the schools and provide a rule that is comprehensive, concise, and current.

SUMMARY: The rule outlines fair consumer practices for schools in regards to student records, admission policies, refund policies and fees, school catalog and contract, program

curriculum and school closure. This rule amendment addresses withdrawal fees, refund policies, credentials, contract, and catalog requirements.

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: 246.207(1)(e), 246.213 FS.

LAW IMPLEMENTED: 246.207(1)(e), 246.213(2)(a), 246.223 FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge Avenue, Melbourne, Florida 32390

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-2.0024 Fair Consumer Practices.

(1) No change.

(2) Records of each student's progress, enrollment attendance, transcript, enrollment agreement, conduct, and placement shall be permanently retained by each school, its successors or assignees. Student records shall be maintained in a fire resistant container or duplicate records shall be kept at a separate location. Each school shall periodically issue grade and progress reports to students. The records of progress and enrollment attendance of a student shall be made available to such student upon request, at no charge, at a time convenient to the school but not less than fifteen (15) days after receipt of the request.

(3) through (6) No change.

(7) Admissions and Enrollment

(a) The school shall use a written ~~an~~ enrollment agreement or contract which, in addition to the catalog, shall be the binding agreement between the school and the student.

(b) ~~The A written enrollment agreement or contract between the school and the student shall be utilized. Such enrollment agreement or contract must conform to applicable federal and state laws and regulations and to the rules of the Board. The enrollment agreement or contract shall include, but not be limited to, the following:~~

1. Title. The enrollment agreement or contract shall be identified by title as a "Contract", "Agreement", or similar title and clearly indicate that it will constitute a binding agreement

upon acceptance by the school. The words "Registration" or "Application" shall not be used in the title of the enrollment agreement or contract.

2. Name of school. Name, phone number and address of the school.

3. Title of program. Program title as licensed and identified in the catalog.

4. Time required. Number of hours, weeks or months required for completion.

5. Credential for satisfactory completion. Title of the credential awarded upon successful completion (certificate, diploma, occupational specialized associate degree).

6. Costs. All costs shall be clearly stated:

a. Tuition. The total tuition for the program. Tuition shall not be discounted.

b. Registration fee. The registration fee shall be no more than one hundred fifty (150) dollars. A statement shall be made when the registration fee is included in the total tuition for the program. Schools charging a withdrawal fee may charge no more than one hundred (100) dollars or ten (10) percent of the total tuition for the program whichever is less.

c. Books and supplies. The cost for books and supplies may be estimated if necessary. This item may be omitted if the enrollment agreement states that the costs for books and supplies are included in the tuition charges as stated in the enrollment agreement.

d. Any other costs. Any other costs required to be paid by students, whether or not purchased from the school. These costs may be stated as a listing of goods or services not included in the tuition, such as uniforms, tools, room, board, etc.

e. Terms of payment. The method and terms of payment of all costs shall be clearly stated in the enrollment agreement and shall comply, where applicable, with 15 USC sec. 1601, et seq, Consumer Credit Disclosure and 12 CFR Part 226, Truth-in-Lending Regulations, and Chapter 516, Florida Statutes, Consumer Finance and Chapter 520, parts ii and v, Retail Installment Sales.

7. Class starting and ending date. In the event the school postpones the stated class starting date, the student's rights under the stated refund policy remain in effect.

8. Daily class schedule. All day, morning, afternoon, evening, split, or other significant schedule or a statement as to how selection of schedule is to be made.

9. Termination by school. Grounds for termination of enrollment agreement or contract by the school prior to the student's completion, such as insufficient progress, nonpayment of costs, failure to comply with rules, etc., shall be clearly stated in the enrollment agreement or contract.

(8) Refund Policy

~~(a)~~ The school's refund policy shall be based on the total length of the program and all monies collected. Details of the school's own definite and established refund policy for cancellation and termination of an enrollment agreement or contract which, as a minimum, shall ~~comply with the regulations of nationally recognized accrediting agencies, and shall~~ contain at least the following:

~~(a)1-~~ Student cancellation or withdrawal. The procedures to be followed by the student who wishes to cancel or voluntarily terminate the enrollment agreement or contract.

~~(b)2-~~ Length of school year. The period of time, the portion of the program, or the length of the program for which the student will be financially obligated. The length of the school year used for refund computation purposes, if any program or combination of programs require nine (9) months or longer.

~~(c)3-~~ The duration of the add/drop period. The institution shall disclose the duration of the add/drop period, which shall be no shorter than ten (10) percent or two (2) weeks whichever is shorter of the period of financial obligation. The institution's refund policy shall contain provisions for refund of all funds paid for the period of financial obligation if the student withdraws prior to the conclusion of the add/drop period. These funds shall be refunded within thirty (30) days of the date of withdrawal, defined as the date on which the student notifies the institution of the withdrawal, or of the date on which the institution determines that the student has withdrawn. Official termination date. The method of determining the official termination date and the percentages of the program, or the year, completed. This date shall be considered as the last day of actual attendance unless earlier written notice is received.

~~(d)4-~~ Rejection by the school. Full refund of all monies paid by the applicant if rejected by the school.

~~(e)5-~~ Three-day (3) cancellation. Applicant shall receive a full refund of all monies paid if, within three (3) business days after signing the enrollment agreement or contract and making an initial payment, the applicant cancels the enrollment agreement or contract regardless of whether training has commenced.

(9) through (15) No change.

(16) Each institution shall provide all students with a Board approved school catalog. This catalog is the legal representation of the institution. The publications of the school shall meet the following requirements:

(a) through (b) No change.

(c) The school catalog shall constitute a contractual obligation of the school to the student and shall be the official statement of the school's policies, charges and fees, and shall include, but not be limited to the following items:

1. Identifying data, such as volume number and date of publication. Pages of the catalog shall be numbered and included in a table of contents or index in the catalog.

2. Name of the school, address, and phone number, legal ownership, name and address of the governing body, current officers of the corporation, and names of all officials and faculty.

3. A calendar of the school showing school holidays and vacation days; the beginning and ending date of each quarter, term, or semester; and any other important dates. Changes after publication shall be attached.

4. The school's policy and regulations on leave, absences, make-up work, tardiness, and interruptions for unsatisfactory attendance.

5. The school's policy and regulations on enrollment with respect to dates of enrollment and specific entrance requirements for each program.

6. The school's policies and regulations on standards of progress required of the student. This policy shall define the grading system of the school; the minimum grades considered satisfactory; conditions for interruption due to unsatisfactory grades or progress; a description of the probationary period, if allowed by the school; and conditions of re-entrance for those students dismissed for unsatisfactory progress. A statement shall be made regarding the record of academic progress kept by the school and furnished to the student.

7. The school's policies and regulations on student conduct and conditions of dismissal for unsatisfactory conduct.

8. Detailed schedules of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other charges. Changes after publication shall be attached.

9. The school's policies and regulations on the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter the program, withdraws, or is discontinued therefrom in accordance with Rule 6F-2.0024(8), FAC.

10. For each program offered by the school, an outline of the program, a description of each course within the program, type of work or skill to be learned, and, the actual credit hours or clock hours to be spent on each course and for the total program. For purposes of this rule, a clock hour is defined as comprising a period of sixty (60) minutes with a minimum of fifty (50) minutes of instruction in the presence of an instructor.

11. A description of the available space, facilities, and equipment.

12. The school's policy and regulations on granting credit or advanced standing for previous education and training.

13. The school's policies and regulations on the awarding of a diploma, certificate, or specialized occupational associate degree, as evidence of successful completion of a course or program.

14. The statement, "Licensed by the State Board of ~~Nonpublic Career Education Independent Postsecondary Vocational, Technical, Trade and Business Schools~~, Department of Education, The Florida Education Center, Tallahassee, Florida 32399."

Specific Authority, 246.207(1)(e), 246.213 FS. Law Implemented 246.207(1)(e), 246.213(2)(a), 246.2235 FS. History--New 11-27-95, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Cox, Deputy Commissioner for 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: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE TITLE: Fee Schedule
RULE NO.: 6F-2.0026

PURPOSE AND EFFECT: The purpose of this rule is to provide the institutions regulated by the State Board of Nonpublic Career Education with a complete listing of all licensure fees. The effect is to provide more stability and consistency in the licensure process.

SUMMARY: The rule provides a complete listing of all the licensure fees for nonpublic career education schools.

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: 246.205(1), 246.207(1)(e), 246.213 FS.

LAW IMPLEMENTED: 120.53(1)(b), 246.207(1)(e),(2)(g), 246.213(1), 246.215(1), 246.207, 246.217(4)(a), 246.219, 246.2235(6) FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge
Avenue, Melbourne, Florida 32901

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Loretta Costin, Director, Division of
Workforce Development, Department of Education, 325 West
Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-2.0026 Fee Schedule.

All license fees are non-refundable and must be received prior to board consideration of each action. Pursuant to the authority in Section 246.219, Florida Statutes, the license fees for nonpublic career education for independent postsecondary, vocational, technical, trade and business schools are:

(1) Licensure	
(a) Institution Application Fee (New School)	\$2,000.00
(b) Annual Institution Renewal Fee	1,500.00
(c) Biennial Institution Application Fee	2,500.00
(2) License Modification	
(a) New Program	300.00
(b) Modification of Existing Program	300.00
(c) School Name Change	150.00
(d) Re-Issuance of School License	100.00
(3) Extensions, Late Fees, <u>Exemptions</u>	
(a) Late Fee/Renewal Application Report	500.00
(b) License Extension (First)	250.00
(c) License Extension (Second)	500.00
(d) License Extension (Third)	750.00
(e) <u>Exemptions</u>	<u>500.00</u>
(4) Agent License Fees	
(a) Initial Fee for Agent's License	100.00
(b) Renewal Fee for Agent's License	50.00
(c) Criminal Justice Information Fee	25.00
(Initial Agent License Only)	
(5) Student Protection Fund Fees	
Program Hours	
(Clock or Credit Hour Equivalent)	Amount Per Student
1 – 300	\$1.00
301 – 600	2.00
601 – 900	3.00
901 – 1200	4.00
1200 and above	5.00

Specific Authority 246.205(1), 246.207(1)(e), 246.213 FS. Law Implemented 120.53(1)(b), 246.207(1)(e)(2)(g), 246.213(1), 246.215(1), ~~246.207(2)(g), 246.217(4)(a), 246.219, 246.2235(6) FS. History—New 11-27-95, Amended~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Cox, Deputy Commissioner for 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: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE TITLE: School Descriptive Inventory
RULE NO.: 6F-2.003

PURPOSE AND EFFECT: The purpose of this amendment is to clarify the classification for programs and courses. The effect is to provide a rule that is concise and comprehensive and to provide stability and consistency in the licensure process.

SUMMARY: The rule amendment clarifies the nomenclature for programs and courses.

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: 246.207(1)(e), 246.213 FS.

LAW IMPLEMENTED: 246.207(1)(e), 246.213(2)(a), 246.217(1), 246.2235(6) FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge Avenue, Melbourne, Florida 32901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-2.003 School Descriptive Inventory.

(1) through (2) No change.

(3) The school descriptive inventory shall include the following specific information and documents:

(a) through (e) No change.

(f) The school shall submit the name, address, and qualifications of all owners, officers, directors, administrators and instructional personnel to the Board on ~~of~~ Form 7, Instructional and Administrative Personnel, as incorporated by reference in Rule 6F-4.001, FAC., ~~at the same time application for licensure is filed.~~ Schools accredited by nationally or regionally recognized accrediting agencies may submit forms accepted by the accrediting agencies in lieu of Form 7. The Board shall be notified in writing by the school within thirty (30) days after the date of dismissal or resignation of any member of the administrative or instructional staff. The name, address, and qualifications of all new administrative and instructional staff shall be submitted to the Board within thirty (30) days after employment.

(g) through (h) No change.

(i) The descriptive inventory shall contain a list of all programs; a brief description of the content of each program; the hours for each program; the number of lessons for each distance education program; and the average number of hours required for a student to complete each lesson and a list of outcomes/student competencies. The classification of program shall be used to identify the complete licensed curriculum. The classification of courses shall be used to identify the individual subject within the licensed program curricula. A school may apply for licensure in either clock hours or credit hours. Program requirements may be reported in either clock hours or credit hours based on criteria used in applying for licensure. For purposes of this rule, a clock hour is defined as comprising a period of sixty (60) minutes with a minimum of fifty (50) minutes of instruction in the presence of an instructor. The credit conversion formula shall be: one quarter credit is equal to ten (10) hours of lecture, twenty (20) hours of laboratory, or thirty (30) hours of internship/clinical. One (1) semester credit is equal to fifteen (15) hours of lecture, thirty (30) hours of laboratory, or forty-five (45) hours of internship/clinical.

(4) The school shall submit a completed Form 10 (Dictionary of Occupational Titles), incorporated by reference in Rule 6F-4.001, FAC., which outlines the program title, program objective, program description, type of credential issued, entrance requirements, program length, tuition, and a complete program breakdown by course.

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 246.207(1)(e), 246.213(2)(a), 246.217(1), 246.2235(6) FS. History—New 12-19-74, Formerly 6F-4.01, Amended 7-26-78, 5-10-84, Formerly 6F-2.03, Amended 5-27-87, 7-5-89, 7-17-90, 10-3-91, 11-27-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Cox, Deputy Commissioner for 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: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE TITLE: Advertising
RULE NO.: 6F-2.004

PURPOSE AND EFFECT: The purpose of this rule amendment is to bring the rule into compliance with Florida Statutes and delete obsolete language. The effect is to provide a rule that is current and concise.

SUMMARY: This amendment bring the rule into compliance with Section 246.203(7), Florida Statutes, and deletes obsolete language relating to courses.

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: 246.207(1)(e), 246.213 FS.

LAW IMPLEMENTED: 246.213.(2), 246.215(3),
246.228(1)(h) FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge
Avenue, Melbourne, Florida 32901

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Loretta Costin, Director, Division of
Workforce Development, Department of Education, 325 West
Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-2.004 Advertising.

(1) through (3) No change.

(4) When licensed, only the following phrase may be used:
Licensed by the State Board of Nonpublic Career Education
~~Independent Postsecondary Vocational, Technical, Trade and~~
~~Business Schools~~, License No. _____. The use of any other
phrase or form shall be considered a violation of the rules of
the Board.

(5) through (8) No change.

(9) Statements, direct or implied, assuring or guaranteeing
a job or membership in a union or other organization as a result
of completing a ~~course or~~ program of instruction shall not be
used.

Specific Authority 246.207(1)(d), 246.213 FS. Law Implemented 246.213(2),
246.215(3), 246.228(1)(h) FS. History—New 12-19-74, Formerly
6F-5.01(1)(g), Amended 7-26-78, 5-10-84, Formerly 6F-2.04, Amended
5-27-87, 11-27-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Cox, Deputy Commissioner for 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: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 1, 2000

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

RULE TITLE:

Agents; License Required

RULE NO.:

6F-3.001

PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify the procedures for submitting fees for an agent license and the fee for the cost of obtaining criminal justice information. The effect is a rule that is clear, concise and understandable for the affected institutions and the agents representing them.

SUMMARY: This rule amendment clarifies the procedures for submitting fees for an agent's license and the related investigation fees.

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: 246.207(1)(e), 246.213 FS.

LAW IMPLEMENTED: 246.207(1)(e), 246.213(3), 246.215(2), 246.219 FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge Avenue, Melbourne, Florida 32901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-3.001 Agents; License Required.

(1) Each person seeking a license to operate as an agent ~~for a nonpublic career education of an independent postsecondary vocational, technical, trade, or business school~~ as specified in Section 246.215(2), Florida Statutes, shall file with the Board a completed and notarized application on Form 4, Application for Agent's License prescribed in Rule 6F-4.001, FAC.

(a) If the school to be represented is located outside the State of Florida, the institution must be licensed by the Board.

(b) Each applicant for an agent's license must submit with the application an affidavit that the school shall be honestly and accurately represented and verification that agent has been trained.

(c) If the applicant is to represent more than one (1) school, a license shall be obtained for each school to be represented. An agent's license is not transferable and is valid only for the representation of the school as indicated on the agent's license.

(2) through (4) No change.

(5) Fees for agents representing schools are prescribed in Rule 6F-2.0026, FAC. Fees for the initial agent license and fees for the annual renewal thereafter shall be transmitted with Form 5, Transmittal of Agent's Application Fee, as incorporated by reference in Rule 6F-4.001, FAC. A fee for the cost of obtaining criminal justice information shall also accompany the initial agent application. ~~Fees for agents representing schools shall be one hundred dollars (\$100.00) upon application and fifty dollars (\$50.00) thereafter for renewal, and shall be transmitted with Form 5, Transmittal of Agent's Application Fee, prescribed in Rule 6F-4.001, FAC. Each initial application for an agent's license shall also be accompanied by a fee of twenty-five dollars (\$25.00) for the cost of obtaining criminal justice information.~~

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 246.207(1)(e), 246.213(3), 246.215(2), 246.219 FS. History—New 12-19-74, Formerly 6F-5.01(2), Amended 10-7-75, 7-26-78, 5-10-84, Formerly 6F-3.01, Amended 5-27-87, 7-5-89, 7-17-90, 10-3-91,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for 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: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

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

RULE TITLE:

Agents, Qualifications, Training, Limitation of Authority, Responsibility of Schools,

Agents, and Applicants

RULE NO.:

6F-3.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to provide updated information relating to fees for agents of nonpublic career education schools. The effect is to provide updated information for interested parties.

SUMMARY: This rule amendment provides updated information relating to fees for agents of nonpublic career education schools.

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: 246.207(1)(e), 246.213(1) FS.

LAW IMPLEMENTED: 246.201(3), 246.207(1), 246.213(3), 246.215(2), 246.226, 246.2265, 246.228 FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000
 PLACE: Council Chambers, City Hall, 900 East Strawbridge Avenue, Melbourne, Florida 32901
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-3.002 Agents; Qualifications, Training, Limitation of Authority, Responsibilities of Schools, Agents, and Applicants.

~~(1) To aid in carrying out the objectives and purposes of Sections 246.201(3) and 246.213(3), Florida Statutes, the Board finds it necessary that each school which employs agents, e~~Each agent and each applicant for licensure as an agent shall be required to bear and fulfill responsibilities and duties as stated in this rule.

(2) through (6) No change.

(7) Each school shall be accountable for the representations made by, and the actions of its agents. The ~~a~~Agent shall be under the control and direct supervision of the school. The school shall be responsible pursuant to Rule 6F-3.002, FAC., for requiring each agent to demonstrate knowledge of statutes and rules related to the authority granted to agents and the limitations imposed upon such authority. The school shall be subject to disciplinary action pursuant to Section 246.228, Florida Statutes, if an agent, in representing the school, is found to be in violation of Rules 6F-1.001 through ~~6F~~4.001, FAC., and Sections 246.201 through 246.231, Florida Statutes.

~~(8) A school shall have an agents' training program approved and in time to provide the training to each applicant for an agents' license to represent that school who applies for such license on or after the effective date of this rule. Beginning on the effective date of this rule the Board will issue an agent's license only to applicants who submit the attestation described and prescribed in accordance with subsection (5) of this rule. Beginning on the effective date of this rule, schools and agents shall be subject to disciplinary action for any violation or failure to comply with subsections (6) and (7) of this rule.~~

Specific Authority 246.207(1)(e), 246.213(1) FS. Law Implemented 246.201(3), 246.207(1), 246.213(3), 246.215(2), 246.226, 246.2265, 246.228 FS. History—New 7-17-90, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Cox, Deputy Commissioner for 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: October 31, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE TITLE: License Application Package RULE NO.: 6F-4.001

PURPOSE AND EFFECT: The purpose of this amendment is to provide an application package for schools seeking licensure and to inform the public where to obtain this package. The effect is to provide a standardized application package for reporting data and information.

SUMMARY: This rule is amended to adopt revised forms to be used by schools seeking licensure.

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: 246.207(1)(e), 246.213 FS.

LAW IMPLEMENTED: 120.53(1)(b), 246.207(1)(e), 246.213, 246.215, 246.217, 246.219 FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge Avenue, Melbourne, Florida 32901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-4.001 License Application Package.

The following forms are hereby incorporated by reference in this rule to become effective January 2001 ~~November, 1995~~. Copies may be obtained without cost by writing to the State Board of Nonpublic Career Education ~~Independent Postsecondary Vocational, Technical, Trade and Business Schools~~, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

(1) Form 1, Request for Statement of Exemption ~~Claim for Exclusion~~.

(2) Form 1se, Transmittal of Statement of Exemption Fee.

(3)~~(2)~~ Form 2, Application for Institutional License.

(4)~~(3)~~ Form 3, Transmittal of Institution Application Fee.

(5)~~(4)~~ Form 3sa, Transmittal of Institution Supplemental Application Fee.

~~(6)(5)~~ Form 3le, Transmittal of Fee for Extension of License.

~~(7)(6)~~ Form 3lr, Transmittal of Fee for Re-Issuance of License.

~~(8)(7)~~ Form 3mm, Transmittal of Miscellaneous Monies

~~(9)(8)~~ Form 4, Application for Agent's License.

~~(10)(9)~~ Form 5, Transmittal of Agent's Application Fee.

~~(11)(10)~~ Form 5cj, Transmittal of Criminal Justice Information Fee.

~~(12)(11)~~ Form 6, Institutional Descriptive Inventory.

~~(13)(12)~~ Form 7, Instructional and Administrative Personnel.

~~(14)(13)~~ Form 8, Renewal Application Report.

~~(15)(14)~~ Form 9, Transmittal of Institution Renewal Fee.

~~(16)(15)~~ Form 10, Dictionary of Occupational Titles. (D.O.T.)

~~(17)(16)~~ Form FS-1, New School Financial Statement Balance Sheet.

~~(18)(17)~~ Form FS-2, Financial Statement. Projected Income and Expenses.

~~(19)(18)~~ Form SPF1, Transmittal of Student Protection Fund Fee.

~~(20)(19)~~ Form SPF2, Student Protection Fund Fee Worksheet.

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 120.53(1)(b), 246.207(1)(e), 246.213, 246.215, 246.217, 246.219 FS. History New 12-19-74, Amended 7-26-78, 5-10-84. Formerly 6F-4.01, Amended 5-27-87, 7-16-89, 7-17-90, 10-3-91, 3-29-93, 11-27-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Commissioner for 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: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 1, 2000

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:

Competitive Selection

Competitive Negotiations

Proposal Selection

Competitive Negotiations for

Design-Build Services

Rejection of Proposals

Emergency Procurement

RULE NOS.:

40C-1.704

40C-1.705

40C-1.716

40C-1.717

40C-1.718

40C-1.719

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to amend the District's contracting rules with regard to the Consultants Competitive Negotiations Act to

provide for the delegation of certain contractual procedures to the Executive Director or designated staff as authorized by Section 373.083, F.S.

SUMMARY: The proposed rules will delegate the District Governing Board's authority to contract under Section 287.055, F.S.

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

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

SPECIFIC AUTHORITY: 287.055, 373.044, 373.113 FS.

LAW IMPLEMENTED: 287.055, 373.083(1),(5) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: Following the regularly scheduled Governing Board Meeting which begins at 9:00 a.m., December 13, 2000

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459, Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-1.704 Competitive Selection.

(1) through (2) No change.

(3) District staff will then recommend to the Board that competitive negotiations be instituted with the firms selected. However, when the fee for professional services is no more than \$100,000, District staff will recommend to the Executive Director or designee that competitive negotiations be instituted with the firms selected, and the Executive Director or designee is authorized to finalize the list of firms in order of preference. For the purpose of sections 40C-1.704 and 40C-1.705, F.A.C., the term "designee" means: (a) the Assistant Executive Director, or (b) in the absence of the Executive Director and the Assistant Executive Director, the District staff member designated by the Executive Director or the Assistant Executive Director to serve as acting Executive Director.

Specific Authority ~~373.044~~ ~~287.055~~, 373.113 FS. Law Implemented 287.055, ~~373.083(1),(5)~~ FS. History—New 8-1-89, Amended 10-19-89, 3-14-90, _____.

40C-1.705 Competitive Negotiations.

(1) After ~~the Board has authorized the beginning of~~ competitive negotiations have been authorized, the District staff Executive Director, or his designee, shall begin contract

negotiations for professional services with the designated firms in order of rank for fair, competitive and reasonable compensation.

(2) No change.

(3) If a satisfactory agreement is not reached with any of the initial firms, additional responding firms shall be ranked and listed in the order of their competence and qualifications. Negotiations shall then continue beginning with the first named firm on the second list until an agreement is reached. After successful negotiations, a recommendation shall be made that the contract be awarded. The Executive Director or designee is authorized to award the contract ~~Board award the contract.~~

(4) If, with the concurrence of the Board Chair, the Executive Director, or ~~his~~ designee, determines in writing that an immediate danger to the public health, safety, welfare or other substantial loss to the public requires emergency action, the District staff may proceed with the procurement of professional services necessitated by the emergency without competition, ~~upon approval of the Board.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 287.055, 373.083(1),(5) FS. History--New 8-1-89, Amended 10-19-89, 6-17-91, _____.

40C-1.716 Proposal Selection.

(1) through (5) No change.

(6) District staff will then recommend to the Board that the Board approve a ranking of designated firms and that competitive negotiations be instituted with the designated firms. However, when the fee for design-build services is no more than \$100,000, District staff will recommend to the Executive Director or designee that competitive negotiations be instituted with the firms selected. Thereafter, the Executive Director or designee is authorized to approve a ranking of designated firms and to authorize the initiation of negotiations. For the purpose of sections 40C-1.716 through 40C-1.719, F.A.C., the term "designee" means: (a) the Assistant Executive Director, or (b) in the absence of the Executive Director and the Assistant Executive Director, the District staff member designated by the Executive Director or the Assistant Executive Director to serve as acting Executive Director.

(7) ~~After reviewing all the proposals and District staff's recommendations, the Board will select one firm and authorize the Executive Director or designee to contract or negotiate with that firm.~~

Specific Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055, 373.083(1),(5) FS. History--New 9-25-90, Amended 6-17-91, _____.

40C-1.717 Competitive Negotiations for Design-Build Services.

(1) ~~When authorized by the Board, The District staff Executive Director or designee~~ shall begin contract negotiations for design-build services with the designated firms in order of rank for fair, competitive and reasonable compensation.

(2) Should negotiations with the most highly-ranked firm prove unsuccessful, as determined by the Executive Director or designee, negotiations with that firm shall cease and negotiations shall begin with the next most highly-ranked firm. Negotiations shall continue in accordance with this section until an agreement is reached. The Executive Director or designee is authorized to award the contract.

(3) No change.

Specific Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055, 373.083(1),(5) FS. History--New 9-25-90, Amended 6-17-91, _____.

40C-1.718 Rejection of Proposals.

(1) The Executive Director or designee ~~Board~~ reserves the right to reject any and all proposals, provided such action is done in good faith, and is not arbitrary and capricious.

(2) If the Executive Director or designee ~~Board~~ finds it necessary to reject all the proposals, a written statement to this effect shall be placed in the proposal file and the proposers shall be notified. The District then may republish the request for qualifications, with any appropriate modifications at the direction of the Executive Director or designee ~~Board~~. Any interested firm will have the opportunity to submit or resubmit its qualifications to the District for consideration.

Specific Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055, 373.083(1),(5) FS. History--New 9-25-90, Amended 6-17-91, _____.

40C-1.719 Emergency Procurement.

If, ~~with the concurrence of the Board~~, the Executive Director or designee determines in writing that an immediate danger to the public health, safety, welfare or other substantial loss to the public requires emergency action, the District staff may proceed with the procurement of the design-build services without competition, ~~upon approval by the Board.~~ The Executive Director or designee shall promptly notify the Board Chair or Vice-Chair of the emergency action.

Specific Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055, 373.083(1),(5) FS. History--New 9-25-90, Amended 6-17-91, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

John W. Williams, Deputy General Counsel, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429, (904)329-4154

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 20, 2000

If any person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodation to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Linda Lorenzen, (904)329-4262 or (904)329-4450 (TDD).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Regulation of Wells
RULE CHAPTER NO.: 40D-3

RULE TITLE: Well Completion Report
RULE NO.: 40D-3.411

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to revise the time-frame within which well completion reports must be submitted to the District. The amendments will also provide specific information requirements and applicable time-frames regarding District requests for a well construction record prior to the submittal of the well completion report.

SUMMARY: The proposed rule revisions will: (1) Change the time of submittal from 30 days following completion of the work authorized by the permit to within 30 days of the expiration of the permit; (2) Require a record of well construction if any drilling problems are encountered during well construction, provide that the District's request for such a record may be either orally or in writing, and provide that the record must be submitted to the District within seven days of the District's request; (3) Specify the information that must be included in the record of well construction.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-3.411, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.171, 373.309, 373.337 FS.

LAW IMPLEMENTED: 373.308, 373.309, 373.313 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-3.411 Well Completion Report.

(1) Well completion reports are required for the construction, repair, modification or abandonment of all wells. The District's receipt of a well completion report raises the rebuttable presumption that all work under the permit has been completed or has ceased.

(a) The water well contractor shall submit to the District the form entitled, "Well Completion Report," form number 41.10-410(2)REV.6/95, within 30 days of the expiration of the permit of completion of the work authorized by the permit.

(b) If no work is performed or if the well is not completed, a completion report shall be filed within 30 days of the expiration of the permit stating that no well construction was performed or completed under the permit.

(c) The District shall require a record of the well construction at any time prior to the submittal of the completion report if any drilling problems are encountered during well construction. The District may request a record either orally or in writing. The water well contractor shall provide the record within 7 days of receipt of the District's request.

(d) The record of the well construction shall include the depth of the well, the depth of the well casing, the amount of grout material used, and a description of the geologic material and any drilling problems encountered during the well construction.

(2) The water well contractor shall keep or cause to be kept by a person in his employ an accurate field log of all well construction, repair, modification or abandonment activities performed under each permit. Such logs shall be available for inspection at the site during all times when work is in progress.

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.308, 373.309, 373.313 FS. History—Readopted 10-5-74, Amended 10-24-76, Formerly 16J-3.09, 16J-3.14, Amended 7-1-90, 9-30-91, 12-31-92, 10-19-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tony Gilboy, Well Const. Reg. Mgr., Well Const. Perm., 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 29, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2000

DEPARTMENT OF THE LOTTERY

RULE TITLE: Unauthorized Use of Terms
 RULE NO.: 53-1.006

PURPOSE AND EFFECT: The purpose and effect of the proposed repeal of Rule 53-1.006, is to comply with s. 120.536(2)(b), F.S. and repeal a rule which may exceed the rulemaking authority permitted by the "map-tack" provision of s. 120.536(1), F.S.

SUMMARY: The Department of the Lottery is repealing a rule regarding unauthorized use of terms that may exceed rulemaking authority.

SPECIFIC AUTHORITY: 24.105(10)(j) FS.

LAW IMPLEMENTED: 24.118(5)(b), 24.119 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:

TIME AND DATE: 9:00 a.m., December 11, 2000

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-1.006 Unauthorized Use of Terms.

Specific Authority 24.105(10)(j) FS. Law Implemented 24.118(5)(b), 24.119 FS. History--New 2-25-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane D. Schmidt, Office of the General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr., General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Prescribed Drug Services
 RULE NO.: 59G-4.250

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Prescribed Drug Services Coverage and Limitations Handbook, November 2000. The revised handbook contains the requirements for assignment of certain recipients to specified providers. The effect will be to incorporate by reference in the rule the current Florida Medicaid Prescribed Drug Coverage, Limitations, and Reimbursement Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Prescribed Drug Services Coverage and Limitations Handbook, November 2000. This handbook contains the requirements for lock-in of certain recipients to specific providers.

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: 409.906(20), 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: 9:00 a.m., December 6, 2000

PLACE: Conf. Room A, Bldg. 3, 2727 Mahan Drive, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jerry F. Wells, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)487-4441

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.250 Prescribed Drug Services.

(1) No change.

(2) All participating prescribed drug services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Prescribed Drug Services Coverage, Limitations and Reimbursement Handbook, November 2000 ~~July 1999~~, which is incorporated by reference, and available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906(20)(48), 409.908 FS. History--New 1-1-77, Amended 6-30-77, 10-1-77, 2-1-78, 4-1-78, 9-28-78, 6-1-79, 2-28-80, 11-11-81, 7-3-84, Formerly 10C-7.42, Amended 3-11-86, 12-5-88, 6-4-90, 10-29-90, 5-20-92, 4-11-93, Formerly 10C-7.042, Amended 12-28-95, 8-3-97, 2-11-98, 9-13-99, 7-14-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sue C. Preacher

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

(3) Each provider application shall contain the following information, and shall be accompanied by the following documentation and other information as required by BPR form 33-012, referenced above.

(a) The name, address, telephone number, fax number, and e-mail address of a contact person who will fulfill the reporting and documentation requirements for provider approval. The provider shall notify the Council of any change of contact person within ten (10) days of the actual change.

(b) The identify and qualifications of all instructors who will be presenting courses during the period of providership. These qualifications at a minimum shall include instructional experience and;

1. A bachelor's degree and 2 years experience in the subject matter being taught; or

2. An associate's degree and 4 years experience in the subject matter being taught; or

3. Six years experience in the subject matter being taught. Should additional instructors be added during the period of providership, the provider shall notify the Council in writing of the new instructor's qualifications at least thirty (30) days prior to actually conducting the course.

(c) The appropriate precicensure education provider application fee pursuant to Rule 61-20.504(15).

(d) A course outline which describes the course's content and subject matter. A course outline shall address the following:

1. Learner Objectives. Objectives shall describe expected learner outcomes, how learner outcomes will be evaluated, and describe how the objectives will be obtained. The objectives shall describe the content, teaching methodology and plan for evaluation.

2. Subject Matter. The content shall be specifically designed to meet the objectives and the stated level and learning needs of community association managers. Specifically, it shall address one or more of the subject areas outlined in Rule 61-20.5011(2), F.A.C.

3. Materials and Methods. It shall be demonstrated to the Council that:

a. Learning experiences and teaching methods are appropriate to achieve the objectives;

b. Time allotted for each activity shall be sufficient for the learner to meet the objectives;

c. Principles of adult education are utilized in determining teaching strategies and learning activities; and

d. Currency and accuracy of subject matter will be documented by references or bibliography.

4. Evaluation. Participants are given an opportunity to evaluate learning experiences, instructional methods, facilities and resources used for the course.

(4) Precicensure education provider status shall be valid from the date of approval until May 31 of every even numbered year. Those seeking renewal of provider status must reapply on BPR form 33-012, referenced in Subsection (2) above, to the Council and submit the appropriate renewal fee pursuant to Rule 61-20.504(16), F.A.C. Providers who fail to renew their provider status on a timely basis in accordance with this rule shall not offer or advertise a course as an approved course for precicensure education.

(5) Once approved, providers shall comply with the following requirements:

(a) When advertising courses, providers shall disclose the number of hours assigned by the Council and the course subject area. Providers shall not advertise courses until they are actually approved by the Council.

(b) Providers shall maintain a system of record keeping which provides for storage of course offerings information.

(c) Records of individual courses shall be maintained by the provider for 4 years and shall be available for inspection by the Council.

(d) Providers shall furnish each participant with an individual certificate of attendance and completion of the course. A roster of participants shall be maintained by the provider for 4 years and shall be available for inspection by the Council. Providers shall maintain security of attendance records and certificates.

(e) The course provider shall submit to the Council a sample certificate of course completion that the course instructor shall provide each course participant if the participant completes the course. Such certificate shall include the course participant's name, the title of the course, precicensure education category, date completed and number of hours. The certificate shall be provided to the course participant at the completion of the course. The certificate of course completion shall contain, on its face, the following statement in capital letters in at least 12 point type:

IF YOU HAVE ANY CONCERNS THAT THE COURSE YOU HAVE JUST COMPLETED DID NOT MEET THE LEARNING OBJECTIVES SET OUT IN THE COURSE MATERIALS, DID NOT COVER THE SUBJECT MATTER OF THE COURSE, OR WAS A SALES PRESENTATION; PLEASE CONTACT THE COUNCIL'S OFFICE IN WRITING AT: DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, REGULATORY COUNCIL OF COMMUNITY ASSOCIATION MANAGERS, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1040.

(f) All information or documentation submitted to the Council or the Department shall be submitted in a format acceptable to the Council and the Department.

(g) Providers shall assure that sales presentations shall not be conducted, immediately before or after the administration of any courses pursuant to this rule.

(6) A prelicensure education provider initially approved during the last 90 days prior to May 31 of an even numbered year, shall not be required to reapply as a condition for renewing provider status.

(7) The Council shall deny prelicensure education provider status to any applicant who submits false, misleading or deceptive information or documentation to the Council.

(8) The Council retains the right and authority to audit all courses offered by any provider approved pursuant to this rule.

(9) The Council shall rescind the provider status if the provider disseminates any false or misleading information in connection with the prelicensure education course, or if the provider or its instructor(s) failed to conform to and abide by the rules of the Council or are in violation of any of the provisions of Chapter 468, Part VIII or 455, Florida Statutes.

Specific Authority 468.4315(2), 468.433(2)(d) FS. Law Implemented 468.433(2)(d) FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Regulatory Council of Community Association Managers
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Regulatory Council of Community
Association Managers
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 27, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 29, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLES:	RULE NOS.:
Equivalency Education	61J1-4.002
Continuing Education	61J1-4.003
Notice of Satisfactory Course Completion	61J1-4.005
Distance Education Courses for Hardship Cases	61J1-4.006
Continuing Education for School Instructors	61J1-4.008

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments are to revise current requirements relating to continuing education and distance education providers.

SUMMARY: The proposed rule amendments revise current requirements relating to continuing education and distance education providers regarding course objectives, materials, approval, grading, modifications, testing and end of course examinations. The proposed rule changes additionally expand the types of educators that may provide continuing education to appraisers.

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: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.618 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:

TIME AND DATE: 9:00 a.m., December 5, 2000

PLACE: Office of Florida Real Estate Appraisal Board, Suite N-301, 400 West Robinson Street, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tom Thomas, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULES IS:

61J1-4.002 Equivalency Education.

The criteria for approval of equivalency for courses completed by individuals seeking credit for pre-registration, pre-licensure, pre-certification, or appraiser continuing education shall be that the course or courses covered substantially the same subject matter, ~~classroom~~ hours of attendance, hours of instruction, and completion standards as prescribed by the Florida Real Estate Appraisal Board in Rules 61J1-4.001, 4.003 or 4.007, Florida Administrative Code. Application for past course evaluation shall be accompanied by an official transcript or other documentation showing the subjects taken together with the date completed and grade received. If the requested information is found lacking to show course equivalency, the board may request supportive documentation to determine course equivalency.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New 10-15-91, Formerly 21VV-4.002, Amended 4-6-98.

61J1-4.003 Continuing Education.

(1) All registered, licensed and certified appraisers must satisfactorily complete a minimum of 30 ~~classroom~~ hours of 50 minutes each of appraiser continuing education as prescribed or approved by the Florida Real Estate Appraisal Board, without duplication of material, during each renewal period as defined in Rule 61J1-2.002, Florida Administrative Code. Of the 30 hours, a minimum of 7 hours with a maximum of 18 hours, without significant duplication of material, shall include an update of the Uniform Standards of Professional Appraisal Practice as defined in s. 475.611(1)(m), Florida Statutes, and will review and update the Florida Real Estate Appraisal License Law and board rules, and provide an introduction to other state and federal laws affecting real estate appraisals. A

minimum of 3 hours shall be dedicated to an update of the Florida Real Estate Appraisal License Law and board rules. The list of approved courses may be obtained from the board at 400 West Robinson Street, Orlando, Florida 32801. A registered, licensed or certified appraiser is not required to complete the 30 hours of continuing education as a condition for initial registration, licensure or certification renewal if the time between the effective date on the initial registration, license or certificate and the beginning of the initial registration, licensure or certificate renewal is less than 12 months.

(2) The board shall approve for appraisal continuing education credit any course, seminar or conference in the real estate appraisal practice area provided by national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission, or proprietary real estate school a public or private school, firm, association, organization, person, corporation or society for appraisal continuing education credit. The course will be approved for 24 months. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be competed even if the completion date is after the expiration date. The criteria for approval shall be as set out in paragraph (3) below.

(3) Satisfactory completion of the board prescribed or approved continuing education course or courses of classroom instruction is demonstrated by successfully meeting standards established for each board prescribed course. These standards for approval of continuing education courses for appraisers shall be that the course or courses contain at least 3 hours of instruction and cover real estate appraisal related topics such as ad valorem taxation, arbitration, business courses related to real estate appraisal, construction estimating, ethics and standards of professional practice, land use planning, zoning and taxation, management, leasing, brokerage, timesharing, property development, real estate appraisal (valuations/evaluations), real estate financing and investment, real estate law, real estate litigation, real estate appraisal related computer applications, real estate securities and syndication, and real property exchange. Approval of satisfactory course completion shall not be issued to any registrant, licensee or certificate holder not attending a minimum of 90% of each of the classroom hours of board prescribed course instruction.

(a) A copy of the course and all course materials shall be submitted to the Board for evaluation at least 90 days prior to use. The Board will issue a status report to the course provider within 60 days after submission of the course. Approval must be granted before the course and examinations, if required, may be offered. It is the responsibility of the institution, school, or entity offering the Board approved courses to keep

the course materials current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(b) The national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission, or proprietary real estate school offering these Board prescribed or approved courses shall fully inform each student of the standards and requirements at the commencement of each course by providing each student a course syllabus that clearly states the course objective(s) and explains the desired learning outcomes. At least 70% of the desired learning outcomes shall be at the application level or higher. No more than 10% of the desired learning objectives shall be at the knowledge level. Notice of course completion shall be made as prescribed by the Board in Rule 61J1-4.005, Florida Administrative Code.

(c) For purposes of this rule, "Application level" is defined as the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information.

(d) For purposes of this rule, "Knowledge level" is defined as recalling specific facts, patterns, methods, terms, rules, dates, formulas, names, or other information that must be committed to memory.

(4)(a) The continuing education courses required in this rule may be taught by a Board approved equivalent distance education course. Distance education is education that takes place when the learner is separated from the source of instruction by time and/or distance. Such distance education course subject matter, assignment work, scholastic standards and other related requirements shall be substantially the same as the course offered by classroom instruction, having due regard however, to the different method of presentation.

(b) A copy of the distance education course materials and a copy of each form of the course examination that will be administered to students shall be submitted to the Board for evaluation and approval at least 90 days prior to use. A minimum of 2 course examinations for each course shall be submitted for approval. The examination may be administered at the end of the course or portions of the examination may be administered to students at appropriate intervals during the course. The Board will issue a status report to the course provider within 60 days after submission of the course and examinations. Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution, school, or entity offering the distance education course(s) in accordance with the Board approved standard as subsequently modified by changing times, standards and laws. It is the responsibility of the institution, school or entity offering the Board approved distance education courses to keep the course

material current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(c) Satisfactory completion of the Board prescribed continuing education course(s) through distance education is demonstrated by achieving a grade of 80% or higher on the Board approved examination. Students failing the Board prescribed course examination must repeat the Board prescribed distance education course of study prior to being eligible to again take the course examination, which must be a different examination from the one the student previously failed.

(d) The objective of the distance education course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. This examination shall consist of a minimum of 3 questions per instructional hour. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. The answer key must be unique for each form of the examination. At least 70% of the questions on each form of the test shall be at the application level or higher. No more than 10% of the questions on each form of the test shall be at the knowledge level.

(e) In all Board approved continuing education courses by distance education, the institution, school or entity shall provide to students an address, telephone number, or e-mail address of a Board approved instructor to answer inquiries.

(f) Continuing education courses by distance education will be approved for 24 months at which point the course will expire unless submitted to the board and approved for renewal. Courses may not be offered or distributed after the expiration date. However, a 15 day grace period beyond the expiration date will be allowed in order to grade an examination postmarked or otherwise received prior to the expiration date of the course. Students must be notified of the course expiration date upon receipt of the course materials.

(5)(4) The Florida institution, organization, permitted licensed real estate school or board approved entity offering these board prescribed or approved courses shall fully inform each student of the standards, requirements and criteria at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the board, at the commencement of each course. Notice of course completion shall be as prescribed by Rule 61J1-4.005, in the Florida Administrative Code.

(6)(5) These board prescribed or approved courses shall be offered by a nationally or state recognized appraisal organization, area vocational technical centers, accredited university universities, college colleges and community college colleges, state or federal agency agencies or

commission commissions, or proprietary by real estate school that holds a permit schools licensed pursuant to s. 475.451, Florida Statutes, or at a place approved by the board. Satisfactory completion of these courses will not entitle any person to renew a registration, license or certification until such person has met all requirements of law.

(6) Credit toward the classroom hour requirement may only be granted where the length of the educational offering is at least 3 hours in length.

(7) Of the required 30 classroom hours, 5 hours may be earned by attending a meeting of the board wherein disciplinary cases are considered. Attendance must be for the entire day that the board is in session. At least 7 days advance notice of the intent to attend the board meeting must be given to the Education Section of the Division of Real Estate so attendance may be monitored. Failure to give advance notice will result in no credit hours. A maximum of 10 hours will be allowed during a renewal cycle. Credit hours may not be earned when the registrant, licensee or certificate holder attends a disciplinary case session as a party to a disciplinary action.

(8) Any current member of the Florida Real Estate Appraisal Board who attends at least 8 meetings of the board in a renewal period where disciplinary cases involving violations of the USPAP, amendments to the USPAP and revisions to Chapter 475, Part II, are discussed shall receive 30 hours of continuing education.

(9) Credit towards the continuing education classroom hour requirements of this rule may also be satisfied by teaching board approved appraisal courses. Credit shall be awarded on an hour-for-hour basis. Individuals claiming such credit must teach the appraisal course during the renewal cycle in which credit is claimed and may not claim the course more than once in the renewal cycle. The board may request supportive documentation to ascertain course content and to verify the date(s), time, place and hours taught.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.618 FS. History—New 10-15-91, Amended 4-21-92, 6-7-92, Formerly 21VV-4.003, Amended 11-3-94, 4-6-98, 9-6-98, _____.

61J1-4.005 Notice of Satisfactory Course Completion.

(1) Applicants must submit, with the application for registration, licensure, or certification a grade report as proof to the department that they have satisfactorily completed the applicable course(s) prescribed in Rule 61J1-4.001 or 4.002, Florida Administrative Code.

(2) through (6) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615 FS. History—New 10-15-91, Formerly 21VV-4.005, Amended 7-19-95, 4-6-98, _____.

61J1-4.006 Distance Education Correspondence Courses for Hardship Cases.

(1) Distance education correspondence courses containing the same subject matter and requiring substantially the same work assignment will be prescribed by the Florida Real Estate Appraisal Board for any person who by reason of hardship cannot attend the place for classroom instruction prescribed in rules 61J1-4.001, ~~4.003~~, 4.007 and 4.008. These scholastic standards and other related requirements will be substantially the same as the courses offered by classroom instruction, having due regard, however, to the different method of presentation. A copy of the course shall be submitted to the Board for evaluation at least 90 days prior to use. The approval or denial of the course will be based on the extent to which the course complies with the requirements set forth in Rule 61J1-4.001, ~~4.003~~, 4.007 or 4.008. Examination, if required, must test the course material. If course approval is denied, the course may be resubmitted with the mandated changes. Enforcement of said standards and requirements shall be the responsibility of the Florida Real Estate Appraisal Board and the Department of Business and Professional Regulation.

(2) A hardship case is defined to include any case wherein a person desiring to take the Florida Real Estate Appraisal Board prescribed courses cannot, by reason of a physical disability, attend the place where the classes are conducted.

(3) Any person desiring to complete the education course by means of distance education correspondence shall make a request ~~therefore~~ to the Florida Real Estate Appraisal Board, in writing, setting forth the basis of the alleged hardship. The Florida Real Estate Appraisal Board will require said request to be supported by statement of doctors and other persons having knowledge of the facts.

Specific Authority 475.614 FS. Law Implemented 475.615(2) FS. History—New 10-15-91, Formerly 21VV-4.006, Amended 4-14-98,_____.

61J1-4.008 Continuing Education for School Instructors.

(1) All persons holding "school instructor" permits shall rectify their competency during each renewal period as defined in Rule 61J1-2.002, Florida Administrative Code, by satisfactorily completing a minimum of 21 ~~classroom~~ hours of instruction in real estate appraisal subjects and instructional techniques as prescribed by the board. A school instructor is not required to complete the 21 ~~classroom~~ hours of rectification education as a condition for initial permit renewal if the time between the effective date on the initial permit as an instructor and the beginning of the initial renewal permit is less than 12 months. Of the required 21 hours, up to 14 hours may be applied toward the continuing education requirement for registration, licensure, or certification pursuant to Rule 61J1-4.003, Florida Administrative Code.

(2) All board prescribed 21 ~~classroom~~ hours of instruction shall consist of one 7-classroom hour seminar conducted by the board and a minimum of 7 ~~classroom~~ hours of board approved instruction in real estate appraisal subjects and a minimum of 7

~~classroom~~ hours of board approved instruction consisting of an update of the in Uniform Standards of Professional Appraisal Practice (USPAP) as defined in s. 475.611(1)(m), Florida Statutes, a review and update of the Florida Real Estate Appraisal License Law and board rules, and an introduction to other state and federal laws affecting real estate appraisals. A minimum of 3 of the 7 update hours of shall be dedicated to an update of the Florida Real Estate Appraisal License Law and board rules. The 14 ~~classroom~~ hours ~~courses~~ of instruction may be offered by accredited universities, colleges, and community colleges in this state, by real estate schools registered pursuant to s. 475.451, Florida Statutes, and entities approved by the board. ~~The standards for board approval of appraisal continuing education courses for school instructors shall be that the course or courses cover real estate appraisal related topics, be designed to be training oriented to teach school instructors how to present the courses, and to provide updates on statutes and rules relevant to the appraisal industry.~~ Requests for approval to offer the 7 ~~classroom~~ hours of instruction in real estate appraisal subjects and the 7 ~~classroom~~ hours of instruction in USPAP ~~course(s)~~ shall be made to the board at least 90 ~~60~~ days prior to offering the course. The requests shall include a detailed course description and the criteria for satisfactory course completion. The Board will issue a status report to the course provider at least 60 ~~30~~ days after submission of the course. Approval must be granted before the course may be offered. The criteria for approval shall be as set out in paragraph (4) below.

(3) Satisfactory completion of the board conducted 7-classroom hour seminar is demonstrated by attending all 7-classroom hours of instruction. Satisfactory completion of the remaining ~~classroom~~ hours of instruction is demonstrated by completing attending the board approved course(s) in accordance with the standards established by the board in Rule 61J1-4.003~~(3)~~, Florida Administrative Code.

(4) The institution, school or approved entity offering the board approved 7 ~~classroom~~ hours of instruction in real estate appraisal subjects and the 7 ~~classroom~~ hours of instruction in USPAP, the Florida Real Estate Appraisal License Law and board rules, and other state and federal laws affecting real estate appraisals ~~courses~~ shall inform each student of the standards and requirements at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the board, at the commencement of each course. The enforcement thereof shall be the responsibility of the board and the BPR and their decision on any such matters shall be final. The institution, school or approved entity will be responsible for issuing a grade report. The information required in the grade report can be located in Rule 61J1-4.005.

(a) The board shall approve any course, seminar or conference in the real estate appraisal practice area provided by a national or state recognized appraisal organization.

accredited university, college, community college, area technical center, state or federal agency or commission, or proprietary real estate school for appraisal continuing education credit for school instructors. The standards for board approval of appraisal continuing education courses for school instructors shall be that the course or courses cover real estate appraisal related topics, be designed to be training oriented to teach school instructors how to present the courses, and to provide updates on statutes and rules relevant to the appraisal industry. The course will be approved for 24 months. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date.

(b) Satisfactory completion of the board prescribed or approved continuing education course or courses is demonstrated by successfully meeting standards established for each board prescribed course.

(c) A copy of the course and all course materials shall be submitted to the Board for evaluation at least 90 days prior to use. The Board will issue a status report to the course provider within 60 days after submission of the course. Approval must be granted before the course and examinations, if required, may be offered. It is the responsibility of the institution, school, or entity offering the Board-approved courses to keep the course materials current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(d) The national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission, or proprietary real estate school offering these Board prescribed or approved courses shall fully inform each student of the standards and requirements at the commencement of each course by providing each student a course syllabus that clearly states the course objective(s) and explains the desired learning outcomes. At least 70% of the desired learning outcomes shall be at the application level or higher. No more than 10% of the desired learning objectives shall be at the knowledge level. Notice of course completion shall be made as prescribed by the Board in Rule 61J1-4.005, Florida Administrative Code.

(5)(a) The continuing education courses required in this rule may be taught by a Board approved equivalent distance education course. Distance education is education that takes place when the learner is separated from the source of instruction by time and/or distance. Such distance education course subject matter, assignment work, scholastic standards and other related requirements shall be substantially the same as the course offered by classroom instruction, having due regard however, to the different method of presentation.

(b) A copy of the distance education course materials and a copy of each form of the course examination that will be administered to students shall be submitted to the Board for

evaluation and approval at least 90 days prior to use. A minimum of 2 course examinations for each course shall be submitted for approval. The examination may be administered at the end of the course or portions of the examination may be administered to students at appropriate intervals during the course. The Board will issue a status report to the course provider within 60 days after submission of the course and examinations. Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution, school, or entity offering the distance education course(s) in accordance with the Board approved standard as subsequently modified by changing times, standards and laws. It is the responsibility of the institution, school or entity offering the Board approved distance education courses to keep the course material current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(c) Satisfactory completion of the Board prescribed continuing education course(s) through distance education is demonstrated by achieving a grade of 80% or higher on the Board approved examination. Students failing the Board prescribed course examination must repeat the Board prescribed distance education course of study prior to being eligible to again take the course examination, which must be a different examination from the one the student previously failed.

(d) The objective of the distance education course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. This examination shall consist of a minimum of 3 questions per instructional hour. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. The answer key must be unique for each form of the examination. At least 70% of the questions on each form of the test shall be at the application level or higher. No more than 10% of the questions on each form of the test shall be at the knowledge level.

(e) In all Board approved continuing education courses by distance education, the institution, school or entity shall provide to students an address, telephone number, or e-mail address of a Board approved instructor to answer inquiries.

(f) Continuing education courses by distance education will be approved for 24 months at which point the course will expire unless submitted to the board and approved for renewal. Courses may not be offered or distributed after the expiration date. However, a 15 day grace period beyond the expiration date will be allowed in order to grade an examination

postmarked or otherwise received prior to the expiration date of the course. Students must be notified of the course expiration date upon receipt of the course materials.

Specific Authority 475.614 FS. Law Implemented 475.618 FS. History--New 10-15-95, Amended 9-6-98, 11-15-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-41R

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Operation Permits for Major Sources

of Air Pollution	62-213
RULE TITLES:	RULE NOS.:
Annual Emissions Fee	62-213.205
Title V Air General Permits	62-213.300
Permits and Permit Revisions Required	62-213.400
Permit Applications	62-213.420
Permit Issuance, Renewal, and Revision	62-213.430
Permit Content	62-213.440
Permit Review by EPA and Affected States	62-213.450
Permit Shield	62-213.460
Forms and Instructions	62-213.900

PURPOSE AND EFFECT: The Department is proposing to add the option of separately issuing the Acid Rain Part of a Title V air operation permit as authorized by recent amendments to Florida Statute 403.0872, add a Statement of Compliance Form with a specified due date, clarify Title V fee proration and the volatile organic compound fee calculation method, add a reference to Florida Administrative Code Rule 62-210.300 for Title V General Permit change of ownership, notify the Title V air permit applicant of the date when a proposed permit has been forwarded to the Environmental Protection Agency, and clarify when a permit shield goes into effect.

SUMMARY: The proposed amendments would affect Title V air permitting procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding a 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: 403.061, 403.0872 FS.

LAW IMPLEMENTED: 403.061, 403.0872 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., Friday, December 8, 2000

PLACE: Room 153, Carr Building, 3800 Commonwealth Boulevard, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Wendy Alexander, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9559

THE FULL TEXT OF THE PROPOSED RULES IS:

62-213.205 Annual Emissions Fee.

~~Commencing in 1993, e~~Each Title V source permitted to operate in this state must pay between January 15 and March 1 of each year, upon written notice from the Department, an annual emissions fee in an amount determined as set forth in Rule 62-213.205(1), F.A.C.

(1) Emissions Fee Calculation and Payment. Each Title V source must calculate the annual fee, based upon the source's previous year's emissions, by multiplying the applicable annual emissions fee factor times the tons of each regulated air pollutant (except carbon monoxide) allowed to be emitted per hour by specific condition of the source's most recent certification, construction permit or operation permit, times the annual hours of operation allowed by specific condition; provided, however, that:

(a) through (c) No change.

(d) For any new Title V source that does not receive its first operation permit or begin operation under an air construction permit until after the beginning of a calendar year, or for any Title V source that achieves a non-Title V status (i.e., by Federally Enforceable State Operation Permit or permit surrender), the annual fee for the year shall be reduced pro rata to reflect the period during which the source was not allowed to operate as a Title V source.

(e) For any Title V source that emits less of any regulated air pollutant than allowed by specific condition, the annual fee calculation for such pollutant may, at the responsible official's option, be based upon emissions determined as follows.

1. No change.

2. The Department will accept, for fee purposes, emissions documented by means of an inventory material balance for volatile organic compounds (VOC's), provided no credit is given for VOC's which are incinerated as a means of control or presumed to be bound into a finished product. The owner or

operator shall annually document through purchase receipts, records and sales receipts the beginning (January 1) and ending (December 31) VOC inventories, the amount of VOC's purchased during the year, and the amount of VOC's disposed of in the liquid phase during the year. The beginning of the year inventory, plus the amount purchased during the year, minus the amount disposed of in the liquid phase during the year, minus the ending VOC inventory will provide the amount of VOCs subject to the fee, for fee purposes, the emissions to the atmosphere.

3. The Department will approve alternate fee calculation methods if the responsible official demonstrates that such method is able to quantify emissions by a scientifically accurate and verifiable procedure. The use of AP-42 factors or individual stack tests, standing alone, are not normally considered scientifically accurate and verifiable procedures for determining annual emissions for fee purposes. All proposals shall be certified by a professional engineer registered in the State of Florida and shall be field-tested at the specific facility, unless the proposing responsible official demonstrates that field-testing is not practicable.

(f) through (g) No change.

~~(h) During the years 1993 through 1999, inclusive, no fee shall be required to be paid under this section with respect to any unit which is an affected unit under 42 U.S.C. s. 7651e.~~

(i) through (k) renumbered (h) through (j) No change.

(2) through (3) No change.

(4) Permit Fees Waived. ~~After December 31, 1992, no~~ permit application processing fee, renewal fee, modification fee or amendment fee is required for an operation permit for a Title V source.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.087, 403.0872, 403.0877 FS. History—New 12-21-92, Amended 11-25-93, Formerly 17-213.200, Amended 11-23-94, 1-1-96, 3-13-96, 6-25-96, 2-11-99, _____.

62-213.300 Title V Air General Permits.

(1) through (2) No change.

(3) General Conditions. All terms, conditions, requirements, limitations, and restrictions set forth in this rule are "general permit conditions" and are binding upon the owner or operator and upon the responsible official of any facility utilizing a Title V air general permit pursuant to this rule.

(a) The duration of the general permit is five years. No later than 30 days prior to the fifth anniversary of the filing of intent to use the general permit, the responsible official shall submit a new notice of intent which shall contain all current information regarding the facility. The general permit is not transferrable and does not follow a change in ownership of the facility. Prior to any sale, other change of ownership, or permanent shutdown of the facility, the responsible official shall notify the Department of the pending action in accordance with Rule 62-210.300(7)(f), F.A.C.

(b) through (r) No change.

(4) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872, 403.814 FS. History—New 3-13-96, Amended 6-25-96, 10-7-96, 7-7-97, 11-13-97, 2-24-99, _____.

62-213.400 Permits and Permit Revisions Required.

Effective January 2, 1995, all Title V sources are subject to the air operation permit requirements of this chapter, except those Title V sources permissible pursuant to Rule 62-213.300, F.A.C., Title V Air General Permits.

(1) ~~After January 2, 1995, no~~ Title V source may operate except in compliance with this chapter.

(2) Except as provided in Rule 62-213.410, F.A.C., no source with a permit issued under the provisions of this chapter shall make any changes in its operation without first applying for and receiving a permit revision if the change meets any of the following:

(a) through (j) No change.

(k) Is a request for industrial-utility unit exemption pursuant to Rule 62-214.340, F.A.C.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872 FS. History—New 11-28-93, Amended 4-17-94, Formerly 17-213.400, Amended 11-23-94, 1-3-95, 4-18-95, 3-13-96, 2-11-99, _____.

62-213.420 Permit Applications.

(1) Duty to Apply. For each Title V source, the owner or operator shall submit a timely and complete permit application in compliance with the requirements of this section and Rules 62-4.050(1),(2) and 62-210.900, F.A.C.

(a) Timely Application.

1. through 3. No change.

~~4. The expiration dates of all air construction permits for Title V sources that expire between September 1, 1995, and November 1, 1996, are hereby extended to the later of November 1, 1996, or 240 days after commencing operation. Facilities with such air construction permits and which have not commenced operation on or before October 25, 1995, shall apply for a permit under the provisions of this chapter on the later of September 1, 1996, or 180 days after commencing operation.~~

~~4.5.~~ A Title V source which commences operation on or before October 25, 1995, but which contains an emissions unit that commences operation after October 25, 1995, shall submit a revision to its Title V permit application or an application for a permit revision, as applicable, no later than 180 days after the emissions unit commences operation. If the draft Title V permit that was requested under the provisions of Rule 62-213.420(1)(a)1., F.A.C., has not been sent to the applicant for public notice, the revision for such emissions unit shall be processed as part of the initial Title V permit as if it had been received pursuant to that rule. Any source that contains an emissions unit that has not commenced operation by the time that the source submits its initial application for a Title V

permit may include such emissions unit in the initial application, provided the source submits a compliance schedule and methodology, in accordance with the requirements of Rule 62-213.420(3)(1)(k), F.A.C., are met.

(b) No change.

(2) through (3) No change.

(4) Certification by Responsible Official. In addition to the professional engineering certification required for applications by Rule 62-4.050(3), F.A.C., any application form, report, compliance statement, compliance plan and compliance schedule submitted pursuant to this chapter shall contain a certification signed by a responsible official that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. Any responsible official who fails to submit any required information or who has submitted incorrect information shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary information or corrected information.

(5) Acid Rain Part. For those facilities subject to the Federal Acid Rain Program, any applicant that wishes separate processing of the Title V permit and the Acid Rain Part of a Title V permit shall request this at the time of initial or renewal application. In such case, the Department shall issue separate permits for the Acid Rain Provisions and for the Title V requirements, provided that the expiration dates (renewal dates) of both permit parts coincide for the duration of operation of the facility. There shall be only one Acid Rain Part for each facility. Each such permit shall be considered a Title V permit for purposes and requirements of this Chapter. The permit shield of Rule 62-213.460, F.A.C. shall apply to only those process and requirements included for each separate permit.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.061, 403.0872 FS. History—New 11-28-93, Amended 4-17-94, Formerly 17-213.420, Amended 11-23-94, 4-2-95, 10-11-95, 3-13-96, 3-20-96, 6-25-96, 10-7-96, 11-13-97, 2-11-99, 7-15-99, _____.

62-213.430 Permit Issuance, Renewal, and Revision.

(1) Action on Application. Except for those applications submitted pursuant to Rule 62-213.420(1)(a)1., F.A.C., the Department shall issue a draft permit or a determination that the requested permit be denied within 90 days after receipt of the latest of: the application; the last item of information requested pursuant to Rule 62-213.420(1)(b), F.A.C.; or, a written request to process the application without the requested information. If written comments received during the 30-day comment period result in a substantial change in this draft permit, the Department shall issue a revised draft permit within 45 days after the end of the 30-day public comment period, unless a different time period is agreed to between the applicant and the Department. A substantial change in a draft permit has the same meaning as “substantially modified” under

Rule 62-110.106(7)(a)4., F.A.C. The Department shall issue a permit, permit revision or renewal only after all of the following conditions have been met:

(a) through (c) No change.

(d) The Department has provided EPA with a copy of the draft permit, proposed permit and any notices required under Rule 62-213.450(1) and (2), F.A.C., and has not received written EPA objection to issuance of the permit within the time period specified in Rule 62-213.450(4), F.A.C. If the Department receives timely EPA objection, the Department shall not take final action until the Department receives written notice that the objection is resolved or withdrawn;

(e) No change.

(2) through (6) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872 FS. History—New 11-28-93, Formerly 17-213.430, Amended 11-23-94, 3-20-96, 11-13-97, 2-11-99, _____.

62-213.440 Permit Content.

(1) No change.

(a) through (b) No change.

(c) Emission Allowances. The Acid Rain Part of a Title V permit All Title V permits for source subject to the Federal Acid Rain Program shall include a permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under the Federal Acid Rain Program. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

1. through 3. No change.

(d) No change.

(2) No change.

(3) Statement of Compliance.

(a) For each applicable requirement, the permit shall contain:

1. No change.

2. A provision that the source submit a Statement of Compliance with all terms and conditions of the permit using DEP Form No. 62-213.900(7). Such statements shall be accompanied by a certification in accordance with Rule 62-213.420(4), F.A.C. Such statements shall be submitted (postmarked) to the Department and EPA;

a. Annually, within 60 days after the end of each calendar year during which the Title V permit was effective, or more frequently if specified by Rule 62-213.440(2), F.A.C., or by any other applicable requirement; and

b. Within 60 days after submittal of a written agreement for transfer of responsibility as required pursuant to 40 CFR 70.7(d)(1)(iv), adopted and incorporated by reference at Rule 62-204.800, F.A.C., or within 60 days after permanent shutdown of a facility permitted under this chapter; provided that, in either such case, the reporting period shall be the

portion of the calendar year the permit was effective up to the date of transfer of responsibility or permanent facility shutdown, as appropriate:

- 3. No change.
- (b) No change.
- (4) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.087, 403.0872 FS. History--New 11-28-93, Amended 4-17-94, Formerly 17-213.440, Amended 11-23-94, 4-18-95, 3-13-96, 3-20-96, 11-13-97, 4-7-98, 2-11-99, 7-15-99,_____.

62-213.450 Permit Review by EPA and Affected States.

(1) Transmission of Information to EPA. Unless waived by EPA, the Department shall provide to EPA a copy of each permit application, including any application for permit revision or permit renewal, each draft permit, each proposed permit, and each final permit. Unless a different time frame is agreed to between the applicant and the Department, the Department shall issue and forward the proposed permit to EPA for its 45-day review within 30 days after the conclusion of the comment period on the last draft permit; or, if the draft permit is the subject of an administrative hearing under ss. 120.569 and 120.57, F.S., the Department shall issue and forward the proposed permit to EPA no later than 30 days after the date the final order is required to be filed under s. 120.57(1)(k), F.S. The Department shall also provide notice to the applicant of the date that the Department forwards the proposed permit to EPA, within 10 days of forwarding the proposed permit.

- (2) through (4) No change.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.087, 403.0872 FS. History--New 11-28-93, Formerly 17-213.450, Amended 2-11-99,_____.

62-213.460 Permit Shield.

Except as provided in this chapter, compliance with the terms and conditions of a permit issued pursuant to this chapter shall, as of the effective date of the permit, be deemed compliance with any applicable requirements in effect ~~as of the date of permit issuance~~, provided that the source included such applicable requirements in the permit application. Nothing in this section or in any permit shall alter or affect the ability of EPA or the Department to deal with an emergency, the liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance, or the requirements of the Federal Acid Rain Program.

Specific Authority 403.061, 403.0872 FS. Law Implemented 403.087, 403.0872 FS. History--New 11-28-93, Formerly 17-213.460, Amended 11-23-94,_____.

62-213.900 Forms and Instructions.

The forms used by the Department in the Title V source operation program are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, and with the subject, title, and effective

date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Major Air Pollution Source Annual Emissions Fee Form. (Effective _____ ~~2-11-99~~)

(2) through (6) No change.

(7) Statement of Compliance Form. (Effective _____)

Specific Authority 403.061 FS. Law Implemented 403.0872, 403.814 FS. History--New 12-21-92, Amended 11-25-93, Formerly 17-213.900, Amended 11-23-94, 1-1-96, 3-13-96, 6-25-96, 2-11-99, 2-24-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Howard L. Rhodes, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, Deputy Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 97-79R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Requirements for Sources Subject to the Federal Acid Rain Program 62-214

RULE TITLES: RULE NOS.:

Purpose and Scope 62-214.100

Applications 62-214.320

Acid Rain Compliance Plan and Compliance Options 62-214.330

Exemptions 62-214.340

Department Action on Applications 62-214.360

Revisions and Administrative Corrections 62-214.370

Acid Rain Part Content 62-214.420

Implementation and Termination of Compliance Options 62-214.430

PURPOSE AND EFFECT: The Department is proposing to add a reference to federal regulations for Acid Rain Program definitions, add the option of separately processing and issuing the Acid Rain part of a Title V permit, amend Acid Rain rules in accordance with recent amendments to the Federal Acid Rain Program regulations, and amend the current rule language involving multi-jurisdictional compliance averaging plans to allow submission of a schedule for obtaining approvals from other states involved in such plans.

SUMMARY: The proposed amendments would affect certain sources subject to the federal acid rain program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding a 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: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.0872 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., Friday, December 8, 2000

PLACE: Room 153, Carr Building, 3800 Commonwealth Boulevard, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Wendy Alexander, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9559

THE FULL TEXT OF THE PROPOSED RULES IS:

62-214.100 Purpose and Scope.

This chapter outlines the additional permitting requirements for Title V sources that are subject to the Federal Acid Rain Program. The rules under this chapter set forth requirements for the Acid Rain Part of an operation permit for a Title V source which is subject to the Federal Acid Rain Program. The Department intends that this chapter shall implement and be consistent with the federal requirements of 40 CFR Part 72. Words and phrases used in this chapter, unless clearly indicated otherwise, are defined at either 40 CFR 72.2 or Rule 62-210.200, F.A.C. The provisions of 40 CFR Parts 72, 73, 75, and 76 referenced in this rule are adopted and incorporated by reference at Rule 62-204.800, F.A.C.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 3-13-96,_____.

62-214.320 Applications.

The designated representative of any Title V source containing an Acid Rain unit shall submit to the Department a complete Acid Rain Part application no later than the applicable deadline of this section. The Acid Rain Part application shall be submitted pursuant to this chapter and to Rule 62-213.420, F.A.C. The designated representative of an Acid Rain Source has the option of filing the Acid Rain Part application as a separate document from the Title V Air Operation Permit application and requesting separate processing. The Department shall process the Acid Rain Part application pursuant to Chapter 62-213. The owners and operators of such

source and any Acid Rain unit at the source shall not operate the source or unit without either an Acid Rain Part or a Title V permit which includes an Acid Rain Part, except that a source having a valid air construction or operation permit or a site certification pursuant to the Florida Electrical Power Plant Siting Act and for which the designated representative has submitted a timely and complete initial Acid Rain Part application shall be deemed in compliance with the Federal Acid Rain Program requirements provided that the designated representative submits all timely supplemental information as provided at Rule 62-213.420, F.A.C., and provided the source operates in compliance with the terms and conditions of the Acid Rain Part application during the Department's processing of the application.

(1) Timeliness. The designated representative shall submit a complete Acid Rain Part application as set forth below:

(a) through (h) No change.

(i) Pursuant to Rules 62-213.420(1)(a)3., and 62-213.430(3), F.A.C., the designated representative of any Title V source having a Title V permit with an Acid Rain Part shall submit a complete application for renewal of the Title V permit with an Acid Rain Part for each Acid Rain unit at the source, and the designated representative of a Title V source having a separate Acid Rain Part shall submit a complete application for renewal of the separate Acid Rain Part for each Acid Rain unit at the source.

(2) No change.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97,_____.

62-214.330 Acid Rain Compliance Plan and Compliance Options.

(1) through (2) No change.

(3) The designated representative may include in the Acid Rain compliance plan a multi-unit compliance option pursuant to the requirements of 40 CFR 76.11, adopted and incorporated by reference at Rule 62-204.800, F.A.C., provided that:

(a) No change.

(b) The designated representative of the source containing the unit or units covered by the Acid Rain Part application certifies that every permitting authority (as defined at 40 CFR 70.2, adopted and incorporated by reference at Rule 62-204.800, F.A.C.) with jurisdiction over any other units included in the multi-unit compliance option has approved the Acid Rain compliance plan with the same modifications or conditions, if any, stated in the proposed Acid Rain Part of the permit or submits a schedule in the form of a Title V compliance plan for providing such certifications.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97,_____.

(Substantial rewording of Rule 62-214.340, F.A.C. follows. See Florida Administrative Code for present text)

62-214.340 Exemptions.

(1) New Units Exemption.

(a) Any new utility unit that meets all the criteria of 40 CFR 72.7(a)(1) through (3); which has not previously lost a new unit exemption; which is not allocated any allowances pursuant to 40 CFR Part 73, Subpart B; and which has timely and sufficiently supplied notice to the Department and the EPA shall be exempt from the Federal Acid Rain Program and Chapter 62-214, F.A.C., except for the requirements of this section and those provisions of 40 CFR 72.2 through 72.7 and 72.10 through 72.13, beginning January 1 of the first full calendar year for which the unit meets all the criteria of 40 CFR 72.7(a)(1) through (3) and Rule 62-214.340(1)(a), F.A.C.

1. For purposes of this section, timely and sufficient notice is a statement meeting all of the criteria of 40 CFR 72.7(b)(2), certified as required by Rule 62-214.350, F.A.C., using form DEP 62-210.900(1)(a)2, and submitted to the Department no later than December 31 of the first calendar year for which the exemption shall be effective, except that the notice need not be provided if the unit has already received a written new unit exemption and the unit shall be subject to the requirements of 40 CFR 72.7(a),(d),(e)(2), and (f).

2. Upon receipt of a timely and sufficient notice, the Department shall amend the applicable Acid Rain Part and any other affected portion of the Title V permit issued for the facility of which the unit is a part pursuant to Rule 62-210.360, F.A.C., to add the provisions and requirements of the exemption under 40 CFR 72.7(a),(b),(d), and (f).

3. Compliance with the requirements of 40 CFR 72.7(a)(3) shall be determined as specified by 40 CFR 72.7(d).

(b) The new unit exemption shall be lost and the unit shall be fully subject to Chapter 62-214 and the Federal Acid Rain Program in accordance with the provisions of 40 CFR 72.7(f)(4). The unit shall be subject to the monitoring requirements of 40 CFR Part 75 on the date the exemption is lost, and the designated representative must submit a completed Acid Rain Part application no later than 60 days after the unit has lost the exemption.

(c) A unit otherwise meeting the criteria of 40 CFR 72.7(a)(1) through (3), but which has been allocated allowances under 40 CFR Part 73, Subpart B, may qualify for the new unit exemption if it is in compliance with all other requirements of Rule 62-214.340(1)(a), F.A.C., and the allowances are surrendered as provided at 40 CFR 72.7(c). For such units, timely and sufficient notice shall include all information required by 40 CFR 72.7(c)(1)(i). The exemption shall be effective January 1 of the first full calendar year for which all requirements of 40 CFR 72.7(a) and (c)(1) are met, including notification from EPA of the allowances surrender, as described at 40 CFR 72.7(c)(1)(i)(D). Following receipt of such notification, the Department shall amend the Acid Rain Part and any other affected portion of the Title V permit issued

for the facility of which the unit is a part in accordance with Rule 62-214.340(1)(a)2., F.A.C. The provisions of Rules 62-214.340(1)(a)3. and (b), F.A.C., shall apply to the unit.

(d) All records demonstrating that the requirements of 40 CFR 72.7(a) are met must be maintained at the facility for a period of 5 years, as specified at 40 CFR 72.7(f)(3).

(2) Retired Units Exemption.

(a) Any permanently retired utility unit (except for an opt-in source, as defined in 40 CFR 72.2) which has timely and sufficiently supplied notice to the Department and the EPA shall be exempt from the Federal Acid Rain Program and Chapter 62-214, F.A.C., except for the requirements of this section and except for those provisions of 40 CFR 72.2 through 72.6, 72.8, 72.10 through 72.13, and 40 CFR 73, Subpart B, beginning January 1 of the first full calendar year during which the unit is permanently retired. The unit shall not emit any sulfur dioxide and nitrogen oxides beginning the date the exemption takes effect.

1. For purposes of this section, timely and sufficient notice is a statement meeting all of the criteria of 40 CFR 72.8(b)(2), certified as required by Rule 62-214.350, F.A.C., using form DEP 62-210.900(1)(a)3, and submitted to the Department no later than December 31 of the first calendar year for which the exemption shall be effective, except that the notice need not be provided if the unit has already received a written retired unit exemption and the unit shall be subject to the requirements of 40 CFR 72.8(d).

2. Upon receipt of a timely and sufficient notice, the Department shall amend the applicable Acid Rain Part and any other affected portion of the Title V permit issued for the facility of which the unit is a part pursuant to Rule 62-210.360, F.A.C., to add the provisions and requirements of the exemption under 40 CFR 72.8(b)(1) and (d).

(b) The retired unit exemption shall be lost and the unit shall be fully subject to Chapter 62-214 and the Federal Acid Rain Program in accordance with the provisions of 40 CFR 72.8(d)(6). The unit shall be subject to the monitoring requirements of 40 CFR Part 75 on the date the exemption is lost, and the designated representative must submit a completed Acid Rain Part application no later than 24 months prior to the date the exemption will be lost.

(c) All records demonstrating that the requirements of 40 CFR 72.8(a) are met must be maintained at the facility for a period of 5 years, as specified at 40 CFR 72.8(d)(5).

(3) Industrial-utility Units Exemption. The Department shall grant an exemption from the Federal Acid Rain Program and Chapter 62-214, F.A.C., except for the requirements of this section and those provisions of 40 CFR 72.2 through 72.6 and 72.10 through 72.14, to any non-cogeneration, utility unit that meets all the criteria of 40 CFR 72.14(a)(1) through (4); which has not previously lost an industrial-utility unit exemption; which has submitted a complete exemption request to the Department and the EPA.

(a) For purposes of this section, a complete request shall meet all of the criteria of 40 CFR 72.14(b), and shall be certified as required by Rule 62-213.450, F.A.C. Such exemption request shall be processed as part of an application for initial or renewal Title V source permit or Acid Rain Part, or as a revision to such permit, pursuant to the procedures of this chapter and Chapter 62-213, F.A.C.

(b) The exemption shall be effective beginning January 1 of the first full calendar year following the Department's issuance of the permit, permit renewal or permit revision.

(c) The industrial-utility unit exemption shall be lost and the unit shall be fully subject to Chapter 62-214 and the Federal Acid Rain Program in accordance with the provisions of 40 CFR 72.14(d)(4). The unit shall be subject to the monitoring requirements of 40 CFR Part 75 on the date the exemption is lost and the designated representative must submit a completed Acid Rain Part application no later than 60 days after the unit has lost the exemption.

(d) All records demonstrating that the requirements of 40 CFR 72.14(a) are met must be maintained at the facility for a period of 5 years, as specified at 40 CFR 72.14(d)(3).

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, _____.

62-214.360 Department Action on Applications.

Any application submitted pursuant to this chapter, including any proposal for any repowering extension plan, industrial-utility unit exemption, or NO_x alternative emission limitation new unit exemption, or retired unit exemption is part of a Title V source permit application and shall be processed by the Department under the provisions of Rules 62-213.420 and 62-213.430, F.A.C., with the following additional limitations:

(1) through (4) No change.

(5) A NO_x alternative emission limitation must meet the substantive and procedural criteria of 40 CFR 76.10. The Department shall notify EPA within 10 working days following a determination that a Title V source permit application for an Acid Rain source is complete. The Department shall mail a copy of such notice to the designated representative.

(6) For each unit subject to an Acid Rain NO_x emissions limitation, the Department shall, no later than January 1, 1999,:

(a) Amend the Acid Rain Part pursuant to Rule 62-214.370, F.A.C., and add any NO_x early election plan that was approved by EPA and has not been terminated, and

(b) Take final action on applications for revision of Acid Rain Parts to incorporate the nitrogen oxides requirements of 40 CFR Part 76, adopted and incorporated by reference at Rule

62-204.800, F.A.C., provided the applicant has submitted a timely and complete application for revision pursuant to Rule 62-214.320, F.A.C., and the provisions of 40 CFR Part 76.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, _____.

62-214.370 Revisions and Administrative Corrections.

Except as specifically provided in this section, all revisions of and administrative corrections to ~~a final~~ Acid Rain Part ~~of a final Title V source permit~~ shall be processed in accordance with the provisions of Chapters 62-213 and 62-210, F.A.C., respectively.

(1) An Acid Rain Part revision may be submitted for approval at any time. No revision shall affect the expiration date of the Acid Rain Part or final Title V source permit to be revised. No permit revision shall excuse any violation of an Acid Rain Program requirement that occurred prior to the effective date of the revision. An Acid Rain unit shall comply with its existing Acid Rain Part while a permit revision is pending.

(2) through (5) No change.

(6) Acid Rain Part changes listed in 40 CFR 72.83(a)(1),(2),(6),(9) and (10), which are adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall be made as administrative permit corrections pursuant to Rule 62-210.360, F.A.C. Incorporation of changes approved by EPA under 40 CFR 72.83(a)(11) and (12) shall also be accomplished as administrative permit corrections. The Department shall submit the revised portion of the Acid Rain Part to EPA ~~within ten working days after the date of the administrative correction.~~

(7) No change.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, _____.

62-214.420 Acid Rain Part Content.

In addition to the requirements of Chapter 62-213, F.A.C., any draft, proposed or final Acid Rain Part, shall contain the following:

(1) through (9) No change.

(10) A statement that an Acid Rain Part shall be binding on any new owner or operator, ~~holding a Title V permit with an Acid Rain Part~~ or the new designated representative of any Acid Rain source or Acid Rain unit governed by the permit;

(11) through (12) No change.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, _____.

62-214.430 Implementation and Termination of Compliance Options.

(1) No change.

(2) Termination.

(a) No change.

(b) Repowering Extensions. The designated representative shall provide notice of termination of any Acid Rain compliance plan incorporating repowering extension as provided by 40 CFR 72.44, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

1. Termination resulting from failure of the repowering plan shall be submitted as an application for revision of the Acid Rain Part, pursuant to this ~~c~~Chapter and Chapter 62-213, F.A.C., and 40 CFR 72.44(g), adopted and incorporated by reference at Rule 62-204.800, F.A.C., and shall be processed pursuant to Rules 62-213.420, 62-213.430 and 62-214.360, F.A.C. A copy of the application for revision of the Acid Rain Part shall be submitted to the EPA.

2. Termination for reasons other than failure must be accomplished prior to December 31, 1999, and shall be accomplished in the same manner as termination of an approved conditional compliance option pursuant to Rule 62-214.430(2)(a), F.A.C.

(3) through (4) No change.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Howard L. Rhodes, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, Deputy Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES:

Remediable Tasks Delegable to

Dental Assistants

Levels of Supervision for Dental Hygienists

PURPOSE AND EFFECT: The purpose of the rule amendments to Rule 64B5-16.005 is to add an additional task that may be performed by a dental assistant under indirect supervision, and to delete rule text that is no longer desired. The purpose of the rule amendments to Rule 64B5-16.007 is to delete rule text that is no longer needed and to add a remediable task that may be performed by a dental hygienist under indirect supervision.

SUMMARY: The Board proposes to amend the rule text in Rule 64B5-16.005 with regard to the remediable tasks dental assistants are authorized to perform. The Board proposes to

amend the rule text in 64B5-16.007 to update the rule text with regard to the remediable tasks dental hygienists are authorized to perform.

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: 466.004, 466.023, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024 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 RULES IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-16.005 Remediable Tasks Delegable to Dental Assistants.

(1) through (3) No change.

(4) The following remediable tasks may be performed by a dental assistant who has received on-the-job training and who performs the tasks under indirect supervision:

(a) through (d) No change.

(e) Removing excess cement from orthodontic appliances with non-mechanical hand instruments only.

(5) The following remediable tasks may be performed by a dental assistant who has received on-the-job training and who performs the tasks under general supervision:

(a) through (c) No change.

(d) Removing excess cement from orthodontic appliances with non-mechanical hand instruments only.

Specific Authority 466.004(4), 466.024(3) FS. Law Implemented 466.024 FS. History—New 1-18-89, Amended 11-16-89, 3-25-90, 9-5-91, 2-1-93, Formerly 21G-16.005, Amended 3-30-94, Formerly 61F5-16.005, Amended 1-9-95, 9-27-95, 6-12-97, Formerly 59Q-16.005, Amended _____.

64B5-16.007 Levels of Supervision for Dental Hygienists. By virtue of their training and licensure, dental hygienists are authorized to perform the following remediable tasks without additional training as defined in Chapter 64B5-16, F.A.C., under the following levels of supervision:

(1) Direct Supervision: Gingival curettage;

~~(b) Removal of excess remaining bonding adhesive or cement following orthodontic appliance removal with slow-speed rotary instrument, hand instrument or ultrasonic sealers;~~

(2) Indirect supervision:

(a) Root planing;

(b) Removal of excess remaining bonding adhesive or cement following orthodontic appliance removal with slow-speed rotary instrument, hand instrument or ultrasonic scalers.

(3) through (4) No change.

Specific Authority 466.004, 466.023, 466.024 FS. Law Implemented 466.023, 466.024(3) FS. History--New 1-18-89, Formerly 21G-16.007, 61F5-16.007, Amended 9-27-95, 6-12-97, Formerly 59Q-16.007, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 13, 2000

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Office Surgery Inspection Fee

RULE NO.: 64B8-9.0093

PURPOSE AND EFFECT: The Department of Health proposes a fee to perform office surgery inspections. The Department shall inspect a physician's office annually unless the office is accredited by a nationally recognized accrediting agency or an accredited organization subsequently approved by the Board of Medicine.

SUMMARY: Fee for office surgery inspection.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 456.004(6) FS.

LAW IMPLEMENTED: 458.309(3) FS.

THE DEPARTMENT OF HEALTH WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULE AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Tuesday, December 5, 2000

PLACE: Department of Health, Building 4042, Room 301A, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3253

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4444, Ext 3520, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of

Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda for the meeting may be obtained by writing: Tanya Williams, Executive Director, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3256.

All written material received by the Department within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE DEPARTMENT WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, THEY WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, THEY 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 BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.0093 Office Surgery Inspection Fee.

Beginning January 1, 2001, any physician who, pursuant to Rule 64B8-9.0091, is required to register with the Board and have his or her office inspected annually by the Department, shall pay an inspection fee of \$1,500.

Specific Authority 456.004(6) FS. Law Implemented 458.309(3) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Tanya Williams, Executive Director, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3256

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanya Williams, Executive Director, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3256

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: November 3, 2000

DEPARTMENT OF HEALTH**Division of Family Health Services**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Eligibility and Fee Assessment for

Services Offered by County

Public Health Units

64F-16

RULE TITLE: RULE NO.:

Definitions

64F-16.001

PURPOSE AND EFFECT: To incorporate by reference specific poverty guidelines referenced in the rule.

SUMMARY: 64F-16 outlines eligibility and fee assessment for services provided at county health departments. The proposed amendment to 64F-16.001(7) makes specific reference to the Federal Register edition where the latest poverty guidelines are published. These poverty guidelines are used to determine whether a client is eligible for service, or their sliding fee rate if they are above 100 percent of poverty.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There are no regulatory costs.

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: 154.011(5) FS.

LAW IMPLEMENTED: 154.011 FS.

IF REQUESTED WITHIN 21 DAYS 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., December 6, 2000

PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, Telephone (850)245-4444, Ext. 2965

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-16.001 Definitions.

For the purpose of this rule chapter, the following definitions will apply:

(1) through (6) No change.

(7) "Poverty guidelines" means the non-farm family poverty income scale adopted published by the United States Department of Health and Human Services (HHS) Federal Office of Management and Budget, as published in the Federal Register; February 15, 2000 edition (Volume 65, Number 31) pages 7555-7557.

(8) through (12) No change.

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History--New 10-14-93, Amended 4-29-96, Formerly 10D-121.002, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, Telephone (850)245-4444, Ext. 2965

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annie Neasman, Director, Family Health Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 13, 2000

DEPARTMENT OF CHILDREN AND FAMILY SERVICES**Economic Self-Sufficiency Program**

RULE TITLES: RULE NOS.:

Administrative Definitions and Acronyms

Applicable to RAP 65A-1.802

General Eligibility 65A-1.803

Citizenship 65A-1.804

Employment Registration and Participation in Employment and Language

Training Programs 65A-1.805

Need Requirement 65A-1.806

Assets 65A-1.807

Income 65A-1.808

Budgeting 65A-1.809

PURPOSE AND EFFECT: These rule amendments remove rule text that repeats federal regulation requirements for the Refugee Assistance Program (RAP). These federal regulation requirements are the basis for program operation. The department will repeal all rules for this program except one rule. The remaining rule will provide a source statement for federal program requirements.

SUMMARY: The department is removing details of eligibility requirements from rule text. Current rule text repeats statements made in federal law or federal regulation. Applicable federal law and regulation will be cited for refugee program administration and eligibility requirements.

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: 409.953 FS.

LAW IMPLEMENTED: Chapter 2000-166, L.O.F. (Specific Appropriation 435)

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: 11:00 a.m., December 1, 2000

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Audrey Mitchell, Program Administrator, Policy Support Unit, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, Telephone (850)488-3090

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-1.802 Administrative Definitions and Acronyms Applicable to RAP.

Specific Authority 414.45 FS. Law Implemented 414.095 FS. History--New 8-3-94, Formerly 10C-1.802, Repealed.

65A-1.803 General Eligibility.

Determinations of eligibility for RAP and program specific definitions required in these eligibility determinations are conducted made in accordance with 45 CFR, Chapter IV, Part 400, Subparts A through G, and Part 401 ~~October, 1992.~~ Additionally, the specific definition of a Cuban/Haitian entrant as used in this program is found in Section 501(e) of the Refugee Education Assistance Act of 1980.

~~(1) The eligibility criteria including the Standards of Need, Payment, and Eligibility under Rules 10C-1.501 through 10C-1.516 effective February 1994 also apply to RAP eligibility, unless specified otherwise.~~

~~(2) The Refugee Assistance Program provides cash and medical assistance on the basis of need for eligible refugees. The medical assistance is provided through Florida's Medicaid program. Eligibility for cash and medical assistance is limited to the first eight months the individual is in the United States, per federal directive and subject to the availability of funds as determined by the Department of Health and Human Services.~~

Specific Authority ~~409.953 414.45~~ FS. Law Implemented Chapter 2000-166, L.O.F. (Specific Appropriation 435) ~~414.095~~ FS. History--New 8-3-94, Formerly 10C-1.803, Amended.

65A-1.804 Citizenship.

Specific Authority 414.45 FS. Law Implemented 414.095 FS. History--New 8-3-94, Formerly 10C-1.804, Repealed.

65A-1.805 Employment Registration and Participation in Employment and Language Training Programs.

Specific Authority 414.45 FS. Law Implemented 414.095 FS. History--New 8-3-94, Formerly 10C-1.805, Repealed.

65A-1.806 Need Requirement.

Specific Authority 414.45 FS. Law Implemented 414.095 FS. History--New 8-3-94, Formerly 10C-1.806, Repealed.

65A-1.807 Assets.

Specific Authority 414.45 FS. Law Implemented 414.095 FS. History--New 8-3-94, Formerly 10C-1.807, Repealed.

65A-1.808 Income.

Specific Authority 414.45 FS. Law Implemented 414.095 FS. History--New 8-3-94, Formerly 10C-1.808, Repealed.

65A-1.809 Budgeting.

Specific Authority 414.45 FS. Law Implemented 414.095 FS. History--New 8-3-94, Formerly 10C-1.809, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rodney McInnis, Management Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLES:	RULE NOS.:
Rights and Responsibilities	65A-2.022
Application and Determination of Eligibility	65A-2.023
Determination of Continued Eligibility	65A-2.024
Advance Notice: Written Ten Day	
Advance Notice	65A-2.031
Optional State Supplementation	65A-2.032
Optional State Supplementation Coverage Groups	65A-2.033
Definitions of Special Living Arrangements	65A-2.034
Income Calculation	65A-2.035
Optional State Supplementation Base Provider	
Rates and Program Standards	65A-2.036

PURPOSE AND EFFECT: These rule amendments are the result of a review of each listed rule to identify deficiencies in rule statements regarding citations of other rules, references to program names, definitions of special living arrangements, and redundant rule material. Additionally, the maximum provider rate is up-dated, eligibility standards are revised and the OSS Assistive Care Services (Medicaid) is implemented. OSS Assistive Care Services provides enhanced payment for the care of those eligible for the OSS program.

SUMMARY: Rule 65A-2.022 is clarified as to use of OSS payments, applicability of the right to prompt notice of decision and use of a designated representative and rights and responsibilities. Rule 65A-2.023 is clarified as to notice requirements. Rule 65A-2.024 is amended to clarify use of a designated representative, to use the word "terminated" instead of the word "cancelled" and to add an eligibility criterion. Rule 65A-2.031 is amended to use "terminate" and "termination" or "reduction" instead of "cancel" or "cancellation" and to clarify use of ten day advance notice. Additionally, action on benefits subsequent to denial of an Administrative Hearing or system failure to reduce or terminate benefits is clarified. Rule

65A-2.032 is amended to correct rule citations within it and to clarify and simplify statements of eligibility requirements. Rule 65A-2.033 is amended to use current terminology to reflect types of special living arrangements (coverage groups). Rule 65A-2.034 is repealed. Rule 65A-2.035 is amended to: clarify statements about income; correct a rule citation; provide a statutory reference for exclusions; and, remove language that repeats statutory provisions. Rule 65A-2.036 is amended to: revise statements about provider rates, program financial standards, the personal needs allowance and payment criteria; correct a rule citation; and to change the maximum provider rate(s).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost was not prepared for this rule.

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: 409.212(6) FS.

LAW IMPLEMENTED: 409.212 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.

TIME AND DATE: 2:00 p.m., December 4, 2000

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES, THE PUBLIC HEARING OR AN ECONOMIC STATEMENT IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, Telephone (850)488-3090

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-2.022 Rights and Responsibilities of Applicants and Recipients.

(1) Any individual has the right to apply for Optional State Supplementation (OSS) and, if found eligible according to these rules, to receive an established monthly payment. The OSS monthly payment is made to assist individuals residing in Assisted Living Facilities (ALFs) with the cost of room and board. The OSS payment made to individuals residing in other special living arrangements is inclusive of room, board and personal care. The individual's use of the personal needs allowance this payment is not restricted. The recipient is responsible for providing all facts necessary to establish initial and continuing eligibility. The recipient is also responsible to promptly notify the Department of any changes in circumstances that may affect their eligibility.

(2) An authorized representative as defined in s. 65A-1.203(10), F.A.C., may be designated to assume the individual's rights and responsibilities as specified in s. 65A-1.204, F.A.C., and to act on behalf of the individual in determining the individual's OSS eligibility. Designation may be made by the individual, or a person knowledgeable of the individual's affairs may be self-designated as the individual's representative. The authorized representative will be identified on the department's form 2505, Affidavit for Designated Representative, incorporated by reference in rule 65A-1.400.

(3) The individual is responsible for providing all facts necessary to establish initial and continuing eligibility. The individual is also responsible to promptly notify the department of any changes in circumstances that may affect their eligibility.

(4) The Department is responsible for providing prompt action, equitable treatment and timely notification of any decision regarding to make a change in an individual's payment or status.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History--New 1-1-77, Formerly 10C-2.22, 10C-2.022, Amended _____.

65A-2.023 Application and Determination of Eligibility.

(1) Any individual wishing to receive an Optional State Supplementation payment must submit a completed, dated, and signed application for assistance. Once the completed, dated and signed application is received, and date stamped as received by the Department, the application process begins. A decision regarding eligibility or ineligibility must be reached, and a check or letter of rejection of the application must be in the mail within 45 days of the date stamped on the application.

(2) In determining an applicant's eligibility status, a Department employee obtains facts of the applicant's situation ~~for of the applicant as related to~~ each factor of eligibility. Information provided by the applicant ~~application~~ must be substantiated, verified, or documented by the department.

(3) A decision regarding eligibility or ineligibility of individuals for whom disability must be established must be reached, and a notice of the department's decision must be in the mail to the individual within 90 days of the date stamped on the application. A decision regarding eligibility or ineligibility of all other individuals must be reached, and a notice of the department's decision must be in the mail to the individual within 45 days of the date stamped on the application. A copy of all notices of eligibility or ineligibility will be mailed to the operator of the special living arrangement facility in which the applicant resides. However, failure to mail the notice to the operator is not grievable under Chapter 120, F.S., or Chapter 65-2, F.A.C.

Specific Authority 409.212(5) FS. Law Implemented 409.212 FS. History--New 1-1-77, Formerly 10C-2.23, Amended 2-9-88, Formerly 10C-2.023, Amended _____.

65A-2.024 Determination of Continued Eligibility.

(1) The individual receiving Optional State Supplementation (OSS) must maintain continuing communication with the ~~d~~Department. The ~~d~~Department in cooperation with the individual must redetermine the individual's eligibility for continued assistance at least annually. An authorized representative may be designated or identified in this process as stated in rule 65A-2.022, F.A.C.

(2) Individuals who do not cooperate with the ~~d~~Department in the provision of required information or documentation shall have their case terminated ~~cancelled~~, as continuing eligibility cannot be established.

(3) If an individual leaves the special living arrangement for a period of 30 consecutive days, the individual is no longer eligible for continued OSS benefits.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Amended 10-7-80, Formerly 10C-2.24, 10C-2.024, Amended.

65A-2.031 Advance Notice: Written Ten Day Advance Notice.

(1) Written notification must be given or mailed to an individual ~~A person~~ receiving Optional State Supplementation ~~must be given or mailed written notification~~ ten days in advance of action to ~~terminate~~ cancel his/her grant or ~~reduce the payment~~ the amount of assistance.

(2) Exception: Conformity to ten day advance notice is waived in the following situations, but written notification must be given or mailed to the individual or his authorized representative prior to the effective date of the action.

(a)(1) ~~When termination~~ cancellation is due to death;

(2) ~~When cancellation is due to transfer within program to another type of coverage;~~

(b)(3) ~~When an individual or his authorized representative person requests termination or reduction of assistance cancellation~~ in writing;

(c)(4) ~~When the dDepartment is unable to locate an individual as evidenced by the return of a letter of a recent date, with indication~~ that the letter could not be delivered due to no forwarding address, and no further information for locating the individual is available from any source;

(d)(5) ~~When an Administrative Hearing has been denied, the benefits that were continued without reduction pending the outcome of the hearing may be reduced with no advance notice of adverse action to the individual; or~~

(e)(6) ~~When systems transactions fail to effect payment reduce or terminate assistance correctly cancellation~~ and notice has previously been given.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Formerly 10C-2.31, 10C-2.031, Amended.

65A-2.032 Optional State Supplementation General Eligibility Criteria.

(1) ~~An eligible individual must be age 65 or older, or age 18 or older and blind or disabled as defined by Title XVI of the Social Security Act (disability criteria is defined in 20 CFR 416). Eligibility on the factors of age, residence, citizenship, assets, and income is established by Supplemental Security Income Program staff based on Title XVI of the Social Security Act for those recipients receiving Supplemental Security Income.~~

(2) An eligible individual must be living in the State of Florida with the intent to remain. ~~To be eligible for Optional State Supplementation an individual must be eligible for and receiving a check from the Supplemental Security Income Program, or any Optional State Supplementation recipient who for the month of June 1981 or thereafter was receiving financial assistance under the Title XVI Supplemental Security Income Program, was also entitled to monthly insurance benefits under the Title II Social Security Program, and except for the increase(s) in monthly insurance benefits under Title II would have been eligible for Title XVI (Supplemental Security Income) benefits for the current month, may be determined to be eligible for Optional State Supplementation provided applicable criteria found in (1) above and those listed under Rule 65A-2.033 are met.~~

(3) An eligible individual must be a United States citizen or a qualified alien as defined in Section 431, Public Law 104-193. ~~All individuals receiving Optional State Supplementation (OSS) must meet the program eligibility criteria as specified under Chapters 10A-4, 10A-5, and 10E-4 for the specific living arrangement.~~

(4) An eligible individual must have income within standards established by the department. ~~Aged, blind or disabled adults who meet Supplemental Security Income Program eligibility criteria, except for the amount of their income meet all other Optional State Supplementation Program eligibility criteria may be eligible to receive Optional State Supplementation payments if their monthly income is equal to or below the income standard set by the Department.~~

(5) An eligible individual must have assets within SSI Title XVI standards.

(6) Individuals must provide their Social Security Number (SSN), or if the SSN is unknown or has never been obtained, the individual must apply for a SSN through the local Social Security office.

(7) Individuals must apply for and diligently pursue to conclusion an application for all other monetary benefits for which they may be entitled or otherwise potentially eligible.

(8) An eligible individual must be living in a licensed assisted living facility (as defined in s. 400.402, F.S.); a licensed adult family care home (as defined in s. 400.618, F.S.); or, a licensed mental health residential treatment facility (as defined in s. 394.875, F.S.) that appropriately meets the

individual's needs based on objective medical and social evaluations and care plans, in accordance with approved department policies, as specified in Chapters 58A-5, 58A-14 or 65E-4, respectively.

(9) When appropriated Optional State Supplementation funding is insufficient to meet placement demands, applicants requesting Optional State Supplementation assistance must be evaluated according to the placement criteria below, with the first criterion being the highest priority.

(a) The applicant must be in imminent danger of abuse, neglect or exploitation as defined in s. 415.102, F.S., and all other placement alternatives and resources have been determined unavailable or inappropriate as determined by the department in accordance with ss. 415.101 through 415.113, F.S.

(b) The applicant must be at risk of institutionalization within 90 days and all other placement alternatives have been explored and assisted living facility, adult family care home or mental health residential treatment facility is the most appropriate placement.

(c) The applicant is institutionalized, is ready for discharge, and all other placement alternatives have been explored and assisted living facility, adult family care home or mental health residential treatment facility is the most appropriate placement.

(d) The applicant resides in the community, is in need of residential care, all other placement alternatives have been explored and assisted living facility, adult family care home or mental health residential treatment facility is the most appropriate placement.

(e) For each criterion above, the individual must require Optional State Supplementation assistance to pay for placement or provide for their personal needs.

(f) When it is necessary to implement the placement criteria above due to insufficient funding, the processing time standards in 65A-2.023 are applicable. The department shall notify the individual and the operator of the special living arrangement facility of the eligibility decision and that there are no funds available to provide for payment of OSS benefits. The department shall notify the individual and the operator of the special living arrangement facility when funding becomes available. However, failure to mail the notice to the operator is not grievable under Chapter 120, F.S., or Chapter 65-2, F.A.C.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Amended 9-29-81, 10-31-83, Formerly 10C-2.32, Amended 9-30-86, Formerly 10C-2.032, Amended _____.

65A-2.033 Optional State Supplementation Coverage Groups Eligibility Factors Other Than Need.

To be determined eligible for Optional State Supplementation (OSS), an individual must qualify under one of the following coverage groups:

(1) An individual must be eligible for and receiving a check from the Supplemental Security Income Program administered by the Social Security Administration. The department accepts receipt of SSI as meeting all factors of Optional State Supplementation eligibility criteria in 65A-2.032, except age and appropriate placement as specified in 65A-2.032(8), which must be verified by department staff. A person meeting general eligibility criteria must be certified as eligible for placement in Room and Board with Personal Care or Foster Care for Adults, or other Special Living Arrangements. Eligibility is based on medical and social evaluations in accordance with approved departmental policies relating to the Community Care Program, as found in Chapter 10A-4, Specialized Adult Services, F.A.C.

(2) An individual must have been eligible for and receiving SSI and OSS payment on or after June 1981; must have been entitled to monthly Title II Social Security benefits; and, except for an increase in the Title II Social Security benefits, would have remained eligible for SSI benefits for the current month. This protected Optional State Supplementation coverage allows former SSI recipients to continue to receive Optional State Supplementation benefits when their SSI benefits were terminated due to increases in their Social Security benefits. These individuals may have income over the department's income standard as stated in rule 65A-2.036. For the purpose of meeting OSS placement criteria, mental health residential treatment facilities licensed under Chapter 394.875(2), F.S., will be considered as living in a special living arrangement.

(3) An individual must meet all SSI and OSS eligibility criteria, except for the amount of their income which must be equal to or less than the Optional State Supplementation income standard established by the department. These individuals must meet eligibility criteria in section 65A-2.032. The following placement criteria used when funds are insufficient to meet the placement needs. Applicants requesting placement must be evaluated according to the following criterion with the first criteria being the highest priority.

(a) The applicant must be in imminent danger of abuse, neglect or exploitation and all other placement alternatives and resources have been explored;

(b) The applicant must be at risk of institutionalization within 90 days and all other placement alternatives and resources have been explored;

(c) The applicant is institutionalized and is discharge ready and all other placement alternatives and resources have been explored;

(d) All other placement alternatives have been explored and Adult Congregate Living Facility, Mental Health Residential Treatment Facility or Adult Foster Home Placement is the only appropriate placement and the receipt of Optional State Supplementation is a prerequisite for placement.

(4) The individual must have been eligible for and receiving Aid to the Aged, Blind or Disabled (AABD) from the state as of December 1973. This protected population did not qualify for the same level of benefits under SSI in 1974. For this coverage group, the special living facility criteria at rule 65A-2.032 does not apply.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Formerly 10C-2.33, Amended 9-30-86, 2-9-88, Formerly 10C-2.033, Amended _____.

65A-2.034 Definitions of Special Living Arrangements.

Specific Authority 409.212(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Formerly 10C-2.34, Amended 9-30-86, 2-9-88, Formerly 10C-2.034, Repealed _____.

65A-2.035 Income Calculation Eligibility Factors of Need.

(1) An individual person eligible for Optional State Supplementation must not have gross monthly income, with the following exclusions, in excess of ~~dDepartmental~~ sStandards, as found in s. 65A-2.036(3)(4), F.A.C.

(a) Gross income, less the earned income exclusion and other federal exclusions to individual's income, is computed on a monthly basis and considered in determining the amount of an individual's Optional State Supplementation eligibility Payment.

(b) An earned income exclusion of \$65 plus one-half of the remaining earned income is applied in cases where the individual has earned income.

~~(b) A person may receive additional supplementation from third parties to contribute to his cost of care. The payments shall be made to the adult congregate living facility, or to the operator of an adult foster home, family placement, or other special living arrangement, on behalf of the person and not directly to the Optional State Supplementation recipient. The additional supplementation shall not exceed two times the provider rate recognized under the Optional State Supplementation program. Contributions meeting these qualifications will be excluded as income.~~

~~(c) Refer to Chapter 409.212(4) and (5), F.S., for additional exclusions. Rent vouchers issued pursuant to a federal, state, or local housing program may be issued directly to a recipient of Optional State Supplementation. Rent vouchers will be excluded as income.~~

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Amended 9-29-82, Formerly 10C-2.35, Amended 1-27-91, Formerly 10C-2.035, Amended _____.

65A-2.036 Amount of Optional State Supplementation Payments Base Provider Rates and Program Standards.

(1) Within the funds appropriated by the Legislature, the department will establish base provider rates for specialized living arrangements (the amount the individual is to pay the facility). Base provider rates may vary depending upon type of specialized living facility and covered services in such

facilities. Living Arrangement, plus a personal need allowance, less the individual's gross income, minus the earned income exclusion, equals the amount of the Optional State Supplementation Payment rounded down to the nearest whole dollar. Payment for the month of admission shall be prorated if the month of admission is the month of application or later. For months other than the month of admission, payment begins the first day of the month. The payment is issued monthly through a computerized delivery system. Reference 65A-2.036(3) below. The cost of care standard established for OSS applicants and recipients residing in Adult Congregate Living Facilities will be utilized for OSS applicants and recipients residing in Mental Health Residential Treatment Facilities.

(2) Within the funds appropriated by the Legislature, OSS eligible individuals receive a standard personal needs allowance (PNA) (the amount the individual keeps for personal needs). The PNA is established by Legislative proviso language. The individual's PNA does not vary due to type of specialized living facility and covered services in such facilities. The Optional State Supplementation payment is, in fact, a supplement to all other sources of income, excepting the exclusions found in 65A-2.035, to meet the recognized cost of care in special living arrangements. The department shall not increase an Optional State Supplementation payment to offset the reduction in Supplemental Security Income benefits that will occur because of third party contributions.

(3) Optional State Supplementation (OSS) Program Financial Standards.

(a) The monthly income eligibility standard is \$608.40 for residents of assisted living facilities Personal Need Standard—\$43.

(b) The monthly income eligibility standard is \$715 for residents of all other specialized living arrangements and for individuals protected under 65A-2.033(4) Maximum Provider Rate (cost of care)—a standard of \$622 per month.

(c) The personal needs allowance (PNA) is \$54 Monthly Income Standard—\$622.

(4) Optional State Supplementation (OSS) Base Provider Rates.

(a) For Assisted Living Facilities (ALF), the base provider rate is inclusive of room and board only.

1. For OSS eligible individuals, the base (ALF) provider rate is \$554.40.

2. For individuals eligible for OSS, the assisted living facility may receive payment for the personal care provided by billing Medicaid for assistive care services. To receive such payments the individual must be Medicaid eligible and the assisted living facility must be enrolled as a Medicaid provider.

(b) For all special living arrangements other than assisted living facilities and for the individuals protected under 65A-2.033(4), the provider rate is inclusive of room, board and personal care. The base provider rate is \$715.

(5) To calculate the amount of the Optional State Supplementation payment, the base provider rate is added to the standard personal needs allowance to determine the individual's total needs. From this sum, the individual's gross income, minus the allowable exclusions at 65A-2.035, is subtracted to give the amount of the Optional State Supplementation payment.

(6) Payment for the month of admission to the special living arrangement shall be prorated if the month of admission is the month of application or later. For months other than the month of admission, payment begins the first day of the month.

(7) When it is necessary to implement the criteria in 65A-2.032(9) due to limited funding, payment begins the first day of the month in which all eligibility criteria have been met and the department's staff certify that funding for the individual is available.

(8) The monthly income eligibility standard established at 65A-2.036(3)(a) and the base provider rates established at 65A-2.036(4) shall be increased by the annual cost-of-living adjustment to the federal benefit rate provided the average state optional supplementation contribution does not increase as a result.

(9) The payment is issued monthly through an automated delivery system.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Amended 9-27-79, 10-7-80, 9-29-81, 9-29-82, 10-31-83, 11-28-83, 9-30-84, 10-1-85, Formerly 10C-2.36, Amended 1-1-87, 2-9-88, 11-6-88, 2-16-89, 3-1-90, 1-27-91, 2-19-95, Formerly 10C-2.036, Amended 1-27-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rodney McInnis, Management Review Specialist
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Audrey Mitchell, Program
Administrator, Public Assistance Policy Bureau
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 1, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 1, 2000

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
4A-37.036	Determination of Moral Character
4A-37.037	Firefighter Training Course Medical Examination
4A-37.0527	Retention of Certification
4A-37.056	Specifications for Certifiable Training

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule(s), as noticed in Vol. 26, No. 12, March 24, 2000, of the Florida Administrative Weekly, have been withdrawn.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
20-61	Maturity Tests – Processed Citrus
RULE NO.:	RULE TITLE:
20-61.003	Sampling Equipment

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 26, No. 37, September 15, 2000, issue of the Florida Administrative Weekly.

20-61.003 Sampling Equipment.

(1) Each processing plant shall install mechanical sample selectors, as per drawings and specifications on file at the Department of Citrus office, at unloading ramps immediately after grading. Effective November 1, 2005, statewide standardized sampling equipment will be required. By that date each processing plants shall have installed a Flip-Gate style mechanical sample selector system, as per specifications on file at the Department of Citrus headquarters and incorporated herein by reference. Such specifications shall be adhered to upon the installation of new Flip-Gate samplers systems and during the operation and maintenance of existing Flip-Gate samplers systems. No alterations or modifications shall be made on the sample system without the prior knowledge and consent of the Division of Fruit and Vegetables, and such system, under the supervision of the Technical Bureau of that Division, shall be maintained by the plant to deliver, directly into the state test lab, a representative sample from each load of fruit received at the approximate rate of one fruit for each ten boxes. All troughs, chutes, conveyors, and belts used for mechanically collecting and transporting samples shall be so enclosed as to make the sample inaccessible prior to point of delivery into the state test lab.

(2) Official juice analysis tests for determining pounds solids will be made only on fruit collected by such a sampling device, except as otherwise provided in this rule, or when, in the opinion of the Division of Fruit and Vegetables, such sampling is impractical or the inspector deems further sampling and testing is necessary to prevent the utilization of immature fruit.

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

PUBLIC SERVICE COMMISSION

DOCKET NO.: 980253-TX