

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

**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

<b>RULE CHAPTER TITLE:</b>	<b>RULE CHAPTER NO.:</b>
Firefighter Standards and Training	4A-37
<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Qualification of New Employee	4A-37.0335
Determination of Moral Character	4A-37.036
Firefighter Training Course Medical Examination	4A-37.037
Non-Use of Tobacco	4A-37.0371
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Cheating	4A-37.063
Florida State Fire College	4A-37.064
Programs of Study and Vocational Courses	4A-37.065

**PURPOSE AND EFFECT:** The changes have the following purposes and effects: Update, adopt, and repeal forms; Update, adopt, and repeal NFPA and other standards; Streamline and update requirements for taking courses and examinations in conjunction with the Florida State Fire College to make them more easily accessible by the public; Make technical changes updating outdated words and phrases; Repeal unnecessary and/or outdated rule sections, subsections, and paragraphs; Update Florida State Fire College Curricula, courses, courses of study, and programs of study; Change “Minimum Standards Course” to “Firefighter I and Firefighter II courses; Update Instructor requirements and eligibility, and provide for use of field experts; Update facility requirements for certified training centers to allow modern construction techniques and materials; Provide specificity for certificates of competencies in several areas.

**SUBJECT AREAS TO BE ADDRESSED:** Florida State Fire College forms; NFPA and other Standards; Florida State Fire College courses and examinations; repeal of outdated rules and

standards; Florida State Fire college curricula, courses of study, and programs of study; the creation of the Firefighter I and Firefighter II courses from the former Minimum Standards Course; Florida State Fire College instructor requirements and eligibility; use of field experts at the Florida State Fire College; facility requirements for certified training centers to allow modern construction techniques and materials; Florida State Fire College specificity for certificates of competence.

**SPECIFIC AUTHORITY:** 633.45(2) FS.  
**LAW IMPLEMENTED:** 633.35(2), 633.38, 633.382, 633.45(1) FS.

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

**TIME AND DATE:** 10:00 a.m., May 17, 2001  
**PLACE:** Main Auditorium, Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, Florida 34482

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Randall Napoli, Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486, Phone (352)732-1330, Fax (352)732-1374

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop, please advise the Department at least 5 calendar days before the program by contacting Angie Cain, (352)732-1330.

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

4A-37.0335 Qualification of New Employee.

(1) Any person applying for employment as a firefighter must meet all the requirements of Section 633.34, Florida Statutes.

(2) Upon the employment of a firefighter, the employing agency shall forward to the Bureau of Fire Standards and Training a completed Form ~~DI4-1032 FST-1A~~ entitled “Notice of Employment” which evidences that the new employee is certified as a firefighter and has met the requirements necessary to maintain ~~the such~~ certification as specified in Section 633.35(3), Florida Statutes. This form shall be forwarded within ~~ten (10) business working~~ days after the first day of employment. Form ~~DI4-1032 FST-1A~~ is incorporated by reference in Rule 4A-37.039(2) and can be obtained where indicated in ~~Rule~~ 4A-37.039(1).

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35(2), 633.45(2)(i) FS. History–New 6-30-91, Amended 3-20-95,\_\_\_\_\_.

4A-37.036 Determination of Moral Character.

(1) Applicants for a certificate of compliance as a firefighter shall submit a completed fingerprint card with current processing fee. When Firefighter I and Firefighter II training are to occur contiguously this submission should occur at the beginning of the Firefighter I training. In any other situation the submission is required prior to entry into Firefighter II training. Determination of good moral character is required prior to certification as a firefighter pursuant to Sections 633.34(4) and 633.35(2), Florida Statutes.

(2) No change.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.34(4), 633.35(2), 633.45(2)(i) FS. History—New 6-30-91, Amended 3-20-95, \_\_\_\_\_.

4A-37.037 Firefighter Training Course Medical Examination.

(1) Pursuant to Section 633.34(5), Florida Statutes, an individual shall submit to the division a medical examination evidencing good physical condition in order to gain admission into a firefighter training program. A medical examination evidencing good physical condition shall be submitted to the division, on form DI4-1022, before an individual is admitted into a firefighter training program as defined in Section 633.35, Florida Statutes. When Firefighter I and Firefighter II training are to occur contiguously this submission is to occur at the beginning of the Firefighter I training. When Firefighter I and Firefighter II training are taken as separate modules the requirement for submission is for the Firefighter II module. Firefighter I as a stand alone module does not require a medical examination.

(2) The medical examination shall be given by a physician or surgeon licensed to practice in the State of Florida pursuant to Chapter 458, Florida Statutes, or an osteopathic physician or surgeon licensed to practice in the State of Florida pursuant to Chapter 459, Florida Statutes. An individual shall receive this examination within the 6 six months period prior to from the date the application for firefighter certification is received by the Bureau of Fire Standards and Training.

(3) The results of the medical examination shall be reported to the Bureau of Fire Standards and Training on completed Form DI4-1022 FST-2 entitled "Medical Examination." These results will be reported by the Certified Training Center delivering the training within 5 business days of the beginning of a firefighter training program as defined in Section 633.35, Florida Statutes, and in paragraph (1) above. An individual shall not participate in the certification examination for compliance unless a completed Form DI4-1022 is on file with the Bureau of Fire Standards and Training.

(4) Form DI4-1022 FST-2 is incorporated by reference in Rule 4A-37.039(2), and can be obtained where indicated in Rule 4A-37.039(1).

Specific Authority 633.45(2)(a) FS. Law Implemented 633.34(5) FS. History—New 9-7-81, Formerly 4A-37.05, 4A-37.37, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, \_\_\_\_\_.

4A-37.0371 Non-Use of Tobacco.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35(2) FS. History—New 1-3-90, Amended 6-30-91, 3-20-95, Repealed \_\_\_\_\_.

4A-37.0385 Termination of Employee.

Upon the termination of employment of a firefighter, the employing agency shall forward to the Bureau of Fire Standards and Training Florida State Fire College a completed Form DI4-1033 FST-3, entitled "Notice of Termination." This form shall be forwarded within ~~ten (10)~~ business working days after date of termination. Form DI4-1033 FST-3 is incorporated by reference in Rule 4A-37.039(2), and can be obtained where indicated in Rule 4A-37.039(1).

Specific Authority 633.45(2)(a) FS. Law Implemented 633.45(2)(i) FS. History—New 6-30-91, Amended 3-20-95, \_\_\_\_\_.

4A-37.039 Prescribed Forms for Training and Certification.

(1) Information required by the Bureau of Fire Standards and Training in this ~~rule~~ chapter shall is to be furnished on prescribed forms as set out specifically in these rules. The Copies of the forms identified in and required by this chapter in Part III or elsewhere in these rules are incorporated herein. The Additional copies of the forms for duplication purposes can be obtained:

(a) From fire departments Fire Departments or training centers Training Centers, or

(b) By writing to the Bureau of Fire Standards and Training, 11655 North West Gainesville Road, Ocala, Florida 34482-1486, or

(c) By downloading them from the fire college website at www.fsfc.ufl.edu.

(2) The following forms are hereby adopted and incorporated by reference in this rule:

(a) DI4-1016 rev. 08/00 (formerly FST-1) form effective 9-98, entitled "Application for Certification as a Firefighter;"

(b) DI4-1019 - rev. 7/00, "Fee Information and Application and Fingerprint Card Instructions";

(c) DI4-1020 rev. 03/00 ~~DI4A-41 form effective 8-90,~~ entitled "Personal Inquiry Waiver;"

(d)~~(b)~~ DI4-1022 rev. 08/98, (formerly FST-2) form effective 6-91 entitled "Medical Examination;"

(e) DI4-1026 rev. 08/00, "Roster of Students";

(f) DI4-1028 rev. 08/00, "Verification of Training Hours";

~~(d) FST 50 form effective 10-90 entitled "Tobacco Affidavit,"~~

(g)~~(e)~~ DI4-1032 rev. 10/00 (formerly FST-1A) form effective 10-90 entitled "Notice of Employment as a Firefighter;"

(i)(f) DI4-1033 rev. 10/00 (formerly FST-3) form effective 10-90 entitled "Notice of Termination as a Firefighter";

(j)(g) DI4-1308 rev. 8/96 (formerly FST-1C) "Application for Practical Examination for Retention of Firefighter Certification";

(k) DI4-1309 rev. 10/00 "Preliminary Equivalency Application Firefighter Minimum Curriculum Requirements";

(l) DI4-1380 rev. 3/00 "Firefighter I Training Record";

(m) DI4-1381 rev. 10/00 "Application Reactivation Form";

(n) DI4-1390 rev. 5/00 "Application for Special Certificate of Compliance for Administrative & Command Head of a Fire/Rescue/Emergency Services Organization";

(o) DI4-1438 rev. 01/01 "Application for Fire Investigator I Certification Examination";

(p) DI4-1439 rev. 01/01 "Application for Fire Investigator II Certification Examination";

(q) DI4-1440 rev. 01/01 "Florida State Fire College that have been Approved for Renewal Hours";

(r) DI4-1441 rev. 01/01 "National Fire Academy Courses that have been Approved for Renewal Hours";

(s) DI4-1442 new 01/01 "Firefighters Supplemental Compensation Program Request for Upgrade from Associate Level to Bachelor Level";

(t) DI4-1443 new 01/01 "Acceptance to Apply for the Firefighter Equivalency Examination";

(u) DI4-1444 rev. 01/01 "2001 Firefighter One Testing Schedule";

(v) DI4-1445 new 01/01 "Firefighter One Equivalency Examination Application";

(w) DI4-1446 new 01/01 "Application for Firesafety Inspector II Certification Examination";

(x) DI4-1447 new 01/01 "Application for Fire Officer One Certification Examination";

(y) DI4-1448 new 01/01 "Application for Fire Officer Two Certification Examination";

(z) DI4-1449 rev. 01/01 "Firefighter Minimum Standards Grade Release Roster";

(aa) DI4-1450 new 01/01 "Important Information About Retesting and Certification Renewal";

(bb) DI4-1451 new 01/01 "Application for Instructor I Certification";

(cc) DI4-1452 new 01/01 "Application for Instructor II Certification";

(dd) DI4-1453 new 01/01 "Application for Instructor III Certification";

(ee) DI4-1454 new 01/01 "Instructor Certification Requirements";

(ff) DI4-1455 new 01/01 "Application for Single Course Exemption Instructor Certification";

(gg) DI4-1456 new 01/01 "Application for Fire and Lifesafety Educator Certification Examination";

(hh) DI4-1457 new 01/01 "Application for Fire Apparatus Pump Operator Certification Examination";

(ii) DI4-1458 new 01/01 "Firefighter Minimum Standards Skills Refresher Course";

(jj) DI4-1459 rev. 01/01 "Application for Special Firesafety Inspector Certification Examination";

(kk) DI4-1460 rev. 01/01 "Certified Firefighter Training Center List";

(ll) DI4-1461 rev. 01/01 (formerly FST-60) "Training Affidavit";

(mm) DI4-1462 new 01/01 "Testing Schedule 2001"; and

(nn) DI4-1463 rev. 01/01 "Certification Renewal Application".

Specific Authority 633.45(2)(a) FS. Law Implemented 633.101(1), 633.34, 633.35, 633.38, 633.45 FS. History--New 9-7-81, Formerly 4A-37.20, 4A-37.39, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, 9-13-98, \_\_\_\_\_.

#### 4A-37.050 Types of Training Certificates Issued.

(1) Certificate of Compliance. This certificate is issued to any person satisfactorily complying with the training program and standards required to be established by Section 633.35(1), Florida Statutes, and the qualifications for employment set forth in Section 633.34, except subsection 633.34(5), Florida Statutes, as provided in subsection 633.35(2) or 633.35(3), Florida Statutes, and these rules.

(2) Certificate of Competency. This certificate is issued to any person who successfully completes and meets the prescribed curriculum and standards for advanced and specialized training courses established by the provisions of Section 633.38(1)(a), Florida Statutes.

(3) Certificate of Instruction. This certificate is issued to any person who successfully completes any course of instruction provided by the Division of State Fire Marshal through the Bureau of Fire Standards and Training.

(4) Forestry Certificate of Compliance. This certificate is issued to any person satisfactorily complying with the training program and standards required by Section 633.35(5), Florida Statutes, and these rules.

(5) Special Certificate of Compliance. This certificate is issued to administrative heads of organizations who satisfactorily complete the requirements of Section 633.35(3), Florida Statutes, and these rules.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.34, 633.35(1),(2),(3),(5), 633.45(1)(c) FS. History--New 9-7-81, Formerly 4A-37.13, 4A-37.50, Amended 11-26-85, 1-3-90, 3-20-95, \_\_\_\_\_.

#### 4A-37.0515 Upgrading Certificates or Letters of Completion.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35, 633.45(2)(i) FS. History--New 6-30-91, Amended 3-20-95, Repealed \_\_\_\_\_.

#### 4A-37.0527 Retention of Certification.

(1) The retake of the state certification examination for retention of certificate shall be known as the retention examination and is referenced in Section 633.352, Florida

Statutes. Being active as a volunteer firefighter with an organized fire department means the individual has been actively involved for a continuous period of time of not less than 6 months during the 3 year period since certified or the certification was last renewed, or since termination from a fire department. Verification of being active shall be evidenced by documentation from the chief or ranking person of the volunteer fire department.

(2) To be eligible to participate in the examination, an individual shall submit to the Bureau of Fire Standards and Training Form DI4-1308 Application for Practical Examination for Retention of Firefighter Certification, which is adopted in Rule 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), which shall include a medical examination evidencing good physical condition. The medical examination shall be given by a physician or surgeon licensed to practice in the State of Florida pursuant to Chapter 458, Florida Statutes, or by an osteopathic physician or surgeon licensed to practice in the State of Florida pursuant to Chapter 459, Florida Statutes. An individual shall receive this examination within the 6 month period prior to the date the application for testing is received by the Bureau of Fire Standards and Training. The results of the medical examination shall be reported to the Bureau of Fire Standards and Training on completed Form DI4-1022, Medical Examination, which is incorporated by reference in 4A-37.039(2), and can be obtained where indicated in 4A-37.039(1). An individual shall not participate in the practical examination unless a completed Form DI4-1022 is on file with the Bureau of Fire Standards and Training.

(3) Submit a fingerprint card to the Bureau of Fire Standards and Training with the current processing fee. The fingerprint card will be forwarded to the Florida Department of Law Enforcement and/or the Federal Bureau of Investigation.

(4) The Bureau will schedule the date and time for all examinations.

(5) Each Individual will be required to wear N.F.P.A. approved helmet, fire coat, bunker pants, boots, protective hood, and gloves.

(6) Any Individual who does not obtain a passing score of 70% or more on the retention examination will be permitted one re-take examination. The retake must occur within 6 months of the original examination.

(7) Failure of the re-take examination will result in the individual's having to successfully complete Firefighter I and II training as defined in 4A-37.055 before any additional testing can occur.

Specific Authority 633.38(1)(a), 633.45(2)(a) FS. Law Implemented 633.35, 633.38, 633.45 FS. History—New

4A-37.054 Out of State Training – Certificate of Compliance; Special Certificate of Compliance.

(1) CERTIFICATE OF COMPLIANCE.

(a) The Bureau of Fire Standards and Training shall issue a certificate of compliance Certificate of Compliance to any person who successfully passes the written and practical examination as required by provided for in Rule 4A-37.056. This examination is given during February, May, September, and November on the fourth Monday and Tuesday of January, April, July and October and is administered only at the Florida State Fire College in Lowell.

(b)1.(2) To qualify to take the examination for the certificate of compliance, the individual must submit:

a.(a) A completed Form DI4-1016 FST-1 entitled "Application for Certification as a Firefighter," Form FST-1 which is incorporated by reference in Rule 4A-37.039(2), and can be obtained where indicated in Rule 4A-37.039(1).

b.(b) A completed Form DI4-1309 "Equivalency Examination Preliminary Application," which is incorporated by reference in Rule 4A-37.039(2), and can be obtained where indicated in Rule 4A-37.039(1). ~~Submit documentation proving that the individual has received basic employment training for firefighters equivalent to that required in the Minimum Standards Course as outlined in Rule 4A-37.055(2),~~

c.(c) A copy of a medical examination taken within six (6) months from the date the application for certification was received by the Bureau of Fire Standards and Training, with the results of the examination indicated on a completed Form DI4-1022 FST-2 entitled "Medical Examination," Form FST-2 which is incorporated by reference in Rule 4A-37.039, and can be obtained where indicated in Rule 4A-37.039(1).

d.(d) A copy of high school diploma or its equivalent.

e.(e) The required fingerprint card, fingerprint card processing fee, and application fee.

f.(f) A completed Form DI4-1020 DI4A-41, entitled "Personal Inquiry Waiver," which is incorporated by reference in Rule 4A-37.039(2), and can be obtained where indicated in Rule 4A-37.039(1).

~~(g) Submit a completed Form FST-50 entitled "Tobacco Affidavit," which is incorporated by reference in Rule 4A-37.039.~~

2.(h) In order for a person to be eligible to be tested, required paperwork must be received by the Bureau of Fire Standards and Training not less than 10 business thirty (30) days prior to the scheduled examination date for review, verification, and approval.

(c) The individual is eligible to receive a certificate of compliance if he or she:

1.(3) If the individual Passes the examination; and

2. Meets the other requirements of Section 633.35(2), Florida Statutes, and

3. Submits provided the required forms required by as prescribed in these rules are submitted, the individual is eligible to receive a Certificate of Compliance.

(d) Only one ~~(4)~~ retake of the examination is permitted ~~will be allowed~~ and must be taken within ~~six (6)~~ months of the initial examination date.

(e) The individual must be pre-registered not less than 10 business ~~thirty (30)~~ days prior to the date of the examination.

(f) Failing the retake examination within the  ~~aforementioned 6 six-~~ month time period will result in the individual's having to complete both the Firefighter I and Firefighter II training Minimum Standards Course before any additional testing can occur.

(2) SPECIAL CERTIFICATE OF COMPLIANCE.

(a) The Bureau of Fire Standards and Training ~~shall may~~ issue a special certificate of compliance ~~Special Certificate of Compliance~~ to an individual from another state who provides proof of employment as the Administrative and Command Head of the fire/rescue/emergency services organization of an employing agency as defined in Section 633.30, Florida Statutes, F.S. and who meets all the requirements of this subsection. The Administrative and Command Head of a fire/rescue/emergency services organization is permitted to ~~may~~ hold the title of director, fire chief, Director, Fire Chief, or other title. This individual is permitted to ~~may~~ respond to emergency incidents with ultimate onsite management, command, and supervisory authority over employees engaged in operations involving fire, hazardous materials, building collapse, confined space rescue, and other emergency operations.

(b) Any person making application for a special certificate of compliance as the designated ~~for the~~ Administrative and Command Head of an organization must meet all ~~of~~ the requirements of this subsection, as well as including successfully the successful passing of the written examination and submitting the submission of all the documents and meeting all the requirements of this subsection (2), with the exception of the completion of the practical portion of the examination required in this section herein. The Additionally, that applicant person shall also must;

1. Successfully successfully pass the Certificate of Competence examination for Fire Officer I as administered by the Bureau of Fire Standards and Training; and

2. Attend must attend a ~~six (6)~~ hour seminar as determined by the Bureau of Fire Standards and Training outlining:

a. Chapter 633, Florida Statutes F.S., "Fire Prevention and Control" and the applicable rules;

b. Chapter 447, Florida Statutes F.S., "Labor Organizations", and the applicable rules; ~~and Chapter 442, F.S., "Occupational Safety and Health", and the applicable rules.~~

3. Submit a completed Form DI4-1016 "Application for Certification as a Firefighter," which is incorporated by reference in Rule 4A-37.039(2), and can be obtained where indicated in 4A-37.039(1).

4. Submit a completed Form DI4-1309 "Equivalency Examination Preliminary Application," which is incorporated by reference in Rule 4A-37.039(2), and can be obtained where indicated in 4A-37.039(1).

5. Submit a copy of a medical examination taken within 6 months from the date the application for certification was received by the Bureau of Fire Standards and Training, with the results of the examination indicated on a completed Form DI4-1022 "Medical Examination," which is incorporated by reference in 4A-37.039.

6. Submit a copy of the applicant's high school diploma or its equivalent.

7. Submit the required fingerprint card, fingerprint card processing fee, and application fee.

8. Submit a completed Form DI4-1020, "Personal Inquiry Waiver," which is incorporated by reference in 4A-37.039(2), and can be obtained where indicated in 4A-37.039(1).

9. Submit a completed Form DI4-1390 "Application for Special Certificate of Compliance for Administrative & Command Head of a Fire/Rescue/Emergency Services Organization," which is incorporated by reference in 4A-37.039(2), and can be obtained where indicated in 4A-37.039(1).

(c) The special certificate of compliance ~~Special Certificate of Compliance~~ will be assigned a registration number identifying the holder as the Administrative and Command Head of the organization.

(d) The special certificate of compliance ~~Special Certificate of Compliance~~ is permitted to ~~may~~ be transferred with the Administrative and Command Head to another fire/rescue/emergency services organization if a comparable position is held by the special certificate ~~Special Certificate~~ holder with the new organization.

(e) The special certificate of compliance ~~Special Certificate of Compliance~~ shall be revoked upon the termination of the holder of the special certificate of compliance as the Administrative and Command Head of a fire/rescue/emergency services organization.

(f) Should the holder thereafter hold a position in any firefighter capacity other than Administrative and Command Head, the requirements of this section as they pertain to firefighters shall apply.

(g) This special certificate is optional and the individual is permitted to ~~may~~ choose to obtain the certificate of compliance ~~Certificate of Compliance~~ for firefighters as provided in this rule.

(h) Only one retake of the examination is permitted and must be taken within 6 months of the initial examination date.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.45(1)(a) FS. History—New 9-7-81, Formerly 4A-37.10, 4A-37.55, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95,\_\_\_\_\_.

4A-37.055 Minimum Curriculum Requirements for Training Firefighter Recruits or Firefighters.

(1) The minimum firefighter training embodied in the curriculum requirements for schools operated by or for any employing agency for the specific purpose of training firefighter recruits or firefighters shall consist of 160 hours of training to complete Firefighter I training and an additional 200 hours to complete Firefighter II training. Completion of both Firefighter I and Firefighter II represents the required 360 hours basic firemanship courses and shall be referred to collectively hereinafter as the "Minimum Standards Course." The individual courses shall have the titles, content, and at least the minimum hours of instruction as prescribed by the Bureau of Fire Standards and Training ~~and as listed below~~ in this rule. The completion of the ~~Form FST-5~~ DI4-1028 form entitled "Verification of Prescribed Training Hours" ~~evidencing shall evidence~~ compliance with minimum curriculum requirements ~~shall and the form is to~~ be presented to the Bureau of Fire Standards and Training Field Representative prior to the state certification examination for Firefighter II. Form DI4-1028 FST-5 is incorporated by reference in Rule 4A-37.039(2), and can be obtained where indicated in Rule 4A-37.039(1). The school or employing agency is permitted to may, and is encouraged to, offer additional training above that training required by stipulated in this chapter for firefighter recruit training.

(2)(a) Firefighter I Certification shall be obtained by successful completion of the required course work identified in this section. These courses shall be delivered by an Instructor approved by the Bureau of Fire Standards and Training and a score of 70% or more must be obtained on a written state examination delivered by the Bureau of Fire Standards and Training. These courses need not be delivered at a State Certified Training Center.

(b) Each applicant shall submit a completed Form DI4-1380 "Firefighter I Training Record," which is incorporated by reference in Rule 4A-37.039(2), and can be obtained where indicated in Rule 4A-37.039(1).

(3) Applicants failing the Firefighter I examination are permitted to retake the examination within a 6 month period. Retakes after that 6 month period require a new application for testing to be submitted to the Bureau of Fire Standards and Training.

(4)(a) Persons certified at the Firefighter I level are permitted to proceed directly into Firefighter II Training at a State Certified Training Center as openings are available.

(b) Firefighter I certified persons shall enter Firefighter II training at a State Certified Training Center within:

1. 1 year of certification at the Firefighter I level, or
2. 3 years of certification as a Firefighter I, if verifiable and continuous affiliation as a volunteer firefighter with an organized fire department is maintained.

(c) Failure to enter Firefighter II Training within the time frames specified in paragraph (b) shall result in such applicant being required to complete the Firefighter I training program again prior to entry into the Firefighter II program.

(5) Entry into the Firefighter II training program at any State Certified Training Center shall require the applicant to demonstrate proficiency in Firefighter I knowledge and tasks to the satisfaction of the Training Center unless the Firefighter I and Firefighter II Training are taking place contiguously or consecutively at the same training center as a single course of instruction.

(6) Firefighter I:

(a) ~~1.~~(1) Orientation, Apparatus and Equipment (6 1/2 hours lecture, 4 hours drill): The following elements shall be included in this section of training:

- a. Introduction;
- b. Florida Fire Chiefs Disaster Response Plan;
- c. Outline of training program;
- d. Student duties and responsibilities;
- e. Testing procedures;
- f. Familiarization with training facilities;
- g. Responsibilities of the training;
- h. Purpose and objectives of fire service;
- i. Fire department organizational structure;
- j. The firefighter's responsibilities in the community;
- k. History of the fire service;
- l. Higher education in the fire service;
- m. Study habits;
- n. Personnel policies of the school;
- o. Fire department terminology;
- p. Emergency driving;
- q. Objectives for Firefighter I and II in the NFPA Standard 1001, "Fire Fighter Professional Qualifications" 1997 1992 edition;
- r. NFPA 1582, "Standard on Medical Requirements for Fire Fighters," 1997 1992 edition;
- s. Rule Chapter 4A-37, Florida Administrative Code;
- t. Florida State Statutes, Sections 633.30, 633.34 through 633.353.

2. NFPA Standard 1001, "Fire Fighter Professional Qualifications", 1997 1992 edition, and NFPA 1582, "Standard on Medical Requirements for Fire Fighters", 1997 1992 edition, are hereby adopted and incorporated by reference. Copies of the NFPA publications can be obtained from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

(b) ~~2.~~(2) Fire Behavior (3 1/2 8 hours lecture): The following elements shall be included in this section of training:

1. Principles of combustion and chemistry of fire;
2. Classes of fire and characteristics of combustibles;
3. Principles of fire control.

~~(c)(3)~~ Portable Extinguishers (~~2 1/2~~ 3 hours lecture, ~~1 hour~~ 2 hours drill): The following elements shall be included in this section of training:

1. Types and classes;
2. Extinguishing agents;
3. Demonstrations and student drills.

~~(d)(4)~~ Personal Protective Equipment (~~7~~ 6 hours lecture, ~~3~~ 8 hours drill): The following elements shall be included in this section of training:

1. Types, use and care of firefighter protective clothing and equipment;
2. Types of protective breathing apparatus;
3. Limitations of each;
4. Practice drills and exercises.

~~(e)(5)~~ Ropes and Knots (~~4~~ 2 hours lecture, ~~2~~ 8 hours drill): The following elements shall be included in this section of training:

1. Rope construction, care and inspection;
2. Life safety rope;
3. Utility rope;
4. Bends, hitches and knots;
5. Methods of lashing; and
6. Hoisting tools and equipment.

~~(f)(6)~~ Water Supply (~~3~~ 2 hours lecture, ~~2~~ hours drill): The following elements shall be included in this section of training:

1. Components of municipal water supply systems and rural water supply operations;
2. Fire hydrants.

~~(g)(7)~~ Ladders (4 1/2 hours lecture, ~~3~~ 46 hours drill): The following elements shall be included in this section of training:

1. Parts, types, construction, maintenance, and testing of fire service ground ladders;
2. Pumper fire apparatus extension, roof and folding ladders;
3. Handling, carrying and raising of ground ladders;
4. ~~Aerial apparatus~~; Climbing and operating from ladders.

~~(h)(8)~~ Hose (~~7~~ 6 hours lecture, ~~3~~ 36 hours drill): The following elements shall be included in this section of training:

1. Size, construction, care and testing of hose;
2. Couplings, appliances and tools;
3. Hose lays and procedures;
4. Hose loads;
5. Hose rolls;
6. Hose load finishes;
7. Hose evolutions.

~~(i)(9)~~ Water Fire Streams (~~3 1/2~~ 40 hours lecture, ~~2~~ 8 hours drill): The following elements shall be included in this section of training:

1. Extinguishing properties of water;
2. Types and size of fire streams;
3. Nozzles;

4. Introduction to hydraulics; ~~foams~~;

5. Fire stream evolutions.

~~(j)(10)~~ Fire Control (~~5~~ 40 hours lecture, ~~3~~ 24 hours drill): The following elements shall be included in this section of training:

1. Fire suppression techniques for Class A through D fires;
2. Fire company tactics for:
  - a. Single-family dwellings,
  - b. High-rise structures,
  - c. Basement, vehicle, trash, rubbish and wildland fires;
3. Fires and emergencies in confined enclosures;
4. Fire suppression evolutions.

~~(k)(11)~~ Automatic Sprinkler Systems (~~2~~ 4 hours lecture): The following elements shall be included in this section of training:

1. Basics of automatic fire sprinkler systems;
2. Standpipe systems; ~~suppression operations as they relate to standpipe and sprinkler systems.~~
3. Control of water flow.

~~(l)(12)~~ Forcible Entry (~~7 1/2~~ 4 hours lecture, ~~3~~ 6 hours drill): The following elements shall be included in this section of training:

1. Assessing situations requiring forcible entry;
2. Forcible entry tools, proper care and usage;
3. Specific techniques for forcing entry through doors, windows, walls, fences and floors. ~~Rescue and Extrication (8 hours lecture, 20 hours drill): assessment of situations requiring rescue or extrication; tools and equipment used for rescue and extrication; Specific techniques for various rescue situations; search procedures; vehicle extrication.~~

~~(m)~~ Building Search and Victim Removal (4 1/2 hours lecture, 2 hours drill): The following elements shall be included in this section of training:

1. Difference between rescue and extrication;
2. Primary and secondary search;
3. Safety guidelines; victim removal.

~~(n)(14)~~ Ventilation (4 hours lecture, ~~1 hour~~ 6 hours drill): The following elements shall be included in this section of training:

1. Review of fire behavior; situations requiring ventilation;
2. Procedures for vertical, horizontal and forced ventilation.

~~(o)(15)~~ Loss Control ~~Salvage and Overhaul~~ (4 1/2 hours lecture, ~~1 hour~~ 6 hours drill): The following elements shall be included in this section of training:

1. Salvage operations; types of salvage;
2. Covers and equipment and their uses;
3. Care and maintenance of salvage equipment; water chutes;
4. Catchalls;

5. Overhaul operations;

6. Search for and extinguishing hidden fires;

7. Protecting and preserving evidence.

~~(p)(16)~~ Building Construction (3 4 hours lecture): The following elements shall be included in this section of training:

1. The five basic types of building construction;

2. The effects of fire on common building materials;

3. Firefighter hazards directly related to building construction.

~~(q)(17)~~ Fire Prevention and Public Education (3 1/2 8 hours lecture, 1 hour drill): The following elements shall be included in this section of training:

1. Recognition of hazards; ~~pre-incident planning;~~

2. Fire inspections, dwelling surveys, station tours and public fire education demonstrations;

3. Smoke detectors;

4. Stop, drop and roll;

5. Fire company inspection procedures;

6. Report writing;

7. School drill procedures; and

8. Educating the public on home firesafety.

~~(r)(18)~~ Firefighter Safety (3 1/2 4 hours lecture): The following elements shall be included in this section of training:

1. Physical fitness and health;

2. Fireground safety;

3. Tool and equipment safety;

4. Electric generating and lighting equipment;

5. Apparatus safety;

6. Station safety;

7. Safety in training.

~~(19) Fire Cause Determination (2 hours lecture): the firefighter's role; securing the fire scene; preserving evidence; legal considerations.~~

~~(s)(20)~~ Fire Alarms and Communications (4 hours lecture): The following elements shall be included in this section of training:

1. Fire alarm transmission;

2. Private and public alerting systems;

3. Radio procedures for fire department personnel.

~~(t)1.(21)~~ First Responder (20 hours lecture, 20 hours drill): The following elements shall be included in this section of training: involves training in emergency medical services including:

a. Diagnostic signs and symptoms;;

b. Cardio-pulmonary resuscitation;;

c. Vehicle extrication; and

d. Patient movement.

2. If an individual is currently certified as an emergency medical technician EMT or paramedic or has taken a First Responder course he or she he/she is exempt will be exempted

from this portion of the Minimum Standards Course. Documentation of certification or proof of training shall be submitted at the beginning of the Minimum Standards Course.

~~(22) Physical Fitness (8 hours): supervised exercises during training.~~

~~(23) Examinations (13 hours): each portion of the outline will be the subject of a test, both academic and performance, for best measure of learning.~~

~~(u)(24)~~ Controlled Burning (2 1/2 6 hours drill): The following elements shall be included in this section of training: practice exercises in:

1. Fire control in structures;;

2. Class "A" materials; ~~flammable liquids, liquefied petroleum or natural gas and~~

3. Vehicles.

~~(v)(25)~~ Awareness Level Hazardous Materials (8 24 hours lecture): The following elements shall be included in this section of training:

1. Identification of hazardous materials and their potential dangers;

2. Personal safety precautions to be taken when functioning as a hazardous materials first responder;

3. The basic options, requirements and limitations of methods to control, contain, and confine the hazard.

~~(26) Course Review (4 hours lecture, 8 hours drill):~~

Completion of the Firefighter I program does not constitute certification as a full-time, professional, or certified firefighter. No person is permitted to be employed as a paid full-time professional or certified firefighter unless that person has completed and passed the Minimum Standards Course and has received the Firefighter II certification.

(7) Firefighter II:

(a) Implementing an Incident Management System (2 1/2 hours lecture).

(b) Personal Protective Equipment (5 hours drill): The following elements shall be included in this section of training:

1. Use and care of protective breathing apparatus;

2. Limitations of each;

3. Practice drills and exercises.

(c) Ropes and Knots (6 hours drill): life safety rope: The following elements shall be included in this section of training:

1. Utility rope;

2. Bends, hitches and knots;

3. Methods of lashing; and

4. Hoisting tools and equipment.

(d) Ladders (12 hours drill): The following elements shall be included in this section of training:

1. Pumper fire apparatus extension, roof and folding ladders;

2. Handling, carrying and raising of ground ladders;

3. Climbing and operating from ladders.



(e) Hose (3 hours lecture, 16 hours drill): The following elements shall be included in this section of training:

1. Appliances and tools;
2. Hose lays and procedures;
3. Hose loads;
4. Hose rolls;
5. Hose load finishes;
6. Hose evolutions.

(f) Foam Fire Streams (5 hours lecture, 4 hours drill): The following elements shall be included in this section of training:

1. Extinguishing properties of foam;
2. Types and size of fire streams;
3. Nozzles;
4. Foam fire streams;
5. Fire stream evolutions.

(g) Fire Control (5 1/2 hours lecture, 16 hours drill): The following elements shall be included in this section of training:

1. Fire suppression techniques for Class A through D fires;
2. Fire company tactics for:
  - a. Single-family dwellings,
  - b. High-rise structures,
  - c. Basement, vehicle, trash, rubbish and wildland fires (wildland fire component must be 2 hours lecture);
3. Ignitable liquid and flammable gas control;
4. Fires and emergencies in confined enclosures;
5. Fire suppression evolutions.

(h) Automatic Sprinkler Systems (3 1/2 hours lecture): The following elements shall be included in this section of training:

1. Automatic fire sprinkler systems;
2. Standpipe systems;
3. Detection, alarm and suppression operations as they relate to standpipe and sprinkler systems.

(i) Forcible Entry (2 hours drill): The following elements shall be included in this section of training:

1. Assessing situations requiring forcible entry;
2. Forcible entry tools;
3. Specific techniques for forcing entry through doors, windows, walls, fences and floors.

(j) Rescue and Extrication (15 hours lecture, 14 hours drill): The following elements shall be included in this section of training:

1. Assessment of situations requiring rescue or extrication;
2. Tools and equipment used for rescue and extrication;
3. Specific techniques for various rescue situations;
4. Search procedures;
5. Vehicle extrication.

(k) Building Search and Victim Removal (4 hours drill): The following elements shall be included in this section of training:

1. Primary and secondary search;
2. Safety guidelines;
3. Victim removal.

(l) Ventilation (4 hours drill): The following elements shall be included in this section of training:

1. Situations requiring ventilation;
2. Procedures for vertical, horizontal, and forced ventilation.

(m) Loss Control (4 hours drill): The following elements shall be included in this section of training:

1. Salvage operations;
2. Covers and equipment and their uses;
3. Care and maintenance of salvage equipment;
4. Water chutes;
5. Overhaul operations;
6. Search for and extinguishing hidden fires;
7. Protecting and preserving evidence.

(n) Building Construction (2 1/2 hours lecture): The following elements shall be included in this section of training:

1. The five basic types of building construction;
2. The effects of fire on common building materials;
3. Firefighter hazards directly related to building construction;
4. Construction materials and building collapse.

(o) Fire Prevention and Public Education (3 hours lecture, 2 1/2 hours drill): The following elements shall be included in this section of training:

1. Recognition of hazards;
2. Identification of detection and suppression system components;
3. Pre-incident surveys;
4. Fire inspections, fire company inspection procedures;
5. Filling out reports and surveys.

(p) Fire Cause Determination (3 hours lecture): The following elements shall be included in this section of training:

1. The firefighter's role;
2. Securing the fire scene;
3. Preserving evidence
4. Legal considerations.

(q) Fire Alarms and Communications (2 1/2 hours lecture, 1 hour drill): The following elements shall be included in this section of training:

1. Fire alarm transmission;
2. Private and public alerting systems;
3. Radio procedures for fire department personnel;
4. Incident reports.

(r) Physical Fitness (8 hours): supervised exercises during training.

(s) Examinations (12 hours): each portion of the outline shall be the subject of a test, both academic and performance, for best measure of learning.

(t) Controlled Burning (16 hours drill): The following elements shall be included in this section of training: practice exercises in:

1. Fire control in structures;
2. Flammable liquids;
3. Liquefied petroleum or natural gas; and
4. Vehicles.

(u) Operations Level Hazardous Materials (16 hours lecture): The following elements shall be included in this section of training:

1. Identification of hazardous materials;
2. Personal safety precautions to be taken;
3. The basic options, requirements and limitations of methods to control, contain, and confine the hazard.

(v) Course Review (4 hours lecture, 8 hours drill).

Specific Authority 633.45(2)(a) FS. Law Implemented 633.45(1)(a), (b) FS. History—New 9-7-81, Formerly 4A-37.10, 4A-37.55, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95,\_\_\_\_\_.

4A-37.056 Specifications for Certifiable Training.

To be recognized for certification as a firefighter by the Division, training shall be obtained under the conditions as specified herein. Satisfactory completion of the prescribed training, instruction and standards in accordance with these specifications shall be certified by a designated instructor or member of the Bureau of Fire Standards and Training staff.

(1) through (2) No change.

(3) All subjects listed in the approved Firefighter I and Firefighter II courses "Minimum Standards Course" shall be included in the curriculum.

(4) Each student enrolled in a Firefighter I and/or Firefighter II Minimum Standards course shall receive instruction and training in every course subject of the curriculum. Instruction and training shall not be less than the number of hours specified for each subject.

(5)(a) One aspect of training is psychomotor skills development, which includes the demonstrated ability to perform individually and as a member of a team or group all tasks and operations associated with the training in a manner which does not present a threat to the safety of the trainee, ~~and his~~ co-workers, or others and which contributes to the successful achievement of the purpose for which the task or operation is being performed.

(b) If, in the professional opinion of the instructors, the student does not possess the qualities necessary to satisfactorily perform psychomotor tasks, the student shall be dropped from the training program.

(6) All tests, both written and practical, given during training shall require maintenance of a percentage score of not less than 70% on each subject listed in the prescribed Firefighter I and Firefighter II "Minimum Standards Course." courses. If a minimum score of 70% is not achieved on any test, the student shall ~~may~~ be afforded a one-time make up

examination to achieve the required 70%. Tests used shall be designed to encompass all the significant contents of the subjects being taught.

(a) No change.

(b) State examinations, consisting of a written and a practical part, shall be administered by a Field Representative of the Bureau of Fire Standards and Training and shall encompass all components of the Firefighter I course for Firefighter I testing and all components of both Firefighter I and Firefighter II courses for State Certification as a Firefighter. The 70% score requirement for both written and practical examinations shall prevail in this testing environment as well.

(c) No change.

(d) Only one retake of the state examination shall be allowed. Retakes of the practical portion of the examination will be offered only at the Florida State Fire College during the months of February, May, September, and November ~~on the 2nd Monday of January, April, July and October.~~ Retakes of the written portion of the examination will be offered at the Regional Testing Sites in February, May, September, November and monthly at the Florida State Fire College. Students must be pre-registered at least ~~ten (10)~~ business working days prior to the date of the examination.

(e) The retake of the Firefighter II Minimum Standards Certification Examination must be taken within ~~six (6)~~ months of the initial examination date.

(f) Failing the retake of the Firefighter II Minimum Standards Certification Examination within the prescribed ~~six~~ month time period will result in the individual having to repeat the Firefighter II Minimum Standards Course.

(7) through (10) No change.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35(2) FS. History—New 9-7-81, Formerly 4A-37.16, 4A-37.56, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95,\_\_\_\_\_.

4A-37.058 Verification of Prescribed Training Hours.

(1) At the completion of the Firefighter II training Minimum Standards Course, on the date of the state certification examination, the instructor-in-charge of the course ~~shall will~~ present to the Bureau of Fire Standards and Training Field Representative Form DI4-1028 FST-5 form ~~entitled "Verification of Prescribed Training Hours."~~ ~~This form must~~ be signed by each instructor who taught a specific subject, as listed on Form DI4-1028 the FST-5 form.

(2) If ~~this~~ Form DI4-1028 is not available for the Bureau of Fire Standards and Training Field Representative, the state certification examination will not be administered.

(3) Form DI4-1028 FST-5 is incorporated by reference in Rule 4A-37.039(2), and can be obtained where indicated in Rule 4A-37.039(1).

Specific Authority 633.45(2)(a) FS. Law Implemented 633.45(1) FS. History—New 9-7-81, Formerly 4A-37.58, Amended 1-3-90, 6-30-91, 3-20-95,\_\_\_\_\_.

## 4A-37.059 Types of Instructor Certificates Issued.

This rule provides that the Bureau of Fire Standards and Training shall certify individuals to conduct training and education classes for fire service personnel. Upon satisfaction of the requirements listed under the respective categories, an applicant shall be awarded an instructor certification certificate appropriate to the applicant's attainments and may teach designated subjects in the courses of training and education coming within the purview of the Bureau of Fire Standards and Training. The certificates to be awarded are as follows:

(1) Requirements for Instructor I Examination and Certification. ~~Basic Teaching Certificate. The Basic Teaching Certificate is required for those who desire to teach the Florida Firefighters Minimum Standards Training Program. Requirements are:~~

(a) Submission of the required application (Form DI4-1025 FST-6), which is incorporated by reference in Rule 4A-37.039(2) ~~4A-37.061(2)~~ and can be obtained where indicated in 4A-37.039(1) ~~4A-37.061(1)~~, with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(b) A minimum of ~~six (6)~~ years experience as a regular member of an organized fire department.

(c) A high school diploma or equivalent.

(d) Physical ability to perform the tasks associated with the training.

~~(e) A Certificate of Tenure or Compliance from the Bureau of Fire Standards and Training.~~

~~(e)(f)~~ Successful completion of an approved Fire Service Instructor Course Delivery class ~~(formerly Methods and Techniques of Instruction)~~ of not less than ~~forty (40)~~ hours duration, as offered by the Florida State Fire College or other approved and recognized schools or colleges, or the equivalent as approved by the Bureau of Fire Standards and Training.

~~(f)(g)~~ Passing a state examination embracing the material covered in the ~~Minimum Standards Course and~~ Fire Service Instructor Course Delivery class with a score of 70% or higher. Persons holding this certification may teach any classes in the program area(s) in which they are certified or hold a certificate of competency.

(2) Requirements for Instructor II Examination and Certification. ~~Fire Officer I Instructor. The Fire Officer I Teaching Certificate is designed for those who desire to teach specified courses at an advanced level within the certifiable Fire Officer I curriculum established by the Bureau of Fire Standards and Training. Requirements are:~~

(a) Submission of the required application (Form DI4-1025 FST-6), which is incorporated by reference in ~~Rule~~ 4A-37.039(2) ~~4A-37.061(2)~~ and can be obtained where indicated in 4A-37.039(1) ~~4A-37.061(1)~~, with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(b) A minimum of 6 years experience as a regular member of an organized fire department. Hold, or qualify for, the Basic Teaching Certificate as specified by the Bureau of Fire Standards and Training.

(c) An associates degree or higher. Successful completion of the Fire Officer I Program, and certification by the Bureau of Fire Standards and Training as a Fire Officer I. A copy of the Fire Officer I certificate is required for certification.

(d) Physical ability to perform the tasks associated with the training. Passing a state examination covering the material contained in the Fire Officer I curriculum as specified by the Bureau of Fire Standards and Training.

(e) Successful completion of an approved Fire Service Course Delivery class of not less than forty (40) hours duration, as offered by the Florida State Fire College or other approved and recognized schools or colleges, or the equivalent as approved by the Bureau of Fire Standards and Training and successful completion of an approved Fire Service Course Design class of not less than forty (40) hours duration, as offered by the Florida State Fire College or other approved and recognized schools or colleges, or the equivalent as approved by the Bureau of Fire Standards and Training.

(f) Passing a state examination embracing the material covered in the Fire Service Course Delivery and the Fire Service Course Design courses with a score of 70% or higher. Persons holding this certification may teach any class which is recognized as part of the curriculum established and developed by the Bureau of Fire Standards and Training, provided the instructor can verify successful completion of the same course by certificate or transcript.

(3) Requirements for Instructor III Certification.

(a) Submission of the required application (Form DI4-1025), which is incorporated by reference in 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(b) A minimum of 6 years experience as a regular member of an organized fire department.

(c) A bachelor's degree or higher.

(d) Physical ability to perform the tasks associated with the training.

(e) Successful completion of an approved Fire Service Course Delivery class of not less than 40 hours duration, as offered by the Florida State Fire College or other approved and recognized schools or colleges, or the equivalent as approved by the Bureau of Fire Standards and Training and successful completion of an approved Fire Service Course Design class of not less than 40 hours duration, as offered by the Florida State Fire College or other approved and recognized schools or colleges, or the equivalent as approved by the Bureau of Fire Standards and Training. Persons holding this certification may teach any class which is recognized as part of the curriculum

established and developed by the Bureau of Fire Standards and Training, provided the instructor can verify successful completion of the same course by certificate or transcript.

(4) Requirements for Single Course Exemption Certification.

(a) Submission of the required application (Form DI4-1025), which is incorporated by reference in Rule 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(b) Submission of letter requesting the exemption with detailed description of credentials or experience to be considered along with proof of same.

(c) Completion of 40 hours in Fire Service Course Delivery or verifiable equivalent.

(d) Credentials review by Standards section.

(e) Minimum combination of education and experience as set by the Standards section.

Persons holding this exemption are eligible to teach only the single course specified. This exemption will be granted upon review for recognition of extensive experience or education/training in the subject area.

~~(3) Firesafety Inspector Instructor. The Firesafety Inspector Teaching Certificate is designed for those who desire to teach specified courses within the certifiable Firesafety Inspector curriculum established by the Bureau of Fire Standards and Training. Requirements are:~~

~~(a) Submission of the required application (FST-6 form), which is incorporated by reference in Rule 4A-37.061, with all supporting documentation to the Bureau of Fire Standards and Training.~~

~~(b) Satisfactory completion of an approved Firesafety Inspector Course of not less than 200 hours duration, as offered by the Florida State Fire College, or other training centers or colleges that are approved by the Bureau of Fire Standards and Training.~~

~~(c) Satisfactory completion of the Fire Service Instructor Course (formerly Methods and Techniques of Instruction) of not less than forty (40) hours duration, as offered by the Florida State Fire College, or other training centers or colleges.~~

~~(d) A valid Firesafety Inspector Certificate.~~

~~(e) Passing a state certification examination covering the material contained in the Fire Service Instructor Course and the Firesafety Inspector curriculum as specified by the Bureau of Fire Standards and Training.~~

~~(5)(4) Requirements for Instructor Examination.~~

~~(a) In order for a person to be eligible to be tested, the required paperwork must be received by the Bureau of Fire Standards and Training not less than ten (10) business working days prior to the requested examination date for review, verification and approval.~~

~~(b) All testing will be accomplished at a Regional Testing Site.~~

~~(c) Retake examinations will be permitted at subsequent quarterly Regional Testing Sites or monthly at the Florida State Fire College.~~

~~(d) Application for retesting must be received by the Bureau of Fire Standards and Training not less than ten (10) business working days prior to the requested examination date.~~

~~(6)(5) Triennial Renewal of Instructor Certification.~~

~~(a) Instructor Certification must be renewed every three (3) years.~~

~~(b) Should the applicant fail to meet the prerequisite training requirements specified below for renewal, the applicant must qualify for and successfully pass the required state examination for the instructor certification requested.~~

~~(c) The Bureau of Fire Standards and Training shall notify the certified instructor that the applicant's certification is due for renewal approximately thirty (30) days prior to the expiration of the Instructor Certification.~~

~~(a) The Certified Instructor shall must submit the renewal application to the Bureau of Fire Standards and Training specifying whether the renewal is to be based on completion of a course or attendance at workshops or seminars.~~

~~1. Course – Have successfully completed an approved course of instruction in a curriculum related to the specific instructor certification.~~

~~a. This course shall must be forty (40) class hours in duration or the equivalent in Continuing Education Units (CEU's).~~

~~b. Verification of successful completion of the course shall must be included with the renewal application. Acceptable forms of verification include copies of certificates and college transcripts.~~

~~2. Workshops or Seminars – In the absence of completion of an approved course, the certification renewal shall be based upon attendance at a workshop or seminar related to the subject of certification which shall be a cumulative total of not less than forty (40) contact hours in duration.~~

~~a. Any person whose certification is not renewed cannot function as an instructor as defined herein.~~

~~b. It is the responsibility of the certified instructor to notify the Bureau of Fire Standards and Training of any address changes in writing.~~

~~(7)(6) Probation and Revocation of Instructor Certification.~~

~~(a) The Bureau of Fire Standards and Training of the Division of State Fire Marshal may place on probation any instructor whose students exhibit a lack of knowledge or skill in subject courses taught by such instructor, which shall be evidenced by a high student failure rate during participation in state administered examinations.~~

(b) The certificate of an instructor shall be revoked if evidence is found that the certification was improperly issued by the Division or when evidence is found that the certification or triennial renewal of the certification was issued on the basis of false, incorrect, incomplete, or misleading information.

(c) The certification of an instructor shall be revoked if evidence is found that the instructor has issued or caused to be issued, ~~for any person not qualified,~~ course credit ~~and/or~~ course completion ~~for any person not qualified.~~

Specific Authority 633.45(2)(a) FS. Law Implemented 633.45(1)(d) FS. History—New 9-7-81, Formerly 4A-37.15, 4A-37.59, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, \_\_\_\_\_.

4A-37.060 Certification as an Approved Firefighter Recruit Training Facility.

(1) To be certified as an approved training facility, an Any installation or facility shall;:

(a) Submit upon submitting a request to the Bureau of Fire Standards and Training;:

(b) Submit to followed by an inspection by a Bureau of Fire Standards and Training Field Representative;: and

(c) Have be certified as an approved training facility for conducting the Florida Firefighters Minimum Standards Training Program, provided it has in its custody and readily available for use the required training structures, apparatus, and equipment listed in paragraphs (b) through (q) of this subsection below.

(d)(e) Have a A fixed structure not less than two (2) stories in height with each floor not less than 400 net square feet (exclusive of hallways, stairways, balconies or vestibule areas), of masonry, and/or reinforced concrete construction, or both, or other fire resistive material as approved by the Bureau of Fire Standards and Training, with all floors completely enclosed and suitable for smoke training with breathing equipment. With respect to the structure described in this paragraph, the following shall apply:

1.a. All floors shall be provided with window openings with sill height at least ~~forty two (42)~~ inches above the top of the finished floor.

b. Window openings above the first floor shall be suitable for entry, exit, and rescue training from ground ladders.

c. No window openings shall be allowed in the walls containing the interior stairway.

d. Window closures such as shutters ~~shall should~~ swing into the building, except for those in a burn room which ~~shall should~~ always swing out.

2.a. The structure shall have an interior enclosed stairway connecting all floors and roof.

b. Double handrails on stairways and guard rails around stair wells shall be provided.

3.a. An exterior stairway of metal or masonry construction shall be provided, extending from first floor level, connecting all floors above the first floor.

b. In lieu of an exterior stairway the structure shall be provided with an enclosed stairway designed to discharge directly to the outside at first floor level, with access from each floor above the first floor provided by means of an open air vestibule or by way of an exterior balcony ~~with such stairway enclosure designed to discharge directly to the outside at first floor level.~~

4.a. All door openings shall be provided with ~~self-closing~~ fire doors with door rating consistent with the fire resistance rating of the wall wherein installed.

b. Door locks, if provided, shall not require the use of a key, tool, special knowledge or effort for operating from the inside of the building.

5. At roof level, the entire perimeter of the roof shall be provided with a guard rail or parapet wall or a combination parapet wall and guard rail not less than ~~forty two (42)~~ inches high measured vertically to the top of the wall or rail from the finished roof surface.

6.a. All floors shall be equipped with a standpipe outlet located in stairway enclosure.

b. Outlets ~~shall be~~ designed to supply 2 1/2 inch hose with water flow controlled by a hose valve.

c. A fire department standpipe connection shall be provided on an exterior first floor wall.

(c)(b) Classroom with adequate lighting, heating, cooling and ventilation.

(d)(e) Current types and classes of portable first aid fire extinguishers.

1. Minimum requirement is at least one of each of the following types of extinguishers for every four students:

a. Dry chemical,

b. Carbon dioxide, and

c. Pressurized water for use in portable extinguisher evolution.

2. Other representative types of portable first aid extinguishers ~~shall should~~ be available for identification.

(e)1.(d) Pumper apparatus, owned, owner or leased, or otherwise contracted for, rated at not less than 750 G.P.M. at 150 p.s.i., with hose compartments sufficient to practice appropriate hydrant lay evolutions, fully equipped as prescribed in National Fire Protection Association (NFPA) Standard 1901, 1996 1994 edition, Chapter 4 7. The following changes to the equipment specified shall be adhered to:

a. Both hard suction and soft sleeve hose shall be provided,

b. Hand hose lines shall be limited to 2 1/2 inch and 1 3/4 inch in size.

(2) The following equipment shall also be provided:

a. DOT Emergency Response Guide Book, current edition,

b. One fire service claw tool,

c. One Haligan type tool,

- d. Four salvage covers,
- e. Four hose straps,
- f. Two shovels (~~1 one~~ square end and ~~1 one~~ scoop),
- g. One 125-foot utility rope (not for lifesafety use),
- h. One hose clamp,-
- i. ~~In addition, one~~ a 2 1/2 inch siamese (~~1 one~~ male, ~~2 two~~ female connections) with clapper valves,
- j. One hose jacket for 2 1/2 inch hose,
- k. Two 2 1/2 inch to 1 1/2 inch reducers, and
- l. One hose hoist tool.

3. Pumpers ~~shall~~ ~~should~~ be tested annually using the criteria of NFPA Standard 1911, ~~1997~~ ~~1994~~ edition.

4. All ladders used for training shall conform to the requirements of NFPA Standard 1931, ~~1994~~ ~~1989~~ edition and NFPA Standard 1932, ~~1994~~ ~~1989~~ edition.

5.a. All referenced parts of the NFPA publications mentioned in this subsection are hereby adopted and incorporated by reference.

b. Copies of the NFPA publications ~~can~~ ~~may~~ be obtained ~~from by writing to the association, whose address is:~~ National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

(f) ~~l.(e)~~ Forcible entry and ventilation drill facilities, which shall include ~~including~~ a means of practice on:

- a. Doors,
- b. Windows,
- c. Roofs,
- d. Floors, and
- e. Partitions.

2. These facilities are permitted to ~~may~~ be included in the structure which is to be burned as part of the training if it is not a part of the regular training complex.

3. The following forcible entry and ventilation tools are the minimum required:

- a. Pick head axe,
- b. Flat headed axe,
- c. Pike poles,
- d. Prying tools,
- e. Haligan type tool,
- f. Fire service claw tool,
- g. Sledge hammer,
- h. Bolt cutter,
- i. hand and power saws.

(g) ~~(f)~~ Salvage equipment shall ~~to~~ include:

- 1. Salvage covers and various sprinkler heads ~~kit~~,
- 2. Scoops,
- 3. Squeegees,
- 4. Mops, and
- 5. Carryalls.

(h) ~~l.(g)~~ Two Class II life safety harnesses,

2. Two life safety ropes (~~2 two~~ person rope) each not less than 75 feet in length,

3. ~~and~~ Two rescue carabiners that meet the requirements of NFPA Standard 1983, ~~1997~~ ~~1990~~ edition, for use in rope rescue training and in tying rescue knots,- and

4. ~~Additional~~ ~~Additional~~ rope of assorted length, diameter, and construction suitable for practice in knots and lashings.

(i) ~~(h)~~ Representative and approved breathing apparatus. Minimum of one SCBA, positive pressure, NIOSH/MSHA approved, 30 minute or longer rated service life, for every four students with sufficient spare cylinders, ~~and/or~~ or both, to enable at least 20 minutes of protective breathing apparatus training per student.

(j) ~~(i)~~ Facilities for live fire training in:

1. An enclosed structure for simulated structural firefighting, minimum of ~~four hundred~~ ~~(400)~~ square feet, having at least ~~two~~ ~~(2)~~ rooms.

2. Flammable liquid fire facility, minimum of ~~fifty~~ ~~(50)~~ square feet, using at least ~~one~~ ~~(1)~~ inch of fuel floating on surface of water, per burn.

3. Liquefied petroleum or natural gas firefighting.

a. A liquefied petroleum (L.P.) gas field must be available with a 250-gallon L.P. storage tank complete with shut-off valve and safety valve.

b. There must be a vapor line with cut-off valve, liquid line, and cut-off valve.

c. All gas lines must be controlled by a certified instructor at a main control panel.

d. This shall ~~is to~~ be a permanent installation so it can be set on fire and the students using hand lines can approach the burning L.P. lines and tanks, and shut off the proper valves.

4. Automobile firefighting.

(k) ~~l.a.(j)~~ International Fire Service Training Association (IFSTA) Manual Essentials of Firefighting, current edition, and

b. National Fire Academy program Initial Response to Hazardous Materials Incidents Student Manual for Course 1 – Basic Concepts and Course 2 – Concept Implementation in sufficient quantities available for each student provided by the training facility or available for purchase by the student.

2.a. A complete set of the IFSTA Manuals,

b. NFPA Fire Protection Handbook, current edition,

a. a copy of Florida Statutes, Chapter 633, and Division of State Fire Marshal Rule Chapter 4A-37, current edition, per training center ~~is required~~.

3. IFSTA Manual Essentials of Firefighting for each instructor is required.

(l) ~~l.(k)~~ Standard first aid supplies as required in First Aid Manual (American National Red Cross), ~~and~~

2. One Resusci-Anne or equivalent,-

3. First Responder, current edition, in sufficient quantity to enable each student to have a copy, either provided by the training facility or available for purchase by the student.

~~(m)(4)~~ Audio-visual aids. The following training aids, with compatible audio-visual equipment, are recommended:

1. Forcible Entry
2. Fire Streams
3. Automatic Fire Protection Systems and Devices
4. Hose Lay Out Practices
5. Hose Fittings and Appliances
6. Personal Protective Equipment
7. Ventilation Practices
8. Fire Ground Search and Rescue
9. Overhaul and Salvage Operations
10. First Aid
11. Ropes and Knots
12. Portable Fire Extinguishers
13. Fire Pumps
14. Ground Ladders
15. Water Supply
16. Firefighter Safety
17. Firefighting Tools and Equipment
18. Hazardous Materials
19. Fire Behavior
20. Vehicle Extrication
21. Building Construction
22. Fire Control
23. Fire Cause Determination
24. Fire Alarm and Communication
25. Fire Prevention and Public Education

~~(n)(m)~~ Water supply. A minimum of ~~one~~ (1) operational hydrant suitably located as to provide safe hose evolution practices.

~~(o)(n)~~ Training dummy of not less than ~~one hundred twenty-five~~ (125) pounds to be used during rescue training.

~~(p)1.~~ Protective hoods that meet the requirements of NFPA 1971, Standard on Protective Clothing for Structural Fire Fighting, 1997 ~~1994~~ edition, which is incorporated herein by reference, provided by the training center or made available for purchase, shall be used by each student engaged in live fire training, ~~and is incorporated herein by reference.~~

2. Copies of the NFPA publications can be obtained from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

~~(q)(p)~~ Each student, while engaged in live fire training, shall use a Personal Alert Safety System (PASS) ~~pass~~ device which ~~shall is to~~ be provided by the training center. ~~Pass devices shall meet the requirements of NFPA 1982, Standard on Personal Alert Safety Systems (PASS) for Fire Fighters, 1988 edition, and is incorporated herein by reference.~~

(2) Apparatus used for training shall ~~must~~ not be an active in-service apparatus. A reserve pumper, without duty crew assigned, is acceptable. A pumper permanently assigned for training is ideal.

(3) When it has been determined that a Certified Training Center is not in compliance with the requirements of ~~specified in rules~~ 4A-37.055, 4A-37.056 and 4A-37.060 with reference to its responsibilities, as evidenced by an inspection conducted by a Bureau of Fire Standards and Training Field Representative, certification shall be revoked until the recorded deficiencies, ~~and/or~~ procedures, or both, have been corrected.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35, 633.38, 633.45 FS. History—New 9-7-81, Amended \_\_\_\_\_.

4A-37.061 Prescribed Forms for Training and Certification.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35, 633.38, 633.45 FS. History—New 9-7-81, Formerly 4A-37.20, 4A-37.61, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, Repealed \_\_\_\_\_.

4A-37.062 Procedures for State Firefighter Certification Examination Day.

(1) Definitions. As used in this section:

(a) "Bureau" means the Bureau of Fire Standards and Training of the Division of State Fire Marshal, Department of Insurance.

(b) "Examiner" means the person administering the examination.

(c) "Participant" means the person taking the examination.

(d) "SCBA" means self-contained breathing apparatus.

(e) "Training center" means the location at which the examination is being administered.

(2) Preparation For Examination.

(a)1. Training center staff shall have the apparatus and all equipment necessary for testing ready not later than 0730 hours on the morning of the state examination.

2. All tools specified in 4A-37.60 are required at the testing site on the examination day.

3. It is recommended that two pallets be available for simulated roof or floor work.

(b) Training center staff shall have the participants present and prepared for testing not later than 0730 hours on the morning of the state examination.

(c) In the event of extreme or hazardous weather conditions that have the potential to compromise the effectiveness of the examination or expose the participants to injury, the examiner shall have full authority to postpone the examination to another date to be determined by the Bureau.

(3) Examination Sequence.

(a)1. Each participant shall be prepared to take any segment of the examination at any time during any day set for testing.

2. The weather and number of participants will be considerations that can alter the examination sequence.

(b) The examiner is permitted to administer the examination in any sequence the examiner deems necessary.

(4) Dress Code.

(a) All safety equipment, bunker gear, and other clothing as needed to participate in the state examination shall be furnished by the training center or the participant.

(b)1. Each participant shall wear at a minimum helmets, gloves, boots, and bunker pants while in the practical examination or staging area.

2. The examiner is permitted to designate a rehab area where participants are allowed to dress down.

(c) No bunker gear shall be worn in the classroom.

(d) Any time the helmet is worn during practical testing:

1. The flap shall be down to protect the back of the neck.

2. Helmet straps shall be in place under the chin and tightened.

(e) The helmet face shield shall be down to protect the eyes and face at any time the participant is involved in testing or any other activity unless a SCBA face piece is worn.

(f) Hoods are required during testing for proper donning of the SCBA and when participating in an evolution requiring the use of the SCBA.

(g) Sunglasses shall not be worn by participants in the practical examination area or in the classroom unless they are corrective prescription lenses.

(5) General Procedures.

(a)1. Each participant not involved in the examination or assisting with assigned duties shall be in a staging area.

2. Permission to leave the staging area for personal needs shall be requested of the examiner.

(b) While in the staging area, each participant shall remain standing, observing, and prepared to perform prescribed functions.

(c)1. The individual practical examinations are timed separately but the participant shall be prepared to begin upon reporting for each segment.

2. If a participant delays, the examiner shall inform the participant that the time will begin.

(d) Before and after taking his or her part of the practical examination, each participant shall assist in tasks assigned to the participant by the examiner or instructor in order to help the examination run safely and smoothly. Examiner or instructor supervision is required in these tasks.

(e)1. An examiner or instructor shall operate and pump each apparatus used on examination days.

2. The dress of the day shall be jump suit or work type uniform, and shoes or boots. Shorts, sandals, flip flops, and similar items of apparel or footwear are prohibited.

(f) Use of tobacco products by any state examiner or any state certified instructor is not permitted if such use can be viewed by any participant or other student.

(g)1. When invited, an instructor is permitted to accompany the examiner while the individual practical examination or team evolutions are being administered.

2. This instructor shall be properly attired, as directed by the examiner.

3. Each training center shall have an area designated as a staging area for visiting instructors.

(h) Equipment shall not be abused.

(i) Running is not permitted during the practical examination.

(j) No unauthorized personnel are permitted in any test area.

(k) No photographing, videotaping, or audiotaping of any test is permitted at any time under any circumstances.

(l) If an equipment malfunction occurs during the examination process, the participant will be stopped without penalty. After a reasonable recovery time the examiner will determine where and how the participant will restart the evaluation process.

(m) The face piece and hood shall be part of the personal protective ensemble any time the participant has the SCBA tank on the participant's back.

(n) A Personal Alert Safety System (PASS) shall be worn when a SCBA is used.

(o) No verbal encouragement from any student or instructor shall be permitted during the practical examination.

(p) Any participant who is absent at the time the orientation begins for the practical portion of the Minimum Standards State Certification Examination shall be required to take that portion of the examination at the Florida State Fire College during regional testing.

(q) Any participant who is absent at the time of the orientation begins for the written portion of the Minimum Standards Certification Examination shall be required to take that portion of the examination at the Florida State Fire College during the regional testing.

(6) Makeup Examinations.

(a) Retests of written examinations are given quarterly at Regional Testing sites.

(b) Retests of practical examinations or retests of written and practical examinations are given quarterly at the campus of the Florida State Fire College.

(c) The retest of the Minimum Standards State Certification Examination must be taken within 6 months of the initial examination date.

(d) A person reporting to the Florida State Fire College for a retest of the practical examination must have his or her own helmet, hood, gloves, boots, bunker coat, and bunker pants. It is recommended that each person bring his or her own SCBA.

(e) The dress code in effect at a training center on examination day applies during the Florida State Fire College regional retest examination.

(f) Safety: Firefighter safety is the paramount consideration of the Bureau.



Specific Authority 633.45 FS. Law Implemented 633.45 FS. History—New

#### 4A-37.063 Cheating.

(1) Any student who has been determined to have cheated on any test or examination administered under Chapter 633, Florida Statutes, or this rule chapter shall be required to retake the course for which the student was determined to have cheated before taking another examination.

(2) “Cheated on any test or examination” means intentionally using any unapproved means, method, technique, document, or instrumentality to take or challenge any test or examination administered by the Florida State Fire College.

(3) Any student alleged to have cheated on an examination against whom disciplinary action is sought is subject to proceedings under Chapter 120, Florida Statutes.

Specific Authority 633.45(1)(h) FS. Law Implemented 633.35(2), 633.45(1)(h) FS. History—New

#### 4A-37.064 Florida State Fire College.

(1) Purpose. The Florida State Fire College, hereinafter referred to as the “College,” shall offer basic, intermediate, and advanced training and educational courses, develop educational curricula to be used by other fire-rescue training agencies, and conduct research into new methods and technologies related to fire-rescue activities.

(2) Categories of Programs. The College offers courses that fall into five general categories: academic, certification, certificate of competency, vocational, and non-credit.

(a) Academic program courses are defined as those courses at the college level, either lower division (freshman or sophomore) or upper division (junior or senior). The College offers these programs through approved articulation agreements with accredited colleges and universities.

(b) Certification program courses are defined as those courses whose completion is required prior to testing for State Certification in a program area.

(c) Certificate of competency program courses are defined as those courses whose completion is required prior to a state examination for competency in a program area.

(d) Vocational courses are defined as courses at the post-secondary level that provide skill development and professional development training.

(e) Non-credit programs are defined as continuing education short courses, specialty programs, seminars, symposia, and conferences designed to enhance or refresh previous training or to introduce new topics.

#### (3) Organization and Documentation of Programs.

(a) Programs are defined as a series of two or more courses leading to a point of completion.

(b) Courses are defined as a series of class meetings on a defined topic leading to a point of completion.

(c) The College issues certificates for individual courses and for successful completion of defined programs.

(d) The College, upon request, issues student transcripts that provide a complete history of all work attempted or successfully completed at the College.

#### (4) College Registration and Fees.

(a) All prospective students shall submit a completed course application form and acceptable proof of payment before being enrolled in any course.

(b) The College sets minimum and maximum class sizes for all courses.

1. Any course that does not have the minimum number of students enrolled by an established cutoff date shall be canceled.

2. Students shall be denied entry into a course that has already reached its maximum number of enrolled students.

(c) If a course is canceled, each student enrolled in the canceled course shall receive a refund in accordance with refund policies of the Department of Insurance.

(d) If a student fails to appear for a course at its first meeting, all prepayment for that course shall be forfeited. If the student provides advance written notice of nonattendance, the student shall receive a refund in accordance with refund policies of the Department of Insurance.

(e) The College shall withhold certificates, transcripts, and any other official documents for students who are in arrears for any tuition, books, fees, or ancillary services until such arrearages are paid in full.

(f) The College sets its tuition, fees, and prices at such a level as to recover reasonable costs and operate with fiscal responsibility.

#### (5) College Catalog.

(a) The College shall publish a catalog and course schedule not less than annually.

(b) The College catalog contains all course descriptions, programs of study, academic policies, grade scales, student services, tuition and fees, and any other necessary information to inform the public and prospective students of the College and its services.

(c) By payment of fees and attendance of classes, each student agrees to abide by, and be bound by, the College catalog which binds both the student and the College in terms of expectations and performance.

#### (6) College Facilities.

(a) The campus of the College is property of the State of Florida and, as such, all statutes and regulations regarding use of government facilities apply in all cases and times to its activities.

(b) If required, the College shall set forth additional rules and regulations as well as internal policies and procedures for use of its facilities to promote safety, accountability of state property, and general order pursuant to its authority under state law.

#### (7) College Faculty.

(a) Each full-time and part-time instructor, either teaching at the College or teaching on behalf of the College at a remote location, shall possess appropriate teaching credentials for the course being delivered.

(b) The College maintains credential records on all full-time and part-time instructors. These credential records include copies of degrees, college transcripts, instructor certificates, and other documentation required to show subject matter expertise.

(8) Programs of Study.

(a) The College shall establish and revise programs of study leading to various levels of certification.

(b) The college shall also develop and revise individual courses to meet the needs of the state's fire and emergency service providers.

(c) Such programs of study and individual courses shall be in compliance with the rules of the State Fire Marshal.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.45(1)(d) FS. History—New \_\_\_\_\_.

4A-37.065 Programs of Study and Vocational Courses.

The following programs of study are developed and revised by the Florida State Fire College, pursuant to Sections 633.45 and 633.081, Florida Statutes:

(1) Fire Apparatus Pump Operator Program. This program is intended to prepare students for service as fire department driver-engineers or equivalent positions.

(a) Length of Program. This program consists of not less than two courses, vocational or academic, of at least 80 hours of classroom instruction or the equivalent of interactive instruction, as approved by the Bureau of Fire Standards and Training.

(b) Content of Program. The program includes coursework in hydraulics for the fire service and fire apparatus pumping operations.

(c) Instructor Qualifications.

1. An Instructor I shall hold a state certificate of competency for Fire Apparatus Pump Operator.

2. An Instructor II or III may teach providing he or she has successfully completed the course.

(d) Requirements for Certificate of Competency:

1. Successful completion of all required course work.

2. Passing a state examination with a score of 70% or higher.

3. Submission of the required application (Form DI4-xxxx), which is incorporated by reference in 4A-37.039(2)(bb), (cc), and (dd) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(2) Fire Officer Program. This program is intended to prepare students for service as fire department lieutenants, captains or equivalent positions and consists of Fire Officer I and Fire Officer II certificates of competency.

(a) Fire Officer I.

1. Length of Program.

a. This program consists of no fewer than seven courses, vocational or academic, of at least 280 hours or the equivalent of interactive instruction, as approved by the Bureau of Fire Standards and Training.

b. Effective July 1, 2001 this program shall increase to eight courses of at least 320 hours or the equivalent of interactive instruction, as approved by the Bureau of Fire Standards and Training.

2. Content of Program.

a. The program includes coursework in firefighting tactics, leadership of fire companies, fire prevention techniques, fire protection systems, and instructional methodology.

b. After July 1, 2001, the program shall also include coursework in building construction and incident management.

3. Instructor Qualifications.

a. Instructor I must hold a state certificate of competency for Fire Officer I.

b. Instructor II or III may teach provided he or she has successfully completed the course.

4. Requirements for Certificate of Competency:

a. Successful completion of all required course work.

b. Passing a state examination with a score of 70% or higher.

c. Submission of the required application (Form DI4-xxxx), which is incorporated by reference in 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(b) Fire Officer II.

1. Length of Program. This program consists of no fewer than eight courses, vocational or academic, of not less than 320 hours or the equivalent of interactive instruction, as approved by the Bureau of Fire Standards and Training.

2. Content of Program. The program includes coursework in business writing, computer literacy, fire chemistry, origin and cause, fire department administration, legal and ethical issues, fire service instruction and public education or public information.

3. Instructor Qualifications.

a. An Instructor I must hold a state certificate of competency as a Fire Officer II.

b. Instructor II or III may teach provided he or she has successfully completed the course.

4. Requirements for Certificate of Competency:

a. Successful completion of all required course work.

b. Review of credentials by the Standards section of the Bureau of Fire Standards and Training.

c. Must possess certificate for Fire Officer I.

d. Submission of the required application (Form DI4-xxxx), which is incorporated by reference in Rule 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(3) Firesafety Inspector Program. This program is intended to prepare students for service as municipal fire inspectors or equivalent positions and consists of Firesafety Inspector I and Firesafety Inspector II.

(a) Firesafety Inspector I.

1. Length of Program. This program consists of no fewer than five courses, vocational or academic, of not less than 200 clock-hours.

2. Content of Program. The program includes coursework in fire prevention practices, fire protection systems, fire codes and standards, building construction, and review of building plans.

3. Instructor Qualifications.

a. An Instructor I must hold certification as a Firesafety Inspector I.

b. Instructor II or III may teach provided he or she has successfully completed the course.

4. Requirements for certification:

a. Successful completion of all required course work.

b. Passing a state examination with a score of 70% or higher.

c. Submission of the required application (Form DI4-1023), which is incorporated by reference in Rule 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(b) Firesafety Inspector II.

1. Length of Program. This program consists of no fewer than four courses, vocational or academic, of not less than 160 hours or the equivalent of interactive instruction, as approved by the Bureau of Fire Standards and Training.

2. Content of Program. The program includes coursework in fire chemistry, fire protection systems, origin and cause, and public education or public information.

3. Instructor Qualifications.

a. An Instructor I must hold a certificate of competency as a Fire Safety Inspector II.

b. Instructor II or III may teach provided he or she has successfully completed the course.

4. Requirements for certificate of competency:

a. Successful completion of all required course work.

b. Certification as a Fire Safety Inspector I.

c. Passing a state examination with a score of 70% or higher.

d. Submission of the required application (Form DI4-xxxx), which is incorporated by reference in 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(4) Fire Investigator program. This program is intended to prepare students for service as fire investigators or equivalent positions and to provide additional education to ancillary service providers in the area of arson investigation. Fire Investigator I is open to any enrollment while Fire Investigator II is restricted to certified law enforcement officers, certified firefighters, and certified firesafety inspectors.

(a) Fire Investigator I.

1. Length of Program. This program consists of no fewer than four courses, vocational or academic, of at least 160 hours or the equivalent of interactive instruction, as approved by the Bureau of Fire Standards and Training.

2. Content of Program. The program includes coursework in fire chemistry, fire origin and cause, fire protection systems, and building construction.

3. Instructor Qualifications.

a. An Instructor I must hold a certificate of competency as a Fire Investigator I.

b. Instructor II or III may teach provided he or she has successfully completed the course.

4. Requirements for certificate of competency:

a. Successful completion of all required course work.

b. Passing a state examination with a score of 70% or higher.

c. Submission of the required application (Form DI4-xxxx), which is incorporated by reference in 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(b) Fire Investigator II.

1. Length of Program. This program consists of no fewer than four courses, vocational or academic, of at least 160 hours or the equivalent of interactive instruction, as approved by the Bureau of Fire Standards and Training.

2. Content of Program. The program includes coursework in latent investigation, arson investigation, post-blast investigation, and legal issues for fire investigators.

3. Instructor Qualifications.

a. An Instructor I must hold a state certificate of competency as a Fire Investigator II.

b. Instructor II or III may teach provided he or she has successfully completed the course.

c. An instructor for the legal issues course shall possess the Bachelor of Laws or Juris Doctor degree and be an active member in good standing of The Florida Bar.

4. Requirements for certificate of competency:

a. Successful completion of all required course work.

b. Passing a state examination with a score of 70% or higher.

c. Holding a certificate of competency as a Fire Investigator I.

d. Submission of the required application (Form DI4-xxxx), which is incorporated by reference in Rule 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(5) Special State Firesafety Inspector Program.

(a) Length of Program. This program consists of no fewer than three courses, vocational or academic, of at least 120 hours or the equivalent of interactive instruction, as approved by the Bureau of Fire Standards and Training.

(b) Content of Program. This program includes coursework in fire prevention practices, codes and standards, and a mutually agreeable elective as approved by the standards section of the Bureau of Fire Standards and Training.

(c) Instructor Qualifications.

1. An Instructor I for certificate.

2. Instructor II or III may teach provided he or she has successfully completed the course.

(d) Requirements for certification:

1. Successful completion of all required course work.

2. Passing a state examination with a score of 70% or higher.

3. Submission of the required application (Form DI4-xxxx), which is incorporated by reference in Rule 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(6) Fire and Lifesafety Educator Program. This program provides training in the area of fire and life safety education as specified by the National Fire Protection Association for Fire and Life Safety Educator I and Fire and Life Safety Educator II.

(a) Length of Program. This program consists of no less than two courses, vocational or academic, of at least 80 hours or the equivalent of interactive instruction, as approved by the Bureau of Fire Standards and Training.

(b) Content of Program. This program provides instruction on presentation, preparation for presentation, juvenile firesetters, public information responsibilities and educational methodologies.

(c) Instructor Qualifications.

1. Instructor I for certificate.

2. Instructor II or III may teach provided he or she has successfully completed the course.

(d) Requirements for certificate of competency:

1. Successful completion of all required course work.

2. Passing a state examination with a score of 70% or higher.

3. Submission of the required application (Form DI4-xxxx), which is incorporated by reference in Rule 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(7) Vocational Program Courses.

(a) These courses are developed and revised for individual delivery and are aimed at improving specific skills and/or to enhance professional development. Each stands alone as an individual class.

(b) Instructor Qualifications.

1. An Instructor I, II or III may teach these courses which have been developed by the Florida State Fire College provided he or she has successfully completed the course.

2. Courses not developed or revised by the Florida State Fire College are subject to the instructor requirements of the developing organization.

(8) Requirements for Certification or Competency Examination.

(a) In order for a person to be eligible to be tested, the required paperwork must be received by the Bureau of Fire Standards and Training not less than 10 business days prior to the requested examination date for review, verification and approval.

(b) All testing will be accomplished at a Regional Testing Site quarterly or at the Florida State Fire College monthly.

(c) Retake examinations will be permitted at subsequent quarterly Regional Testing Sites or monthly at the Florida State Fire College.

(d) Application for retesting shall be received by the Bureau of Fire Standards and Training not less than 10 business days prior to the requested examination date.

(9) Triennial Renewal of Inspector and Special Inspector Certification.

(a) Inspector and Special Inspector Certification must be renewed every 3 years.

(b) Should the applicant fail to meet the prerequisite training requirements specified below for renewal, the applicant must qualify for and successfully pass the required state examination for the appropriate inspector certification requested.

(c) The Bureau of Fire Standards and Training shall notify the certified inspector that the applicant's certification is due for renewal approximately 30 days prior to the expiration of the Inspector Certification.

(a) The Certified Inspector shall submit the renewal application to the Bureau of Fire Standards and Training specifying whether the renewal is to be based on completion of a course or attendance at workshops or seminars.

1. Course – Have successfully completed an approved course of instruction in a curriculum related to the inspector certification.

a. This course shall be 40 class hours in duration or the equivalent in Continuing Education Units (CEU's).

b. Verification of successful completion of the course shall be included with the renewal application. Acceptable forms of verification include copies of certificates and college transcripts.

2. Workshops or Seminars – In the absence of completion of an approved course, the certification renewal shall be based upon attendance at a workshop or seminar related to the inspector certification which shall be a cumulative total of not less than 40 contact hours in duration.

(b) Any person whose certification is not renewed cannot function as an inspector or special inspector as defined herein.

(c) It is the responsibility of the certified inspector to notify the Bureau of Fire Standards and Training of any address changes in writing.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.45(1)(d) FS. History–New \_\_\_\_\_.

**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Firesafety Inspector Certification 4A-39

RULE TITLES: RULE NOS.:

Minimum Curriculum Requirements for

Firesafety Inspector Certification 4A-39.005

Procedures for Certification Examination 4A-39.007

Required Forms for Training and Certification

of Firesafety Inspectors 4A-39.010

PURPOSE AND EFFECT: Update codes and standards adopted; provide for elective courses; provide for eligibility to take certain courses; update procedures relating to examinations.

SUBJECT AREAS TO BE ADDRESSED: Florida State Fire College codes and standards; Florida State Fire College elective courses; procedures relating to examinations.

SPECIFIC AUTHORITY: 633.01 FS.

LAW IMPLEMENTED: 633.081 FS.

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

TIME AND DATE: 10:00 a.m., May 17, 2001

PLACE: Main Auditorium, Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, Florida 34482

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Randall Napoli, Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486, Phone (352)732-1330, Fax (352)732-1374

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop, please advise the Department at least 5 calendar days before the program by contacting Angie Cain, (352)732-1330.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4A-39.005 Minimum Curriculum Requirements for Firesafety Inspector Certification.

(1) through (2) No change.

(3) Special State Firesafety Inspector Training Course. The course curriculum shall consist of the following courses:

(a) ~~Private Protection Systems (minimum 10 hours);~~

(b) ~~Building Construction (minimum 10 hours);~~

(a)(e) FFP-1300 Codes and Standards (minimum 40 40 hours);

(b)(d) FFP-1200 Fire Prevention Inspection Practices (minimum 40 40 hours).

(c) A mutually agreeable 40 hour elective to be approved by the Bureau of Fire Standards and Training. If no elective is submitted for approval by the agency employing Special Firesafety Inspectors, the Fire College course which teaches 20 hours of Fire Protection Systems and 20 hours of Building Construction shall be the only acceptable alternative.

(4) Persons are eligible to take the state certification examination as defined in 4A-39.007 after completion of FFP-1200 and FFP-1300, the remaining 40 hour class must be completed for the first CEU requirement following original certification in the first three year period.

Specific Authority 633.01 FS. Law Implemented 633.081(2),(3),(4) FS. History–New 11-21-83, Formerly 4A-39.05, Amended 8-2-88, 3-1-89, 10-23-90, \_\_\_\_\_.

4A-39.007 Procedures for Certification Examination.

In order for an individual to receive Firesafety Inspector Certification or Special State Firesafety Inspector Certification from the Division, a score of 70 percent must be achieved on a certification examination administered by the Division. To be eligible for the examination, the following procedures must be adhered to:

(1) through (3) No change.

(4) Upon completion of the certification examination, the applicant will be notified in writing of the result. A minimum score of 70 percent of the maximum total score is required for passing.

(a) If the applicant passes the examination, the certificate will be issued and mailed directly to the address on the application form.

(b) If the applicant fails the examination he or she he/she must contact the Bureau of Fire Standards and Training will re-submit the "Request for Certification Examination" form and request to be scheduled for the next available examination.

If after retaking the examination the applicant has not achieved the minimum passing score, he/she will be required to retake the entire training program before another examination will be administered.

Specific Authority 633.01 FS. Law Implemented 633.081 FS. History--New 11-21-83, Formerly 4A-39.07, Amended 8-2-88, 3-1-89, \_\_\_\_\_.

4A-39.010 Required Forms for Training and Certification of Firesafety Inspectors.

(1) ~~DI4-1023 A-38~~ Form – "Application for Firesafety Inspector I Request for Certification Examination."

(2) ~~DI4-xxxx A-38~~ Form – "Application for Special Firesafety Inspector Request for Certification Examination."

(3)~~(2)~~ ~~DI4-xxxx A-39~~ Form – "Inspector Certification Renewal Application."

~~(4)(3)~~ ~~DI4-1020 A-41~~ Form – "Personal Inquiry Waiver."

~~(5)(4)~~ The above-referenced forms are incorporated herein by reference and will be effective on the effective date of this rule. Copies of these forms are available from the ~~Department of Insurance, Division of State Fire Marshal~~, Bureau of Fire Standards and Training, 11655 N.W. Gainesville Road, Ocala, Florida 34482-1486 or may be obtained from the Bureau website at www.fsfc.ufl.edu 1501 W. Silver Springs Blvd., Ocala, Florida 32675.

Specific Authority 633.01 FS. Law Implemented 633.081 FS. History--New 11-21-83, Formerly 4A-39.10, Amended 8-2-88, 3-1-89, \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Florida Comprehensive Assessment Test Requirements

RULE NO.: 6A-1.09422

PURPOSE AND EFFECT: The purpose of this rule development is to establish passing scores for the grade ten Florida Comprehensive Assessment Test (FCAT) and to extend for two additional years the current achievement levels currently specified in rule for grades 4, 5, 8, and 10 tests. The effect will be to permit high school students to earn a passing score on this test and, thereby, complete one of the requirements for award of a regular high school diploma and to permit schools and school districts more time to prepare students who reach the academic expectations defined by the FCAT achievement levels. Student performance on the grade ten test is one factor used in calculating school accountability grades.

SUBJECT AREA TO BE ADDRESSED: FCAT passing scores and definitions of achievement levels.

SPECIFIC AUTHORITY: 229.57 FS.

LAW IMPLEMENTED: 229.053, 229.0535, 229.57 FS.

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

TIME AND DATE: 4:00 p.m. – 6:00 p.m., C.S.T., May 14, 2001

PLACE: Bay County School District, Board Meeting Room, 12311 Balboa Avenue, Panama City, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 14, 2001

PLACE: Broward County School District, School Board Meeting Room, 600 S. E. 3rd Avenue, Ft. Lauderdale, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 15, 2001

PLACE: 325 West Gaines Street, Room 1703/07, Turlington Building, Tallahassee, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 15, 2001

PLACE: St. Johns County School District, St. Augustine High School, 3205 Barella Avenue, St. Augustine, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 16, 2001

PLACE: Sarasota County School District, Training Room 221, 1950 Landings Boulevard, Sarasota, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 17, 2001

PLACE: Orange County School District, Board Meeting Room, 445 West Amelia Avenue, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Thomas H. Fisher, Administrator, Assessment and Evaluation Section, Bureau of Curriculum, Instruction, and Assessment, 325 West Gaines Street, Room 414, Tallahassee, Florida, (850)488-8198

Any person requiring special accommodations to participate in the rule development workshop is asked to contact the Department of Education at least five (5) calendar days before the workshop by contacting Carol Allman, Program Administrator, Exceptional Student Education Program Development and Services, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1106.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.09422 Florida Comprehensive Assessment Test Requirements.

(1) No change.

(2) The test shall be developed in consultation with teachers and other appropriate professionals and shall be approved by the Commissioner prior to being administered to students. The FCAT shall:

(a) Consist of three (3) sections: two (2) sections: one (1) measuring reading skills, and one (1) measuring mathematics skills, and one (1) measuring writing skills.

(3) The FCAT shall be administered as follows:

(a) All students in grades three through ten shall take the reading and mathematics tests. Students in grades four, eight, and ten shall take the writing test. Fourth grade students shall

~~take the reading test; fifth grade students shall take the mathematics test; eighth and tenth grade students shall take the reading and mathematics tests.~~

(5) The total scores on FCAT shall be reported in terms of the following achievement levels for each specified time period:

(a) Beginning with the effective date of this rule through December 31, ~~2003~~ ~~2004~~, the achievement levels shall be:

1. through 6.e. No change.

(b) For the time period beginning January 1, ~~2004~~ ~~2002~~, the achievement levels shall be:

1. through 6.e. No change.

(7) Pursuant to Section 229.57(3)6., Florida Statutes, students who were enrolled in grade nine in the fall of 1999 and thereafter, shall be required to earn passing scores on the grade ten Florida Comprehensive Assessment Test in reading and mathematics.

(8) The passing score for the reading test shall be a score equal to or greater than 287. The passing score for the mathematics test shall be a score equal to or greater than 295.

(9) After July 1, 2002, and before March 1, 2003, the Commissioner of Education shall review student performance levels and determine whether to maintain the existing passing scores or to increase one or both of the requirements.

(6) through (8) renumbered (10) through (12) No change.

Specific Authority 229.57 FS. Law Implemented 229.053, 229.0535, 229.57 FS. History—New 1-24-99, Amended \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: STATEWIDE ASSESSMENT FOR STUDENTS WITH DISABILITIES

RULE NO.: 6A-1.0943

PURPOSE AND EFFECT: The purpose of this rule development is to modify procedures to provide accommodations for eligible exceptional education and handicapped students who take the state student assessment tests. The effect will be to allow exceptional education and handicapped students greater access to appropriate test modifications, thus allowing them to more fully participate in the statewide assessment testing program, and to allow more such students to meet the requirements for a regular high school diploma.

SUBJECT AREA TO BE ADDRESSED: Test administration accommodations for exceptional education and handicapped students who are taking the statewide assessment tests.

SPECIFIC AUTHORITY: 229.57(3)(c)6., 229.57(14), 232.246(9) FS.

LAW IMPLEMENTED: 229.57(3)(c)6., 232.246(8) FS.

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

TIME AND DATE: 4:00 p.m. – 6:00 p.m., C.S.T., May 14, 2001

PLACE: Bay County School District, Board Meeting Room, 12311 Balboa Avenue, Panama City, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 14, 2001

PLACE: Broward County School District, School Board Meeting Room, 600 S. E. 3rd Avenue, Ft. Lauderdale, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 15, 2001

PLACE: 325 West Gaines Street, Room 1703/07, Turlington Building, Tallahassee, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 15, 2001

PLACE: St. Johns County School District, St. Augustine High School, 3205 Barella Avenue, St. Augustine, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 16, 2001

PLACE: Sarasota County School District, Training Room 221, 1950 Landings Boulevard, Sarasota, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 17, 2001

PLACE: Orange County School District, Board Meeting Room, 445 West Amelia Avenue, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Thomas H. Fisher, Administrator, Assessment and Evaluation Section, Bureau of Curriculum, Instruction, and Assessment, 325 West Gaines Street, Room 414, Tallahassee, Florida, (850)488-8198

Any person requiring special accommodations to participate in the rule development workshop is asked to contact the Department of Education at least five (5) calendar days before the workshop by contacting Carol Allman, Program Administrator, Exceptional Student Education Program Development and Services, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1106.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) The Division of Public Schools and Community Education shall assure the inclusion of students with disabilities as defined by Section 228.041(18), Florida Statutes, in the statewide assessment program, develop the modified test instruments required herein and provide technical assistance to school districts in the implementation of the requirements of this rule including appropriate accommodations to instruments and statewide assessment procedures administered pursuant to Section 229.57, Florida Statutes. Students who are identified solely as gifted are not eligible for state assessment accommodations modified test instruments and procedures.

(a) The decision to exclude any student with a disability, as defined in Section 228.041(18), Florida Statutes, from statewide or district assessment programs is made by the Individual Educational Plan (IEP) team and recorded on the IEP. Students may be excluded from statewide or district assessment programs if the following criteria are met:

1. The student's demonstrated cognitive ability prevents the student from completing required coursework and achieving the Sunshine State Standards as incorporated by reference in Rule 6A-1.09401, FAC., even with appropriate and allowable course modifications, and

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

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

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

(2) Each school board shall utilize ~~implement~~ appropriate accommodations to ~~modifications~~ of the statewide assessment test instruments and test procedures established for issuance of a standard or special high school diploma, pursuant to Rules 6A-1.0942, 6A-1.095, and 6A-1.0995, FAC., within the limits prescribed herein. Accommodations are defined as adjustments to the presentation of the assessment questions, method of recording examinee responses to the questions, schedule for administration of the assessment, or use of assistive devices to facilitate administration of the assessment. Statewide assessment accommodations may be used only if they do not alter the underlying content that is being measured by the assessment or negatively affect the assessment's reliability or validity. Accommodations shall be identified for each eligible student and recorded on the student's IEP or 504 Plan. Allowable accommodations are those that have been used by the student in classroom instruction as long as the accommodations are within the limits specified in this rule. Such accommodations may ~~modifications~~ shall include:

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

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

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

3. Braille versions may be requested for students who use Braille materials. Some test items may be altered in format for Braille versions of the test as authorized by the Department. Test items that have no application for the Braille reader will be deleted as authorized by the Department. Student

performance standards that cannot be assessed in the Braille format will be deleted from the requirements of Section 229.57, Florida Statutes.

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

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

6. Presentation formats not covered by this rule may be requested through the Department of Education and will be provided, as appropriate, upon approval by the Commissioner of Education.

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

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

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

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

~~(d) Mechanical aids.~~ The student may use a magnifying device, a pointer, a noncalibrated rule or template or other similar devices to assist in maintaining visual attention to the test booklet. An abacus and a braille writer may be used. Use of ~~electronic calculators, including talking calculators,~~ is prohibited.

(e) Assistive devices. The student may use the following assistive devices typically used in classroom instruction. Revised format. The student may be tested by one or more of the following three (3) methods specifically developed by the Department:

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



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

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

3. Technology may be used without accessing spelling or grammar-checking applications for writing assessments and without using speech output programs for reading items assessed. Other assistive technology typically used by the student in classroom instruction may be used provided the purpose of the testing is not violated. Implementation of assistive devices must assure that test responses are the independent work of the student. Unusual circumstances of accommodations through assistive devices must be approved by the Commissioner of Education before use. Auditory or sign language presentation. The test administrator may sign, provide oral interpretation or read to the student the following portions of the test: all mathematics items, all writing items, all oral reading items, and all directions. The reading items shall be read by the student using visual or tactile means.

(3) The preceding accommodations described in paragraphs (2)(a) through (e) of this rule ~~modifications~~ are authorized, when determined appropriate by the school district superintendent or designee, for any student who has been determined to be an eligible ~~exceptional~~ student with disabilities pursuant to Section 228.041(18), Florida Statutes, and Rules 6A-6.0301 and 6A-6.0331, FAC., and has a current IEP individual educational plan, or who has been determined to be a student with a disability ~~handicapped person~~ pursuant to Rule 6A-19.001(6), FAC. ~~Students classified solely as gifted shall not receive any special test modifications.~~ Satisfaction of the requirements of Rule 6A-1.0942, FAC., by any of the above accommodations ~~modifications~~ shall have no bearing upon the type of diploma or certificate issued to the student for completing school.

(4) The need for any unique accommodations for use on state assessments not outlined in this rule must be approved by the Commissioner of Education.

(5) District personnel are required to implement the accommodations in a manner that ensures the test responses are the independent work of the student. Personnel are

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

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

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

(6) The test scores of students with disabilities, as defined in Section 228.041(18), Florida Statutes, will be included in the state's accountability system as determined by the Commissioner of Education.

(7) Procedures for exemption from the assessment required for graduation with a standard high school diploma due to extraordinary circumstances of a student with a disability, as defined in Section 228.041(18), Florida Statutes, are specified in Rule 6A-1.09431, FAC.

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

## DEPARTMENT OF EDUCATION

### State Board of Education

RULE TITLE:

RULE NO.:

Special Request Procedure for Exemption

from Graduation Test Requirement

6A-1.09431

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

SUBJECT AREA TO BE ADDRESSED: Applications for a waiver from the high school graduation test requirements.

SPECIFIC AUTHORITY: 229.57(3)(c)6.,(14), 232.246(8), 232.248(5)(a) FS.

LAW IMPLEMENTED: 229.57(3)(c)6., 232.246(8) FS.

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

TIME AND DATE: 4:00 p.m. – 6:00 p.m., C.S.T., May 14, 2001

PLACE: Bay County School District, Board Meeting Room, 12311 Balboa Avenue, Panama City, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 14, 2001

PLACE: Broward County School District, School Board Meeting Room, 600 S. E. 3rd Avenue, Ft. Lauderdale, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 15, 2001

PLACE: 325 West Gaines Street, Room 1703/07, Turlington Building, Tallahassee, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 15, 2001

PLACE: St. Johns County School District, St. Augustine High School, 3205 Barella Avenue, St. Augustine, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 16, 2001

PLACE: Sarasota County School District, Training Room 221, 1950 Landings Boulevard, Sarasota, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 17, 2001

PLACE: Orange County School District, Board Meeting Room, 445 West Amelia Avenue, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Thomas H. Fisher, Administrator, Assessment and Evaluation Section, Bureau of Curriculum, Instruction, and Assessment, 325 West Gaines Street, Room 414, Tallahassee, Florida, (850)488-8198

Any person requiring special accommodations to participate in the rule development workshop is asked to contact the Department of Education at least five (5) calendar days before the workshop by contacting Carol Allman, Program Administrator, Exceptional Student Education Program Development and Services, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1106.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.09431 Special Request Procedure for Exemption from Graduation Test Requirement.

Students with disabilities, as defined in Section 228.041(18), Florida Statutes, are eligible for consideration of a special exemption from the graduation test requirement under extraordinary circumstances that create a situation where the results of administration of the graduation test would reflect a student's impaired sensory, manual or speaking skills rather than the student's achievement. Such circumstances are defined as physical conditions that affect a student's ability to communicate in modes acceptable through accommodation of the statewide test. Extraordinary circumstances are events or conditions that prevent the student from physically

demonstrating mastery of skills that have been acquired and are measured by the test. Learning process deficits and cognitive deficits are not considered physical conditions. A request may be made for an exemption from any or all sections of the test required for high school graduation.

(1) The Commissioner may exempt a student with a disability as defined by Section 228.041(18), Florida Statutes, from meeting the testing requirement for high school graduation with a standard diploma, as specified in Section 229.57(3)(c), Florida Statutes.

(2) The procedure for consideration of this special exemption must originate with receipt of a written request from the district school superintendent at least one (1) semester before the anticipated graduation date. This request must be due to extraordinary circumstances which would cause the results of the testing to reflect the student's impaired sensory, manual or speaking skills rather than the student's achievement. The Commissioner shall determine whether the exemption shall be granted based upon the documentation provided by the district school superintendent which shall include:

(a) Written description of the student's disabling condition, including a specific description of the student's impaired sensory, manual or speaking skills and the extraordinary circumstances for the exemption request;

(b) Written documentation of the most recent and other available re-evaluation or psychological reports and course transcript;

(c) Written description of the disability's effect on the student's achievement;

(d) Written description of accommodations or modifications provided in the student's high school course of study;

(e) Written evidence that the student has had the opportunity to learn the skills being tested, has been prepared to participate in the testing program and has been provided appropriate test accommodations as defined in Rule 6A-1.0943, FAC.; and

(f) Written evidence that the manifestation of the student's disability prohibits the student from responding to the written test even when appropriate accommodations are provided so that the result of the testing reflects the student's impaired sensory, manual or speaking skills rather than the student's achievement.

(g) Written description of academic accomplishments indicating mastery of skills assessed on the graduation test as described in Section 232.246(5)(a), Florida Statutes.

(3) Upon receipt of the request for exemption, the Commissioner shall determine whether sufficient documentation has been provided and may request additional information.



(k) Railroad Accidents/Incidents: Reports Classification, and Investigations. 49 C.F.R. Part 225.

(l) Hours of Service of Railroad Employees. 49 C.F.R. Part 228.

(m) Railroad Locomotive Safety Standards. 49 C.F.R. Part 229.

(n) Locomotive Inspection. 49 C.F.R. Part 230.

(o) Railroad Safety Appliance Standards. 49 C.F.R. Part 231.

(p) Railroad Power Brakes and Drawbars. 49 C.F.R. Part 232.

(q) Signal Systems Reporting Requirements. 49 C.F.R. Part 233.

(r) Grade Crossing Signal System Safety. 49 C.F.R. Part 234.

(s) Rules, Standards, and Instructions Governing the Installation, Inspection, Maintenance, and Repair of Signal and Train Control Systems, Devices, and Appliances. 49 C.F.R. Part 236.

(t) Passenger Equipment Safety Standards. 49 C.F.R. Part 238.

(u) Passenger Train Emergency Preparedness. 49 C.F.R. Part 239.

(v)(q) Qualification and Certification of Locomotive Engineers. 49 C.F.R. Part 240.

(4) The following federal minimum safety standards for the transportation of hazardous materials by rail are hereby incorporated by reference and made a part of the rules of the Department:

(a) General Information, Regulations, and Definitions. 49 C.F.R. Part 171.

(b) Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements. 49 C.F.R. Part 172.

(c) Shippers – General Requirements for Shipments and Packagings. 49 C.F.R. 173.

(d) Carriage by Rail. 49 C.F.R. Part 174.

(e) Specifications for Packagings. 49 C.F.R. Part 178.

(f) Specifications for Tank Cars. 49 C.F.R. Part 179.

(g) Continuing Qualification and Maintenance of Packagings. 49 C.F.R. Part 180.

(5) Railroad Clearance Requirements Standards.

(a) Overhead Clearances. The minimum overhead clearance above the top of the rail of standard gage railroad tracks, which are used or proposed to be used for transporting conventional railroad freight cars, shall be 22 feet, except as otherwise provided in this rule. The minimum overhead clearance above the top of the rail on such tracks located inside buildings shall may be reduced to 17 feet. In these cases where the overhead clearance is less than 22 feet so reduced inside buildings, appropriate warning signs directing the attention of railroad employees, and others, the trainmen to the

reduced clearance shall be erected as specified in Subsection (5)(f)1. of this Rule at suitable locations at each point where the affected track enters the building.

(b) Side Clearances. The minimum side clearances from the center line of a curved railroad track, shall be one inch per thirty minutes of curvature, in addition to the minimum side clearance from the center line of tangent standard gage gauge railroad tracks. The minimum side clearance, which are used or proposed to be used for tangent standard gage railroad tracks transportation of freight cars as hereinafter prescribed, shall be as follows:

1. The minimum side clearance for aAll structures and obstructions above the top of the rail, except those hereinafter specifically mentioned, shall be eight feet. (note: posts, pipes, warning signs, and similar obstructions should, where practicable, have a side clearance of ten feet.)

2. The minimum side clearance for tracks adjacent to platforms for loading and unloading conventional railroad cars freight, where the tops of such which platforms are approximately level with the floors of such freight cars serving such platforms, may be reduced to not less than five feet nine inches, on one side of the tracks only. When such tracks with reduced clearance are not situated in an open thoroughfare, appropriate Wwarning signs, which directing the attention of railroad employees and others the trainmen to the reduced clearance, shall be erected as specified in Subsection (5)(f)1. of this Rule at suitable locations at each end of such platform.

3. The minimum side clearance for tracks adjacent to or entering engine terminal or shop structures, such as engine houses and car repair shops, outdoor locomotive fueling and servicing facilities, einder conveyors and turntables shall may be reduced to six feet. When a side clearance of less than eight feet exists on such tracks, warning signs which directing the attention of railroad employees the trainmen to the reduced clearance shall be erected at suitable locations at each end of the structure. The clearance requirements of this rule do not apply to repair or servicing working platforms and working structures inside engine houses and repair shops.

4. The minimum side clearance for platforms, eight inches or less above the top of the rail, shall be four feet eight inches.

5. The minimum side clearance for switch boxes, switch operating mechanisms, and accessories necessary for the control and operation of signals, switches, and derails, interlockers projecting four inches or less above the top of the rail, shall be three feet.

6. The minimum side clearance for signals and switch stands, three feet or less above the top of the rail and located between tracks, where not practicable to provide clearances otherwise prescribed by this rule because of the distance between the tracks, shall be six feet.

7. The minimum side clearance for fences of cattle guards shall be six feet nine inches.

8. The side clearances specified herein shall not apply to mail cranes when the arms of such cranes are supporting a mail sack for delivery, provided that the top arm is not higher than ten feet eight inches above top of rail and neither arm extends within six feet five inches from the center line of track.

9. The side clearance for icing platforms and supports shall be seven feet eight inches.

10. All minimum side clearances prescribed in this rule section are for tangent tracks. Structures adjacent to curved tracks shall have an additional side clearance of one inch per 30 minutes of degree of curvature.

(c) Clearances Between Tracks.

1. The minimum distance between the center lines of parallel standard gage gauge tracks shall be 13 feet six inches except as hereinafter provided.

2. The minimum distance between the center line of any standard gage gauge ladder track and parallel to any other adjacent track shall be have a clearance of not less than 19 feet from the center line of such other track.

3. The minimum distance between the center lines of parallel team, house, and industry tracks shall be 13 feet.

(d) ~~Other~~ Obstructions and Conditions Adjacent to Tracks.

1. The space between tracks within railroad yards, as ordinarily used by trainmen and yardmen and other employees in the discharge of their duties, and the space beside such tracks within eight feet of the center line thereof, shall be kept clear of grass, weeds, mud, slime, debris, and similar obstructions obstacles.

2. No merchandise, material, or other articles shall be placed or permitted to remain either on the ground or on the platforms adjacent to any track, during the movement of trains or engines on such adjacent track, at a distance less than eight feet from the center line of track. This prohibition subsection shall not apply to materials to be used within a reasonable length of time in the construction, maintenance, or repair of the tracks. Notice of the general location of such materials to be used for the construction, maintenance, or repair of the tracks shall be posted where general notices concerning the movement of trains are posted, or shall otherwise be made available to railroad employees working in such area.

3. A suitable line or other marker shall be maintained ~~at a distance of~~ eight feet from the center line of track on all platforms, excluding passenger platforms, to indicate the space along the edge of the platform which must be kept clear of merchandise, material, or other articles.

(e) Applicability Application.

1. The clearances prescribed in this rule shall apply to building structures or facilities constructed or relocated adjacent to any tracks prior therein described subsequent to September 17, 1953, and to all tracks therein.

2. The clearances prescribed in this rule ~~shall do~~ not apply to the extension of tracks or the adjacent buildings, structures, or facilities ~~provided the track or buildings or structure or facility to be extended was constructed prior to September 17, 1953.~~

(f) Deviation from Clearance. In the event that the required railroad clearance cannot be met after any new construction of railroad track or any adjacent building, structure, or facility, the owner, or other designated person, of the adjacent building, structure, or facility shall take the following safety measures: Request for Variance. In any particular case, if a variance from any of the standard clearances is necessary, the affected railroad or industry may submit a request for variance in accordance with the requirements of Section 120.542, Florida Statutes, and Rule Chapter 28-104, Florida Administrative Code.

1. Install appropriate warning signs at a location at least 100 feet in advance of the location where less than the required clearance exists. Such signs must be installed at both ends of any location which can be approached by a train from either direction, exclusive of any switching activity on a stub end track.

2. Install markings, decals, or paint on any and all obstructions that have less than the required side clearance. Such markings, decals, or paint shall be in a pattern of diagonal stripes to call attention to the obstruction.

(6) Penalties. Failure to comply with the provisions of this rule chapter will result in a penalty in accordance with Section 351.35(2), Florida Statutes, as provided for in applicable federal regulations.

Specific Authority 351.35(1) FS. Law Implemented 341.302(7),(8), 351.35(1),(2) FS. History—New 1-27-81, Formerly 14-57.03, Amended 7-27-97,\_\_\_\_\_.

## DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

### Division of Workers' Compensation

RULE TITLE:

RULE NO.:

Florida Workers' Compensation Reimbursement

Manual for Hospitals

38F-7.501

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt by reference replacement pages 4, 9 and 22 for the 1999 Florida Workers' Compensation Reimbursement Manual for Hospitals, which contains reimbursement policies and per diem rates for hospital services and supplies. It is essential for all users of the UB-92 manual to have all the updates in order to have a complete manual. Hospitals follow the data elements provided in the manual to report the services rendered and to process hospital bills for payment. Payers need the complete manual to know what data

the Florida workers' compensation program requires hospitals to complete before hospitals forward bills to payers for reimbursement.

SUBJECT AREA TO BE ADDRESSED: The Florida Workers' Compensation Reimbursement Manual for Hospitals.

SPECIFIC AUTHORITY: 440.13(4)(b), 440.13(6), 440.13(11), 440.13(12), 440.13(14) FS.

LAW IMPLEMENTED: 440.13(4)(b), 440.13(6), 440.13(11), 440.13(12), 440.13(14) FS.

A RULE DEVELOPMENT WORKSHOP IS DEEMED TO BE NOT NECESSARY BY THE AGENCY HEAD.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Nancy M. Rice, Registered Nurse Consultant, Suite 101, Forrest Building, 2728 Centerview Drive, Tallahassee, Florida, (850)410-1093

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

38F-7.501 Florida Workers' Compensation Reimbursement Manual for Hospitals.

(1) The Florida Workers' Compensation Reimbursement Manual for Hospitals, 1999 Edition, and replacement pages 4, 9, and 22 are adopted by reference as part of this rule. The manual contains reimbursement policies and per diem rates for hospital services and supplies as well as basic instructions and information for all hospitals and carriers in the preparation and reimbursement of bills for hospital services.

(2) No change.

(3) The Florida Workers' Compensation Reimbursement Manual for Hospitals, 1999 Edition, and LES Form DWC-90, are available for inspection during normal business hours, at the Division of Workers' Compensation, Bureau of Rehabilitation and Medical Services, 101 400 Forrest Building, 2728 Centerview Drive, Tallahassee, Florida 32399-0664, or via the Division's home page at <http://www2.myflorida.com/les/wc/> ~~<http://www.wc.les.state.fl.us/DWC/>~~.

Specific Authority 440.13(4)(b), 440.13(6), 440.13(11), 440.13(12), 440.13(14) FS. Law Implemented 440.13(4)(b), 440.13(6), 440.13(11), 440.13(12), 440.13(14) FS. History--New 6-9-87, Amended 6-1-92, 10-27-99,

**DEPARTMENT OF ELDER AFFAIRS**

**Administration of Federal Aging Programs**

RULE TITLE: Program Forms

RULE NO.: 58A-1.010

PURPOSE AND EFFECT: A rule development workshop will be held to discuss revised DOEA Form 203, Care Plan, and its instructions which will be incorporated by reference in rule 58A-1.010, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Revision of care plan form.

SPECIFIC AUTHORITY: 430.08, 430.101 FS.

LAW IMPLEMENTED: 20.41, 430.101 FS.

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

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Thursday, May 17, 2001

PLACE: Elder Leadership Institute, Hotel Royal Plaza, 1905 Hotel Plaza Blvd., Lake Buena Vista, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Sharlene Davis or Mary Hodges, Division of Home and Community-Based Services, (850)414-2108

**DEPARTMENT OF ELDER AFFAIRS**

**Community Care for the Elderly**

RULE TITLE: Program Forms

RULE NO.: 58C-1.008

PURPOSE AND EFFECT: A rule development workshop will be held to discuss revised DOEA Form 203, Care Plan, and its instructions which will be incorporated by reference in rule 58C-1.008, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Revision of care plan form.

SPECIFIC AUTHORITY: 430.08, 430.203-.205 FS.

LAW IMPLEMENTED: 430.201-.207 FS.

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

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Thursday, May 17, 2001

PLACE: Elder Leadership Institute, Hotel Royal Plaza, 1905 Hotel Plaza Blvd., Lake Buena Vista, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Sharlene Davis or Mary Hodges, Division of Home and Community-Based Services, (850)414-2108

**DEPARTMENT OF ELDER AFFAIRS**

**Administration of the Alzheimer's Disease Initiative**

**RULE TITLE:** Program Forms  
**RULE NO.:** 58D-1.007  
**PURPOSE AND EFFECT:** A rule development workshop will be held to discuss revised DOEA Form 203, Care Plan, and its instructions which will be incorporated by reference in Rule 58D-1.007, F.A.C.  
**SUBJECT AREA TO BE ADDRESSED:** Revision of care plan form.  
**SPECIFIC AUTHORITY:** 430.08, 430.501-.503 FS.  
**LAW IMPLEMENTED:** 430.501-.504 FS.  
**IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**  
**TIME AND DATE:** 1:00 p.m. – 3:00 p.m., Thursday, May 17, 2001  
**PLACE:** Elder Leadership Institute, Hotel Royal Plaza, 1905 Hotel Plaza Blvd., Lake Buena Vista, FL  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING:** Sharlene Davis or Mary Hodges, Division of Home and Community-Based Services, (850)414-2108

**DEPARTMENT OF ELDER AFFAIRS**

**Home Care for the Elderly**

**RULE TITLE:** Program Forms  
**RULE NO.:** 58H-1.009  
**PURPOSE AND EFFECT:** A rule development workshop will be held to discuss revised DOEA Form 203, Care Plan, and its instructions which will be incorporated by reference in Rule 58H-1.009, F.A.C.  
**SUBJECT AREA TO BE ADDRESSED:** Revision of care plan form.  
**SPECIFIC AUTHORITY:** 430.08, 430.603 FS.  
**LAW IMPLEMENTED:** 430.601-.608 FS.  
**IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**  
**TIME AND DATE:** 1:00 p.m. – 3:00 p.m., Thursday, May 17, 2001  
**PLACE:** Elder Leadership Institute, Hotel Royal Plaza, 1905 Hotel Plaza Blvd., Lake Buena Vista, FL

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING:** Sharlene Davis or Mary Hodges, Division of Home and Community-Based Services, (850)414-2108

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

**RULE TITLE:** Time for Compliance With Final Order  
**RULE NO.:** 61G4-12.008  
**PURPOSE AND EFFECT:** The Board proposes to review this rule to determine if amendments are necessary to clarify the effect of probationers unsatisfactory appearances before the Board.  
**SUBJECT AREA TO BE ADDRESSED:** Time for compliance with final order in regards to probationary period.  
**SPECIFIC AUTHORITY:** 455.227(2), 489.108 FS.  
**LAW IMPLEMENTED:** 455.227(2), 489.129(2), (6) FS.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.**  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Cathleen O’Dowd, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

**RULE TITLE:** Statement of Authority  
**RULE NO.:** 61G4-15.002  
**PURPOSE AND EFFECT:** The Board proposes to review this rule to determine if amendments are necessary in regards to corporations.  
**SUBJECT AREA TO BE ADDRESSED:** Statement of authority.  
**SPECIFIC AUTHORITY:** 489.108 FS.  
**LAW IMPLEMENTED:** 489.105(4), 489.119, 489.1195 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cathleen O’Dowd, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 01-15R

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

Drinking Water Standards,                      62-550  
Monitoring and Reporting

RULE TITLES:                                      RULE NOS.:

Intent and Scope                                      62-550.102

Definitions for Public Water Systems                      62-550.200

Application of Quality Standards to                      62-550.300  
Public Water Systems

Primary Drinking Water Standards: Maximum                      62-550.310  
Contaminant Levels and Maximum  
Residual Disinfectant Levels

Primary Drinking Water Standards:                      62-550.315  
Treatment Technique Requirements

Secondary Drinking Water Standards:                      62-550.320  
Maximum Contaminant Levels

Secondary Drinking Water Standards:                      62-550.325  
Treatment Technique Requirements

General Monitoring and Compliance                      62-550.500  
Measurement Requirements for  
Contaminants and Disinfectant Residuals

Nitrate and Nitrite Monitoring Requirements                      62-550.512

Inorganic Contaminants                      62-550.513  
Monitoring Requirements

Monitoring Requirements for Disinfectant                      62-550.514  
Residuals and Disinfection Byproducts

Volatile Organic Contaminants Monitoring                      62-550.515  
Requirements

Synthetic Organic Contaminants Monitoring                      62-550.516  
Requirements

Physical Characteristics Monitoring                      62-550.517  
Requirements

Microbiological Monitoring Requirements                      62-550.518

Radionuclides Monitoring Requirements                      62-550.519

Secondary Contaminants Monitoring                      62-550.520  
Requirements

Monitoring of Consecutive Public                      62-550.540  
Water Systems

Approved Laboratories and Analytical                      62-550.550  
Methods for Public Water Systems

Public Water System Monitoring                      62-550.590  
Information and Monitoring Schedule

Recordkeeping                      62-550.720

Reporting Requirements for Public                      62-550.730  
Water Systems

Control of Lead and Copper                      62-550.800

Disinfectant Residuals, Disinfection                      62-550.821  
Byproducts, and Disinfection  
Byproduct Precursors

Consumer Confidence Reports                      62-550.824

PURPOSE AND EFFECT: The Department is developing rule amendments to incorporate the U.S. Environmental Protection Agency’s Stage 1 Disinfectants and Disinfection Byproducts Rule into Chapter 62-550. In addition, the Department is correcting and clarifying miscellaneous rules.

SUBJECT AREA TO BE ADDRESSED: Rule 62-550.102 may be amended to clarify the intent of the phrases “sell water to any person” and “treatment facilities” and to correct and clarify the description of Chapter 62-560. Rule 62-550.200 may be revised to add definitions for the terms “enhanced coagulation,” “enhanced softening,” “GAC10,” “haloacetic acids (five),” “maximum residual disinfectant level,” “specific ultraviolet absorption,” “subpart H system,” and “total organic carbon” and to correct or clarify the definitions for the terms “community water system,” “exemption,” “total trihalomethanes,” “variance,” and “waiver.” Rule 62-550.300 may be revised to indicate that water quality standards include maximum residual disinfectant levels and treatment technique requirements as well as maximum contaminant levels. Rule 62-550.310 may be amended to add maximum residual disinfectant levels (MRDLs), maximum contaminant levels (MCLs) for disinfection byproducts, and compliance dates for these MRDLs and MCLs. Rule 62-550.315 may be added to identify all the treatment technique requirements that are considered primary drinking water standards. Rule 62-550.320 may be revised to correct and clarify existing rule language. Rule 62-550.325 may be amended to address only treatment technique requirements that are considered secondary drinking water standards and to make the treatment technique requirements for control of iron and manganese consistent with the requirements in *Recommended Standards for Water Works*. Rule 62-550.500 may be amended to correct and clarify existing rule language and to add disinfectant residuals and disinfection byproducts to the monitoring frequency table and the monitoring schedule table. Rule 62-550.512 and Rule 62-550.513 may be amended to correct and clarify existing rule language. Rule 62-550.514 may be amended to reference monitoring requirements for disinfectant residuals and disinfection byproducts and to add compliance dates for this monitoring. Rule 62-550.515 may be amended to correct existing rule language. Rule 62-550.516 may be amended to change the name of the contaminant group “Pesticides and



Polychlorinated Biphenyls” to “Synthetic Organic Contaminants” and to correct rule references. Rule 62-550.517 may be amended to correct rule references and to clarify existing rule language. Rule 62-550.518 may be amended to correct and clarify existing rule language and to require microbiological monitoring of raw water for only those water systems using ground water not under the direct influence of surface water. Rule 62-550.519 may be amended to correct and clarify existing rule language. Rule 62-550.520 may be amended to correct a rule reference. Rule 62-550.540 may be amended to correct and clarify existing rule language; to allow consecutive water systems to consolidate their monitoring requirements with those of their supplier water system or those of another interconnected consecutive system; and to require that supplier systems include in their disinfection byproducts monitoring plan consecutive community or non-transient non-community water systems that do not add a chemical disinfectant to the water. Rule 62-550.550 may be amended to correct and clarify existing rule language; to specify that DPD colormetric test kits may be used to measure chlorine, chloramine, or chlorine dioxide; and to specify that licensed operators or persons under their direct supervision (instead of any authorized representative of a supplier of water) may perform measurements of certain contaminants, disinfectant residuals, or water quality parameters. Rule 62-550.590 may be amended to clarify existing rule language and to add monitoring requirements for disinfectants and disinfection byproducts to the monitoring frequencies table and the routine monitoring schedule table. Rule 62-550.720 may be amended to correct and clarify existing rule language and to require that monthly operating reports be kept for a minimum of ten years (instead of five years). Rule 62-550.730 may be amended to correct and clarify existing rule language; to require that monthly operating reports be submitted within ten days (instead of 15 days) after the end of each month; and to reference the reporting format for disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors and enhanced coagulation or softening. Rule 62-550.800 may be amended to update the reference to Federal regulations. Rule 62-550.821 may be added to incorporate 40 CFR 141, subpart L (Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors), by reference and to clarify and supplement this subpart. Rule 62-550.824 may be amended to revise a rule reference.

**SPECIFIC AUTHORITY:** 403.553(3), 403.861(6),(9), (16),(17) FS.

**LAW IMPLEMENTED:** 403.851, 403.852(12),(13), 403.853, 403.853(1),(2),(3),(4),(7), 403.859(1), 403.861(1),(16),(17), 403.8615, 403.862 FS.

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

**TIME AND DATE:** 10:00 a.m., May 15, 2001

PLACE: Orlando Public Library, Oak Room, 101 East Central Boulevard, Orlando, FL 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Steven Kelly, Department of Environmental Protection, Drinking Water Section (MS 3520), 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9598

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 01-16R

RULE CHAPTER TITLE: Requirements for Public Water Systems that are Out of Compliance

RULE CHAPTER NO.: 62-560

Violations 62-560.310

Scope of Drinking Water Public Notification Rules 62-560.400

Public Notification – Primary Standards 62-560.410

Public Notice Requirements Pertaining to Lead 62-560.420

Public Notification – Secondary Standards 62-560.430

Drinking Water Variance Request 62-560.510

Drinking Water Exemption Request 62-560.520

Request for Waiver of Disinfection Requirements 62-560.530

Request for Waiver of Certified Operator Requirements 62-560.540

Request for Waiver of Monitoring Requirements 62-560.545

State-Wide Monitoring Waivers for Selected Contaminants 62-560.546

Manner of Decision on Variances, Exemptions, and Waivers 62-560.550

Variances and Exemptions from the Additional Requirements For Surface Water Systems 62-560.560

General 62-560.600

Best Available Technology for Achieving Compliance With a Maximum Contaminant Level or Maximum Residual Disinfectant Level 62-560.610

Bottled Water, Point-of-Use, and Point-of-Entry Devices 62-560.620

PURPOSE AND EFFECT: The Department is developing rule amendments to incorporate the U.S. Environmental Protection Agency’s Stage 1 Disinfectants and Disinfection Byproducts Rule into Chapter 62-560. In addition, the Department is

amending variance and exemption rules to make them consistent with the Federal Safe Drinking Water Act, deleting obsolete public notice requirements for lead, and correcting and clarifying miscellaneous rules.

**SUBJECT AREA TO BE ADDRESSED:** Rule 62-560.310 may be amended to clarify existing rule language. Rule 62-560.400 may be amended to correct and clarify existing rule language and to revise the title and date of the Department's publication containing mandatory health effects language, which will be updated to include language for disinfectants and disinfection byproducts. Rule 62-560.410 may be amended to correct and clarify existing rule language and to specify that violation of the maximum residual disinfectant level for chlorine dioxide in the distribution system is an acute violation. Rule 62-560.420 may be repealed because the requirements in this rule have been deleted from USEPA regulations as obsolete and have been superseded by the lead public education provisions in the treatment technique requirements for control of lead and copper. Rule 62-560.430 may be amended to revise the title and date of the Department's publication containing mandatory health effects language. Rule 62-560.510 may be amended to correct and clarify existing rule language; to make this rule consistent with the Federal Safe Drinking Water Act and Federal regulations; to incorporate the requirements of Rule 62-560.560(1), which may be repealed; and to specify that a variance cannot be obtained from the treatment technique requirements for control of disinfection byproduct precursors. Rule 62-560.520 may be amended to correct and clarify existing rule language; to make the rule consistent with the Federal Safe Drinking Water Act and Federal regulations; and to incorporate the requirements of Rule 62-560.560(2), which may be repealed. Rule 62-560.530 may be amended to correct and clarify existing rule language. Rule 62-560.540 may be amended to clarify existing rule language and to limit the waiver of certified operator requirements to only transient non-community water systems because Federal guidelines require that all non-transient non-community water systems be operated by an appropriately certified operator. Rules 62-560.545, 62-560.546, and 62-560.550 may be amended to correct and clarify existing rule language. Rule 62-560.560 may be repealed because the requirements in this section may be incorporated into revised Rule 62-560.510(7) and new Rule 62-560.520(5). Rule 62-560.600 may be amended to correct and clarify existing rule language. Rule 62-560.610 may be amended to add Best Available Technology for achieving compliance with maximum residual disinfectant levels and maximum contaminant levels for disinfection byproducts; to move the requirements of Rules 62-560.610(3)(a) and (b) to Rule 62-560.600; and to correct and clarify existing rule language. Rule 62-560.620 may be amended to correct and clarify existing rule language.

**SPECIFIC AUTHORITY:** 403.853(3), 403.861, 403.861(8),(9) FS.

**LAW IMPLEMENTED:** 120.57, 120.60, 403.0877, 403.852(12),(13), 403.853, 403.853(1),(3), 403.854, 403.854(1),(2),(3),(4),(5),(6),(7), 403.857, 403.859, 403.860, 403.860(5),(6) FS.

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

**TIME AND DATE:** 10:00 a.m., May 15, 2001

**PLACE:** Orlando Public Library, Oak Room, 101 East Central Boulevard, Orlando, FL 32801

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Steven Kelly, Department of Environmental Protection, Drinking Water Section (MS 3520), 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9598

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

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NOT CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

**RULE TITLE:** Definitions **RULE NO.:** 64B1-3.001

**PURPOSE AND EFFECT:** The proposed rule will define certain terms associated with the practice of acupuncture.

**SUBJECT AREA TO BE ADDRESSED:** Definitions.

**SPECIFIC AUTHORITY:** 457.102, 457.104 FS.

**LAW IMPLEMENTED:** 457.102 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE FLORIDA ADMINISTRATIVE WEEKLY AT A LATER DATE.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Joe Baker, Jr., Acting Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS UNAVAILABLE AT THIS TIME.**

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLE: RULE NO.:

Content and Retention of Medical Records 64B1-10.001

PURPOSE AND EFFECT: The proposed rule will set forth requirements for content and retention of medical records by acupuncturist.

SUBJECT AREA TO BE ADDRESSED: Content and Retention of Medical Records.

SPECIFIC AUTHORITY: 457.104 FS.

LAW IMPLEMENTED: 457.109(1)(m) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE FLORIDA ADMINISTRATIVE WEEKLY AT A LATER DATE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe Baker, Jr., Acting Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS UNAVAILABLE AT THIS TIME.

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: RULE NO.:

Examination Requirements 64B13-4.001

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to increase the passing score for the clinical examination from 75 points to 80 percent.

SUBJECT AREA TO BE ADDRESSED: The passing score for the clinical examination.

SPECIFIC AUTHORITY: 456.017(2), 463.006(2), 463.05 FS.

LAW IMPLEMENTED: 456.017(2), 463.006(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-4.001 Examination Requirements.

The examination for licensure shall consist of the National Board of Examiners in Optometry examination (hereafter NBEO examination), the certification examination, and Parts I and II of the state examination for licensure.

(1) No change.

(2) State Examination

(a) through (c) No change.

(d) Part II of the state examination shall consist of a clinical portion and a pharmacology/ocular disease portion.

1. through 3. No change.

4. An applicant must attain a score of 80 percent ~~75 points~~ or better in order to secure a passing grade on the clinical portion of the practical examination.

5. through 6. No change.

(3) No change.

Specific Authority 456.017(2), 463.006(2), 463.05 FS. Law Implemented 456.017(2), 463.006(2) FS. History—New 11-13-79, Amended 5-28-80, 7-10-80, 8-20-81, 2-14-82, 6-6-82, 10-3-82, 4-10-84, 5-29-85, Formerly 21Q-4.01, Amended 7-21-86, 11-20-86, 7-27-87, 7-11-88, 7-18-91, 4-14-92, Formerly 21Q-4.001, Amended 2-14-94, Formerly 61F8-4.001, Amended 8-8-94, 11-21-94, 4-21-96, Formerly 59V-4.001, Amended 7-27-99.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLES: RULE NOS.:

Standards of Practice for Surgery 64B15-14.006

Standard of Care for Office Surgery 64B15-14.007

PURPOSE AND EFFECT: The Board proposes to promulgate two new rules. Rule 64B15-14.005 will address the standards of practice for surgery, and Rule 64B15-14.007 will address the standard of care for office surgery.

SUBJECT AREA TO BE ADDRESSED: Standard of practice for surgery and standard of care for office surgery.

SPECIFIC AUTHORITY: 459.005, 459.015(1)(z), 459.026 FS.

LAW IMPLEMENTED: 459.015(1)(g), (x), (z), (aa), 459.026, 459.331(1)(x), (aa) 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: 6:00 p.m., or thereafter, June 8, 2001

PLACE: The Crown Plaza Hotel, 950 NW LeJeune, Miami, Florida 33125

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-14.006 Standards of Practice For Surgery.

The Board of Osteopathic Medicine interprets the standard of care requirement of Section 459.015(1)(x), Florida Statutes, and the delegation of duties restrictions of Section 459.015(1)(aa), Florida Statutes, with regard to surgery as follows:

(1) The ultimate responsibility for diagnosing medical and surgical problems is that of the licensed doctor of medicine or osteopathy who is to perform the surgery. In addition, it is the responsibility of the operating surgeon or an equivalently trained doctor of medicine or osteopathy or a physician practicing within a Board approved postgraduate training program to explain the procedure to and obtain the informed consent of the patient. It is not necessary, however, that the operating surgeon obtain or witness the signature of the patient on the written form evidencing informed consent.

(2) Management of postsurgical care is the responsibility of the operating surgeon.

(3) The operating surgeon can delegate discretionary postoperative activities to equivalently trained licensed doctors of medicine or osteopathy or to physicians practicing within Board approved postgraduate training programs. Delegation to any health care practitioner is permitted only if the other practitioner is supervised by the operating surgeon or an equivalently trained licensed doctor of medicine or osteopathy or a physician practicing within a Board approved postgraduate training program.

(4) The rule shall have no application to anesthesia-related activities performed in accordance with Florida law.

Specific Authority 459.005 FS. Law Implemented 459.331(1)(x),(aa) FS. History—New.

64B15-14.007 Standard of Care for Office Surgery.

**NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.**

(1) Definitions.

(a) Surgery. For the purpose of this rule, surgery is defined as any operative procedure, including the use of lasers, performed upon the body of a living human being for the purposes of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defects, prolonging life, relieving suffering or any elective procedure for aesthetic, reconstructive or cosmetic purposes, to include, but not be limited to: incision or curettage of tissue or an organ; suture or other repair of tissue or organ, including a closed as well as an open reduction of a fracture; extraction of tissue including premature extraction of the products of conception from the uterus; insertion of natural or artificial implants; or an endoscopic procedure with use of local or general anesthetic.

(b) Surgeon. For the purpose of this rule, surgeon is defined as a licensed osteopathic physician performing any procedure included within the definition of surgery.

(c) Equipment. For the purpose of this rule, implicit within the use of the term of equipment is the requirement that the specific item named must meet current performance standards.

(d) Office surgery. For the purpose of this rule office surgery is defined as surgery which is performed outside a hospital, an ambulatory surgical center, abortion clinic, or other medical facility licensed by the Department of Health, the Agency for Health Care Administration, or a successor agency. Office surgical procedures shall not be of a type that generally result in blood loss of more than ten percent of estimated blood volume in a patient with a normal hemoglobin; require major or prolonged intracranial, intrathoracic, abdominal, or major joint replacement procedures, except for laparoscopic procedures; directly involve major blood vessels; or are generally emergent or life threatening in nature.

(2) General Requirements for Office Surgery.

(a) For all surgical procedures, the level of sterilization shall meet current OSHA requirements.

(b) The surgeon must examine the patient immediately before the surgery to evaluate the risk of anesthesia and of the surgical procedure to be performed. The surgeon must maintain complete records of each surgical procedure, as set forth in Rule 64B15-15.004, F.A.C., including anesthesia records, when applicable and the records shall contain written informed consent from the patient reflecting the patient's knowledge of identified risks, consent to the procedure, type of anesthesia and anesthesia provider, and that a choice of anesthesia provider exists, i.e., anesthesiologist, another appropriately trained physician as provided in this rule, certified registered nurse anesthetist, or physician assistant qualified as set forth in rule 64B15-6.010(2)(b)6., F. A.C.

(c) The requirement set forth in subsection (2)(b) above for written informed consent is not necessary for minor Level I procedures limited to the skin and mucosa.

(d) The surgeon must maintain a log of all Level II and Level III surgical procedures performed, which must include a confidential patient identifier, the type of procedure, the type of anesthesia used, the duration of the procedure, the type of post-operative care, and any adverse incidents, as identified in Section 459.026, F.S. The log and all surgical records shall be provided to investigators of the Department of Health upon request.

(e) In any liposuction procedure, the surgeon is responsible for determining the appropriate amount of supernatant fat to be removed from a particular patient. A maximum of 4000cc supernatant fat may be removed by liposuction in the office setting. A maximum of 50mg/kg of Lidocaine can be injected for tumescent liposuction in the office setting.

(f) For elective cosmetic and plastic surgery procedures performed in a physician's office, the maximum planned duration of all surgical procedures combined must not exceed 8 hours. Except for elective cosmetic and plastic surgery, the surgeon shall not keep patients past midnight in a physician's office. For elective cosmetic and plastic surgical procedures, the patient must be discharged within 24 hours of presenting to the office for surgery; an overnight stay is permitted in the office provided the total time the patient is at the office does not exceed 23 hours and 59 minutes including the surgery time. An overnight stay in a physician's office for elective cosmetic and plastic surgery shall be strictly limited to the physician's office. If the patient has not recovered sufficiently to be safely discharged within the timeframes set forth, the patient must be transferred to a hospital for continued post-operative care.

(g) The surgeon must assure that the post-operative care arrangements made for the patient are adequate to the procedure being performed as set forth in Rule 64B15-14.006, F.A.C. Management of post-surgical care is the responsibility of the operating surgeon and may be delegated only as set forth in Rule 64B15-14.006(3), F.A.C. If there is an overnight stay at the office in relation to any surgical procedure:

1. The office must provide at least two (2) monitors, one of these monitors must be certified in Advanced Cardiac Life Support (ACLS), and maintain a monitor to patient ratio of at least 1 monitor to 2 patients. Once the surgeon has signed a timed and dated discharge order, the office may provide only one monitor to monitor the patient. The monitor must be certified in Advanced Cardiac Life Support. The full and current crash cart required below must be present in the office and immediately accessible for the monitors.

2. The surgeon must be reachable by telephone and readily available to return to the office if needed. For purposes of this subsection, "readily available" means capable of returning to the office within 15 minutes of receiving a call.

(h) A policy and procedure manual must be maintained in the office, updated annually, and implemented. The policy and procedure manual must contain the following: duties and responsibilities of all personnel, quality assessment and improvement systems comparable to those required by Rule 59A-5.019; cleaning and infection control, and emergency procedures. This applies only to physician offices at which Level II and Level III procedures are performed.

(i) The surgeon shall report to the Department of Health any adverse incidents that occur within the office surgical setting. This report shall be made within 15 days after the occurrence of an incident as required by section 497.026, F.S.

(j) A sign must be prominently posted in the office which states that the office is a doctor's office regulated pursuant to the rules of the Board of Osteopathic Medicine as set forth in Rule Chapter 64B15, F.A.C. This notice must also appear prominently within the required patient informed consent.

(3) Level I Office Surgery.

(a) Scope. Level I office surgery includes the following:

1. Minor procedures such as excision of skin lesions, moles, warts, cysts, lipomas and repair of lacerations or surgery limited to the skin and subcutaneous tissue performed under topical or local anesthesia not involving drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient.

2. Liposuction involving the removal of less than 4000cc supernatant fat is permitted.

3. Incision and drainage of superficial abscesses, limited endoscopies such as proctoscopies, skin biopsies, arthrocentesis, thoracentesis, paracentesis, dilation of urethra, cysto-scopic procedures, and closed reduction of simple fractures or small joint dislocations (i.e., finger and toe joints).

4. Pre-operative medications not required or used other than minimal pre-operative tranquilization of the patient; anesthesia is local, topical, or none. No drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient is permitted in Level I Office Surgery.

5. Chances of complication requiring hospitalization are remote.

(b) Standards for Level I Office Surgery.

1. Training Required. Surgeon's continuing medical education should include: proper dosages; management of toxicity or hypersensitivity to regional anesthetic drugs. Basic Life Support Certification is recommended but not required.

2. Equipment and Supplies Required. Oxygen, positive pressure ventilation device, Epinephrine (or other vasopressor), Corticoids, Antihistamine and Atropine if any anesthesia is used.

3. Assistance of Other Personnel Required. No other assistance is required, unless the specific surgical procedure being performed requires an assistant.

(4) Level II Office Surgery.

(a) Scope.

1. Level II Office Surgery is that in which peri-operative medication and sedation are used intravenously, intramuscularly, or rectally, thus making intra and post-operative monitoring necessary. Such procedures shall include, but not be limited to: hemorrhoidectomy, hernia repair, reduction of simple fractures, large joint dislocations, breast biopsies, colonoscopy, and liposuction involving the removal of up to 4000cc supernatant fat.

2. Level II Office Surgery includes any surgery in which the patient is placed in a state which allows the patient to tolerate unpleasant procedures while maintaining adequate cardiorespiratory function and the ability to respond purposefully to verbal command and/or tactile stimulation. Patients whose only response is reflex withdrawal from a painful stimulus are sedated to a greater degree than encompassed by this definition.

(b) Standards for Level II Office Surgery.

1. Transfer Agreement Required. The physician must have a transfer agreement with a licensed hospital within reasonable proximity if the physician does not have staff privileges to perform the same procedure as that being performed in the out-patient setting at a licensed hospital within reasonable proximity. "Reasonable proximity" is defined as not to exceed thirty (30) minutes transport time to the hospital.

2. Training Required. The surgeon must have staff privileges at a licensed hospital to perform the same procedure in that hospital as that being performed in the office setting or must be able to document satisfactory completion of training such as Board certification or Board eligibility by a Board approved by the American Board of Medical Specialties or any other board approved by the Board of Medicine or must be able to establish comparable background, training, and experience. The surgeon and one assistant must be currently certified in Basic Life Support and the surgeon and at least one assistant must be currently certified in Advanced Cardiac Life Support or have a qualified anesthesia provider practicing within the scope of the provider's license manage the anesthesia.

3. Equipment and Supplies Required.

a. Full and current crash cart at the location the anesthetizing is being carried out. The crash cart must include, at a minimum, the following resuscitative medications:

I. adrenalin (epinephrine) 1:10,000 dilution; 10ml

II. adrenalin (epinephrine) 1:1000 dilution; 1ml

III. atropine 0.1mg/ml; 5ml

IV. benadryl (diphenhydramine)

V. calcium chloride 10%; 10ml

VI. dextrose 50%;

VII. dilantin (phenytoin)

VIII. dopamine

IX. heparin

X. inderal (propranolol)

XI. isuprel

XII. lanoxin (digoxin)

XIII. lasix (furosemide)

XIV. xylocaine (lidocaine)

XV. magnesium sulfate 50%

XVI. narcan (naloxone)

XVII. pronestyl (procainamide)

XVIII. sodium bicarbonate 50mEq/50ml

XIX. solu-medrol (methylprednisolone)

XX. verapamil hydrochloride

XXI. mazicon

b. Suction devices, endotracheal tubes, laryngoscopes, etc.

c. Positive pressure ventilation device (e.g., Ambu) plus oxygen supply.

d. Double tourniquet for the Bier block procedure.

e. Monitors for blood pressure/EKG/Oxygen saturation.

f. Emergency intubation equipment.

g. Adequate operating room lighting.

h. Emergency power source able to produce adequate power to run required equipment for a minimum of two (2) hours.

i. Appropriate sterilization equipment.

j. IV solution and IV equipment.

4. Assistance of Other Personnel Required. The surgeon must be assisted by a qualified anesthesia provider as follows: An Anesthesiologist, Certified Registered Nurse Anesthetist, or Physician Assistant qualified as set forth in Rule 64B15-6.010(2)(b)6., F.A.C., or a registered nurse may be utilized to assist with the anesthesia, if the surgeon is ACLS certified. An assisting anesthesia provider cannot function in any other capacity during the procedure. If additional assistance is required by the specific procedure or patient circumstances, such assistance must be provided by a physician, osteopathic physician, registered nurse, licensed practical nurse, or operating room technician. A physician licensed under Chapter 458 or 459, a licensed physician assistant, a licensed registered nurse with post-anesthesia care unit experience or the equivalent, credentialed in Advanced Cardiac Life Support or, in the case of pediatric patients, Pediatric Advanced Life Support, must be available to monitor the patient in the recovery room until the patient is recovered from anesthesia.

(5) Level IIA Office Surgery.

(a) Scope. Level IIA office surgeries are those Level II office surgeries with a maximum planned duration of 5 minutes or less and in which chances of complications requiring hospitalization are remote.

(b) Standards for Level IIA Office Surgery.

1. The standards set forth in 64B15-14.006(4), must be met except for the requirements set forth in section 64B15-14.006(4)(b)4., regarding assistance of other personnel.

2. Assistance of Other Personnel Required. During the procedure, the surgeon must be assisted by a physician or physician assistant who is licensed pursuant to Chapter 458 or 459, F.S., or by a licensed registered nurse or a licensed practical nurse. Additional assistance may be required by specific procedure or patient circumstances. Following the procedure, a physician or physician assistant who is licensed pursuant to Chapter 458 or 459, F.S., or a licensed registered nurse must be available to monitor the patient in the recovery room until the patient is recovered from anesthesia. The monitor must be certified in Advanced Cardiac Life Support, or, in the case of pediatric patients, Pediatric Advanced Life Support.

(6) Level III Office Surgery.

(a) Scope.

1. Level III Office Surgery is that surgery which involves, or reasonably should require, the use of a general anesthesia or major conduction anesthesia and pre-operative sedation. This includes the use of:

a. Intravenous sedation beyond that defined for Level II office surgery;

b. General Anesthesia: loss of consciousness and loss of vital reflexes with probable requirement of external support of pulmonary or cardiac functions; or

c. Major Conduction anesthesia.

2. Only patients classified under the American Society of Anesthesiologist's (ASA) risk classification criteria as Class I, II, or III are appropriate candidates for Level III office surgery. For ASA Class III patients, the surgeon must document in the patient's record the justification and precautions that make the office an appropriate forum for the particular procedure to be performed.

(b) Standards for Level III Office Surgery. In addition to the standards for Level II Office Surgery, the surgeon must comply with the following:

1. Training Required.

a. The surgeon must be able to document satisfactory completion of training such as Board certification or Board qualification by a Board approved by the American Board of Medical Specialties, the American Osteopathic Association or any other board approved by the Board of Osteopathic Medicine or must be able to demonstrate to the accrediting organization or to the Department comparable background, training and experience. In addition, the surgeon must have knowledge of the principles of general anesthesia.

b. The surgeon and one assistant must be currently certified in Basic Life Support and the surgeon or at least one assistant must be currently certified in Advanced Cardiac Life Support.

2. Emergency procedures related to serious anesthesia complications should be formulated, periodically reviewed, practiced, updated, and posted in a conspicuous location.

3. Equipment and Supplies Required.

a. Equipment, medication, including at least 36 ampules of dantrolene on site, and monitored post-anesthesia recovery must be available in the office.

b. The office, in terms of general preparation, equipment, and supplies, must be comparable to a free standing ambulatory surgical center, including, but not limited to, recovery capability, and must have provisions for proper recordkeeping.

c. Blood pressure monitoring equipment; EKG; end tidal CO2 monitor; pulse oximeter, precordial or esophageal stethoscope, emergency intubation equipment and a temperature monitoring device.

d. Table capable of trendelenburg and other positions necessary to facilitate the surgical procedure.

e. IV solutions and IV equipment.

4. Assistance of Other Personnel Required. An Anesthesiologist, Certified Registered Nurse Anesthetist, or Physician Assistant qualified as set forth in Rule

64B15-6.010(2)(c)6., Florida Administrative Code, must administer the general or regional anesthesia and an M.D., D.O., Registered Nurse, Licensed Practical Nurse, Physician Assistant, or Operating Room Technician must assist with the surgery. The anesthesia provider cannot function in any other capacity during the procedure. A physician licensed under chapter 458 or 459, a licensed physician assistant, or a licensed registered nurse with post-anesthesia care unit experience or the equivalent, and credentialed in Advanced Cardiac Life Support, or in the case of pediatric patients, Pediatric Advanced Life Support, must be available to monitor the patient in the recovery room until the patient has recovered from anesthesia.

Specific Authority 459.005(1), 459.015(1)(z), 459.026 FS. Law Implemented 459.015(1)(g), (x), (z), (aa), 459.026 FS. History—New

## DEPARTMENT OF HEALTH

### Board of Osteopathic Medicine

RULE TITLE:

RULE NO.:

Standards for Telemedicine Practice

64B15-14.008

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule which will set forth the standards for telemedicine practice.

SUBJECT AREA TO BE ADDRESSED: Standards for telemedicine practice.

SPECIFIC AUTHORITY: 459.005, 459.015(1)(z) FS.

LAW IMPLEMENTED: 459.015(1),(x),(t) 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: 6:00 p.m., or thereafter, June 8, 2001

PLACE: The Crown Plaza Hotel, 950 N. W. LeJeune, Miami, Florida 33125

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-14.008 Standards for Telemedicine Practice.

(1) Prescribing medications based solely on an electronic medical questionnaire constitutes the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by reasonably prudent osteopathic physicians as being acceptable under similar conditions and circumstances, as well as prescribing legend drugs other than in the course of an osteopathic physician's professional practice. Such practice shall constitute grounds for disciplinary action pursuant to §§459.015(1)(x) and (t), F.S.

(2) Osteopathic Physicians shall not provide treatment recommendations, including issuing a prescription, via electronic or other means, unless the following elements have been met:

(a) A documented patient evaluation, including history and physical examination, adequate to establish the diagnosis for which any drug is prescribed.

(b) Sufficient dialogue between the osteopathic physician and the patient regarding treatment options and the risks and benefits of treatment.

(c) Maintenance of contemporaneous medical records meeting the requirements of Rule 64B15-15.004, F.A.C.

(3) The provisions of this rule are not applicable in an emergency situation. For purposes of this rule an emergency situation means those situations in which the prescribing physician determines that the immediate administration of the medication is necessary for the proper treatment of the patient, and that it is not reasonably possible for the prescribing physician to comply with the provision of this rule prior to providing such prescription.

(4) The provisions of this rule shall not be construed to prohibit patient care in consultation with another physician who has an ongoing relationship with the patient, and who has agreed to supervise the patient's treatment, including the use of any prescribed medications, nor on-call or cross-coverage situations in which the physician has access to patient records.

Specific Authority 459.005, 459.015(1)(z) FS. Law Implemented 459.015(1)(x), (t) FS. History--New

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE CHAPTER TITLE: Eligibility and Fee Assessment for Services Offered by County Public Health Units

RULE CHAPTER NO.: 64F-16

RULE TITLE: Definitions

RULE NO.: 64F-16.001

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

SUBJECT AREAS TO BE ADDRESSED: Federal poverty guidelines used to determine eligibility.

SPECIFIC AUTHORITY: 154.011(5) FS.

LAW IMPLEMENTED: 154.011 FS.

IF REQUESTED WITHIN 14 DAYS OF THIS NOTICE AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., May 14, 2001

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, (850)245-4444, Ext. 2965

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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 by the United States Department of Health and Human Services (HHS), as published in the Federal Register; February 16, 2001 edition (Volume 66, Number 33) pages 10695-10697. February 15, 2000 edition (Volume 65, Number 31) pages 7555-7557. A Copy of these guidelines can be obtained by writing to: the Office of Maternal and Child Health, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723.

(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 1-9-01,

**Section II  
Proposed Rules**

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Banking**

RULE TITLE: Enterprise Zone Linked Deposit Program

RULE NO.: 3C-100.970

PURPOSE AND EFFECT: Section 290.0075, F.S., set a June 30, 2000 expiration date for the Enterprise Zone Linked Deposit Program and the program is no longer active.

SUMMARY: Rule 3C-100.970 is repealed since the program has expired by statute.

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

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

SPECIFIC AUTHORITY: 655.012(3) FS.

LAW IMPLEMENTED: 290.0075 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: 10:00 a.m., May 21, 2001

PLACE: Room 624, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alex Hager, Director, Division of Banking, Room 624, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE FULL TEXT OF THE PROPOSED RULE IS:

3C-100.970 Enterprise Zone Linked Deposit Program.

Specific Authority 655.012(3) FS. Law Implemented 290.0075 FS. History--New 6-1-95, Amended 9-9-96, 5-3-98, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donald M. Kelly, Financial Control Analyst, Division of Banking

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alex Hager, Director, Division of Banking

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2001

**DEPARTMENT OF INSURANCE**

RULE TITLES:	RULE NOS.:
Rights of Lender	4-124.003
Policy or Binder Must be Available	4-124.004
Replacement of Cancelled Policy	4-124.005
Transfer of Mortgage	4-124.006
Complaints of Coercion	4-124.007
Renewals; Delivery of Policy or Certificate	4-127.008
Change of Title	4-124.009
Authorization Required to Change Agents	4-124.012
Advertisements Shall be Truthful and Not Misleading	4-124.026

PURPOSE AND EFFECT: Rule 4-124.003 was identified for amendment in the 120.536(2)(b), F.S., rule review project. It has since been determined that the rule is unnecessary and should be repealed. Rules 4-124.004, .005, .006, .007, .008, .009, .012, and .026 were identified for repeal in the rules review project.

SUMMARY: Rules are being repealed pursuant to 120.536(2)(b), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308, 626.9611 FS.

LAW IMPLEMENTED: 624.307(1), 626.9551(1) FS.

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

TIME AND DATE: 10:00 a.m., May 22, 2001

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Phil Fountain, Bureau Chief, Bureau of Agent and Agency Investigations, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0319, phone (850)413-5600

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULES IS:

4-124.003 Rights of Lender.

Specific Authority 624.308, 626.9611 FS. Law Implemented 624.307(1), 626.9551(1) FS. History--Amended 5-20-64, Repromulgated 12-24-74, Formerly 4-3.03, 4-3.003, Repealed.

4-124.004 Policy or Binder Must be Available.

Specific Authority 624.308, 626.9611 FS. Law Implemented 624.307(1), 626.9551(1) FS. History--Repromulgated 12-24-74, Formerly 4-3.04, 4-3.004, Repealed.

4-124.005 Replacement of Cancelled Policy.

Specific Authority 624.308, 626.9611 FS. Law Implemented 624.307(1), 626.9551(1) FS. History--Repromulgated 12-24-74, Formerly 4-3.05, 4-3.005, Repealed.

4-124.006 Transfer of Mortgage.

Specific Authority 624.308, 626.9611 FS. Law Implemented 624.307(1), 626.9551(1) FS. History--Repromulgated 12-24-74, Formerly 4-3.06, 4-3.006, Repealed.

4-124.007 Complaints of Coercion.

Specific Authority 624.308, 626.9611 FS. Law Implemented 624.307(1), 626.9551(1) FS. History--Repromulgated 12-24-74, Formerly 4-3.07, 4-3.007, Repealed.

4-124.008 Renewals; Delivery of Policy or Certificate.

Specific Authority 624.308, 626.9611 FS. Law Implemented 624.307(1), 626.9551(1) FS. History--Repromulgated 12-24-74, Formerly 4-3.08, 4-3.008, Repealed.

4-124.009 Change of Title.

Specific Authority 624.308, 626.9611 FS. Law Implemented 624.307(1), 626.9551(1) FS. History--Repromulgated 12-24-74, Formerly 4-3.09, 4-3.009, Repealed.

4-124.012 Authorization Required to Change Agents.

Specific Authority 624.308, 626.9611 FS. Law Implemented 624.307(1), 626.9551(1) FS. History--Repromulgated 12-24-74, Formerly 4-3.12, 4-3.012, Repealed.

4-124.026 Advertisements Shall be Truthful and Not Misleading.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.9541(1)(a), 626.9551(1)(a) FS. History--New 11-24-85, Formerly 4-64.06, 4-64.006, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Phil Fountain, Bureau Chief, Bureau of Agent & Agency Investigations, Department of Insurance  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Hale, Director, Division of Agent and Agency Services, Department of Insurance  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2001

**DEPARTMENT OF INSURANCE**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Misrepresentation of Policy Provisions	4-166.023
Standards for Prompt, Fair and Equitable Settlements Application to all Insurers	4-166.026
Standards for Prompt, Fair and Equitable Settlement Applicable to Automobile Insurance	4-166.027
Standards for Prompt, Fair and Equitable Settlements Applicable to Homeowners' and Personal and Commercial Fire and Extended Coverages Type Policies with Replacement Cost Coverages	4-166.028

PURPOSE AND EFFECT: Repeal Rules 4-166.023, .026, .027, .028, FAC. pursuant to section 120.536(2), F.S. review.

SUMMARY: These rules do not interpret or implement the statutes cited as "Law Implemented" [624.307(1), 624.3161, F.S.]. Therefore these rules should be repealed.

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

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

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 624.3161 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., May 22, 2001

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cheryl Jones, Insurer Services, Department of Insurance, 200 E. Gaines Street, Tallahassee, FL 32399-0314, (850)922-3148

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)922-3100, Ext. 4214.

**THE FULL TEXT OF THE PROPOSED RULES IS:**

4-166.023 Misrepresentation of Policy Provisions.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.3161 FS. History--New 11-2-92, Repealed.

4-166.026 Standards for Prompt, Fair and Equitable Settlements Applicable to all Insurers.

Specific Authority 624.308 FS. Law Implemented 324.151(1)(c), 624.307(1), 624.3161, 627.4265, 627.736 FS. History--New 11-2-92, Repealed.

4-166.027 Standards for Prompt, Fair and Equitable Settlements Applicable to Automobile Insurance.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.3161, 626.877 FS. History--New 11-2-92, Repealed.

4-166.028 Standard for Prompt, Fair, and Equitable Settlements Applicable to Homeowners' and Personal and Commercial Fire and Extended Coverages Type Policies with Replacement Cost Coverages.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.3161, 627.702 FS. History--New 11-2-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fred Whitson, Legal Services, and Wayne Johnson, Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michelle Newell, Director, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2001

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE TITLE:** Educational Program Audits **RULE NO.:** 6A-1.0453

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to clarify the timelines relating to preliminary full-time equivalent (FTE) and transportation audit reports and to ensure consistency with Section 11.45(7)(d), Florida Statutes. The effect will be a rule which reflects the timeline prescribed in statute and provides clarification of the process.

**SUMMARY:** This rule is amended to allow for a thirty day response time by the school district following the receipt of a preliminary FTE and transportation audit report from the Auditor General. In addition it affirms the independence of the auditing processing by removing language which may suggest the Department through rule can place specific requirements on the Office of the Auditor General.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.053(1) FS.

LAW IMPLEMENTED: 11.45, 229.565(2),(3), 236.081(9)(b) FS.

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

TIME AND DATE: 9:00 a.m., May 30, 2001

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wayne V. Pierson, Deputy Commissioner for Planning, Budgeting and Management

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0453 Educational Program Audits.

Periodic examinations and audits of the accounts and programs of each school district shall be conducted by the Auditor General or the Commissioner; ~~The Commissioner may utilize utilizing~~ Department auditing staff as well as program staff in the Division of Public Schools and the Division of Workforce Development, in accordance with the provisions of Section 229.565, Florida Statutes.

(1) No change.

(2) The Auditor General is responsible for:

(a) Periodically examining and evaluating programs, records and procedures in each district which requests funding under the Florida Education Finance Program. ~~Determination of compliance will be based upon law and criteria established by rules of the State Board. Examinations will be conducted using statistical sampling techniques.~~

(b) Notifying the auditee of an upcoming audit and conducting an entrance briefing to explain the purpose, scope and schedule of the audit.

~~(c) Providing immediate written notification to the auditee and/or his representative(s) of any discrepancies and/or deficiencies found in the examination. The auditee and/or his representative(s) will provide a written response within fifteen (15) calendar days unless an extension is requested and approved in writing.~~

~~(c)(4) Scheduling an exit briefing with the auditee at the completion of the examination to discuss the findings. At the completion of the examination, preparing a report of preliminary and tentative findings which identifies the discrepancies and/or deficiencies found and submitting the report to the auditee. An exit briefing will be scheduled with the auditee within thirty (30) calendar days to discuss the~~

~~findings. The auditee will provide a written response to the report of preliminary and tentative findings within sixty (60) calendar days following the issuance of the report.~~

~~(d) Submitting to the auditee a list of findings which may be included in the audit report. The auditee shall submit to the Auditor General, within thirty (30) days after the receipt of the list of findings, his or her written statement of explanation or rebuttal concerning all the findings, including corrective action to be taken to preclude a recurrence of all findings.~~

~~(e)(3) Preparing a written report, incorporating the response of the auditee. The audit report shall be, shall be prepared, signed by the person or persons responsible for the audit, and transmitted to the Commissioner with copies to the Deputy Commissioner for Planning, Budgeting and Management and the Deputy Commissioner for Educational Programs Directors of the Divisions of Public Schools and Workforce Development. The auditor report shall specifically identify instances of:~~

~~1.(a) Errors in the reported full-time equivalent membership by program category; and~~

~~2.(b) Improper classification or placement of individual students assigned to educational alternative or exceptional student programs; and~~

~~(c) Failure of classes or programs to meet criteria established by the State Board, pursuant to Sections 230.23(4)(m), 230.2315 and 33.0682, Florida Statutes, for basic or special programs.~~

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

(a) through (c) No change.

(6) through (8) renumbered (5) through (7) No change.

Specific Authority 229.053(1),(2)(j)(4) FS. Law Implemented 11.45, 229.565(2),(3),(4), 236.081(9)(b),(42) FS. History--New 2-25-76, Amended 10-30-78, 12-7-82, 6-28-83, 11-27-85, Formerly 6A-1.453, Amended 10-31-88, 3-15-90, 1-7-97.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne V. Pierson, Deputy Commissioner for Planning, Budgeting and Management, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2000

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: Tuition, Fee Schedule and Percentage of Cost RULE NO.: 6C-7.001

PURPOSE AND EFFECT: Section 240.209(3)(e), Florida Statutes, requires the Board of Regents to set the tuition and matriculation fees which will generate revenues as established

in the General Appropriations Act. It further provides that the Board of Regents may set the Student Financial Aid Fee up to 5 percent of the tuition and matriculation fee.

SUMMARY: Rule 6C-7.001 implements the provisions of Section 240.209(3)(e), Florida Statutes, regarding the establishment of tuition and matriculation fees for students in the public universities. The proposed amendments implement a tuition increase estimated at this time to be 5 percent along with an increase of 50 cents each to the Capital Improvement Fee and the Building Fee. The actual increases will not be known until the General Appropriations Act for 2001-02 and pending legislation amending the building fees are signed by the Governor.

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

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

SPECIFIC AUTHORITY: 240.209(1),(3)(e) FS.

LAW IMPLEMENTED: 240.209(3)(e),(h), 230.235(1), 240.124, 240.117 FS., General Appropriations Act, 2001-02.

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

TIME AND DATE: 11:00 a.m., May 24, 2001

PLACE: Phyllis P. Marshall Center, University of South Florida, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary and Associate General Counsel, Florida Board of Regents, 1520 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:

6C-7.001 Tuition, Fee Schedule and Percentage of Cost.

(1) through (3) No change.

(4) The following tuition shall be levied and collected effective the fall semester indicated for each student regularly enrolled, unless provided otherwise in this chapter.

(a) Students enrolled in programs other than the MD, DMD or DVM in the University of Florida College of Medicine, College of Dentistry, or College of Veterinary Medicine, or in the MD program in the University of South Florida College of Medicine will be assessed the following fees per credit hour:

Fall 2001

Fee	Undergraduate		Graduate		Law	
	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident
Matriculation	\$51.79	\$51.79	\$124.61	\$124.61	\$141.62	\$141.62
Matriculation 5% Maximum Differential	\$2.58	\$2.58	\$6.23	\$6.23	\$7.08	\$7.08
Non-Resident		\$232.95		\$360.73		\$375.74
Non-Resident 5% Maximum Differential		\$11.64		\$18.03		\$18.78
Student Financial Aid	\$2.58	\$2.58	\$6.23	\$6.23	\$7.08	\$7.08
Student Financial Aid 5% Maximum Differential	\$0.12	\$0.12	\$0.31	\$0.31	\$0.35	\$0.35
Non-Resident Student Financial Aid		\$11.64		\$18.03		\$18.78
Non-Resident Student Financial Aid 5% Maximum Differential		\$0.58		\$0.90		\$0.93
Capital Improvement Trust Fund	\$2.94	\$2.94	\$2.94	\$2.94	\$2.94	\$2.94
Building	\$2.82	\$2.82	\$2.82	\$2.82	\$2.82	\$2.82
Activity and Service		Varies by University per Rule 6C-7.003				
Health		Varies by University per Rule 6C-7.003				
Athletic		Varies by University per Rule 6C-7.003				
Total <sup>a</sup>	\$60.13	\$304.72	\$136.60	\$515.36	\$154.46	\$548.98
Total <sup>ab</sup>	\$62.83	\$319.64	\$143.14	\$540.83	\$161.89	\$576.12

<sup>a</sup> Excludes fees that vary by university per Rule 6C-7.003.

<sup>b</sup> Total including the maximum differential charges.

Fall 2000

Fee	Undergraduate		Graduate		Law	
	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident
Matriculation	\$49.33	\$49.33	\$118.68	\$118.68	\$134.88	\$134.88
Matriculation 5% Maximum Differential	\$2.46	\$2.46	\$5.93	\$5.93	\$6.74	\$6.74
Non-Resident Non-Resident 5 % Maximum Differential		\$221.86		\$343.56		\$357.85
Student Financial Aid 5% Maximum Differential	\$0.12	\$0.12	\$0.30	\$0.30	\$0.34	\$0.34
Non-Resident Student Financial Aid 5% Maximum Differential		\$11.09		\$17.17		\$17.89
Capital Improvement Trust Fund	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44
Building	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32
Activity and Service Health Athletic			Varies by University per Rule 6C-7.003			
Total <sup>a</sup>	\$56.55	\$289.50	\$129.37	\$490.10	\$146.38	\$522.12
Total <sup>ab</sup>	\$59.13	\$303.72	\$135.60	\$514.36	\$153.46	\$547.98

<sup>a</sup> Excludes fees that vary by university per Rule 6C-7.003.

<sup>b</sup> Total including the maximum differential charges.

Fall 1999 — includes the maximum university differential fee increase of 5%

Fee	Undergraduate		Graduate		Law	
	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident
Matriculation	\$49.33	\$49.33	\$118.68	\$118.68	\$134.88	\$134.88
Non-Resident Student — Financial Aid	\$2.46	\$2.46	\$5.93	\$5.93	\$6.74	\$6.74
Non-Resident Student Financial Aid		\$11.09		\$17.17		\$17.89
Capital Improvement Trust Fund	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44
Building	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32
Activity and Service			Varies by University per Rule 6C-7.003			
Health			Varies by University per Rule 6C-7.003			
Athletic			Varies by University per Rule 6C-7.003			
Total <sup>a</sup>	\$56.55	\$289.50	\$129.37	\$490.10	\$146.38	\$522.12

<sup>a</sup>Excludes fees that vary by university per Rule 6C-7.003

(b) Students enrolled in the MD, DMD or DVM programs in the University of Florida College of Medicine, College of Dentistry, or College of Veterinary Medicine, or in the MD

program in the University of South Florida College of Medicine will be assessed the following fees per student for the academic year as defined by each university:

Fall 2001

Fee	<u>Medical</u>		<u>Dental</u>		<u>Veterinary</u>	
	<u>Resident</u>	<u>Non-Resident</u>	<u>Resident</u>	<u>Non-Resident</u>	<u>Resident</u>	<u>Non-Resident</u>
<u>Matriculation</u>	\$10,168.16	\$10,168.16	\$8,841.90	\$8,841.90	\$7,427.14	\$7,427.14
<u>Matriculation 5% Maximum Differential</u>	\$508.40	\$508.40	\$442.08	\$442.08	\$371.34	\$371.34
<u>Non-Resident 5% Maximum Differential</u>		\$18,533.58		\$16,116.14		\$13,537.58
<u>Student Financial Aid</u>	\$508.40	\$508.40	\$442.08	\$442.08	\$371.34	\$371.34
<u>Student Financial Aid 5% Maximum Differential</u>	\$25.42	\$25.42	\$22.10	\$22.10	\$18.56	\$18.56
<u>Non-Resident Student Financial Aid</u>		\$926.66		\$805.80		\$676.86
<u>Non-Resident Student Financial Aid 5% Maximum Differential</u>		\$46.32		\$40.28		\$33.84
<u>Capital Improvement Trust Fund</u>	\$117.60	\$117.60	\$117.60	\$117.60	\$117.60	\$117.60
<u>Building</u>	\$112.80	\$112.80	\$112.80	\$112.80	\$112.80	\$112.80
<u>Activity and Service</u>		<u>Varies by University per Rule 6C-7.003</u>				
<u>Health</u>		<u>Varies by University per Rule 6C-7.003</u>				
<u>Athletic</u>		<u>Varies by University per Rule 6C-7.003</u>				
<u>Total<sup>a</sup></u>	\$10,906.96	\$30,367.20	\$9,514.38	\$26,436.32	\$8,028.88	\$22,243.32
<u>Total<sup>ab</sup></u>	\$11,440.78	\$31,874.00	\$9,978.56	\$27,746.58	\$8,418.78	\$23,343.92

<sup>a</sup> Excludes fees that vary by university.

<sup>b</sup> Total including the maximum differential charges.



Fall 2000

Fee	Medical		Dental		Veterinary	
	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident
Matriculation	\$9,683.98	\$9,683.98	\$8,420.86	\$8,420.86	\$7,073.48	\$7,073.48
Matriculation 5% Maximum Differential	\$484.18	\$484.18	\$421.04	\$421.04	\$353.66	\$353.66
Non-Resident Non-Resident 5% Maximum Differential		\$17,651.04		\$15,348.72		\$12,892.94
Student Financial Aid	\$484.18	\$484.18	\$421.04	\$421.04	\$353.66	\$353.66
Student Financial Aid 5% Maximum Differential	\$24.22	\$24.22	\$21.04	\$21.04	\$17.68	\$17.68
Non-Resident Student Financial Aid		\$882.54		\$767.42		\$644.64
Non-Resident Student Financial Aid 5% Maximum Differential		\$44.12		\$38.38		\$32.22
Capital Improvement Trust Fund	\$97.60	\$97.60	\$97.60	\$97.60	\$97.60	\$97.60
Building	\$92.80	\$92.80	\$92.80	\$92.80	\$92.80	\$92.80
Activity and Service Health Athletic		Varies by University per Rule 6C-7.003				
Total <sup>a</sup>	\$10,358.56	\$28,892.14	\$9,032.30	\$25,148.44	\$7,617.54	\$21,155.12
Total <sup>ab</sup>	\$10,866.95	\$30,327.20	\$9,474.38	\$26,396.32	\$7,988.88	\$22,203.32

<sup>a</sup> Excludes fees that vary by university.

<sup>b</sup> Total including the maximum differential charges.

Fall 1999 — includes the maximum university differential fee increase of 5%

Fee	Medical		Dental		Veterinary	
	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident
Matriculation	\$9,683.98	\$9,683.98	\$8,420.86	\$8,420.86	\$7,073.48	\$7,073.48
Non-Resident		\$17,651.04		\$15,348.72		\$12,892.94
Student Financial Aid	\$484.18	\$484.18	\$421.04	\$421.04	\$353.66	\$353.66
Non-Resident Student Financial Aid		\$882.54		\$767.42		\$644.64
Capital Improvement Trust Fund	\$97.60	\$97.60	\$97.60	\$97.60	\$97.60	\$97.60
Building	\$92.80	\$92.80	\$92.80	\$92.80	\$92.80	\$92.80
Activity and Service Health		Varies by University per Rule 6C-7.003				
Athletic		Varies by University per Rule 6C-7.003				
Total <sup>a</sup>	\$10,358.56	\$28,892.14	\$9,032.30	\$25,148.44	\$7,617.54	\$21,155.12

<sup>a</sup>Excludes fees that vary by university per Rule 6C-7.003 (c) through (5) No change.

Specific Authority 240.209(1), (3)(e) FS. Law Implemented 240.209(3)(e), (h), 240.235(1), 240.124, 240.117 FS., General Appropriations Act, 2001-02, Conference Committee Report on Senate Bill 2500, 1999, Conference Committee Report on General Appropriations Act, 2000, CS/CS/HB 1567, 2000 Legislature, History—Adopted 4-8-79, Renumbered 12-16-74, Amended 6-28-76, 7-4-78, 8-6-79, 9-28-81, 12-14-83, 7-25-84, 10-2-84, 10-7-85, Formerly 6C-7.01, Amended 12-25-86, 11-16-87, 10-19-88, 10-17-89, 10-15-90, 9-15-91, 1-8-92, 11-9-92, 7-22-93, 8-1-94, 11-29-94, 4-16-96, 8-12-96, 9-30-97, 12-15-97, 8-11-98, 9-30-98, 8-12-99, 8-3-00, 8-28-00,

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary-Anne Bestebreurtje, Corporate Secretary and Associate General Counsel  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Judy G. Hample, Chancellor, State University System  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2001  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2001

**DEPARTMENT OF EDUCATION  
 Board of Regents**

RULE TITLE: Special Fees, Fines and Penalties  
 RULE NO.: 6C-7.003  
 PURPOSE AND EFFECT: Paragraph (9) of Rule 6C-7.003 authorized the university presidents to collect fees to finance chartered non-profit public interest research organizations.

SUMMARY: The rule paragraph is recommended for repeal on the basis of insufficient rule authority for the Board of Regents to keep this rule in effect.

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

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

SPECIFIC AUTHORITY: 240.209(1),(3) FS.  
 LAW IMPLEMENTED: 240.209(1),(3) FS.  
 A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 11:00 a.m., May 24, 2001  
 PLACE: Phyllis P. Marshall Center, University of South Florida, Tampa, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1520 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:  
 6C-7.003 Special Fees, Fines and Penalties.  
 (1) through (8) No change.

~~(9) Each university president is empowered annually to authorize the collection of an additional fee for the financing of chartered non-profit public interest research organizations, provided that at least a majority of the students sign a written petition requesting that such a fee be collected.~~

~~(a) An additional fee shall be structured only in the form of a positive checkoff system. A positive checkoff means the student must designate by initialing or marking a box on the registration or fee card that the student wishes to fund the public interest research group. If a student does not so designate, no fee will be assessed.~~

~~(b) Any such organizations must maintain a level of collection as set by the university. The university may recover its costs incurred in collecting the fee, provided such costs do not exceed 10 percent of the fees collected. The university is not responsible for the actions or non-actions of such organizations for which it collects fees.~~

(10) through (39) renumbered (9) through (38) No change.

Specific Authority 240.209(1),(3)(e),(h),(r), 240.235, 240.531(3) FS. Law Implemented 240.209(1),(3)(e),(h), 240.2097, 240.227(20), 240.235(1), 240.264-267, 240.531(3), 240.533(4)(a), 832.07(1) FS., CS/CS/HB 1567, 2000 Legislative Session. History--Derived from 6C-2.74 and 6C-2.76, Amended and Renumbered 12-17-74, Amended 2-22-76, 6-22-76, 6-28-76, 11-1-76, 9-8-77, 2-14-79, 9-28-81, 12-7-82, 12-13-83, 10-2-84, Formerly 6C-7.03, Amended 1-8-86, 8-11-86, 12-25-86, 6-2-87, 10-17-89, 4-10-90, 1-7-91, 7-2-91, 9-15-91, 8-4-92, 11-9-92, 4-12-93, 5-30-93, 9-23-93, 8-1-94, 1-24-96, 4-16-96, 12-15-97, 8-28-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary-Anne Bestebreurtje, Corporate Secretary and Associate General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Judy G. Hample, Chancellor, State University System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 30, 2001

**DEPARTMENT OF LAW ENFORCEMENT**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

False Reports of Bombing, Etc.,  
Reward for Information  
Relating Thereto 11-2

RULE TITLES: RULE NOS.:

Form of Claim and Endorsements 11-2.002  
Notification of Competing Claimants 11-2.003  
Judicial Review 11-2.004

PURPOSE AND EFFECT: To update procedures and forms for a person to collect a reward pursuant to s. 790.164, F.S.

SUMMARY: Proposed revisions to Rule Chapter 11-2, F.A.C., establish procedures and forms for a person claiming the statutory reward for information leading to the arrest and conviction of persons making false reports of bombings or other violence to state owned property.

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 working days of this notice.

SPECIFIC AUTHORITY: 790.164 FS.

LAW IMPLEMENTED: 790.164 FS.

IF REQUESTED IN WRITING 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., Tuesday, May 22, 2001

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Fern Rosenwasser, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

11-2.002 Form of Claim and Endorsements.

A person making claim for the \$5,000 reward provided for by Section 790.164, Florida Statutes, shall utilize the Claim of Reward form, FDLE-OGC Form #1, rev. January 2001 and incorporated by reference and the Law Enforcement Endorsement form, FDLE-OGC Form #2, rev. January 2001 and incorporated by reference, both of which can be obtained from the arresting agency, and the Prosecutor's Endorsement form, FDLE-OGC Form #3, rev. January 2001 and incorporated by reference, form which can be obtained from the prosecuting office. FDLE has samples of these forms which may be requested ~~obtained~~ from the Department of Law Enforcement, Office of General Counsel, P. O. Box 1489, 408 North Adams Street, Tallahassee, Florida 32302-1489.

Specific Authority 790.164(2)(e) 943.03(4) FS. Law Implemented 790.164 FS. History--New 3-2-77, Formerly 11-2.02, Amended\_\_\_\_\_.

11-2.003 Notification of Competing Claimants.

The law enforcement agency receiving a claim for reward under this rule chapter shall promptly review its records of the case with the view of ascertaining whether any other informants may have any potential claim to the reward. The respective merits of the claims shall not be considered. If any other potential claimants can be identified and located ~~without~~ ~~undue difficulty~~, they shall be notified that a reward in which

they may have an interest is being claimed. Thereafter it shall be the responsibility of the competing claimant(s) to pursue their own claims. In order to give all claimants an opportunity to present their claims, however, the prosecutor shall not endorse any claim until sixty days after the first claim in the case was presented to the law enforcement agency.

Specific Authority 790.164(2)(e) 943.03(4) FS. Law Implemented 790.164 FS. History—New 3-2-77, Formerly 11-2.03, Amended \_\_\_\_\_.

11-2.004 Judicial Review.

After the prosecuting officer has completed his endorsement, the claim with endorsements shall be returned to the claimant. Thereafter, the claimant must file a civil action in the circuit court within whose jurisdiction the arrest or conviction occurred. The Claim of Reward, Law Enforcement Endorsement, and Prosecutor's Endorsement prescribed in Rule 11-2.002, or documents containing substantially the same information, shall be made exhibits and incorporated into the pleadings. The state attorney for that circuit will be served and shall, if appropriate, respond to the suit on behalf of the State of Florida. Competing claims should be consolidated. The courts' judgment or decree of eligibility for the reward, if any, shall be forwarded to the Florida Department of Law Enforcement, Office of General Counsel, P. O. Box 1489, Tallahassee, Florida 32302-1489.

Specific Authority 790.164(2)(e) 943.03(4) FS. Law Implemented 790.164 FS. History—New 3-2-77, Formerly 11-2.04, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fern Rosenwasser, Assistant General Counsel, Florida Department of Law Enforcement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael A. Ramage, General Counsel, Florida Department of Law Enforcement

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2001

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE: Salary Incentive Program

RULE CHAPTER NO.: 11B-14

RULE TITLE: General Program Provisions

RULE NO.: 11B-14.002

PURPOSE AND EFFECT: The proposed amendments to Rule 11B-14.002, F.A.C., are necessary to clarify who is authorized to submit training reports, clarify how to submit educational salary incentive reports, and to thoroughly denote which federal and private training programs are recognized by the Commission for salary incentive credit.

SUMMARY: To allow a training center director "designee" to sign for a training center director in his or her absence for consistency with existing rule language; to revise form CJSTC-63 by adding "or designee" on the signature line,

changing "attest" to "affirm" on line # 13, correcting capitalization, and adding "optional" on the line where the social security number is requested, and to revise form CJSTC-67 by adding "I hereby affirm..." verbiage above the signature line and adding "optional" on the line where the social security number is requested.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

LAW IMPLEMENTED: 943.22 FS.

IF REQUESTED, IN WRITING, 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: 1:00 p.m., May 22, 2001

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt, Operations and Management Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, FL 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-14.002 General Program Provisions.

(1) through (2) No change.

(3) All Commission-approved Career Development Training Courses, effective on or after July 1, 1985, that are Commission-approved Advanced Training Courses, pursuant to Section 943.17 or 943.25, F.S., and have been successfully completed by eligible officers, shall be verified by the training center director or designee, defined in Rule 11B-21.005(3)(a), F.A.C., for submission to Commission staff by completing a Training Report form CJSTC-67, revised December 6, 2000, ~~September 1, 1999~~, hereby incorporated by reference, pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual, revised January 1999 and October 13, 1999, hereby incorporated by reference. Effective September 1, 1998, the information on the CJSTC-67 form is required to be electronically transmitted via the Commission's Automated Training Management System (ATMS). A copy of the Training Report form showing successful completion of an

approved course ~~shall~~ may be used as the verifying document to authorize payment of appropriate training salary incentive monies.

(4) To avoid redundant training and to acknowledge training that is equal to training programs established pursuant to Section 943.17, F.S., Commission staff shall award 40 hours of advanced training credit for each 40-hour week of criminal justice executive or management training successfully completed and approved by the Commission, ~~for programs conducted at the Federal Bureau of Investigation's National Academy, the Federal Bureau of Investigation's National Executive Institute, the Southern Police Institute, the National Institute of Corrections, the Police Executive Institute, the National Sheriffs Institute, the Northwestern Traffic Institute (long course), the Federal Bureau of Prisons, the Institute for Police Technology Management, the Florida Criminal Justice Executive Institute (FDLE Senior Leadership Program), and the Senior Management Institute for Police.~~ Eligible officers who request to receive salary incentive credit for a program listed herein, shall submit to Commission staff a written request for salary incentive credit from the officer's agency administrator and a copy of the officer's certificate of course completion. Commission staff shall evaluate the request and determine whether the program in question qualifies for training salary incentive monies. The following programs have been approved by the Commission and are recognized for advanced training that enhances an officer's knowledge, skills, and abilities for the job performed. Individuals successfully completing the following programs may submit documentation to Commission staff for recognition of salary incentive credit:

Federal or Private Training Institutions	Program Code	Program Hours
(a) Federal Bureau of Investigation's National Academy	700	320
(b) S.P.I. Administrative Officers' Course	701	320
(c) National Institute of Corrections	702	320
(d) Police Executive Institute	703	320
(e) National Sheriff's Institute	704	320
(f) Northwestern Traffic Institute	705	320
(g) Federal Bureau of Prisons	706	320
(h) IPTM Principles of Police Management	707	80
(i) IPTM Police Traffic Management	708	80
(j) IPTM Supervising a Selective Traffic Law Enforcement Program	709	40
(k) IPTM Police Executive Development	710	40
(l) IPTM Electronic Spreadsheet for the Police Manager	711	40
(m) Federal Bureau of Investigation's National Executive Institute	712	80
(n) Senior Management Institute for Police	713	80
(o) S.P.I. Police Executive Development	714	80
(p) N.I.C. Planning of New Institutions	715	40
(q) N.I.C. ACM: Managing the Organization	716	80
(r) N.I.C. Correctional Management	717	80
(s) N.I.C. Training for Staff Trainers	718	40
(t) N.I.C. Legal Issues for Institutional Personnel	719	40
(v) FDLE Senior Leadership Program	720	320
(w) S.P.I. Command Officer Development	721	400

(5) All claimed eligibility for educational salary incentives shall be verified by the agency administrator or its designee for submission to Commission staff by completing a reported to Commission staff by the employing agency by submitting an official Higher Education for Salary Incentive Report form CJSTC-63, revised December 6, 2000, October 27, 1998, hereby incorporated by reference. The information on the CJSTC-63 form may be electronically transmitted ~~submitted~~ via the Commission's Automated Training Management System (ATMS). The employing agency shall obtain an official sealed transcript directly from the educational institution conferring the degree, or providing the academic credit for successful completion of courses. The employing agency shall not forward the transcript to Commission staff.

(6) through (16) No change.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History--New 10-16-78, Amended 9-11-79, 1-13-81, 5-16-83, 1-7-85, Formerly 11B-14.02, Amended 7-13-87, 9-3-87, 5-23-88, 5-14-92, 12-13-92, 1-2-97, 7-7-99, 8-22-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Operations and Management Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Program Director, Rod Caswell, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2001

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE: Certification of Criminal Justice

RULE CHAPTER NO.:

Training Instructors 11B-20

RULE TITLES: Minimum Requirements for General

RULE NOS.:

Certification of Instructors 11B-20.001

Revocation of Instructor Certification 11B-20.0012

Commission Instructor Certification Categories 11B-20.0013

Minimum Requirements for High-Liability and Specialized Topics Instructor Certification 11B-20.0014

Minimum Requirements to Instruct the CMS Application-Based Basic Recruit Training Programs 11B-20.0015

Inspection of Instructor Certification Applications 11B-20.0016

Duration and Renewal of Instructor Certifications 11B-20.0017

Commission Instructor Certification Application 11B-20.0018

**PURPOSE AND EFFECT:** The proposed amendments to Rule Chapter 11B-20, F.A.C., are necessary to clarify the instructor application process with the incorporation of the instructor requirements for the CMS Application-Based Basic Recruit Training Programs and to define "gross incompetence."

**SUMMARY:** 11B-20.001: (1): Clarifies the process for a training center director to receive and review an applicant's request for instructor certification. (2): Organizes the minimum requirements for General Instructor Certification; addresses the equivalency of training issue that requires courses to be "comparable in content"; requires that the training center director or designee, which is defined in Rule 11B-21.005(3)(a), F.A.C., be a Commission-certified criminal justice training instructor when supervising an instructor applicant's internship; requires that an internship course be at least 2-hours in length; requires the instructor to review student evaluations using Instructor Competency Checklist form CJSTC-81; "or designee" to the signature line of the Instructor Competency Checklist form CJSTC-81 and adds "optional" on the line where the social security number is requested; removes redundant rule language; clarifies rule language. (3): Revises the Inspector Exemption form CJSTC-82 by adding "or designee" to the signature line; revises the Instructor Certification Application form CJSTC-71 by adding additional instructor topics, adding "or designee" to the signature line, and adding "optional" on the line where the social security number is requested. 11B-20.0012: Makes rule revisions for clarification and continuity; adds the definition of "Gross Incompetence"; and establishes that an instructor whose certification has been revoked shall not be eligible to instruct Commission-approved courses; and disallows "exemption" or faculty status for an instructor whose certification has been revoked. 11B-20.0013: The proposed rule language outlines all instructor certifications recognized by the Commission. 11B-20.0014: This rule section was created to specifically address instructor certifications; removes rule language in Rule 11B-20.001, F.A.C., regarding work experience of 3 years, for insertion into Rule 11B-20.0014, F.A.C.; establishes that an applicant who requests to obtain instructor certification for the High-Liability and Specialized Topics of Instruction are required to meet all Commission requirements for a General Instructor Certification, and shall also require that the applicant successfully complete the Commission's instructor course unique to the specific high-liability and specialized topic. Removes rule language from Rule 11B-20.001, F.A.C., regarding law enforcement driving, firearms, defensive tactics, and medical first responder instructor certification requirements, for insertion into Rule 11B-20.0014, F.A.C.; establishes requirements to teach the Commission-approved Medical First Responder Course; establishes requirements to teach law topics, radar, laser, canine, and human diversity training for Commission-approved training courses. 11B-20.0015: Establishes a General Instructor Transition Course as a requirement to teach the new CMS

Application-Based Basic Recruit Training Programs; requires that currently certified instructors who wish to instruct vehicle operations, firearms, defensive tactics, and medical first responder shall also attend a "transition course" to be eligible to teach the new CMS Application-Based Basic Recruit Training Programs; and informs instructors that high-liability transition training shall be included in the new CMS Instructor Training Course, for the respective high-liability training requested. 11B-20.0018: Outlines the instructor application process, with training center directors verifying that applicants have met all training requirements (language taken from JAPC-approved CJSTC P&P G-1.1) and revises Instructor Certification Application form CJSTC-71 to allow a director's designee to sign the form. 11B-20.0016: Outlines Commission staff's process for the review and approval of instructor applications and revises the return address on Application for Instructor Certification Deficiency Notification form CJSTC-271. 11B-20.0017: Outlines the requirements and process for instructor certification renewals.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** None.

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

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

**LAW IMPLEMENTED:** 943.12(3),(9), 943.14(3) FS.

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

**TIME AND DATE:** 1:00 p.m., May 22, 2001

**PLACE:** 2331 Phillips Rd., Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, FL 32308-1489

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

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Pursuant with the provisions of the Americans with Disabilities Act, persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

**THE FULL TEXT OF THE PROPOSED RULES IS:**

11B-20.001 Minimum Requirements for General Certification of Instructors.

(1) General Instructor Applicants shall meet the following requirements for instructor certification. Except as otherwise provided in this rule chapter or by law, individuals who instruct

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

~~(a) For the purposes of this rule section, the term "successful completion" of a course is defined as being denoted with a "Pass" on the completed Training Report form CJSTC-67, revised December 6, 2000, hereby incorporated by reference. The applicant shall demonstrate methods of instruction.~~

~~(b) Successful completion of The applicant shall have completed the Commission-approved 80-hour Instructor Techniques Course through a Commission-certified criminal justice training school or completion of an equivalent instructor training course within four (4) years of the date of application. The training center director shall evaluate an applicant's previously completed training other than the Commission-approved 80-hour Instructor Techniques course, provided that the previous training occurred within the last four (4) years. The training center director shall exempt an applicant from topics in the 80-hour authorize the applicant to complete only those portions of the current Commission-approved Instructor Techniques Course when the applicant has provided documentation of an equivalent instructor training course in which the applicant is deficient.~~

~~(c) Successful completion of an internship. The internship shall be supervised by the training center director or designee, defined in Rule 11B-21.005(3)(a), F.A.C., who is currently a Commission-certified criminal justice training school instructor. The training center director or designee shall evaluate the applicant's instructional abilities by completing an Instructor Competency Checklist form CJSTC-81, revised December 6, 2000, hereby incorporated by reference. The form CJSTC-81 shall be maintained in the instructor's file at the training school. The applicant shall demonstrate applicable competencies listed on form CJSTC-81. The applicant shall serve an internship under the supervision of a training center director or designee, who shall evaluate the applicant's instructional abilities by completing an Instructor Competency Checklist form CJSTC-81, revised July 2, 1998, hereby incorporated by reference, which shall be maintained in the instructor's file. The applicant shall demonstrate all applicable competencies listed on the Instructor Competency Checklist form CJSTC-81. The internship shall not be included in the~~

~~Commission-approved 80-hour Instructor Techniques Course. The training center director shall determine the length of the course to be used for internship, which shall be a minimum of two (2) hours, and the composition of the internship, which shall be based on the applicant's experience, and education, and other pertinent credentials. The length and composition of the internship shall be in written form and maintained as part of the applicant's instructor file at the training school. The instructor applicant shall be evaluated by the students taught by that instructor. A Commission-certified instructor shall review the student's evaluation with the instructor applicant and shall document the review on form CJSTC-81. The training center director shall maintain these evaluations in the instructor's file for a minimum of one (1) year or until the Trust Fund Administration Section reviews the evaluations.~~

~~(d) Each instructor shall be evaluated periodically by students taught by that instructor. The training center director shall maintain these evaluations in the instructor's file for one year.~~

~~(d)(e) Any applicant seeking a certificate as an instructor shall be affiliated with a Commission-certified criminal justice training school, or a school whose application for such certification is being processed by the Commission. The director of the training school shall make a recommendation for certification after reviewing the credentials and evaluating the instructional abilities of the applicant. The training center director or designee, shall sign the Instructor Certification Application form CJSTC-71, to certify to the Commission that each recommended applicant complies with (1)(g) herein.~~

~~(f) Documentation of sufficient knowledge of a subject matter. The applicant shall have completed three (3) years work experience in the field of instruction for which certification is sought, prior to signing the Instructor Certification Application. The applicant shall document their history based on training, education, experience, or professional credentials, and proficiency skills standards, suitable to the topic of instruction for which certification is being sought. The training center director shall document experience in the subject matter.~~

~~(e)(g) Possess good moral character as defined in Rule 11B-27.0011(4), F.A.C., as applied to applicants and certified instructors. Applicants requesting instructor certification and instructors requesting renewal of certification shall: Good Moral Character. On or after the effective date of this rule section, any individual seeking certification or recertification as a Commission-certified criminal justice training instructor shall sign an Instructor Certification Application form CJSTC-71 that affirms the following qualifying factors to be true:~~

~~1. The individual has Not have been convicted of any felony or of a misdemeanor involving perjury or false statement, or has received a dishonorable discharge from any of the Armed Forces of the United States, and:~~

2. ~~The individual has not, After July 1, 1981, any person who has pled guilty or nolo contendere to or has been found guilty of any felony or of a misdemeanor involving perjury or a false statement is not eligible for instructor certification, notwithstanding suspension of sentence or withholding of adjudication.~~

3. ~~Notwithstanding paragraphs one (1) and two (2) of this rule section, any person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged shall not be deemed ineligible for instructor certification.~~

~~(2) Duration and Renewal of Instructor Certification:~~

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

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

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

~~2. The applicant shall demonstrate proficiency in each specialized topic for which certification is being sought, pursuant to Rule 11B-35.0024, F.A.C., and shall be recorded on the following applicable proficiency checklist forms:~~

~~a. Firearms Basic Recruit Performance Evaluation form CJSTC 4, January 1, 1997, hereby incorporated by reference.~~

~~b. First Responder to Medical Emergencies Basic Recruit Performance Evaluation form CJSTC-5, August 1, 1993, hereby incorporated by reference.~~

~~c. Defensive Tactics Basic Recruit Performance Evaluation form CJSTC-6, revised November 18, 1998, hereby incorporated by reference.~~

~~d. Law Enforcement Driving Instructor Performance Evaluation form CJSTC 7A, November 18, 1998, hereby incorporated by reference.~~

~~e. Laser and Radar Speed Measurement Device Instructor Field Evaluation form CJSTC 10, July 1, 1995, hereby incorporated by reference.~~

~~f. General Duty K-9 Team Proficiency Demonstration form CJSTC 83, revised June 17, 1998, hereby incorporated by reference.~~

~~g. Firearms Chemical Agent Exposure Training Evaluation form CJSTC 4A, January 22, 1998, hereby incorporated by reference (Optional is not mandated evaluation form).~~

~~3. An Applicant who fails to demonstrate proficiency pursuant to (2)(b)1., herein, shall meet the requirements of (1)(a)-(e), (e) and (f), herein.~~

~~4. An Applicant who fails to demonstrate proficiency, pursuant to (2)(b)2., herein, for any specialized topics in which certification is sought, shall meet the requirements established for certification in such specialized topics, pursuant to (4) herein.~~

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

~~(2)(3) Exemption from general instructor certification: An applicant instructor shall be exempt from a Criminal Justice Standards and Training Commission general instructor certification under the following circumstances:~~

~~(a) The applicant instructor is a full-time instructor at an accredited community college, college, or university. The training center director shall document the applicant's instructor's full-time status and identify the name and location of the college, community college, or university, by completing an Instructor Exemption form CJSTC-82, revised December 6, 2000 October 1, 1993, hereby incorporated by reference, which shall be maintained on file in the instructor's file at the training school. The instructor shall have specific knowledge of the subject matter to be taught, which shall be determined by the training center director, and the confirming documentation shall be maintained in the instructor's file.~~

~~(b) The applicant instructor is a full-time vocational-technical instructor. The training center director shall document the instructor's applicant's full-time status and identify the name and location of the vocational-technical institution by completing an Instructor Exemption form CJSTC-82, which shall be and maintained in the instructor's file at the training school. The instructor shall be qualified in the specific subject matter to be taught, and the confirming documentation shall be maintained in the instructor's file.~~

~~(c) The applicant If an instructor holds a current and valid instructor certification from another state or the military, and the applicant shall complete an internship outlined in 11B-20.001(1)(b), F.A.C. The training center director shall include a copy of the applicant's instructor's out-of-state or military certification, documentation describing the internship, completion of the Instructor Competency Checklist form~~



CJSTC-81, and the Instructor Exemption form CJSTC-82, which and the confirming documentation shall be maintained in the instructor's file at the training school.

(d) The applicant shall have completed a minimum of forty (40) hours of training, above the Basic Recruit Training level, and one (1) year of work experience in the If an instructor is uniquely qualified in a specific subject matter to be instructed.; The training center director shall document the instructor's applicant's unique qualifications by completing an Instructor Exemption form CJSTC-82, which and the confirming documentation shall be maintained in the instructor's file at the training school.

(e) Notwithstanding the above exemptions, an individual who has had any certification issued by the Commission revoked or who has voluntarily relinquished any certification issued by the Commission shall not instruct Commission-approved training courses. If an instructor is teaching as a result of exceptional circumstances, the instructor shall be qualified in the specific subject matter to be taught regardless of the exceptional circumstance. The training center director shall document the qualifications of the instructor by completing an Instructor Exemption form CJSTC-82, shall document the exceptional circumstance for which the instructor is teaching, and the confirming documentation shall be maintained in the instructor's file.

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

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

(b) Firearms Instructor Certification. An applicant shall have successfully completed the Commission-approved Firearms Instructor course through a Commission-certified criminal justice training school, to include a comprehensive

examination and demonstration of proficiency recorded on a Firearms Basic Recruit Performance Evaluation form CJSTC-4, to be certified to instruct specific firearms topics.

(c) Law Enforcement Driving Instructor Certification. An applicant shall have successfully completed the Commission-approved Law Enforcement Driving Instructor course through a Commission-certified criminal justice training school, which shall include a comprehensive examination and demonstration of proficiency by successful completion of four out of five runs (80%) for each exercise, and recorded on a Law Enforcement Driving Instructor Performance Evaluation form CJSTC-7A, to be certified to instruct specific law enforcement driving topics.

(d) Medical First Responder Instructor Certification.

1. An applicant shall be a certified emergency medical technician, certified paramedic, licensed physician, registered nurse, or a member of the Armed Forces of the United States on active duty, who at the time they became a member was entitled to practice as an Emergency Medical Technician (EMT) or paramedic in Florida, pursuant to Chapter 401, Part III, F.S., or

2. An applicant shall have successfully completed the Commission-approved Medical First Responder course effective July 1998, which shall include a comprehensive examination and demonstration of proficiency, recorded on a First Responder to Medical Emergencies Basic Recruit Performance Evaluation form CJSTC-5; and

3. An applicant shall possess a valid CPR instructor certification from the American Red Cross, the American Heart Association, or the National Safety Council, to be certified to instruct Medical First Responder procedures.

(e) Defensive Tactics Instructor Certification. An applicant shall have successfully completed the Commission-approved Defensive Tactics Instructor course through a Commission-certified criminal justice training school, which shall include a comprehensive examination and demonstration of proficiency, recorded on a Defensive Tactics Basic Recruit Performance Evaluation form CJSTC-6, to be certified to instruct specific defensive tactics topics.

(f) Canine Team Instructor Certification. An applicant shall have successfully completed the Commission-approved Canine Team Instructor course through a Commission-certified criminal justice training school, and fulfilled training and experience criteria pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual, to be certified to instruct canine team training.

(g) Human Diversity Instructor Certification. An applicant shall have successfully completed the Commission-approved 24-hour Human Diversity Program included in the Commission's Basic Recruit Training Program, and the 20-hour Human Diversity Train-the-Trainer course through a Commission-certified criminal justice training school, to be certified to instruct human diversity topics.

(h) Radar and Laser Instructor Certifications:

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

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

~~(5) An Application for Instructor Certification Deficiency Notification form CJSTC 271, January 21, 1999, hereby incorporated by reference, shall be completed by Commission staff upon an unfavorable inspection of required documents. The CJSTC 271 form shall indicate any deficiencies in the Instructor Certification Application form CJSTC 71, including any missing or incorrect documentation required for instructor certification.~~

~~(6) Denial of Certification. An application for certification as a Commission certified criminal justice training school instructor shall be denied by the Commission if the applicant fails to meet the qualifications pursuant to this rule chapter. Commission staff shall forward to the applicant a "notice of intent to deny certification" which shall specify the grounds for denial. A denial of application shall be processed pursuant to Chapter 120, F.S.~~

~~(7) All forms and the Criminal Justice Standards and Training Commission Policies and Procedures Manual referenced in this rule chapter, may be obtained by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms and Manual Liaison:~~

~~Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3),(9), 943.14(3) FS. History--New 7-21-82, Formerly 11B-20.01, Amended 10-26-88, 5-14-92, 12-8-92, 1-10-94, 1-2-97, 7-7-99, 8-22-00,~~

11B-20.0012 Revocation of Instructor Certification.

~~(1) The Criminal Justice Standards and Training Commission has the authority to revoke an instructor's certification when the following circumstances exist The certification of a criminal justice training instructor shall be revoked if an instructor fails to maintain the requirements pursuant to Rule 11B-20.001(1)(g), F.A.C., or, who:~~

~~(a) The instructor willfully compromises the security and confidentiality of examinations or grading keys developed and used in Commission-approved criminal justice training courses, or engages in any other conduct that subverts or attempts to subvert the Criminal Justice Standards and Training Commission State Officer Certification Examination process,~~

~~(b) The instructor willfully compromises or circumvents the trainee attendance requirements set forth in Rule 11B-35.001(8)-(9) (7)-(8), F.A.C.; or~~

~~(c) The instructor willfully compromises or circumvents the trainee performance requirements pursuant to Rule 11B-35.0022, F.A.C.; or~~

~~(d) The instructor intentionally and materially falsifies criminal justice documentation; or~~

~~(e) The instructor commits an act or acts establishing gross incompetence as determined by the Commission. Gross incompetence is the lack of ability or fitness to perform as an instructor as a result of emotional instability, or physical incapacitation, or inadequate technical knowledge of subject matter, or reckless disregard for the safety of trainees or the public.~~

~~(f) The instructor commits an act or acts establishing a "lack of good moral character," as defined in Rule 11B-27.0011(4), F.A.C., and pursuant to 11B-20.001(1)(g), F.A.C.~~

~~(2) through (3) No change.~~

~~(4) Notwithstanding Rule 11B-20.001(2), F.A.C., an individual whose instructor certification is revoked or is voluntarily relinquished shall not instruct Commission-approved training courses.~~

~~Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.14(3), FS. History--New 10-26-88, Amended 1-2-97, 7-7-99, 8-22-00,~~

11B-20.0013 Commission Instructor Certification Categories.

Except as otherwise provided in this rule section or by law, individuals who instruct Commission-approved training courses pursuant to Rule Chapter 11B-35, F.A.C., at or through a Commission-certified criminal justice training school, shall be certified by the Commission. Instructor applicants who request to be certified by the Criminal Justice Standards and Training Commission may request certification in the following categories of certification:

(1) General Instructor Certification.

(2) High-Liability Instructor Certifications.

(a) Law Enforcement Driving Instructor Certification.

(b) Firearms Instructor Certification.

(c) Defensive Tactics Instructor Certification.

(d) Medical First Responder Instructor Certification.

(3) Specialized Topics Instructor Certifications.

(a) Law Topics Instructor Certification.

(b) Speed Measurement Instructor Certification.

(c) Canine Team Instructor Certification.

(d) Human Diversity Instructor Certification.

~~Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3),(9), 943.14(3) FS. History--New~~

11B-20.0014 Minimum Requirements for High-Liability and Specialized Topics Instructor Certification.

(1) High-Liability and Specialized Topics Instructor Certification. Applicants shall meet the following requirements for certification:

(a) Hold or be eligible for a Criminal Justice Standards and Training Commission General Instructor Certification, pursuant to Rule 11B-20.001, F.A.C., or have on file at the training school a completed Instructor Exemption form CJSTC-82.

(b) Complete three (3) years work experience in the field of instruction for which certification is sought. The instructor applicant shall document his or her instructor qualifications based on training, education, experience, or professional credentials, and proficiency skill standards suitable to the topic of instruction for which certification is sought. The training center director shall review and maintain all documentation in the instructor's file at the training school. In addition, the instructor applicant shall successfully complete the current Commission-approved instructor training course for the high-liability and specialized topics of instruction for which the applicant is seeking certification, if applicable.

(c) For the purposes of this rule section, the term "successfully complete" is defined as being denoted with a "Pass" on the completed Training Report form CJSTC-67.

(2) High-Liability Instructor Certifications. Applicants shall meet the following requirements for high-liability certification:

(a) Law Enforcement Driving Instructor Certification. To obtain certification to instruct law enforcement vehicle operations, the instructor applicant shall successfully complete the Commission-approved Law Enforcement Driving Instructor Course through a Commission-certified criminal justice training school, successfully demonstrate all proficiencies, and successfully complete four (4) out of five (5) runs (80%) for each exercise, and record the results on a Law Enforcement Driving Instructor Performance Evaluation form CJSTC-7A, November 18, 1998, hereby incorporated by reference.

(b) Firearms Instructor Certification. To obtain certification to instruct firearms topics, the instructor applicant shall successfully complete the Commission-approved Firearms Instructor Course through a Commission-certified criminal justice training school, successfully demonstrate all proficiencies in firearms training, and record the results on a Firearms Basic Recruit Performance Evaluation form CJSTC-4, January 1, 1997, hereby incorporated by reference. Demonstration of proficiency shall include a handgun and shotgun using the Commission-approved course of fire.

(c) Defensive Tactics Instructor Certification. To obtain certification to instruct in criminal justice defensive tactics, the instructor applicant shall obtain certification as a Commission-approved General Instructor, successfully

complete the Commission-approved Criminal Justice Defensive Tactics Instructor Course through a Commission-certified criminal justice training school, successfully demonstrate all proficiencies in the area of criminal justice defensive tactics, and record the results on a Defensive Tactics Basic Recruit Performance Evaluation form CJSTC-6, November 18, 1998, hereby incorporated by reference.

(d) Medical First Responder Instructor Certification. To obtain certification to instruct high-liability topic medical first responder the applicant shall:

1. Successfully complete the Commission-approved Medical First Responder Course, successfully demonstrated all proficiencies in the medical first responder skills with the results recorded on the Medical First Responder Basic Recruit Performance Evaluation form CJSTC-5, August 1, 1993, hereby incorporated by reference, and hold a current CPR Instructor Certification recognized by the Commission; or.

2. Be a certified emergency medical technician, certified paramedic, licensed physician, licensed physician assistant, registered nurse, or is a member of the Armed Forces of the United States on active duty who was entitled to practice as an Emergency Medical Technician (EMT), or a paramedic in Florida as described in Chapter 401, F.S., Part III, and holds a current CPR Instructor Certification recognized by the Commission.

(3) Specialized Topics Instructor Certifications.

(a) Law Topics Instructor Certification. To obtain certification to instruct Commission-approved law topics of Arrest Laws, Attempt, Conspiracy and Solicitation, Burden of Proof, Civil and Criminal Liability, Classification of Offenses, Constitutional Law, Constitutional Law Overview, Court Rules and Trial Procedures, Court Structure, Elements of a Crime, Evidence Concepts, Evidence Rules, Intent, Legal Defense, Legal Show-up, Legal Line-up, Parties to a Crime, Probable Cause, Search and Seizure Concepts, Stop and Frisk Laws, and Use of Force, the applicant shall possess substantial law training and experience of a minimum of fifteen (15) semester hours or college credit law courses, to include constitutional law and criminal law with a grade of "C" or above, and possesses six (6) months of criminal justice experience.

(b) Speed Measurement Instructor Certification. To be certified to instruct speed measurement training courses an instructor applicant is required to complete the following training:

1. Radar Instructor. An instructor applicant shall successfully complete the Commission-approved 40-hour Radar Speed Measurement Instructors Training Course for Law Enforcement Officers at a Commission-certified criminal justice training school. A certified radar instructor is certified by the Commission to instruct the Radar Operator's Course and the Radar Instructor Course.

2. Laser Instructor. An instructor applicant shall successfully complete the Commission-approved 40-hour Radar Speed Measurement Instructor Training Course and the 24-hour Laser Speed Measurement Device Transition Instructor Course at a Commission-certified criminal justice training school. A certified laser instructor is certified by the Commission to instruct the 12-hour Laser Speed Measurement Device Transition Operator's Training Course, the 40-hour Laser Speed Measurement Operator's Training Course for law enforcement officers, and the 24-hour Laser Speed Measurement Device Instructor Transition Course.

(c) Canine Team Instructor Certification. An instructor applicant shall successfully complete the Commission-approved Canine Team Instructor Course through a criminal justice agency or a Commission-certified criminal justice training school, demonstrate proficiency, and record the results on a General K-9 Team Proficiency Demonstration form CJSTC-83, revised June 17, 1998, hereby incorporated by reference. An instructor applicant who applies for a Canine Team Instructor Certification shall receive a letter of recommendation from an agency administrator verifying that the instructor applicant does not have a sustained complaint(s) of excessive force. Additionally, an instructor applicant who applies for a 400-hour Canine Team Instructor Certification shall be required to possess the following minimum training and experience:

1. A minimum of five (5) years experience as a law enforcement, military law enforcement, or correctional officer and a minimum of three (3) years canine experience which shall be documented.

2. Successful completion of the Commission-approved 400-hour Canine Team Training Course or the 400-hour United States Police Canine Association Canine Team Course.

(d) Human Diversity Instructor Certification. An instructor applicant shall successfully complete the following training courses through a Commission-certified criminal justice training school to be certified to teach Human Diversity Topics of Instruction:

1. The Commission-approved 24-hour Human Diversity Awareness Course, which is the same course taught in the Commission's Basic Recruit Training Program, and

2. The Commission-approved 20-hour Human Diversity Train-the-Trainer Course.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3),(9), 943.14(3) FS. History--New \_\_\_\_\_.

11B-20.0015 Minimum Requirements to Instruct the CMS Application-Based Basic Recruit Training Programs.

(1) General Instructor Certification. Commission-certified General Instructors who instruct the Commission's Curricula Maintenance System (CMS) Application-Based Basic Recruit Training Programs shall successfully complete the CMS General Instructor Transition Course. For the purposes of this

rule section, the term "successfully complete" is defined as being denoted with a "Pass" on the completed Training Report form CJSTC-67.

(2) High-Liability Instructor Certifications. Commission-certified high-liability instructors who instruct Commission-approved high-liability training courses for vehicle operations, firearms, defensive tactics, and medical first responder in the CMS Application-Based Basic Recruit Training Programs, shall successfully complete the CMS General Instructor Transition Course and the CMS transition course specific to the high-liability topic of instruction.

(3) An individual, who possesses a general instructor certification and intends to instruct the CMS Application-Based Basic Recruit Training Programs in the high-liability training areas, and does not currently possess a high-liability instructor certification, shall complete the CMS General Instructor Transition Course (course # 803) and the respective Commission-approved high-liability training course. Training courses that include transition learning are:

<u>Course Name</u>	<u>Course Number</u>
<u>(a) CMS Law Enforcement Vehicle Operations Instructor Course</u>	<u>800</u>
<u>(b) CMS Firearms Instructor Course</u>	<u>801</u>
<u>(c) CMS Defensive Tactics Instructor Course</u>	<u>802</u>
<u>(d) CMS Medical First Responder Course</u>	<u>804</u>

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3),(9), 943.14(3) FS. History--New \_\_\_\_\_.

11B-20.0016 Inspection of Instructor Certification Applications.

(1) Commission staff shall, upon receipt of an Instructor Certification Application form CJSTC-71, revised December 6, 2000, hereby incorporated by reference, inspect an applicant's file within 30 days. The form CJSTC-71 shall be inspected for any apparent errors or omissions and additional information shall be requested, if needed, pursuant to Section 120.60, F.S.

(2) Upon approval of form CJSTC-71, the effective date of the instructor certification shall be the date the form is signed by Commission staff. The certification shall be forwarded to the requesting training school.

(3) Upon noting any apparent errors or omissions, Commission staff shall complete an Application for Instructor Certification Deficiency Notification form CJSTC-271, revised December 6, 2000, hereby incorporated by reference, and forward a copy to the submitting training school. Within 90 days of receipt of form CJSTC-271, the applicant shall satisfy the deficiency. Failure to submit documentation of satisfaction of the deficiency within 90 days by the applicant shall result in denial of the application. Upon denial of an application an individual must reapply for certification.

Specific Authority 120.60(1), 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 120.60(1), 943.12(3),(9), 943.14(3) FS. History--New \_\_\_\_\_.

11B-20.0017 Duration and Renewal of Instructor Certifications.

Upon approval of an Instructor Certification Application form CJSTC-71, by Commission staff, an instructor's certification expires four (4) years from the date the form is signed by Commission staff.

(1) High-Liability and Specialized Topics instructor certifications shall expire on the date an individual's General Instructor Certification expires.

(2) An instructor whose General Instructor Certification has expired shall meet the requirements for certification pursuant to Rule 11B-20.001(1), (b)-(d), F.A.C.

(3) An instructor whose High-Liability and Specialized Topics Instructor Certification has expired shall meet the requirements for certification pursuant to (2) of this rule section, and shall demonstrate proficiency pursuant to Rule 11B-20.0014, F.A.C., for the applicable High-Liability and Specialized Topics Instructor Certification. An individual who fails to demonstrate proficiency in the subject area for which certification is sought shall successfully complete the appropriate Commission-approved instructor training courses prior to re-applying for instructor certification.

(4) An instructor's certification shall be renewed within six months prior to the expiration date by submitting an updated form CJSTC-71 to the training center director or designee. The updated form shall be inspected pursuant to Rule 11B-20.001, F.A.C.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3),(9), 943.14(3) FS. History--New

11B-20.0018 Commission Instructor Certification Application.

All applications submitted for Commission instructor certification shall be verified by the training center director or designee for submission to Commission staff by completing an Instructor Certification Application form CJSTC-71 pursuant with the requirements of Rule 11B-20.001, F.A.C. The training center director shall maintain all documentation that verifies the instructor's qualifications in the instructor's file at the training school.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3),(9), 943.14(3) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ms. Donna Hunt, Operations and Management Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Program Director, Rod Caswell, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: January 26, 2001

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE: Certification of Criminal Justice

RULE CHAPTER NO.:

Training Schools

11B-21

RULE TITLE:

RULE NO.:

Criminal Justice Training School

Requirements for Certification

11B-21.005

PURPOSE AND EFFECT: The proposed amendments to Rule 11B-21.005, F.A.C., are necessary to incorporate the statutorily mandated basic abilities test, and define a training center director "designee."

SUMMARY: To add new rule language for basic abilities testing effective 1/1/2002 for all Commission-certified criminal justice training schools; include rule language regarding the equipment requirement when teaching defensive tactics; and to define employment and job responsibilities for a training center director "designee."

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

LAW IMPLEMENTED: 943.12(3),(7), 943.14, 943.17(1)(g) 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 1:00 p.m., May 22, 2001

PLACE: 2331 Phillips Rd., Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, FL. 32308-1489

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

(1) Training School Facilities and Equipment. All Commission-certified criminal justice training schools shall meet Commission requirements. Commission staff shall document on the Training School Classroom Facility Requirement form CJSTC 205, October 1, 1999, hereby incorporated by reference, compliance with the following:

(a) No change.

(b) If a Commission-certified criminal justice training school conducts training in law enforcement basic recruit driving, each driving range constructed after July 1, 1988, shall include the following specifications documented by Commission staff on the Driving Range Facility Requirements form CJSTC-202, October 1, 1999, hereby incorporated:

1. through 7. No change.

8. Restrooms, drinking water, and a rain-resistant shelter shall be provided when the range is in use for Criminal Justice Standards and Training Commission training purposes for personnel engaged in training on the driving range.

(c) If a Commission-certified criminal justice training school conducts training in basic law enforcement, correctional, or correctional probation, there shall be a suitable area designated for criminal justice defensive tactics instruction. A Defensive Tactics Requirements form CJSTC-203, October 1, 1999, hereby incorporated, shall be completed by Commission staff specifying that each defensive tactics area shall include the following training equipment:

1. Cushioned floor matting that is at least 80 square feet in size for every two (2) students actively and physically engaged in defensive tactics instruction.

2. through 3. No change.

(d) If a Commission-certified criminal justice training school conducts training in basic law enforcement, correctional, or correctional probation, there shall be at least one (1) firearms firing range designed for criminal justice firearms instruction that shall meet Commission requirements documented by Commission staff on a Firing Range Facility Requirements form CJSTC-201, October 1, 1999, hereby incorporated by reference, documenting the following:

1. through 9. No change.

10. Restrooms, drinking water, and a rain-resistant shelter shall be provided when the range is in use for Criminal Justice Standards and Training Commission training purposes for personnel engaged in firearms training on the range.

11. through 13. No change.

(2) No change.

(3) Employed Personnel. All Commission-certified criminal justice training schools shall employ personnel who meet Commission requirements documented on a Staffing Requirements form CJSTC-204, October 1, 1999, hereby incorporated by reference. The following specifications shall be met:

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

(b) through (d) No change.

(4) through (8) No change.

(9) Basic Abilities Testing Requirements. Effective January 1, 2002, all criminal justice training schools certified by the Commission that provide Basic Recruit Training Programs shall:

(a) Adopt a Commission-approved basic abilities test as an entry requirement into a basic recruit training program.

(b) Require, for admission into a Basic Recruit Training Program, a passing score from a Commission-approved basic abilities test which shall be accepted by any Commission-certified criminal justice training school. A passing score is valid one (1) year from the date of the test.

(c) Not exempt a student from taking a Commission-approved basic abilities test.

(d) Not enter into a contract with any testing vendor for a period longer than the Commission's testing cycle of three (3) years.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(3),(7), 943.14, 943.17(1)(g) FS. History—New 7-21-82, Formerly 11B-21.05, Amended 1-28-86, 8-30-89, 12-24-89, 6-3-91, 12-13-92, 1-2-97, 7-7-99, 8-22-00,\_\_\_\_\_.







1-section examination, and the CMS Application-Based examination, and to clarify the process associated with the examinations.

SUMMARY: Revision of the following forms: Application for Officer Certification Examination form CJSTC-500 has been revised to accommodate the CMS Application-Based State Officer Certification Examination, Application for Individuals Requesting Special Testing Accommodations form CJSTC-502 is a new form to comply with the Americans with Disabilities Act; State Officer Certification Examination Grade Review Request form CJSTC-510 was revised to reflect rule revisions in Rule 11B-30.006(2), F.A.C.; State Officer Certification Examination Review form CJSTC-511 was revised to change the title; State Officer Certification Examination Test Results form CJSTC-515 was revised to change the title; and State Officer Certification Examination CJSTC-516 is a new form. 11B-30.006: Clarification of existing rule language. 11B-30.0061: Removed rule language from 11B-30.006(3)-(7), F.A.C., and moved it into Rule 11B-30.0061, F.A.C., to reorganize for clarification of the Traditional Basic Recruit Training Curriculum versus the Application-Based Basic Recruit Training Curriculum in place prior to September 1, 2001. 11B-30.0062: Removed rule language from Rule 11B-30.006(3)-(7), F.A.C., and moved it into Rule 11B-30.0062, F.A.C., to reorganize for clarification of the Traditional Basic Recruit Training Curriculum versus the Application-Based Basic Recruit Training Curriculum in place after September 1, 2001, and to change the previous testing criteria from 5-section testing to 1-section testing. 11B-30.0063: New rule language for the CMS Application-Based State Officer Certification Examination process. 11B-30.007: Removed rule language from Rule 11B-30.006(8)-(10), F.A.C., for insertion into Rule 11B-30.007, F.A.C., to list the examination notification process separately. 11B-30.0071: New rule language for examination accommodations for applicants with disabilities. 11B-30.008, and .009: Housekeeping and clarification revisions. 11B-30.010: Rewrote this rule section and removed the 21-day requirement for filing a written request for a hearing. 11B-30.011: Identifies and clarifies the examination scoring and grade notification process for the certification examination prior to and after September 1, 2001. 11B-30.012: Clarified and reorganized existing rule language for the examination review process. 11B-30.013: Clarified existing language. 11B-30.014: Repealed this rule language for insertion into Rule 11B-30.0063, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

LAW IMPLEMENTED: 943.10, 943.12(18), 943.1397, 943.173 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 1:00 p.m., May 22, 2001

PLACE: 2331 Phillips Rd., Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, FL 32308-1489

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting Donna Hunt, (850)656-9597 (TDD).

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-30.006 ~~Application for~~ State Officer Certification Examination ~~General~~; Eligibility Requirements.

(1) For the purposes of this rule chapter, the terms “successfully completed” and “successfully complete” are defined as being denoted with a “Pass” on the completed Training Report form CJSTC-67, revised December 6, 2000, hereby incorporated by reference.

(2)(4) The following individuals are eligible to ~~take sit for~~ the State Officer Certification Examination (SOCE) for the requested criminal justice discipline:

(a) Individuals who have successfully completed a Commission-approved Traditional Basic Recruit Training Program, pursuant to Rule 11B-35.002(4), F.A.C., or Cross-Over Training Program, pursuant to 11B-35.004(3), F.A.C., or the CMS Application-Based Basic Recruit Training Program, pursuant to Rule 11B-35.002(5), F.A.C., within the past four (4) years.

(b) ~~Inactive Commission-certified Non-active Florida certified~~ officers who have a break-in-service of more than four (4) years and have successfully completed a ~~Prior to sitting for the State Officer Certification Examination, these officers shall complete either the~~ Law Enforcement, Correctional, or Correctional Probation Officer Certification Examination Qualification Course, pursuant to Rule 11B-35.008, F.A.C., or a Commission-approved Basic Recruit Training Program, pursuant to paragraph (a) of this rule section, at a Commission-certified criminal justice training school pursuant to Rule 11B-35.008, F.A.C.

(c) Individuals who have successfully completed a comparable Basic Recruit Training Program in another state, or for the Federal Government, and have served as a full-time sworn officers in another state or for the Federal Government for at least one (1) year, in the requested criminal justice discipline, and are approved for an exemption from completing a Commission-approved Basic Recruit Training Program, pursuant to Rules 11B-35.009 and 11B-35.010, F.A.C., and have Prior to sitting for the State Officer Certification Examination, these individuals shall successfully completed the Officer Certification Examination Qualification Course, in the requested criminal justice discipline appropriate for the discipline for which the individual is seeking certification, at a Commission-certified criminal justice training school pursuant to Rule 11B-35.008, F. A. C.

(3)(2) Commission-certified criminal justice training schools may order officer certification examination applicant handbooks and an Application for Officer Certification Examination form CJSTC-500, revised December 6, 2000, hereby incorporated by reference, by completing a Training School Examination Supplies Request form CJSTC-514, revised January 21, 1999, hereby incorporated by reference. The request form shall be submitted to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Attn: Certification Examination Section. Students successfully pass the State Officer Certification Examination within four (4) years of graduation from one of the Commission's Basic Recruit Training Programs.

(3) The application form CJSTC-500, may be obtained from a Commission-certified criminal justice training school or the Florida Department of Law Enforcement, Criminal Justice Professionalism Program. Applications to sit for the State Officer Certification Examination shall be received by Commission staff by the established deadline date, which shall not exceed 21 days prior to the published scheduled examination date, pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual, October 13, 1999, hereby incorporated by reference. The application shall be accompanied by a \$75 application fee that shall be a cashier's check, money order, or a public agency's instrument made payable to the Criminal Justice Standards and Training Trust Fund.

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

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

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

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

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

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

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

(a) ~~The applicant is unable to sit for the State Officer Certification Examination by reason of military service, and provides a copy of military orders or a letter from the applicant's commanding officer to Commission staff; or~~

(b) ~~The applicant can demonstrate to the satisfaction of Commission staff that serious injury, illness, or other physical impairment to the applicant or a member of the applicant's immediate family, or the death of a member of the applicant's immediate family, made it impossible to sit for the State Officer Certification Examination. Requests shall be substantiated by the following:~~

1. A statement on official letterhead from the treating physician describing the injury, illness, or physical impairment, and lists the dates of treatment or confinement, and affirms that such injury, illness, or physical impairment made it impossible for the applicant to sit for the State Officer Certification Examination, or

2. A copy of the immediate family member's death certificate, or

3. A statement on official letterhead from the funeral home that was responsible for funeral arrangements for the deceased family member.

(e) If the applicant has been issued a subpoena to appear in court, the applicant shall provide Commission staff with a copy of the subpoenas substantiating the court dates for their appearance in court, and the date the subpoena(s) was issued to the applicant.

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

(10) If a mechanical fault, natural event, or other problem associated with the administration or grading of the examination occurs, Commission staff shall permit rescheduling of all or part of the examination without further application by, or cost to the applicant. The applicant shall receive a letter of rescheduling within 30 working days of discovery of the problem associated with the administration or grading of the examination. Re-scheduling of the examination, pursuant to this rule section, does not constitute a re-examination pursuant to Section 943.1397(2), F.S.

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

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

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18), 943.1397 FS. History-New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00,\_\_\_\_\_.

11B-30.0061 State Officer Certification Examination and Retake Eligibility Requirements for Individuals Completing the Traditional Basic Recruit Training Program Prior to September 1, 2001.

(1) Individuals who have successfully completed a Commission-approved Traditional Basic Recruit Training Program or Cross-Over Training Program, or Officer Certification Examination Qualification Course Requirements prior to September 1, 2001, shall be allowed to take the State Officer Certification Examination (SOCE).

(2) Should an individual fail all or part of the SOCE, the individual shall be permitted to reapply and retake the SOCE. The re-examination shall include only those section(s) failed in the initial examination.

(3) Should an individual fail all or part of the first re-examination, the individual shall be permitted to reapply and take a second re-examination pursuant to the following:

(a) Enroll in and successfully complete training that corresponds to the examination section(s) failed. However, students who retake Commission-approved High-Liability Training Courses shall be required to successfully pass only the academic portions of the High-Liability Training Course(s) failed.

(b) Submit an Application for Officer Certification Examination form CJSTC-500, which includes submission of a Certificate of Completion from the criminal justice training school the individual attended. The Certificate of Completion shall include: the name of the training school, the applicant's name, the requested criminal justice discipline, the name(s) and common course number(s) of the remedial courses completed, the training center director's signature, and the completion date of each course.

(c) If remedial training has not been completed at the time an individual submits form CJSTC-500, the individual shall submit a signed letter from the training center director, which shall be written on the training school's letterhead. The letter shall identify all information required on the Certificate of Completion and shall identify the expected completion date of the remedial training. Remedial training shall be completed prior to the date the second re-examination is scheduled.

(d) Applicants who have not completed the required remedial training at the time form CJSTC-500 is submitted, shall submit the documents listed in paragraph (b) of this rule section to the examination administrator on the scheduled test day.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18), 943.13(10), 943.1397 FS. History-New \_\_\_\_\_.

11B-30.0062 State Officer Certification Examination and Retake Eligibility Requirements for Individuals Completing a Basic Recruit Training Program on or after September 1, 2001.

(1) Individuals who have successfully completed a Commission-approved Basic Recruit Training Program on or after September 1, 2001, shall be allowed to apply for and take the State Officer Certification Examination (SOCE).

(2) Should an individual fail to achieve an overall passing score for the SOCE, the individual shall be permitted two (2) opportunities to reapply and retake the examination.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18), 943.13(10), 943.1397 FS. History--New \_\_\_\_\_.

11B-30.0063 CMS Application-Based State Officer Certification Examination and Retake Eligibility Requirements.

(1) Individuals who have successfully completed the Curriculum Maintenance System (CMS) Application-Based Basic Recruit Training Programs for use as a basic recruit training program for criminal justice officers, pursuant to Rule 11B-35.004(5), F.A.C., shall be allowed to apply for and take the CMS Application-Based State Officer Certification Examination for the discipline in which certification is sought.

(2) Should an individual fail to achieve a passing score on the CMS Application-Based State Officer Certification Examination, the individual shall be permitted two (2) opportunities to reapply and retake the certification examination.

(3) Should an individual fail to achieve a passing score on the CMS Application-Based State Officer Certification Examination after three (3) attempts, the individual shall not be permitted to take the certification examination until the applicant has re-enrolled in and successfully completed the CMS Application-Based Basic Recruit Training Programs for the discipline in which certification is sought.

Specific Authority 943.03(4), 943.12(1),(18) FS. Law Implemented 943.12(18), 943.1397(8), 943.173 FS. History--New \_\_\_\_\_.

11B-30.007 Application for the State Officer Certification Examination and Notification Process of Applicants.

(1) If an applicant meets the requirements to sit for the State Officer Certification Examination, Commission staff shall schedule the applicant for the requested examination site and date.

(1)(2) Application to take the State Officer Certification Examination (SOCE) may be made by submitting a completed Application for Officer Certification Examination form CJSTC-500, to the Florida Department of Law Enforcement, Office of Finance and Accounting, Post Office Box 1489, Tallahassee, Florida 32302-1489, and shall be accompanied by a cashiers check, money order, or public agency instrument in the amount of \$100 made payable to the Criminal Justice Standards and Training Trust Fund. A completed application form CJSTC-500 shall be submitted according to the established deadline date. Form CJSTC-500 and the established examination dates may be obtained from a Commission-certified criminal justice training school, or from

the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Attn: Certification Examination Section, Post Office Box 1489, Tallahassee, Florida 32302-1489. If an applicant cannot be scheduled for the examination site and date requested, the applicant shall be scheduled for the first available site and date in the geographical area of the requested site.

(2)(3) Commission staff shall notify the applicant applicants of the testing site and the date and time the SOCE will be administered, of the State Officer Certification Examination, by mail, prior to the date of the examination.

(3) If a mechanical fault, natural event, or other problem associated with the administration of the SOCE occurs, Commission staff shall permit rescheduling of all or part of the examination without further application or cost to the applicant. Commission staff shall notify the applicant when the SOCE is to be rescheduled via the address provided on the applicant form CJSTC-500, within 30 working days of discovery that a problem exists with the administration of the certification examination. Re-scheduling of the SOCE does not constitute a re-examination.

(4) An applicant who has been scheduled to take the State Officer Certification Examination (SOCE) and is unable to take the certification examination on the date scheduled, shall be given the opportunity to submit a request to Commission staff to reschedule the certification examination within sixty days of the missed examination date. Rescheduling that is granted by Commission staff shall be subject to all requirements for eligibility, pursuant to Rule 11B-30.006, F.A.C. An additional application fee shall not be charged. The following conditions shall exist and shall be documented in the applicant's request to reschedule a certification examination date:

(a) Due to military service, an applicant shall provide a copy of military orders, or provide a letter from his or her commanding officer to Commission staff; or

(b) Due to injury, illness, or physical impairment, an applicant shall provide a statement on official letterhead from the treating physician that provides a lists and dates of treatment or confinement affirming that such injury, illness, or physical impairment made it impossible for the applicant to take the SOCE; or

(c) Due to the death of an immediate family member, an applicant shall provide a copy of the death certificate or a statement on official letterhead from the funeral home responsible for the funeral arrangements; or

(d) Due to a subpoena to appear in court, an applicant shall provide to Commission staff a copy of the subpoena substantiating the court date(s) for the applicant's appearance in court, and the date the subpoena was issued.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18), 943.1397(3) FS. History--New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, \_\_\_\_\_.

11B-30.0071 Examination Accommodations for Applicants with Disabilities.

(1) In compliance with the Americans with Disabilities Act (ADA) of 1990, the Department shall provide reasonable and appropriate accommodations to individuals with physical, mental, or specific learning disabilities to the extent such accommodations do not create an undue cost, administration restraints, security considerations, and availability of resources. Accommodations made will vary depending upon the nature and the severity of the disability. Each case shall be dealt with on an individual basis with the limits prescribed herein. Reference information and guidelines regarding the process for documenting disabilities are contained in the document, "Request for Test Accommodations for Examinees with Disabilities," which may be obtained by writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee, FL. 32302-1489, Attention: ADA Coordinator, or by calling 850-410-8600, TDD#: 850-656-9597.

(2) An applicant requesting special accommodations shall submit an Application for Individual Requesting Special Testing Accommodations form CJSTC-502, December 6, 2000, hereby incorporated by reference, which shall be submitted 45 days prior to the requested State Officer Certification Examination (SOCE) date. The Application for Officer Certification Examination form CJSTC-500 shall be submitted according to the established deadline date for the requested SOCE. The individual shall provide documentation of the disability by an appropriate professional, pursuant to paragraph (6)(e) of this rule section, when the disability and the requested accommodations are not obvious. Forms CJSTC-500 and CJSTC-502 may be obtained by writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee, FL. 32302-1489, Attention: ADA Coordinator, or by calling 850-410-8600, TDD#: 850-656-9597.

(3) Reasonable and appropriate accommodations to take the State Officer Certification Examination (SOCE) shall be provided for qualifying individuals. All accommodations shall be directly linked to the amelioration of the identified functional limitations caused by the asserted disability and must be reasonable and effective. Permissible accommodations include:

(a) Flexible Time. Individuals requiring extra time to take the SOCE shall submit a recommendation of such from an appropriate professional, pursuant to paragraph (6)(e) of this rule section. The Commission recognizes that using a live reader takes longer than reading regular print. Untimed certification examinations shall not be provided.

(b) Flexible Setting. Individual and small group settings for administration of the SOCE shall be made available to individuals when such a service is recommended by an appropriate professional.

(c) Flexible Recording of Responses. The individual's responses may be recorded by a proctor or marked on the test booklet. The proctor may transcribe the individual's responses into a machine scannable answer sheet. In these instances, the individual will verify that the answers he or she indicated were marked.

(d) Flexible Format. The test booklet may be produced in large print, high quality regular print, or read aloud.

(e) Assistive Devices. Upon approval by the Commission and based on documented need, the individual shall be allowed to use lights and magnifiers.

(4) The Commission shall request further evidence for the necessity of the accommodation when the evidence substantiating the need for the accommodation is not complete. The Commission shall request that the individual receive another professional evaluation to verify the disability, which shall be paid by the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, or to determine what accommodations are most appropriate and effective when the initial evaluation is inconclusive, unclear, or does not substantiate the need for the requested accommodation, which shall be paid for by the individual.

(5) In no case shall any modifications authorized herein be interpreted or construed as an authorization to provide an individual with assistance in determining the answer to any test item. No accommodation or modification shall be made that adversely affects the integrity of the SOCE.

(6) Definition of Terms.

(a) Person with disabilities means any person who:

1. Has a physical, mental, or specific learning disability, which presently substantially limits one or more major life activities;

2. Has a record of such disability; or

3. Is regarded as having such disability.

(b) Major life activities are activities that an average person can perform with little or no difficulty, for example walking, talking, hearing, breathing, learning, working, caring for one's self, and performing manual tasks.

(c) A person with a physical disability means any person who has a permanent or temporary physical or psychomotor disability. Examples of such a disability under this section include those disabilities that require the use of a wheelchair, braces, or crutches. It also includes individuals with a hearing or sight disability, or those who may need special accommodation to move about.

(d) A person with a learning disability means any person who has a permanent or temporary mental disability, such as brain damage, brain dysfunction, dyslexia, or a perceptual disorder.

(e) For purposes of this rule, “an appropriate professional” is a person licensed, pursuant to Chapters 460 (Chiropractic), 490 (Psychological Services), 458 (Medical Practice), 459 (Osteopathy), 461 (Podiatric Medicine), 463 (Optometry), 468, Part I (Speech-Language Pathology and Audiology), or 490 (Psychological Services), Florida Statutes, or is licensed in the state in which the certification of disability was performed. Any certification, documentation, or recommendation relating to the individual’s disability provided by an appropriate professional, and, pursuant to the requirements of this rule, shall not be extended beyond the scope permitted by the law for that professional or that which the professional knows or has reason to know that he or she is not competent to perform.

Specific Authority 943.03(4), 943.12(1), 943.1397 F.S. Law Implemented 943.12(18), 943.1397 F.S. History—New \_\_\_\_\_.

11B-30.008 State Officer Certification Examination Site Administration.

(1) Commission staff examination administrators and proctors are responsible for maintaining secure and proper administration of the State Officer Certification Examination (SOCE). During the administration of the SOCE, applicants shall follow the instructions of the examination administrator and proctors, and shall be permitted to ask questions of the examination administrator relating to the test administration instructions. Commission staff shall refuse admission of applicants to sit for the examination for any individual who does not present a valid driver’s license, a criminal justice agency photo I.D., or a Florida Identification Card issued by the Department of Highway Safety and Motor Vehicles.

(2) An applicant who has been scheduled to take the State Officer Certification Examination (SOCE) shall arrive at the scheduled examination site on the designated date and time, and shall present the following documentation to the examination administrator: Applicants sitting for the initial examination shall bring to the test administration site proof of successful completion of a Commission-approved Basic Recruit Training Program or Officer Certification Examination Qualification Course appropriate for the discipline for which the individual is seeking certification. The following documentation shall be acceptable:

(a) Valid photo identification. Each time an applicant applies to take the SOCE, the applicant shall present a valid driver’s license, state identification card issued by the Florida Department of Highway Safety and Motor Vehicles, a valid military identification, or a state agency identification card. The identification cards shall contain the applicant’s first and last name, which shall correspond with the name on the SOCE roster. A Certificate of Completion that shall contain the name of the Commission-certified criminal justice training school, applicant’s name, discipline and training program completed, training completion date, number of hours completed, and signature of the training center director; or

(b) A record of completed training, if required, pursuant to Rules 11B-30.006 and 11B-30.0061(2), (3), F.A.C. The record of completed training shall be in the form of a Certificate of Completion or a Letter of Completion on the Commission-certified criminal justice training school’s letterhead and shall include the applicant’s name, the discipline, the completed training, the training completion date, the number of hours completed, and the signature of the training center director. Documentation of completed training may be submitted prior to the SOCE date pursuant to Rule 11B-30.007, F.A.C., or presented to the examination administrator on the day of testing. A Letter of Completion submitted in lieu of a Certificate of Completion, which shall be an original letter, on the training school’s letterhead, signed by the training center director. The letter of completion shall include the discipline and training program completed, the completion date, and number of hours completed.

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

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

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

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

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

(3)(6) An applicant shall not be admitted to the examination administration site after the door to the examination site is closed. Re-scheduling of the State Officer Certification Examination (SOCE), pursuant to this paragraph, does not constitute a re-examination, pursuant to Section 943.1397, F.S. The applicant shall forfeit the examination fee and may re-apply to Commission staff to sit for the examination, and shall again have to comply with all of the provisions of Rule 11B-30.006, F.A.C.

(4)(7) All examination booklets, answer sheets, and other State Officer Certification Examination (SOCE) examination papers and materials are the sole property of the Commission

staff. An applicant shall not remove any of the SOCE examination booklets, answer sheets, or other SOCE examination papers or materials from the examination room, or retain or reproduce the materials in whole, or in part, by any means or method whatsoever.

Specific Authority 943.03(4), 943.12(1),(18) FS. Law Implemented 943.12(18) FS. History—New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00,\_\_\_\_\_.

11B-30.009 Applicant Conduct at Test Site and Notice of Protection of the Program's Privileges.

~~(1) The examination administrator and proctors are Commission staff's designated agents and are responsible for maintaining a secure and proper examination administration.~~

~~(1)(2) The applicant shall not engage Any individual observed to have engaged in conduct that subverts or attempts to subvert the State Officer Certification Examination (SOCE) process;. Conduct that subverts or attempts to subvert the SOCE process includes; shall have their scores on the State Officer Certification Examination withheld or declared invalid, and the individual shall be subject to the imposition of other sanctions by the Commission, pursuant to Section 943.13(7), F.S., and Rule Chapter 11B-27.007, F.A.C.~~

~~(3) Conduct that subverts or attempts to subvert the examination process includes:~~

~~(a) Conduct that violates the security of the State Officer Certification Examination materials are as follows:~~

~~(a)1- Removing from the examination room any of the SOCE materials.~~

~~(b)2- Reproducing or reconstructing any portion of the SOCE examination.~~

~~(c)3- Aiding by any means in the reproduction of any portion of the SOCE examination.~~

~~(d)4- Selling, distributing, buying, receiving, or having unauthorized possession of any portion of a past, current, or future SOCE State Officer Certification Examination.~~

~~(e) Revealing test questions or other information that would compromise the integrity of the SOCE.~~

~~(2)(b) The applicant shall not violate the standards of State Officer Certification Examination (SOCE) test administration. Violations of test administration include: Conduct that violates the standards of test administration is as follows:~~

~~(a)1- Communication with any other applicant examinee during the administration of the SOCE examination.~~

~~(b)2- Copying answers from another applicant examinee, or intentionally allowing one's answers to be copied by another applicant examinee during the administration of the SOCE examination.~~

~~(c)3- Having in one's possession during the administration of the SOCE examination, any books, notes, written, or printed materials or data of any kind.~~

~~(d)(e) Failing to comply with the SOCE administrator's instructions. Conduct that violates the applicant identification process is as follows:~~

~~(3) The applicant shall not violate the applicant identification process. Conduct that violates the applicant identification process is as follows:~~

~~(a)1- Falsifying or misrepresenting information required for admission to the State Officer Certification Examination (SOCE).~~

~~(b)2- Impersonating an applicant examinee.~~

~~(c)3- Having an impersonator take sit for the SOCE examination on one's behalf.~~

~~(4) Any violation of the provisions of Rule 11B-30.009(1)-(3), F.A.C., or other irregularity shall be documented in writing by a Commission staff agent(s), and documentation of the violation or irregularity shall be presented to the Director of the appropriate regulatory section within the Criminal Justice Professionalism Program for action by Commission staff. A Commission staff agent(s) shall exercise extreme care in their documentation to ensure that the violation or irregularities are precisely recorded as they were witnessed.~~

~~(5) When the Commission finds that an applicant has committed an act that violates paragraphs (1)-(3) of this rule section, the applicant shall:~~

~~(a) Have their State Officer Certification Examination (SOCE) declared invalid;~~

~~(b) Forfeit the application fee;~~

~~(c) Be ineligible to apply to take the SOCE in any discipline for a period of five (5) years;~~

~~(d) Be subject to denial of certification by the Commission pursuant to Rule 11B-27.007, F.A.C.;~~

~~(e) Be subject to disciplinary action taken against any currently held Commission certification.~~

~~(f) Be subject to the imposition of other sanctions by the Commission, pursuant to Section 943.13(7), F.S., and Rule 11B-27, F.A.C. Individuals who engage in conduct that subverts or attempts to subvert the State Officer Certification Examination process, shall at a minimum be ineligible for re-examination for a period of (5) five years, or may be denied certification by the Commission pursuant to Chapter 943, F.S.~~

Specific Authority 943.03(4), 943.12(1),(18), 943.173(3) FS. Law Implemented 943.12(18), 943.13(7), 943.1397(3), 943.173 FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00,\_\_\_\_\_.

11B-30.010 Applicants Persons Charged with Violations; Right of Hearing.

Should the Commission find that an applicant has violated the provisions of Rule 11B-30.009(2), F.A.C., the Commission shall notify the applicant of the violation by submitting a statement invalidating the applicant's State Officer Certification Examination (SOCE). The statement invalidating the applicant's SOCE shall specify the basis for the

Commission's action and shall be forwarded to the applicant. The applicant shall be entitled to a hearing pursuant to the Administrative Procedures Act set forth in Chapter 120, F.S., and the Uniform Rules of Procedures, Rule 28-106, F.A.C. An applicant charged by Commission staff with a violation of Rule 11B-30.009(2) or (3), F.A.C., may, within 21 days of receipt of notice of being charged with such violation, request a hearing by filing a written request with Commission staff.

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

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 120, 943.12(18) FS. History—New 1-10-94, Amended 7-7-99, 8-22-00,\_\_\_\_\_.

11B-30.011 Examination Scoring and Grade Notification.

(1) Individuals who graduate from a Commission-approved Traditional Basic Recruit Training Program, pursuant to Rules 11B-35.002(4)(a)-(e), 11B-35.004(3)(a)-(f) and 11B-35.008(1)(a)-(c), F.A.C., prior to September 1, 2001, shall be required to pass all sections of the State Officer Certification Examination (SOCE). The appropriate pass scores identified for the curricula sections for each discipline and grade notification are as follows: Commission staff shall notify the applicant of the examination results approximately 30 days after the examination date.

(a) Law Enforcement:

1. Section 1, CJD-760 Legal 1, CJD-761 Legal 2, and CJD-730 Legal 3, pass score is 79% or higher.

2. Section 2, CJD-763 Interpersonal Skills and CJD-762 Communications, pass score is 78% or higher.

3. Section 3, CJD-734 Law Enforcement Investigations, pass score is 80% or higher.

4. Section 4, CJD-731 Law Enforcement Patrol, pass score is 80% or higher.

5. Section 5, CJD-704 Criminal Justice Defensive Tactics, CJD-705 Criminal Justice Weapons, CJD-723 Vehicle Operations, CJD-732 Law Enforcement Traffic, and CJD-254 Medical First Responder, pass score is 80% or higher.

(b) Correctional:

1. Section 1, CJD-770 Legal 1 and CJD-771 Legal 2, pass score is 80% or higher.

2. Section 2, CJD-773 Interpersonal Skills, pass score is 80% or higher.

3. Section 3, CJD-752 Correctional Operations, pass score is 80% or higher.

4. Section 4, CJD-750 Interpersonal Skills and CJD-772 Communications, pass score is 80% or higher.

5. Section 5, CJD-704 Criminal Justice Defensive Tactics, CJD-705 Criminal Justice Weapons, CJD-254 Medical First Responder and CJD-741 Emergency Preparedness, pass score is 80% or higher.

(c) Correctional Probation:

1. Section 1, CJD-790 Correctional Probation Legal, pass score is 80% or higher.

2. Section 2, CJD-704 Criminal Justice Defensive Tactics, CJD-254 Medical First Responder, CJD-795 Firearms and CJD-791 Correctional Probation Operations, pass score is 80% or higher.

3. Section 3, CJD-792 Correctional Probation Interpersonal Skills and CJD-793 Correctional Probation Communications Skills, pass score is 82% or higher.

4. Section 4, CJD-794 Correctional Probation Supervision, pass score is 85% or higher.

(d) Applicants shall be notified within 30 days of the test date, which shall be submitted by Commission staff on an Applicants State Officer Certification Examination Test Results form CJSTC-515, revised December 6, 2000, hereby incorporated by reference.

(2) Individuals, who graduate from a Commission-approved Basic Recruit Training Programs on or after September 1, 2001, shall be required to pass the State Officer Certification Examination (SOCE) with an overall scale score of 80 or higher. Applicants shall be notified within 30 days of the test date, which shall be submitted by Commission staff on an Applicants State Officer Certification Examination Overall Test Results form CJSTC-516, December 6, 2000, hereby incorporated by reference. Applicant(s) failing the State Officer Certification Examination shall be notified of the subject area(s) failed, along with the requirements for re-examination and the review procedures.

Specific Authority 943.03(4), 943.12(1),(18) FS. Law Implemented 943.12(18), 943.1397(1) FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00,\_\_\_\_\_.

11B-30.012 Post Applicant Review of Examination Questions, Answers Papers, Grades, and Grading Key.

(1) Individuals who have taken the State Officer Certification Examination (SOCE) shall have the right to review their examination results by submitting a State Officer Certification Examination Grade Review Request form CJSTC-510, revised December 6, 2000, hereby incorporated by reference. To be eligible to file a form CJSTC-510, pursuant to Rule 11B-30.013, F.A.C., the form shall be submitted to Commission staff within 45 calendar days of the individual's SOCE date. Individuals who fail to meet the 45-day deadline shall not be allowed to file a challenge, but may review the SOCE results. Pursuant to Section 119.07(3)(e), F.S., applicants who have taken the State Officer Certification Examination shall have the right to review a copy of their examination questions and answers.

(2) State Officer Certification Examination Grade rReviews shall be conducted in the presence of a Commission staff during regular work hours at the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, which are defined as 8:00 a.m. through 5:00 p.m., Monday through Friday, excluding official state holidays representative



at. Individuals shall be scheduled to review their State Officer Certification Examination (SOCE) grades within 40 calendar days of Commission staff's receipt of the completed form CJSTC-510 a site designated by Commission staff during regular working hours, which are defined as 8:00 a.m. through 5:00 p.m., Monday through Friday, excluding official state holidays.

(a) The provisions and sanctions of Rules 11B-30.009 and 11B-30.010, F.A.C., shall apply to individuals in an Examination Review Session. In addition, any individual who violates the standards in Rule 11B-30.009, F.A.C., shall be dismissed from the Examination Review Session.

(b) The individual who requested the grade review shall be provided with the results of the SOCE test results and the State Officer Certification Examination Review form CJSTC-511, revised December 6, 2000, hereby incorporated by reference. The CJSTC-511 form shall be signed by the individual requesting the review and a Commission staff member at the conclusion of the Examination Review Session. Individuals shall not be allowed to bring materials into the Examination Review Session or remove materials provided in the Examination Review Session. All materials used by the participants in the Examination Review Session shall be retained by Commission staff. Only the individual scheduled for the Examination Review Session and a Commission staff member shall be present during a Examination Review Session.

(c) Prior to any Examination Review Session, all individuals shall acknowledge receipt of these rules and affirm to abide by all such rules in writing.

(3) Individuals shall be prohibited from leaving an Examination Review Session with any written challenges, grade sheets, or any other examination materials. Applicants who have taken the State Officer Certification Examination may request and receive an appointment for review of their examination. Applicants may review their examination subject to the following conditions:

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

(b) Such review shall be completed within 40 calendar days of Commission staff's receipt of the Grade Review Request form CJSTC-510.

(c) At the examination review, the applicant shall be permitted to record on forms provided by Commission staff, all objections to the examination under review. Such forms shall remain in the custody of Commission staff, and shall be

evaluated pursuant to the procedures outlined in paragraph (3)(h) of this rule section. No material of any kind shall be used during the review except those provided by Commission staff.

(d) A Commission staff representative shall remain with the applicant throughout the review process. No person, other than the applicants and Commission staff representatives, shall be allowed to be present during the review.

(e) The applicant shall not copy questions or answers from the test materials. The applicant may write on a separate paper, in the presence of a Commission staff representative, any questionable item number(s) or other objections to the State Officer Certification Examination.

(f) The applicant shall be permitted to leave with a form listing the question numbers. All written objections and questions shall remain with a Commission staff representative when leaving the review room. Pursuant to Section 943.173(2), F.S., examination materials are exempt from the provisions of Section 119.07, F.S.

(g) Upon completion of the review, an Acknowledgment of Exam Review form CJSTC 511, revised October 19, 1998, hereby incorporated by reference, shall be signed by the applicant and a Commission staff representative shall document the starting time and ending time of the review, the materials reviewed, and any other pertinent information about the review session.

(h) All legible, substantive, and specific objections to the examination or examination portion, for which the applicant failed to achieve a passing score, shall be processed by Commission staff as follows:

1. To evaluate challenges to the examination, objections to the written examinations shall be evaluated by at least one expert in the field.

2. If Commission staff determines that the original grade was not rendered pursuant with the grading criteria, the portion or the entire examination, shall be re-scored.

(4)(i) Commission staff shall notify the individual applicant in writing of the evaluation decision within 30 working days of the examination review date, of the results of the Commission's evaluation of the individual's concerns reported on the State Officer Grade Review Request form CJSTC-510 completion of the evaluation of objections.

Specific Authority 943.03(4), 943.12(1),(18) FS. Law Implemented 943.12(18), 943.173 FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00,\_\_\_\_\_.

11B-30.013 Challenge to Examination Results; Right of Hearing.

Should the Commission deny an individual's State Officer Certification Examination (SOCE) grade review challenge, the Commission shall notify the individual by submitting a statement denying the challenge. The statement shall specify the basis for the Commission's denial and shall be forwarded to the individual. The individual shall be entitled to a hearing pursuant to the Administrative Procedures Act set forth in

~~Chapter 120, F.S., and the Uniform Rules of Procedure, Rule Chapter 28, F.A.C. Pursuant to Section 120.57(1), F.S., an applicant may request a formal hearing before the Division of Administrative Hearings regarding a denial of credit for challenges to examination questions, under the following terms and conditions:~~

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

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

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

Specific Authority 943.03(4), 943.12(1),(18) FS. Law Implemented 120, 943.12(18) FS. History--New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, \_\_\_\_\_.

11B-30.014 Application-Based Officer Certification Examination.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.173, 943.12(18) FS. History--New 8-22-00, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Operations and Management Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Program Director Rod Caswell Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: January 26, 2001

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE: Training Programs RULE CHAPTER NO.: 11B-35

RULE TITLES: General Training Programs; Requirements and Specifications RULE NOS.: 11B-35.001

Basic Abilities Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Programs 11B-35.0011

Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation	11B-35.002
Basic Recruit Training Programs for Student to Instructor Ratios and Minimum Requirements	11B-35.0021
Basic Recruit Training Programs for Student Performance in Comprehensive End-of-Course Examinations	11B-35.0022
Basic Recruit Training Programs for Student Transfers	11B-35.0023
Basic Recruit Training Programs for Student Performance in High-Liability Proficiency, Knowledge, Skills, and Abilities	11B-35.0024
Basic Recruit Training Programs for Law Enforcement and Correctional Auxiliary Training	11B-35.003
Traditional Basic Recruit Training Programs; Cross-Over for Law Enforcement, Correctional, and Correctional Probation Officers	11B-35.004
Career Development Training Program	11B-35.005
Advanced Training Program	11B-35.006
Specialized Training Program	11B-35.007
State Officer Certification Examination Qualification Course Requirements	11B-35.008
Exemption from Basic Recruit Training for Out-of-State or Federal Officers; Policy and Exemption Application Procedures	11B-35.010

PURPOSE AND EFFECT: The proposed amendments to Rule 11B-35, F.A.C., are necessary to allow the Commission to field-test its new CMS Application-Based Basic Recruit Training Program for law enforcement, to distinguish between the Traditional Basic Recruit Training Programs and the CMS Application-Based Basic Recruit Training Programs, to incorporate new training courses into the rule and to clarify existing language.

SUMMARY: Revised the following forms: Chemical Agent Exposure Training Evaluation form CJSTC-4A by removing "Firearms" from the title. This form will be used for all chemical agent exposures. Specialized Training Documentation Supplemental form CJSTC-16A by adding "designee" to the signature line; and Training Report form CJSTC-67 by adding a new column for "processed fingerprints" and adding "designee" to the signature line. 11B-35.001: To add new rule language to allow the Commission to field-test its new Application-Based Basic Recruit Training Program; and to remove rule language because of unlawful delegation of authority. 11B-35.0011: To add new rule language, pursuant with Section 943.17, F.S., that requires all applicants to pass a basic abilities test prior to entry into a basic recruit training program effective January 1, 2002. 11B-35.002: To distinguish between "Traditional" Basic Recruit Training Programs and CMS Application-Based Basic Recruit Training Programs. 11B-35.0021: To clarify existing

rule language; and to establish an instructor student ratio for delivery of medical first responder portions of training; and to define "actively engaged" for firearms and defensive tactics. 11B-35.0022: (1): To establish criteria for development of examinations; removes obsolete rule language; and clarifies existing rule language. 11B-35.0023: To specify that the CMS Application-Based Basic Recruit Training Curricula courses are not compatible with the Traditional Basic Recruit Training Programs and are not transferable. 11B-35.0024: To clarify exiting rule language and remove rule language because of unlawful delegation of authority. 11B-35.006: To add a new advanced training course. 11B-35.007: To add a new specialized training course and remove obsolete rule language. 11B-35.008: To clarify existing rule language and remove obsolete rule language. 11B-35.010: To clarify existing rule language and establish that 12 months of sworn officer experience is required within an 18-month period.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1),(2), 943.14(3), 943.17 FS.

LAW IMPLEMENTED: 943.12, 943.131, 943.1395, 943.17, 943.173, 943.175, 943.1715, 943.25 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 1:00 p.m., May 22, 2001

PLACE: 2331 Phillips Rd., Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, FL. 32308-1489

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting Donna Hunt, (850)656-9597 (TDD).

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) through (4) No change.

(5) Training curricula and delivery requirements shall be maintained for all Commission-approved Basic Recruit Training Courses as follows:

(a) All Basic Recruit Training Courses contained within a Commission-approved Basic Recruit Training Program, and their respective delivery requirements, are available to interested and affected individuals. Copies of the course curricula are maintained within the Criminal Justice Professionalism Program; and

(b) No change.

(6) Curriculum Maintenance System (CMS) Field-Test. The Criminal Justice Standards and Training Commission is currently developing and evaluating the Curriculum Maintenance System (CMS) Application-Based Basic Recruit Training Programs for use as a basic recruit training program for criminal justice officers. The CMS curricula are based on a statewide job-task analysis of each of the criminal justice officer disciplines, and provides an enhanced learning environment for the student, through lesson plans provided for each module, and ensures a "standardized delivery" of statewide training curricula. A CMS field-test utilizing a classroom environment with student participation is necessary to evaluate the program before certain course criteria can be established and final rules adopted. In order to accomplish these goals:

(a) The Commission-authorizes field-testing of the CMS Application-Based Basic Recruit Training Programs effective June 2001.

(b) The Commission approves the CMS Field-Test as a basic recruit training program for law enforcement officers during the field-test period.

(c) Specific conditions for instructor certification and delivery of the curricula will be established, consistent with the completed CMS Curricula Modules. Commission-certified criminal justice training schools shall adhere to the delivery specifications and the instructor requirements outlined in the CMS Curricula Modules. The Commission exempts the training schools, academies and colleges that participate in the field-testing of the CMS Field-Test from the following rules:

1. 11B-20.0014(3)(a) and (3)(d); Minimum Requirements for High-Liability and Specialized Topics Instructor Certification.

2. 11B-35.0022(1) and (2); Basic Recruit Training Programs for Student Performance in Comprehensive End-of-Course Examinations.

3. 11B-35.0024(1) and (4); Basic Recruit Training Programs for Student Performance in High-Liability Proficiency, Skills and Cognitive Abilities.

(d) Exemptions as outlined in paragraph (c) above, shall not apply to courses in the Traditional Basic Recruit Training Program.

(e) Testing of the CMS Field-Test shall be conducted at Commission-certified criminal justice training schools. Individual field tests of the CMS High-Liability Modules may be delivered by any Commission-certified criminal justice training school. A full field-test of the entire CMS Curricula Modules will be initiated at the following Commission-certified criminal justice training schools:

1. Santa Fe Community College.
2. Broward Community College.
3. St. Petersburg Junior College.
4. Florida Highway Patrol.
5. Polk Community College.
6. Lake County Vocational Technical School.
7. Tallahassee Community College.

(f) Students participating in the field-test of the CMS Application-Based Basic Recruit Training Program shall be students seeking Commission training for the purpose of applying to take the State Officer Certification Examination and seeking employment as a Florida law enforcement officer. Selection of students shall be consistent with the individual agency, community college, or vocational technical school process for selection of students. Students participating in the CMS Application-Based Basic Recruit Training Program shall successfully complete all activities contained within the lesson plans. Students who successfully complete a CMS Application-Based Basic Recruit Training Program are eligible to apply for and take the CMS Application-Based State Officer Certification Examination pursuant to Rule 11B-30.0063, F.A.C.

(g) This rule section shall expire upon Commission acceptance and approval of the basic recruit training curricula for each of the criminal justice disciplines.

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

- (a) through (b) No change.

(c) The training center director or designee shall forward a completed Training Report form CJSTC-67, revised December 6, 2000 ~~February 18, 1998~~, hereby incorporated by reference, to the Criminal Justice Professionalism Program, Bureau of Standards, following the completion of a course. Effective September 1, 1998, the information on form CJSTC-67 form shall be required to be electronically transmitted via the Commission's Automated Training Management System (ATMS). Commission staff shall maintain student training files and verify all completed training courses.

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

1. The full legal names of all attending students.
2. through 9. No change.

10. For basic recruit training programs, criminal histories on all applicants pursuant to Section 943.14(8), F.S.

(8)(7) Attendance. A student shall not be considered to have successfully completed a Commission-approved training course if there is an unexcused absence from any session of such course.

(9)(8) Attendance Records Requirements:

- (a) through (c) No change.

(d) This policy does not supersede any stricter course attendance requirements established by a Commission-certified criminal justice training school or Local Regional Training Council.

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

- (a) through (c) No change.

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

Specific Authority 943.03(4), 943.12(1),(2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History--New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00,\_\_\_\_\_.

11B-35.0011 Basic Abilities Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Programs.

In accordance with Section 943.17(1)(g), F.S., all applicants applying for entry into a Commission-approved Basic Recruit Training Program after January 1, 2002, shall obtain a passing score on a Commission-approved Basic Abilities Test for the specified discipline, i.e., law enforcement, correctional, or correctional probation, prior to entering the applicable basic recruit training program.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.17 FS. History--New \_\_\_\_\_.

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

- (1) through (2) No change.

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

- (a) through (b) No change.

(c) For each Commission-approved Basic Recruit Training Course, a student shall pass a comprehensive end-of-course examination or examinations.

(d) Only successful completion of Commission-required Basic Recruit Training Courses within each discipline, shall determine a student's eligibility to ~~take sit for~~ the State Officer Certification Examination in a respective discipline.

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

(a) Traditional Law Enforcement Basic Recruit Training Program

		<u>Minimum Hours</u>
Criminal Justice Legal 1	CJD _760	46.0
Criminal Justice Legal 2	CJD _761	48.0
Criminal Justice Communications	CJD _762	56.0
Interpersonal Skills 1	CJD _763	66.0
*Criminal Justice Defensive Tactics <u>that includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98.</u>	CJD _704	106.0
<del>*Includes the 38-hour Preparation for Defensive Tactics Course, effective 7/1/98</del>		
Criminal Justice Weapons	CJD _705	64.0
Medical First Responder (Options: CJT _362 or EMS _ 1059)	CJD _254	48.0
Law Enforcement Legal 3	CJD _730	32.0
Law Enforcement Patrol	CJD _731	64.0
Law Enforcement Traffic	CJD _732	46.0
Vehicle Operations	CJD _723	32.0
Law Enforcement Investigations	CJD _734	64.0
Total		672.0

(b) Traditional Correctional Basic Recruit Training Program

		<u>Minimum Hours</u>
Criminal Justice Legal 1	CJD _770	46.0
Criminal Justice Legal 2	CJD _771	22.0
Criminal Justice Communications	CJD _772	42.0
Interpersonal Skills 1	CJD _773	62.0
*Criminal Justice Defensive Tactics <u>that includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98.</u>	CJD _704	106.0
<del>*Includes the 38-hour Preparation for Defensive Tactics Course, effective 7/1/98</del>		
Criminal Justice Weapons	CJD _705	64.0
Medical First Responder (Options: CJT _362 or EMS _ 1059)	CJD _254	48.0
Interpersonal Skills 2	CJD _750	50.0
Emergency Preparedness	CJD _741	26.0
Correctional Operations	CJD _752	64.0
Total		530.0

(c) Combination Recruit Training Program

		<u>Minimum Hours</u>
Criminal Justice Legal 1	CJD _710	54.0
Criminal Justice Legal 2	CJD _711	52.0
Criminal Justice Communications	CJD _712	62.0
Interpersonal Skills 1	CJD _713	66.0
*Criminal Justice Defensive Tactics <u>that includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98.</u>	CJD _704	106.0

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

Criminal Justice Weapons	CJD _705	64.0
Medical First Responder (Options: CJT _362 or EMS _ 1059)	CJD _254	48.0
Law Enforcement Legal 3	CJD _730	32.0
Law Enforcement Patrol	CJD _731	64.0
Law Enforcement Traffic	CJD _732	46.0
Vehicle Operations	CJD _723	32.0
Law Enforcement Investigations	CJD _734	64.0
Interpersonal Skills 2	CJD _750	50.0
Emergency Preparedness	CJD _741	26.0
Correctional Operations	CJD _752	64.0
Total		830.0

(d) Associates of Science Criminal Justice Combination Academy Track

Criminal Justice Legal 1	CJD _700	54.0
Criminal Justice Legal 2	CJD _701	52.0
Criminal Justice Communications	CJD _702	62.0
Interpersonal Skills 1	CJD _703	66.0
*Criminal Justice Defensive Tactics <u>that includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98.</u>	CJD _704	106.0
<del>*Includes the 38-hour Preparation for Defensive Tactics Course, effective 7/1/98</del>		

Criminal Justice Weapons	CJD _705	64.0
Medical First Responder (Options: CJT _362 or EMS _ 1059)	CJD _254	48.0
Law Enforcement Legal 3	CJD _720	32.0
Law Enforcement Patrol	CJD _721	64.0
Law Enforcement Traffic	CJD _722	46.0
Vehicle Operations	CJD _723	32.0
Law Enforcement Investigations	CJD _724	64.0
Interpersonal Skills 2	CJD _740	50.0
Emergency Preparedness	CJD _741	26.0
Correctional Operations	CJD _742	64.0
Total		830.0

(e) Traditional Correctional Probation Training Program

Correctional Probation Legal	CJD _790	60.0
Correctional Probation Operations	CJD _791	16.0
Correctional Probation Interpersonal Skills	CJD _792	68.0
Correctional Probation Communication Skills	CJD _793	70.0
Correctional Probation Supervision	CJD _794	54.0
*Criminal Justice Defensive Tactics <u>that includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98.</u>	CJD _704	106.0
<del>*Includes the 38-hour Preparation for Defensive Tactics Course, effective 7/1/98</del>		

Correctional Probation Firearms	CJD _795	16.0
Medical First Responder (Options: CJT _362 or EMS _ 1059)	CJD _254	48.0
Total		438.0

~~(f) Application-Based Law Enforcement Officer Basic Recruit Training Model Program~~ ~~672.0~~

~~(g) Application-Based Correctional Officer Basic Recruit Training Model Program~~ ~~530.0~~

~~(h) Application-Based Correctional Probation Officer Training Model Program~~ ~~438.0~~

(5) CMS Application-Based Basic Recruit Training Programs

(a) CMS Application-Based Law Enforcement Officer Basic Recruit Training Program 672.0

(b) CMS Application-Based Correctional Officer Basic Recruit Training Program 530.0

(c) CMS Application-Based Correctional Probation Officer Basic Recruit Training Program 438.0

~~(6)(5)~~ Commission-approved curricula for courses in the Correctional Probation Officer College-Level Training Program.

(a) through (b) No change.

(c) The High-liability Training Courses required as part of the Correctional Probation Officer College-Level Training Program, shall be administered through a Commission-certified criminal justice training school and consist of the following courses:

Criminal Justice Defensive Tactics <del>that includes the 38-hour</del> <u>Preparation for Defensive Tactics course, effective 7/1/98.</u>	CJD_704	106.0
Correctional Probation Firearms	CJD_795	16.0
Medical First Responder (Options: CJT 362 or EMS _ 1059	CJD_254	48.0

Specific Authority 943.03(4), 943.12(1),(2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History--New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00,\_\_\_\_\_.

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

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

(1) For instruction of criminal justice weapons, no more than six (6) students for each Commission-certified firearms instructor actively engaged in training on a firearms range. Actively engaged is defined as "a student on the firing range handling a weapon."

(2) No change.

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

(4) No change.

(5) For instruction of medical first responder, at least one (1) Commission-certified Medical First Responder Instructor shall be required for every six (6) students engaged in the practical and performance portions of the training.

Specific Authority 943.03(4), 943.12(1), (2), 943.14(3), 943.17 FS. Law Implemented 943.12(5), 943.17 FS. History--New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00,\_\_\_\_\_.

11B-35.0022 Basic Recruit Training Programs ~~for~~ Student Performance in Comprehensive End-of-Course Examination or Examinations.

(1) To successfully complete a Commission-approved Basic Recruit Training Course, exclusive of the demonstration of high-liability proficiency skills, pursuant to Rule 11B-35.0024, F.A.C., a student shall achieve a score of no less than 80 percent at least 80 percent on the end-of-course course's comprehensive examination or examinations, which is intended to measure the student's acquisition of knowledge, skills, and abilities.

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

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

~~(3)(4) One student Training center directors may administer only one re-examination is administered~~ for each of the comprehensive end-of-course examination or examinations for Commission-approved Basic Recruit Training Courses; when if the training center director determines that one of the following conditions exists:

(a) through (c) No change.

~~(d)(5)~~ Each Commission-certified criminal justice training school shall develop its own administrative procedures for handling a student request for re-examination pursuant to the conditions outlined in (3)(a)-(c) of this rule section. Training School procedures for handling a student request for re-examination, shall be documented and maintained on file at the training school for Commission and student review re-examination policy that documents the justification for re-examination and is approved by the Regional Training Council. Such training school shall maintain its re-examination policy on file for Commission and student review.

~~(4)(6)~~ The training center director shall approve all re-examinations and maintain appropriate documentation on file for Commission review.

~~(5)(7)~~ A student may petition the training center director to request consideration for a re-examination.

~~(6)(8)~~ If a student does not successfully pass either the comprehensive end-of-course examination ~~or examinations~~, or if necessary, its re-examination, the student shall be deemed to have failed that particular Basic Recruit Training Course.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(4), 943.17, 943.25(5) FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, \_\_\_\_\_.

11B-35.0023 Basic Recruit Training Programs ~~for~~; Student Transfers.

(1) No change.

(2) A student enrolled in a Commission-approved Traditional Basic Recruit Training Program may transfer Commission-approved Basic Recruit Training Courses that have been successfully completed at one Commission-certified criminal justice training school, to another Commission-certified criminal justice training school, if the student has exited the previous training school in “good standing,” which is defined in paragraph (5) of this rule section. Transfer of Commission-approved Basic Recruit Training Courses from one Commission-certified criminal justice training school to another is restricted to Commission-approved Traditional Basic Recruit Training Programs and CMS High-Liability Training Courses.

(3) No change.

(4) When a student has successfully completed courses included in a Commission-approved Traditional Basic Recruit Training Program at two or more Commission-certified criminal justice training schools, and has met all requirements for completion of such training program, the training school where the student has successfully completed the greatest number of courses in that program, shall, upon receipt of the student records from the other training school(s), submit a Training Report form CJSTC-67 to Commission staff. The training school submitting the Training Report form CJSTC-67, may require the student to demonstrate proficiency in any High-Liability Training Course, not completed at that school, pursuant to Rule 11B-35.0024(1), F.A.C. The training school submitting the Training Report form CJSTC-67, shall provide to the student written evidence of the student’s successful completion of the Traditional Basic Recruit Training Program.

(5) through (6) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.17 FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, \_\_\_\_\_.

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

(1) Students enrolled in a Commission-approved Basic Recruit Training Program shall qualify through demonstration and written examination ~~or examinations~~, in the Commission-required high-liability proficiency, knowledge,

skills, and abilities, for a respective discipline. The Commission-required High-Liability Training Courses are as follows:

Course Number	Course Name
(a) CJD_704	*Criminal Justice Defensive Tactics <u>that includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98.</u>
(b) CJD_705	Criminal Justice Weapons
(c) CJD_254 or EMS_ 1059 or CJT_362	Medical First Responder
(d) CJD_723	Vehicle Operations

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

(2) Each Commission-certified criminal justice training school shall establish written policies and procedures that provide remedial training and the opportunity for ~~only~~ one (1) re-qualification of the required proficiency demonstration, or one (1) re-examination of required cognitive knowledge for each of the four (4) Commission-required High-Liability Training Courses. Individuals who have failed to successfully demonstrate proficiency, or have failed to successfully demonstrate required knowledge after their second unsuccessful attempt knowledge, skills, and abilities, ~~in a High-Liability Training Course~~, shall be deemed to have failed the High-Liability Training Course ~~after their second unsuccessful demonstration.~~

(3) No change.

(4) Each Commission-certified criminal justice training school shall maintain documentation of proficiency demonstration on the following Commission-approved high-liability performance checklist forms:

(a) through (c) No change.

(d) Law Enforcement Driving Basic Recruit Performance Evaluation form CJSTC-7, August 1, 1993 ~~1983~~, hereby incorporated by reference.

(e) ~~Firearms~~ Chemical Agent Exposure Training Evaluation Form CJSTC-4a, revised December 6, 2000 ~~January 22, 1998~~, (Optional – is not a mandated evaluation form), hereby incorporated by reference.

~~(5) This policy does not supersede any stricter requalification requirement established by a Commission certified criminal justice training school or Local Regional Training Council.~~

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(4),(5), 943.17 FS. History—New 2-17-93, Amended 1-2-97, 7-7-99, 8-22-00, \_\_\_\_\_.

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

(1) No change.

(2) For certification as an auxiliary officer, an individual shall meet the requirements outlined in Section 943.13, F.S., successfully complete the Auxiliary Officer Prerequisite Course at a Commission-certified criminal justice training

school, and complete the following applicable Commission-approved High-Liability Training Courses for which certification is being sought:

- (a) Criminal Justice Weapons
- (b) ~~\*Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98.~~
- (c) Vehicle Operations (employing agency requirement) ~~\*Includes the 38 hour Preparation for Defensive Tactics course, effective 7/1/98.~~
- (3) through (5) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History--New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, \_\_\_\_\_.

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

- (1) through (3) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History--New 12-13-92, Amended 9-5-93, 1-2-97, 7-7-99, 8-22-00, \_\_\_\_\_.

**11B-35.005 Career Development Training Program.**

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.17(1)(e) FS. History--New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, \_\_\_\_\_.

**11B-35.006 Advanced Training Program.**

- (1) through (3) No change.
- (4) The following is a complete list of Commission-approved Advanced Training Courses:

Course Number	Course Name	Hours
006	Line Supervision	80 hours
007	Middle Management	80 hours
011	Developing and Maintaining a Sound Organization	40 hours
012	Planning the Effective Use of Financial Resources	40 hours
013	Building and Maintaining a Sound Behavioral Climate	40 hours
016	Narcotics Identification and Investigation	40 hours
019	Criminal Law	40 hours
020	Case Preparation and Court Presentation	40 hours
032	Special Tactical Problems	40 hours
033	Sex Crimes Investigation	40 hours
036	Injury and Death Investigation	40 hours
047	Interviews and Interrogations	40 hours
050	Stress Awareness and Resolution	40 hours
051	Field Training Officer	40 hours
053	Crisis Intervention	40 hours
054	Organized Crime	40 hours
055	RADAR Speed Measurement Training Course for Law Enforcement Officers	40 hours
057	Discipline and Special Confinement Techniques	40 hours
058	Youthful Offender Program	40 hours
068	Advanced Report Writing and Review	40 hours
072	Fire Fighting for Correctional Officers	40 hours
073	Human and Community Relations	40 hours
074	Drug Abuse Awareness and Education	40 hours
077	Underwater Police Science and Technology	80 hours

080	Computer Applications in Criminal Justice	40 hours
085	Emergency Preparedness for Correctional Officers	40 hours
087	Advanced Traffic Accident Investigation	80 hours
088	Traffic Accident Reconstruction	80 hours
090	School Resource Officer	40 hours
091	Domestic Intervention	40 hours
093	Hostage Negotiations	40 hours
094	Drug Abuse Resistance Education (D.A.R.E.) FDLE instructed only	80 hours
095	Laser Speed Measurement Operators Training Course for Law Enforcement Officers	40 hours
096	Drug Abuse Resistance Education (D.A.R.E.)	40 hours
094 & 097	Drug Abuse Resistance Education (D.A.R.E.),	40 hours
098	Traffic Homicide Investigation *	80 hours

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

100	Crimes Against the Elderly and Disabled	40 hours
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(5) through (8) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1)(b) FS. History--New 12-13-92, Amended 1-10-94, 1-2-97, 7-7-99, 8-22-00, \_\_\_\_\_.

**11B-35.007 Specialized Training Program.**

- (1) No change.
- (2) Commission-established categories for a Specialized Training Program are:
  - (a) through (i) No change.
  - (j) Community Policing.
  - (3) through (5) No change.

~~(6) The Commission shall approve or disapprove, on an individual basis, Specialized Training Courses that do not comply with this rule section. The procedures and forms for approval or disapproval may be found in the Criminal Justice Standards and Training Commission Policies and Procedures Manual.~~

~~(6)(7)~~ Criminal Justice Standards and Training Trust Funds may be expended to conduct Commission-approved Specialized Training Courses. Commission requirements for use of trust fund monies shall be expended pursuant to the requirements of Rule Chapter 11B-18, F.A.C. Completion of a Commission-approved Specialized Training Course shall be documented by completing a Specialized Training Documentation form CJSTC-16, and when applicable, completion of a Specialized Training Documentation Supplemental form CJSTC-16A, revised December 6, 2000, July 1, 1989, hereby incorporated by reference.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.175, 943.25 FS. History--New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, \_\_\_\_\_.

**11B-35.008 State Officer Certification Examination Qualification Course Requirements.**

- (1) through (2) No change.



~~(3) Completion of the Medical First Responder topic area of any qualification course listed in paragraph (1) of this rule section does not lead to Cardio-Pulmonary Resuscitation (CPR) certification, unless that course is the full U. S. Department of Transportation First Responder Course.~~

~~(3)(4) The provisions of Rules 11B-35.001, General Training Programs and Requirements and Specifications; 11B-35.0021, Basic Recruit Training Programs for Student to Instructor Ratios and Minimum Requirements; 11B-35.0022, Basic Recruit Training Programs for Student Performance in Comprehensive End-of-Course Examinations; 11B-35.0023, Basic Recruit Programs for Student Transfer; and 11B-35.0024, Basic Recruit Training Programs for Student Performance in High-Liability Proficiency, Knowledge, Skills, and Abilities, F.A.C., shall be applicable to the training required in this rule section.~~

Specific Authority 943.03(4), 943.12(1)(2) FS. Law Implemented 943.131(2), 943.1395(3), 943.1715 FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, \_\_\_\_\_.

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

(1) Policy. An individual who applies for certification as an officer and requests an exemption from completion of a Commission-approved Basic Recruit Training Program is qualified for the exemption if ~~they meet~~ each of the following criteria is met:

(a) No change.

(b) Prior service as a full-time sworn officer in another state or for the Federal Government for at least one year in the requested criminal justice discipline for which for each of the eriminal justice disciplines an officer is requesting requests to claim an exemption.

(2) No change.

(3) Primary Training Topics. The applicant's training record shall reflect successful completion of training for the following minimum primary training topics:

(a) For exemption from the Law Enforcement Basic Recruit Training Program:

1. through 4. No change.

5. Criminal Justice Defensive Tactics, ~~which includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98.~~

6. through 10. No change.

(b) For exemption from the Correctional Basic Recruit Training Program:

1. through 4. No change.

5. Criminal Justice Defensive Tactics, ~~which includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98.~~

6. through 7. No change.

(c) For exemption from the Correctional Probation Officer Basic Recruit Training Program:

1. through 3. No change.

4. Criminal Justice Defensive Tactics, ~~which includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98.~~

5. through 7. No change.

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

(a) Basic Recruit Exemption. An applicant may qualify for exemption from a Commission-approved Basic Recruit Training Program, in the specific discipline, provided the applicant has at least 12 months sworn experience with another state or with the Federal Government. The 12 months sworn experience shall have occurred at no more than two criminal justice agencies over a period not to exceed eighteen months as a full-time sworn officer in the specified discipline. Employment in more than one discipline. An applicant may qualify for exemption from a Commission-approved Basic Recruit Training Program for more than one discipline, if the applicant has been concurrently employed as a full-time sworn officer in two or more disciplines for at least one year.

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

~~(b)(e)~~ Documentation. The authenticity of documents submitted to the employing agency by an applicant shall be corroborated by the employing agency, by telephonic or written confirmation from each agency or entity from which the applicant claims full-time sworn experience.

~~(c)(d)~~ Verification. Verification of an applicant's successful completion of the required prior experience, by an employing agency, shall consist of obtaining authentic written copies of one or more of the following:

1. through 4. No change.

~~(d)(e)~~ Submission of documentation for Commission review. Upon verification of an applicant's exemption from a Commission-approved Basic Recruit Training Program pursuant to this rule section, an employing agency, defined in Rule 11B-35.009(1)(a), F.A.C., on behalf of an applicant seeking exemption, shall submit to Commission staff a completed Equivalency-of-Training for Out-of-State and Federal Officers form CJSTC-76, revised September 2, 1998, hereby incorporated by reference. All supporting

documentation verifying the applicant's comparable basic recruit training and previous experience described in subparagraphs (a) and (b) of this rule section, shall be maintained on file by the employing agency, and submitted for review upon request of Commission staff. Commission staff shall notify the agency, in writing, of the exemption or non-exemption of the officer, within 30 working days. If the exemption is denied by Commission staff, the applicant shall be granted a hearing pursuant to Section 120.57, F.S.

(e)(f) Other prerequisites required for an Application for Officer Certification. Individuals exempt from a Commission-approved Basic Recruit Training Program pursuant to this rule section, shall comply with the training requirements in Rule 11B-35.008, F.A.C., including qualification in the Commission-required high-liability proficiency skills (Vehicle Operations, Criminal Justice Weapons, Criminal Justice Defensive Tactics and Medical First Responder —for law enforcement only), pursuant to Rule 11B-35.0024, F.A.C., and thereafter, successfully pass the State Officer Certification Examination pursuant to procedures in Rule Chapter 11B-30, F.A.C., prior to application for officer certification.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.131(2) FS. History—New 1-2-97, Amended 7-7-99, 8-22-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Operations and Management Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Program Director Rod Caswell Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2001

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Criminal Justice Information Systems**

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

Dissemination Policy RULE TITLE: Procedures for Requesting Criminal

History Records RULE NO.: 11C-6.004

PURPOSE AND EFFECT: The proposed amendments to Rule 11C-6.004, F.A.C., are necessary to clarify and simplify the application and dissemination processes for vendors to request criminal history information pursuant to the National Child Protection Act of 1993 as amended, (Foley Act), and section 943.0542, F.S.

SUMMARY: Proposed revisions to Rule 11C-6.004, F.A.C., update forms for obtaining criminal histories through the National Child Protection Act of 1993 as amended, (Foley Act), and section 943.0542, F.S.

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 working days of this notice.

SPECIFIC AUTHORITY: 943.03(4), 943.053(3), 943.0542, 943.056 FS.

LAW IMPLEMENTED: 943.053(3), 943.0542, 943.056 FS.

IF REQUESTED IN WRITING 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., Tuesday, May 22, 2001

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 4th Floor, Quad A, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Martha Wright, Bureau Chief, User Services Bureau, Criminal Justice Information Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-6.004 Procedures for Requesting Criminal History Records.

(1) through (3) No change.

(4) Entities ~~requesting criminal history records~~ applying to the Florida Department of Law Enforcement to be qualified to receive criminal history records under the National Child Protection Act of 1993, as amended, must first complete and submit the following documents to the Florida Department of Law Enforcement, complete for each individual criminal history check, fingerprint card as well as the following forms in accordance with the instructions provided: VECHS Qualified Entity entity Application – Volunteer & Employee Criminal History System and Questionnaire (NCPA 1; Rev. January 1, 2001); and VECHS Criminal History Record Check User Agreement – Volunteer & Employee Criminal History System (NCPA 2; Rev. January 1, 2001); Entities that are qualified through the Florida Department of Law Enforcement to receive criminal history records under the National Child Protection Act must complete and submit the following

documents to the Florida Department of Law Enforcement with each request for a criminal history record, in accordance with the instructions provided: An authorized fingerprint card for each person whose criminal history record is requested; and a VECHS Criminal History Record Check-Waiver Agreement and Statement – Volunteer & Employee Criminal History System (NCPA 3; Rev. January 1, 2001). Qualified entities that release to another qualified entity any criminal history record information received pursuant to the National Child Protection Act must complete and maintain the following document, in accordance with the instructions provided: VECHS Dissemination Log – Volunteer & Employee Criminal History System (NCPA 4, Rev. January 1, 2001). These forms are incorporated by reference.

Specific Authority 943.03(4), 943.053(3), 943.0542, 943.056 FS. Law Implemented 943.053(3), 943.0542, 943.056 FS. History–New 12-30-76, Amended 11-7-83, Formerly 11C-6.04, Amended 9-1-88, 4-1-93, 7-7-99, 8-22-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Merribeth Holmes, User Services Bureau, Criminal Justice Information Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Martha White, Director, Criminal Justice Information Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2001  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2001

**DEPARTMENT OF LAW ENFORCEMENT**  
**Division of Local Law Enforcement Assistance**

RULE CHAPTER TITLE: DNA Database Collection  
 RULE CHAPTER NO.: 11D-6  
 RULE TITLE: Procedure  
 RULE NO.: 11D-6.003

PURPOSE AND EFFECT: To conform with the new statutory requirements of section 943.325, F.S.

SUMMARY: Effective July 1, 2000, Section 943.325, F.S., was amended to include persons convicted of burglary among the list of offenders required to submit blood specimens for inclusion in the FDLE DNA Database. In response to the new law, the standard FDLE form utilized by state and local agencies to document each submission of a blood sample to FDLE’s DNA Database is updated.

SPECIFIC AUTHORITY: 943.03(4), 943.325(9)(d) FS.

LAW IMPLEMENTED: 943.325 FS.

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 working days of this notice.

IF REQUESTED IN WRITING 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., Tuesday, May 22, 2001  
 PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe White, Assistant General Counsel, Criminal Justice and Investigations and Forensic Science Program, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

11D-6.003 Procedure.

(1) The subject offender must be positively identified in the manner specified by the FDLE Request for DNA Database Entry Form (FDLE/FOR-003, rev. September, 2000 and incorporated by reference) ~~FDLE Request for DNA Investigative Support Database Entry Form (FDLE Form – DNA-1, Date February 1, 1999 and incorporated by reference)~~ prior to taking the blood samples from such offender.

(2) No change.

(3) Such samples shall be taken using only the blood sample collection kit approved and provided by the Department of Law Enforcement. Agencies may obtain additional kits from FDLE, DNA Database, P. O. Box 1489, Tallahassee, Florida 32302-1489.

(4) Prior to or immediately after the taking of the samples, the FDLE Request for DNA Database Entry Form (FDLE/FOR-003) ~~FDLE Request for DNA Investigative Support Database Entry Form (FDLE Form – DNA-1)~~ must be completed, providing all information requested on the form. The imprinting of the offender's left and right thumbs, by means of an inked impression, in the spaces indicated on the form shall be completed as well. Inked fingerprint impressions must be sufficiently legible for fingerprint classification and comparison purposes. Blood samples accompanied by one or more illegible inked fingerprint impressions are unacceptable for entry into the DNA Database and will be rejected by FDLE. The collecting agency must then submit a new blood sample and completed form. The person taking, or witnessing the

taking, of the blood samples shall certify, under oath and before a notary or a law enforcement or correctional officer, as indicated on the form, that two blood samples were in fact taken from the offender thus positively identified. Additional supplies of these forms can be obtained from FDLE, DNA Database, P. O. Box 1489, Tallahassee, Florida 32302-1489.

(5) No change.

Specific Authority 943.03(4), 943.325(9)(d) FS. Law Implemented 943.325 FS. History—New 7-4-90, Amended 7-6-99, 8-22-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Joe White, Assistant General Counsel, Criminal Justice and Investigations and Forensic Science Program, Florida Department of Law Enforcement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barry Funk, Chief of Forensics, Florida Department of Law Enforcement

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2001

**DEPARTMENT OF LAW ENFORCEMENT**  
**Division of Local Law Enforcement Assistance**

RULE CHAPTER TITLE: Implied Consent and Alcohol Testing Program

RULE CHAPTER NO.:

11D-8

RULE TITLES:

RULE NOS.:

Definitions

11D-8.002

Approval of Breath Test Methods and Instruments

11D-8.003

Approval of Alcohol Reference Solution and Sources

11D-8.0035

Department Inspection and Registration of Breath Test Instruments

11D-8.004

Agency Inspection of Breath Test Instruments

11D-8.006

Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures

11D-8.007

Agency Retention of Records

11D-8.0075

Breath Test Operator and Agency Inspector

11D-8.008

Qualifications for Instructors

11D-8.010

Blood Samples – Labeling and Collection

11D-8.012

Denial, Revocation, and Suspension of Permits

11D-8.015

Administrative Hearings

11D-8.016

Forms

11D-8.017

PURPOSE AND EFFECT: Proposed revisions to Rule Chapter 11D-8 concerning regulation and implementation of Florida's implied consent and alcohol testing program, including substantial rewording, are necessary in order to conform and comply with recent statutory revisions and court decisions, and new developments in the field of alcohol testing.

SUMMARY: Proposed revisions define terms based on academic, scientific and common usage; provide for issuance and regulation of alcohol test permits; simplify approval and evaluation of breath and blood alcohol test methods, and approval, use and inspection of breath test instruments and records; prescribe standards for collection and preservation of blood samples for alcohol testing; specify training requirements and qualifications for alcohol test permit holders; and update forms based on rule changes.

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 working days of this notice.

SPECIFIC AUTHORITY: 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS.

LAW IMPLEMENTED: 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS.

IF REQUESTED IN WRITING 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., Tuesday, May 22, 2001

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 4th Floor, Quad A, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rafael E. Madrigal, Assistant General Counsel, Alcohol Testing Program, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 11D-8.002 follows. See Florida Administrative Code for present text.)

11D-8.002 Definitions.

(1) Acceptable Range – means the results of inspections which fall within the following ranges at each alcohol vapor concentration: 0.05 g/210L range is 0.045 to 0.055 g/210L; 0.08 g/210L range is 0.075 to 0.085 g/210L; 0.20 g/210L range is 0.190 to 0.210 g/210L; or the Alcohol Reference Solution gas chromatographic results which fall within the following ranges: 0.0605 g/100mL range is 0.0586 to 0.0623 g/100mL; 0.0968 g/100 mL range is 0.0938 to 0.0997 g/100mL; 0.2420 g/100mL range is 0.2347 to 0.2492 g/100mL.

(2) Accuracy – the nearness of a measurement to a known concentration.

(3) Acetone Stock Solution – a mixture of acetone and distilled or deionized water provided by the Department.

(4) Agency – a law enforcement agency other than the Department, or an entity which conducts breath tests or submits blood samples for alcohol testing pursuant to these rules, or a civilian entity performing such duties on behalf of a law enforcement agency.

(5) Agency Inspection – the periodic testing of the calibration and operation of a breath test instrument, including all required preventive maintenance, in accordance with Agency Inspection Procedures FDLE/ATP Form 16 – Rev. March 2001, and performed by a person authorized by the Department.

(6) Agency Inspector – a person who has been issued an Agency Inspector permit by the Department.

(7) Alcohol – ethyl alcohol, also known as ethanol.

(8) Alcohol Free Test – a result of 0.000 g/210L when using distilled or deionized water.

(9) Alcohol Reference Solution – a mixture of alcohol and distilled or deionized water that will have a known alcohol vapor concentration at a specific temperature.

(10) Alcohol Stock Solution – a mixture of alcohol and distilled or deionized water at a known concentration used to prepare an alcohol reference solution.

(11) Analyst – a person who has been issued a permit by the Department to conduct chemical analyses of blood under the provisions of chapters 316, 322, and 327 of the Florida Statutes.

(12) Approved Blood Alcohol Test – the analyses of two separate portions of the same blood sample using a blood alcohol test method, with results within 0.010 grams of alcohol per 100 milliliters of blood (g/100mL), and reported as the blood alcohol level.

(13) Approved Breath Alcohol Test – a minimum of two samples of breath collected within fifteen minutes, analyzed using an approved breath test instrument, producing two results within 0.020 g/210L, and reported as the breath alcohol level. If the results of the first and second samples are more than 0.020 g/210L apart, a third sample shall be analyzed. Refusal or failure to provide the required number of valid breath samples constitutes a refusal to submit to the breath test. Notwithstanding the foregoing sentence, the result(s) obtained, if proved to be reliable, shall be acceptable as a valid breath alcohol level.

(14) Authorized Repair Facility – an entity authorized by the breath test instrument manufacturer to repair such breath test instrument.

(15) Blood – whole blood.

(16) Blood Alcohol Level – the alcohol concentration by weight in a person's blood based upon grams of alcohol per 100 milliliters of blood (g/100mL).

(17) Breath Alcohol Level – the alcohol concentration by weight in a person's breath based upon grams of alcohol per 210 liters of breath (g/210L).

(18) Breath Test Instructor – a person who has been issued a Breath Test Instructor permit by the Department.

(19) Breath Test Operator – a person who has been issued a Breath Test Operator permit by the Department.

(20) Department – the Florida Department of Law Enforcement.

(21) Evidentiary Breath Test Instrument – a breath test instrument approved by the Department under Rule 11D-8.003, and used primarily to conduct alcohol breath tests pursuant to Florida law.

(22) Methods – types of alcohol analyses approved by the Department to conduct chemical or physical tests of blood or breath.

(23) Permit – when issued by the Department, certifies that the holder has met all necessary qualifications, remains in full compliance with these rules and is authorized to perform all related duties. A permit is issued only to a qualified applicant and remains valid and in full effect until it expires or is determined otherwise invalid by the Department.

(24) Precision – the nearness of measurements to each other.

(25) Reference Sample Device – a device, also known as a simulator, that produces a known vapor concentration by the passage of air through a liquid.

(26) Target Concentration – a gas chromatographic result equivalent to the following known alcohol vapor concentrations: for 0.05 g/210L the target concentration is 0.0605 g/100mL; for 0.08 g/210L the target concentration is 0.0968 g/100mL; for 0.20 g/210L the target concentration is 0.2420 g/100mL.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1932(1)(b)2., 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97,\_\_\_\_\_.

(Substantial rewording of Rule 11D-8.003 follows. See Florida Administrative Code for present text.)

11D-8.003 Approval of Breath Test Methods and Instruments.

(1) The Department has approved the following method(s) for evidentiary breath testing: Infrared Light Test, also known as Infrared Light Absorption Test.

(2) The Department has approved the following breath test instrument(s) for evidentiary use: CMI, Inc. Intoxilyzer 5000 Series – including any or all instruments using one of the following programs: 5000 Basic Software Program; Florida Software Program; R-Software Program.

(3) The Department has approved the following options for use with Intoxilyzer 5000 Series instruments: keyboard; simulator recirculation; sample capture; pressure switch setting at no less than two inches and no more than six inches of water.

(4) The determination to evaluate an evidentiary breath test instrument for use in the State of Florida will be made by the Department. Upon notification by the Department that an evidentiary breath test instrument will be evaluated, the instrument's manufacturer shall submit the following to the Department:

(a) The method of analysis upon which the instrument is based;

(b) The instrument's model designation;

(c) At least two (2) instruments for evaluation and a certificate of calibration for each instrument;

(d) A description of the instrument;

(e) The operator's/technician's manual;

(f) A schematic design of the instrument;

(g) The instrument's maintenance manual, if published;

(h) Any accessories and materials necessary to use the instrument for breath testing;

(i) The maximum and minimum temperatures at which the instrument provides accurate results;

(j) The name and description of the software used.

(5) A manufacturer whose instrument has been previously approved by the Department shall notify the Department in writing prior to making any modification or adding a new option to such instrument. The Department shall evaluate such modifications or options to an approved breath test instrument and determine whether they affect the instrument's method of analysis or analytical reliability.

(6) The Department shall conduct evaluations for approval under sections (4) and (5) in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34 – Rev. March 2001.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97.

(Substantial rewording of Rule 11D-8.0035 follows. See Florida Administrative Code for present text.)

11D-8.0035 Approval of Alcohol Reference Solution and Sources.

(1) The Department shall approve a source of alcohol reference solution for use by agencies in the State of Florida. The source approved by the Department shall be an entity that manufactures alcohol reference solutions and meets the following requirements:

(a) The source must prepare alcohol reference solution using only distilled or deionized water;

(b) The source must use reagent grade or U.S.P. grade ethanol in the preparation of the alcohol reference solution;

(c) The source must be capable of producing a minimum batch volume of 800 bottles, each containing at least 500 milliliters, to produce the following vapor alcohol concentrations: 0.05 g/210L, 0.08 g/210L, and 0.20 g/210L;

(d) The source must have performed and documented tests that demonstrate that the alcohol reference solutions are reliable for at least two years from the date of manufacture.

(2) The Department shall approve each lot of alcohol reference solution prior to distribution for use in Florida.

(a) The Department shall determine the alcohol concentration in a minimum of ten (10) sample bottles of each lot of alcohol reference solution using gas chromatography or other scientifically accepted method. Duplicate analyses will be performed on each sample bottle of alcohol reference solution. All analysis results shall fall within the alcohol reference solution acceptable range.

(b) The Department shall notify the source that the approved lots may be distributed for use in Florida, and shall issue a Certificate of Assurance, FDLE/ATP Form 32 – Rev. March 2001. Upon a determination by the Department that a lot of alcohol reference solution fails to meet the requirements for approval, the Department shall notify the source approved by the Department.

(3) Alcohol reference solution lots approved by the Department shall be used in agency or Department inspections within two (2) years of the date of manufacture.

(4) Approval analyses of alcohol reference solution lots shall be based on requirements and procedures in effect at the time such lots are submitted for approval. No post-approval analysis is required for previously approved alcohol reference solution lots.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 7-6-99, Amended \_\_\_\_\_.

(Substantial rewording of Rule 11D-8.004 follows. See Florida Administrative Code for present text.)

11D-8.004 Department Inspection and Registration of Breath Test Instruments.

(1) The Department shall register and inspect a breath test instrument prior to such instrument being initially placed into evidentiary use by an agency. The registration shall reflect the registration date, the owner of the instrument, the instrument serial number, the manufacturer, and the model designation. A new registration is required to reflect a change of ownership of an evidentiary instrument.

(2) Registered breath test instruments shall be inspected by the Department at least once each calendar year, and must be accessible to the Department for inspection.

(3) Department inspections shall be conducted in accordance with Department Inspection Procedures FDLE/ATP Form 35 – Rev. March 2001.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97.

(Substantial rewording of Rule 11D-8.006 follows. See Florida Administrative Code for present text.)

11D-8.006 Agency Inspection of Breath Test Instruments.

(1) Evidentiary breath test instruments shall be inspected by an agency inspector at least once each calendar month. The agency inspection shall be conducted in accordance with Agency Inspection Procedures FDLE/ATP Form 16 – Rev. March 2001.

(2) Agency inspectors must use either alcohol reference solution provided by the Department or by a source approved by the Department, or alcohol stock solution provided by the Department.

(3) Records of agency inspections shall be maintained for at least three years. Such records shall be provided to the Department upon request.

(4) Evidentiary breath test instruments shall be inspected at the agency facility where evidentiary breath tests are conducted. Whenever an agency relocates an evidentiary breath test instrument for use at another facility, an agency inspection shall be conducted prior to the instrument's removal, and another inspection shall be conducted prior to the instrument's use for evidentiary breath testing at the new facility. A mobile testing unit is considered an agency facility.

(5) Whenever an instrument is taken out of evidentiary use or is sent to an authorized repair facility, the agency shall notify the Department in writing within five business days. The agency shall provide the same notice to the Department and conduct an agency inspection when an instrument is again placed in evidentiary use or is returned from an authorized repair facility.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97.

11D-8.007 Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures.

(1) ~~Evidentiary Evidential~~ breath test instruments shall only be accessible to a person issued a valid permit by the Department and ~~such other to persons who are authorized by the permit holder. Such authorized access shall only be allowed in the presence of a permit holder. This section does is meant to apply only to instruments located within agencies and is not meant to prohibit agencies from sending an instrument away to an manufacturer authorized repair facility or utilizing the instrument for training programs.~~

(2) through (3) No change.

(4) A breath test operator shall conduct a breath test in accordance with the ~~O~~perational ~~P~~rocedures ~~C~~echecklist FDLE/ATP Form 23 – Effective January 1997, and shall record the results on the Breath Test Results Affidavit FDLE/ATP Form 14 – Effective May, 2000 which is approved by the Department and is incorporated by reference.

(5) Each agency shall record all breath tests conducted on a particular evidentiary breath test instrument on the Breath Test Log FDLE/ATP Form 13 – Effective January 1997. The breath test log shall be reviewed each calendar month by an agency inspector to ensure that the information is properly recorded and that all necessary corrections are made. The agency inspector's signature on the breath test log shall signify compliance with this section.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97.

11D-8.0075 Agency Retention of Records.

(1) Each agency shall maintain the following records for at least three years from the last entry date: breath test instrument registrations, agency inspection reports and agency inspection print cards, breath test logs, and breath test instrument repair records.

(2) The above records shall be accessible to the Department upon request.

(3) The purpose of this section is solely for regulatory and administrative use, and any violation of this section shall not affect the admissibility, validity or reliability of breath test results.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 322.63(3), 327.354(3) FS. History—New

(Substantial rewording of Rule 11D-8.008 follows. See Florida Administrative Code for present text.)

11D-8.008 Breath Test Operator and Agency Inspector.

(1) Qualifications for Breath Test Operator Permit – An applicant for a breath test operator permit must meet the following qualifications:

(a) Eighteen (18) years of age or older;

(b) High school diploma or its equivalent;

(c) Present employment by an agency, or the Department, or documentation from an agency head certifying that the person will be employed or authorized by the agency to conduct breath tests or agency inspections;

(d) Successful completion of the breath test operator qualification course approved by the Department and conducted through state community colleges, vocational technical schools, or training centers certified by the Department. Successful completion shall require obtaining a passing score of at least 80% on a written examination, and demonstrating proficiency by:

1. Properly operating an approved breath test instrument in accordance with the Operational Procedures Checklist FDLE/ATP Form 23 – Effective January 1997;

2. Properly completing the operational procedures checklist form, the breath test log, the breath test results affidavit, and the print card.

(e) Submit to the Department a complete written application on the Breath Test Permit Application FDLE/ATP Form 8 – Rev. March 2001, upon successful completion of the breath test operator qualification course, but no later than thirty days after completion.

(2) Qualifications for Agency Inspector Permit – An applicant for an agency inspector permit must meet the following qualifications:

(a) Has been issued a breath test operator permit by the Department valid at the time that the application is submitted;

(b) Successfully completes the agency inspector qualification course approved by the Department conducted through state community colleges, vocational technical schools, or training centers certified by the Department. Successful completion shall require a passing score of at least 80% on a written examination and a demonstration of proficiency by:

1. Proper inspection of an approved breath test instrument in accordance with the Agency Inspection Procedures FDLE/ATP Form 16 – Rev. March 2001;

2. Proper completion of the Agency Inspection Report FDLE/ATP Form 24 – Rev. March 2001;

3. Review of the breath test log to ensure that all necessary information has been correctly recorded and signing the form on the space provided.

(c) Submits to the Department a complete written application on the Breath Test Permit Application FDLE/ATP Form 8 – Rev. March 2001, upon successful completion of the agency inspector qualification course, but no later than thirty days after completion.

(3) A breath test operator permit or an agency inspector permit shall be valid for two years from its effective date.

(4) A person qualifies for renewal of a breath test operator permit or agency inspector permit where such person possesses a valid permit and:

(a) Continues to meet the qualifications for such permit;

(b) Successfully completes the applicable renewal training course approved by the Department and conducted through state community colleges, vocational technical schools, or training centers certified by the Department. Successful completion shall require a passing score of at least 80% on a written examination and a demonstration of proficiency as described in subsection (1)(d) or subsection (2)(b) of this rule, whichever is applicable.

(c) Submits to the Department a complete written application on the Breath Test Permit Application FDLE/ATP Form 8 – Rev. March 2001, upon successful completion of the renewal training course, but no later than thirty days after completion.

(5) A renewed permit shall be valid for two years from its effective date. Renewal of an agency inspector permit automatically renews that person's breath test operator permit.

(6) A person whose expired permit is not renewed within sixty (60) days after expiration must meet the qualification requirements specified in subsection (1) or (2), whichever is applicable, in order to obtain a valid permit.

(7) A breath test operator or agency inspector must notify the Department in writing of any change of employment within thirty days of such change.

(8) Permits to conduct breath tests and inspect breath test instruments issued pursuant to former 11D-8.008, F.A.C., shall remain valid until such permits expire or otherwise become invalid in accordance with those rules.

(9) Agency Inspectors are responsible for compliance with Chapter 11D-8 rules governing agency custody, care, and inspection of breath test instruments and related records.

(10) Any breath test operator or agency inspector who fails to successfully complete the renewal training course shall not perform any duties authorized by the applicable permit until successful completion of the applicable renewal training course or qualification course.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1934(3), 322.63(3)(b), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97,

(Substantial rewording of Rule 11D-8.010 follows. See Florida Administrative Code for present text.)

11D-8.010 Qualifications for Instructors.

(1) Persons who conduct Department approved breath test training courses must have a valid breath test instructor permit issued by the Department. This does not preclude instruction by guest instructors under the supervision of permitted instructors.

(2) Applicants for breath test instructor permits must meet the following qualifications:

(a) High school diploma or its equivalent;

(b) Two years as a breath test operator and two years as an agency inspector and have valid breath test operator and agency inspector permits;

(c) Possess a valid instructor certification issued by the Criminal Justice Standards and Training Commission;

(d) Successfully complete the breath test instructor qualification course approved by the Department. Successful completion requires a passing score of at least 80% on each written examination, a demonstration of proficiency required



for basic breath test operator and agency inspector permits in Rule 11D-8.008, and a demonstration of proficiency to instruct all Department approved breath testing courses:

(e) Submit to the Department a complete written application on the Breath Test Permit Application FDLE/ATP Form 8 – Rev. March 2001, upon successful completion of the breath test instructor qualification course, but no later than thirty days after completion.

(f) Applicants must meet qualifications (a), (b) and (c) prior to attending the breath test instructor qualification course.

(g) The above qualifications do not apply to persons who were issued breath test instructor permits prior to January 1, 1998.

(3) Effective January 1, 2002, during each calendar year each breath test instructor must successfully complete the breath test instructor update course approved by the Department in order to remain qualified for a breath test instructor permit. Successful completion of the breath test instructor update course automatically renews that person's agency inspector and breath test operator permits.

(4) Breath test instructors must adhere to and comply with the approved curricula and related forms when teaching Department approved courses and processing related documentation.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1934(3), 322.63(3)(b), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97,

(Substantial rewording of Rule 11D-8.012 follows. See Florida Administrative Code for present text.)

11D-8.012 Blood Samples – Labeling and Collection.

(1) Before collecting a sample of blood, the skin puncture area must be cleansed with an antiseptic that does not contain alcohol.

(2) Blood samples must be collected in a glass evacuation tube that contains a preservative such as sodium fluoride and an anticoagulant such as potassium oxalate or EDTA (ethylenediaminetetraacetic acid). Compliance with this section can be established by the stopper or label on the collection tube, documentation from the manufacturer or distributor, or other evidence.

(3) Immediately after collection, the tube must be inverted several times to mix the blood with the preservative and anticoagulant.

(4) Blood collection tubes must be labeled with the following information: name of person tested, date and time sample was collected, and initials of the person who collected the sample.

(5) Blood samples need not be refrigerated if submitted for analysis within seven (7) days of collection, or during transportation, examination or analysis. Blood samples must be otherwise refrigerated, except that refrigeration is not required subsequent to the initial analysis.

(6) Blood samples must be hand-delivered or mailed for initial analysis within thirty days of collection, and must be initially analyzed within sixty days of receipt by the facility conducting the analysis. Blood samples which are not hand-delivered must be sent by priority mail, overnight delivery service, or other equivalent delivery service.

(7) Notwithstanding any requirements in Chapter 11D-8, F.A.C., any blood analysis results obtained, if proved to be reliable, shall be acceptable as a valid blood alcohol level.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended \_\_\_\_\_.

(Substantial rewording of Rule 11D-8.015 follows. See Florida Administrative Code for present text.)

11D-8.015 Denial, Revocation, and Suspension of Permits.

(1) Notwithstanding an applicant's qualifications under Section 11D-8.008, the Department shall deny an application for an original permit or renewal of a permit where the applicant:

(a) Fails to meet the permit qualifications under these rules.

(b) Has been convicted of any of the following offenses in any federal or state court:

1. Any felony;

2. Any misdemeanor involving perjury, false statements or falsification of records;

3. Criminal conviction for any violation of chapter 893, Florida Statutes;

4. Driving under the influence of alcoholic beverages or drugs during the five years prior to submitting the application;

5. Leaving the scene of an accident involving death or serious bodily injury.

(c) Knowingly performing the duties of a breath test operator, agency inspector, breath test instructor, or analyst without a valid applicable permit.

(d) Had the permit previously revoked.

(2) The Department is authorized to suspend any permit for a period of six months for any of the following reasons:

(a) Failure to prepare and maintain breath or blood testing records as required by these rules.

(b) Failure to continue to meet the qualifications for such permit.

(c) Any violation of these rules, or aiding and abetting any violation of these rules.

(3) The Department is authorized to permanently revoke any permit for any of the following reasons:

(a) Knowingly making a false statement or providing false information on any document required by these rules.

(b) Knowingly making a false statement or providing false information on any application for permit submitted to the Department.

(c) Being convicted after issuance of the permit of any of the following offenses in any federal or state court:

1. Any felony;
2. Any misdemeanor involving perjury, false statements or falsification of records;
3. Driving under the influence of alcoholic beverages or drugs;
4. Leaving the scene of an accident involving death or serious bodily injury;
5. Any criminal violation of chapter 893, Florida Statutes.

(d) Performing the duties of a breath test operator, agency inspector, breath test instructor, or analyst with knowledge that the applicable permit is suspended.

(e) Having had the permit previously suspended for any violation of these rules.

(4) The Department is authorized to require a permit holder who violates any of these rules to attend additional training or education related to such permit.

(5) The Department is authorized to invalidate the registration of any evidential instrument for a violation of any rule relating to the use, custody and care of such instrument.

(6) All permits and registrations which have been suspended, revoked or invalidated must be surrendered to the Department upon demand.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.353(2), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97,\_\_\_\_\_.

11D-8.016 Administrative Hearings.

All proceedings concerning the ~~hearings~~ of revocation, suspension, or denial, or limitation of permits shall be conducted in accordance with Chapter 120, F.S., and the Florida Administrative Code ~~applicable state rules and regulations.~~

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.353(2), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97,\_\_\_\_\_.

(Substantial rewording of Rule 11D-8.017 follows. See Florida Administrative Code for present text.)

11D-8.017 Forms.

The following forms referenced in these rules are hereby incorporated by reference:

- (1) FDLE/ATP Form 8 – Breath Test Permit Application – Revised March 2001.
- (2) FDLE/ATP Form 13 – Breath Test Log – Effective January 1997.
- (3) FDLE/ATP Form 14 – Breath Test Result Affidavit – Effective May 2000.

(4) FDLE/ATP Form 16 – Agency Inspection Procedures – Revised March 2001.

(5) FDLE/ATP Form 23 – Operational Procedures Checklist – Effective January 1997.

(6) FDLE/ATP Form 24 – Agency Inspection Report – Revised March 2001.

(7) FDLE/ATP Form 32 – Certificate of Assurance – Revised March 2001.

(8) FDLE/ATP Form 34 – Instrument Evaluation Procedures – Revised March 2001.

(9) FDLE/ATP Form 35 – Department Inspection Procedures – Revised March 2001.

These forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302. Agencies will be provided blank forms upon request and without cost for their alcohol testing program use.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS. History—New 10-31-93, Amended 2-1-95, 1-1-97,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe White, Assistant General Counsel, Criminal Justice and Investigations and Forensic Science Program, Florida Department of Law Enforcement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barry Funk, Chief of Forensics, Florida Department of Law Enforcement

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2001

**DEPARTMENT OF LAW ENFORCEMENT**

**Medical Examiners Commission**

RULE CHAPTER TITLE: Organization  
 RULE CHAPTER NO.: 11G-1

RULE TITLE: District Medical Examiners, Associate  
 RULE NO.: 11G-1.002

PURPOSE AND EFFECT: Rule 11G-1.002 is amended to comply with Chapter 120 requirement pertaining to specific authority.

SUMMARY: The amendment to Rule 11G-1.002 removes specific criteria for appointment of an Associate Medical Examiner.

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 working days of this notice.

SPECIFIC AUTHORITY: 406.04 FS.  
 LAWS IMPLEMENTED: 112.313, 406.02, 406.06, 406.17 FS.  
 IF REQUESTED IN WRITING 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., Tuesday, May 22, 2001  
 PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida  
 NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Craig Rockenstein, Regional Legal Advisor, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

- 11G-1.002 District Medical Examiners, Associate Medical Examiners.
- (1) No change.
  - (2) A District Medical Examiner may appoint such Associate Medical Examiners as needed, to serve at the pleasure of the DME. ~~An Associate Medical Examiner (AME) must be a Medical Doctor or, a Doctor of Osteopathy or a Doctor of Dental Surgery.~~
  - (3) through (11) No change.

Specific Authority 406.04 FS. Law Implemented 112.313, 406.02, 406.06, 406.17 FS. History—New 10-18-81, Formerly 11G-1.02, Amended 4-11-88, 12-26-88, 8-28-91, 2-23-93, 8-22-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Craig Rockenstein, Regional Legal Advisor, Florida Department of Law Enforcement  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dale Heideman, Forensic Coordinator, Florida Department of Law Enforcement.  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2001  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2001

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Standard Investigation Procedures	11G-2
RULE TITLES:	RULE NOS.:
Physical Evidence	11G-2.004
Practice Guidelines	11G-2.006

PURPOSE AND EFFECT: The rules are amended and created to comply with Florida law revisions.

SUMMARY: The amendments to Rule 11G-2.004 and creation of Rule 11G-2.006, F.A.C., establish parameters or guidelines of practice or standards of conduct relating to examinations, investigations, or autopsies performed by medical examiners.

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 working days of this notice.

SPECIFIC AUTHORITY: 406.04 FS.  
LAWS IMPLEMENTED: 406.075, 406.11, 406.13 FS.

IF REQUESTED IN WRITING 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., Tuesday, May 22, 2001  
PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Craig Rockenstein, Regional Legal Advisor, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

11G-2.004 Physical Evidence.

(1) Definitions. The following definitions apply to this section: Physical Evidence is an item or items taken during an investigation which is believed to be pertinent to the determination of the cause and manner of death or to subsequent questions arising in subsequent litigation.

(a) “Body part”. The entire head, an entire extremity, a portion of an extremity that includes a hand or foot, or the torso, of a dead human body. For human skeletal remains a body part is defined as a nearly complete skull, or most of the bones of extremity, or most of the bones of the torso.

(b) “Organ”. An entire internal viscus, such as a brain, heart, larynx, lung, stomach, or uterus of a dead human body.

(c) “Tissue”. A representative sample of a body part or organ, constituting a minority of the volume or mass of the part or organ.

(d) “Embedded tissue”. Tissue which has been embedded in paraffin blocks, or the like, for the purpose of histological study.

(e) "Sections". Tissue mounted on glass slides for the purpose of histological staining.

(f) "Stained sections". Sections which have been stained for the purpose of microscopic examination.

(g) "Fluid". Liquid from a blood vessel, body cavity, hollow viscus, hematoma, or abscess of a dead human body. Fluids include blood, vitreous humor, bile, gastric content, urine, cerebrospinal fluid, and effusions.

(h) "Specimen". A body part, organ, tissue, fluid, embedded tissue, section, or stained section; or a swab from a body part, organ, tissue, or body surface.

(i) "Physical evidence". An item or items taken during an investigation which is believed to be pertinent to the determination of the cause of death, manner of death, identification of the deceased, determination of disease, injury or intoxication, or which is taken to answer anticipated questions in any investigation. Includes specimens.

(j) Retained". With respect to specimens, kept by the medical examiner after the release of the remains to the next of kin.

(k) "Research". Any one of the following:

1. Procedures designed for therapy or resuscitation, performed on a dead human body for experiment or practice, unrelated to the determination of cause of death, mechanism of death, manner of death, presence of disease, injury, or intoxication, or identification of the deceased.

2. Testing of body parts or organs for purposes unrelated to the determination of cause of death, manner of death, presence of disease, injury, intoxication, or identification.

3. Testing of tissues or fluids by an experimental scientist that results in no report to the medical examiner.

(l) "Next of Kin". "Legally authorized person" as defined by s. 470.002(18), Florida Statutes.

(2) The medical examiner shall seize such physical evidence as shall be necessary to determine the cause and manner of death, presence of disease, injury, intoxication, and identification of the decedent, or to answer questions arising in criminal investigations, and shall label, prepare, analyze, examine, and catalog such evidence as needed. Specimens are physical evidence taken from the body during an investigation and may include gross tissue, embedded tissue, stained and unstained sections, swabs, smears, blood, urine, bile, liver, gastric, and ocular fluid.

(3) Examination for alcohol and appropriate chemical and drug concentrations shall be done in all deaths resulting from violence to persons over ten years of age, when death occurs within twelve hours of injury. The medical examiner shall seize such physical evidence as shall be necessary to determine the cause and manner of death and shall label, prepare, analyze, examine, and catalog such evidence as needed.

(4) Physical Evidence shall be retained by in the records of the medical examiner as follows: Examination for alcohol and appropriate chemical and drug concentrations shall be done in all deaths resulting from violence in persons over ten years of age, when death occurred within twelve hours of injury.

(a) Stained sections shall be preserved indefinitely and embedded tissue preserved for at least ten (10) years;

(b) All other specimens shall be retained for one year, and afterwards at the discretion of the medical examiner.

(c) All other physical evidence not released to another investigative agency or to the owner shall be retained for one year, and afterwards at the discretion of the medical examiner.

(5) Requests for independent examination and analysis of physical evidence in the custody of the medical examiner shall be allowed by the medical examiner under his supervision and control in a manner designed to provide maximal preservation of the physical evidence. Unless compelling reasons dictate, irreplaceable, non-duplicable and non-divisible physical evidence such as embedded tissue shall not be released for independent analysis and examination. Physical Evidence shall be retained in the records of the medical examiner as follows:

(a) Stained sections shall be preserved indefinitely and embedded tissue preserved for at least ten (10) years;

(b) All other specimens shall be retained for one year, and afterwards at the discretion of the medical examiner.

(c) All other physical evidence not released to another investigative agency or to the owner shall be retained for one year, and afterwards at the discretion of the medical examiner.

(6) Physical evidence specimens no longer required to be retained by the medical examiner shall be disposed of. Requests for independent examination and analysis of physical evidence in the medical examiner records shall be allowed by the medical examiner under his supervision and control in a manner designed to provide maximal preservation of the physical evidence. Unless compelling reasons dictate, irreplaceable, unduplicable, and nondivisible physical evidence such as embedded tissue shall not be released for independent analysis and examination.

(7) Procedures Concerning Body Parts. Physical evidence specimens no longer required to be retained by the medical examiner shall be disposed of.

(a) Human remains released by a medical examiner to the next of kin shall include all body parts unless the next-of-kin explicitly agree to claim an incomplete body.

(b) If human remains recovered by the medical examiner are incomplete owing to dismemberment or decomposition, and there is a possibility that further body parts will be discovered subsequently, the next-of-kin shall be given the choice of claiming incomplete remains, or waiting to claim the remains until further parts are recovered.

(c) If a body part such as a skull requires special examination, release of the remains should be delayed until the special examination is completed unless the next-of-kin explicitly choose to claim incomplete remains.

(d) Body parts retained by the medical examiner shall be subsequently released to the next-of-kin or disposed of pursuant to the wishes of the next-of-kin.

(e) Body parts not claimed by the next-of-kin are considered biomedical waste [s. 381.0098(2)(a), F.S.] and shall be destroyed by legally prescribed means, at the expense of the medical examiner.

(f) Evidentiary aspects of retained body parts shall be preserved by documentation by writing, photography, radiography or other indirect means, or by retention of tissue samples. Body parts themselves shall not be retained as evidence for legal proceedings.

(g) Permission of the next-of-kin is not required to retain organs, tissues, sections, or fluids for the determination of cause of death, manner of death, disease, injury, intoxication, or identification of the deceased.

(h) Permission of the next-of-kin is not required to destroy retained organs, tissues, sections, or fluids.

(8) Research.

(a) Permission of the next-of-kin is required for:

1. Retention of specimens solely for the purpose of research.

2. Research procedures, designed for therapy or resuscitation, performed on a dead human body for experiment or practice, unrelated to the determination of cause of death, mechanism of death, manner of death, presence of disease, injury, or intoxication, or identification of the deceased.

(b) Permission of the next-of-kin is not required for:

1. The utilization of specimens for teaching and educational purposes, or publication in scientific or medical publications, when the specimens were retained for the determination of cause of death, manner of death, disease, injury, intoxication, identification of the deceased, or preservation of evidence.

2. The utilization of medical examiner records for teaching and educational purposes, or publication in scientific or medical publications, when the records were created in the course of medical examiner death investigations.

Specific Authority 406.04 FS. Law Implemented 406.11, 406.13 FS. History—New 10-18-81, Formerly 11G-2.04, Amended 8-27-87, 10-14-96,\_\_\_\_\_.

11G-2.006 Practice Guidelines.

The duties and standards of care of a medical examiner are to be consistent with those contained in the “Practice Guidelines of the Florida Association of Medical Examiners,” which publication is dated 9-29-99 and is hereby incorporated by reference.

Specific Authority 406.04 FS. Law Implemented 406.075, 406.11, 406.13 FS. History—New\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Craig Rockenstein, Regional Legal Advisor, Florida Department of Law Enforcement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dale Heideman, Forensic Coordinator, Florida Department of Law Enforcement

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2001

**DEPARTMENT OF REVENUE**

RULE TITLES:	RULE NOS.:
Scope of Rules	12-13.001
Definitions	12-13.002
Request for Settlement or Compromise	12-13.003
Delegation of Authority to Settle or Compromise	12-13.004
Grounds for Finding Doubt as to Liability	12-13.005
Grounds for Finding Doubt as to Collectibility	12-13.006
Grounds for Reasonable Cause for Compromise of Penalties	12-13.007
Guidelines for Determining Amount of Compromise	12-13.0075
Procedures for Compromise and Settlement of Taxes, Interest, and Penalties	12-13.008
Closing Agreements	12-13.009
Special Provisions Applicable to Compromise of Estate Taxes	12-13.010

PURPOSE AND EFFECT: The purpose of the proposed changes to Rule Chapter 12-13, F.A.C., is to implement 1999 and 2000 legislative changes regarding the Department’s authority granted by statute to settle and compromise liabilities for tax, interest, and penalty. The effect of these proposed rule changes will be to provide current guidelines regarding this authority granted to the Department.

SUMMARY: The proposed amendments to Rule 12-13.001, F.A.C., clarify that the Department of Revenue (DOR) has been “granted” authority by statute to settle and compromise liabilities for tax, interest, and penalty.

The proposed amendments to Rule 12-13.002, F.A.C., ensure that DOR’s authority to settle and compromise refund issues is acknowledged in applicable definitions, and add language relating the settlement and compromise provisions of this rule chapter to the revenue sources enumerated in s. 72.001(1), F.S., which conforms these rules to s. 213.21, F.S.

The proposed amendments to Rule 12-13.003, F.A.C., explain when a settlement or compromise request must be written, and eliminate obsolete provisions concerning the taxation of unlawful sales, use, and other transactions involving medicinal drugs, cannabis, or controlled substances.

The proposed amendments to Rule 12-13.004, F.A.C., ensure that DOR's authority to settle and compromise refund issues is acknowledged in the provisions of this rule; increase the Executive Director's authority to settle and compromise from \$100,000 to \$250,000, as required by 1999 legislative change; add settlement on the basis of reliance on a prior written determination from the DOR to circumstances in which the \$250,000 limitation on settlement authority does not apply, as provided in 2000 legislative changes; establish procedures for the temporary delegation of settlement and compromise authority; retain the specific designations by job title and dollar amount, and increase such amounts by 150 percent, based on 1999 legislative changes; increase the settlement and compromise authority of the Deputy Executive Director, the General Counsel, and the Deputy General Counsel from \$100,000 to \$250,000.

The proposed amendments to Rule 12-13.005, F.A.C., address the circumstances under which a taxpayer will be considered to have reasonably relied on a prior written determination of the DOR for purposes of establishing doubt as to liability for compromise of tax or interest, as provided in 2000 legislative changes.

The proposed amendments to Rule 12-13.006, F.A.C., contain technical changes concerning DOR's determination of "doubt as to collectibility" regarding a taxpayer's request for settlement or compromise of tax and interest.

The proposed amendments to Rule 12-13.007, F.A.C., address when a taxpayer has reasonably relied on written advice of the DOR for purposes of establishing reasonable cause for compromise of penalty.

The proposed amendments to Rule 12-13.0075, F.A.C., make several technical changes and add reasonable reliance on written determination by DOR to the factors to be considered in determining amount of compromise based on doubt as to liability.

The proposed amendments to Rule 12-13.008, F.A.C., establish procedures for accepting oral and electronic requests from taxpayers for settlements and compromises that do not exceed a certain monetary amount, and make technical changes conforming other provisions of this rule to the acceptance of oral and electronic requests.

The proposed amendments to Rule 12-13.009, F.A.C., increase from \$15,000 to \$37,500 the minimum amount used to designate DOR employees who are authorized to sign closing agreements with taxpayers, which conforms this dollar amount to the 1999 legislative changes.

The proposed amendments to Rule 12-13.010, F.A.C., increase the Estate Tax settlement and compromise authority of the General Counsel and the Deputy General Counsel from \$100,000 to \$250,000, and provide for delegation of settlement and compromise authority for the Estate Tax to other DOR employees.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** Since these proposed rule amendments to Rule Chapter 12-13, F.A.C., only implement statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

**SPECIFIC AUTHORITY:** 20.05(5), 213.06(1), 213.21(5) FS.

**LAW IMPLEMENTED:** 120.55(1)(a)4., 213.05, 213.21 FS.

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

**TIME AND DATE:** 10:00 a.m., May 22, 2001

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Linda W. Bridges, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9412

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips at (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

**THE FULL TEXT OF THE PROPOSED RULES IS:**

#### 12-13.001 Scope of Rules.

The rules set forth in this chapter shall be used by the Executive Director or the Executive Director's designee, as set forth hereinafter, in the exercise of the authority to settle and compromise liability for tax, interest, and penalty granted by ~~pursuant to~~ s. 213.21, F.S. However, special provisions applicable to settlement and compromise of estate taxes, interest, and penalty imposed pursuant to Chapter 198, F.S., are set forth in Rule 12-13.010, F.A.C.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21 FS. History—New 5-23-89, Amended 8-10-92,\_\_\_\_\_.

12-13.002 Definitions.

The meanings ascribed to the words and terms listed below shall be applicable, unless a different meaning is clearly indicated by the context in which the word or term is used.

(1) "Compromise" means a reduction of the amount of tax, interest, or penalty imposed to an amount less than the amount of tax, interest, or penalty imposed under a revenue law of this state, or a reduction in the amount of refund requested by a taxpayer. "Compromise" does not include correction of an error through cancellation of an erroneous billing, revision or withdrawal of an erroneous proposed assessment; or billing, or other corrective actions taken by the Department.

(2) No change.

(3) "Reasonable cause" means a basis for compromise of penalty which has been shown to exist based upon the facts and circumstances of the specific case and which reflects that the taxpayer exercised ordinary care and prudence in complying with a revenue law of this state, as provided in s. 213.21(2) and (3), F.S.

(4) "Revenue law of this state" means any a statute listed in s. 72.011(1), F.S., that imposes imposing a tax, penalty or interest, surcharge, permit, license, or fee collected by the Department.

(5) "Settle" means the resolution of a particular taxpayer's liability for tax, interest, or penalty, or the resolution of a taxpayer's refund request, by the Department under the provisions of this rule chapter.

(6) through (7) No change.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21 FS. History--New 5-23-89, Amended 8-10-92,\_\_\_\_\_.

12-13.003 ~~Request for Settlement or Compromise Taxes, Interest, and Penalties Which May Be Compromised.~~

(1) Subsections 213.21(2)(a) and (3), F.S., authorize the Executive Director, or the Executive Director's designee, to enter into closing agreements settling or compromising a liability for tax, interest, or penalty under any of the chapters specified in s. 72.011(1), F.S.

(2)(a) No tax, interest, penalty, or service fee shall be compromised or settled unless the taxpayer first submits a ~~written~~ request to compromise or settle tax, interest, penalty, or service fees, Such request must be in writing if and establishes as follows:

1. The amount requested to be compromised is greater than \$30,000; or,

2. The taxpayer asks to submit the request in writing; or,

3. The complexity of the issue(s) involved requires that the taxpayer submit a written request that explains the issue(s).

(b) The Department will accept a taxpayer's oral or electronic request for compromise or settlement, if:

1. The request for a compromise is for an amount less than or equal to \$30,000; and,

2. The request is not subject to either of the criteria discussed in subparagraphs 2. or 3. of paragraph (a) of this subsection.

(c) The taxpayer must establish in his or her request:

1.(a) In regard to tax or interest, doubt as to the taxpayer's liability for tax or interest, or actual lack of collectibility of the tax or interest as demonstrated to the satisfaction of the Department by audited financial statements or other suitable evidence acceptable to the Department. Grounds for finding doubt as to liability and doubt as to collectibility, respectively, are set forth in further detail in Rules 12-13.005 and 12-13.006, F.A.C.

2.(b) In regard to penalty, that the noncompliance was due to reasonable cause and not to willful negligence, willful neglect, or fraud. The taxpayer shall be required to set forth ~~in a written statement~~ the facts and circumstances which support the taxpayer's basis for compromise and which demonstrate the existence of reasonable cause for compromise of the penalty or service fee and such other information as may be required by the Department.

3.(c) In regard to the service fee, when a financial institution error results in a draft, order, or check being returned to the Department, the taxpayer will be required to submit to the Department a written statement from the financial institution. The written statement must give the detail of the error(s) and explain why the financial institution was at fault. The statement must be on the financial institution's letterhead.

4.(d) Grounds for finding reasonable cause are set forth in further detail in Rule 12-13.007, F.A.C.

~~(3) However, with regard to assessment made under s. 212.0505, F.S., Taxation of Unlawful Sales, Use, and Other Transactions Involving Medicinal Drugs, Cannabis, or Controlled Substances, the Executive Director or the Executive Director's designee may settle or compromise tax, penalty or interest only:~~

~~(a) Upon receipt of a written request by the state attorney, the statewide prosecutor, or the Attorney General which requests settlement or compromise and specifies the reason for such a request; and~~

~~(b) If the Executive Director or the Executive Director's designee finds that the requested compromise and settlement is in the best interest of the State.~~

Specific Authority 20.05(5), 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21(2)(a),(3),(5) FS., Section 15, Chapter 94-353, Laws of Florida. History--New 5-23-89, Amended 8-10-92, 11-15-94,\_\_\_\_\_.

12-13.004 Delegation of Authority to Settle or Compromise.

(1)(a) Authority to settle and compromise tax, interest, and penalty liabilities, and requests for refunds has, in addition to the statutory authorization in s. 213.21, F.S., been delegated to

the Executive Director of the Department by the Governor and Cabinet as the head of the Department, pursuant to Rule 12-3.007, F.A.C.

(b) The Executive Director is authorized to settle and compromise tax, interest, and penalty, and refund requests in all matters in litigation, including litigation pursuant to s. 72.011, F.S.

(c) In all other instances, the Executive Director is authorized to settle and compromise tax, interest, and penalty, and refund requests where the amount of tax compromised is ~~\$250,000~~ ~~\$100,000~~ or less. Any tax compromise of more than ~~\$250,000~~ ~~\$100,000~~, excepting only those cases in litigation or those cases in which a taxpayer has reasonably relied on a written determination issued by the Department, must be approved by the Governor and Cabinet, as the head of the Department. ~~Authority to settle and compromise tax, interest, and penalty is further delegated by the Executive Director under the circumstances described in subsections (2) through (7) herein.~~

Cross Reference: Rule 12-3.007, F.A.C.

(2) Cases in Litigation.

(a) Authority is delegated to the Deputy Executive Director, the General Counsel, and the Deputy General Counsel of the Department to settle and compromise tax, interest, or penalty in cases where a tax matter is in litigation pursuant to s. 72.011, F.S.

(b) Authority is delegated to any Assistant General Counsel to settle and compromise tax or interest of ~~\$62,500~~ ~~\$25,000~~ or less and penalty of ~~\$125,000~~ ~~\$50,000~~ or less.

(3) Cases in Protest. In cases involving a tax matter in protest in Technical Assistance and Dispute Resolution within the Office of the General Counsel, authority to settle and compromise is delegated as follows:

(a) For compromise of amounts of tax of ~~\$250,000~~ ~~\$100,000~~ or less, and compromise of interest and penalty in any amount, to the Deputy Executive Director, the General Counsel, and the Deputy General Counsel.

(b) For compromise of amounts of tax or interest of ~~\$62,500~~ ~~\$25,000~~ each or less and of penalty of ~~\$250,000~~ ~~\$100,000~~ or less to any Assistant General Counsel.

(c) For compromise of amounts of tax or interest of ~~\$125,000~~ ~~\$50,000~~ each or less and of penalty in any amount, to the Director of Technical Assistance and Dispute Resolution within the Office of the General Counsel, and the ~~Senior~~ Program Director and ~~Deputy~~ Program Director ~~Directors~~ within the General Tax Administration Program.

(d) For compromise of amounts of tax or interest of ~~\$62,500~~ ~~\$25,000~~ each or less and penalty of ~~\$250,000~~ ~~\$100,000~~ or less, to the Revenue Program Administrators I and II within the Office of the General Counsel, and the Process Managers of the Taxpayer Services, Compliance Enforcement, and Compliance Support Processes.

(e) For compromise of amounts of tax or interest of ~~\$12,500~~ ~~\$5,000~~ each or less and of penalty of ~~\$125,000~~ ~~\$50,000~~ or less, to all Regional Managers of the Compliance Enforcement Process.

(f) For compromise of amounts of tax or interest of ~~\$12,500~~ ~~\$5,000~~ each or less and of penalty of ~~\$75,000~~ ~~\$30,000~~ or less, to the ~~Senior Attorneys, Attorneys, Tax Law Specialists,~~ and Senior Tax Specialists of Technical Assistance and Dispute Resolution, and the Revenue Program Administrators I and II of the Compliance Support Process.

(g) For compromise of amounts of tax or interest of ~~\$2,500~~ ~~\$1,000~~ each or less and of penalty of ~~\$75,000~~ ~~\$30,000~~ or less, to the Revenue Program Administrators II and Revenue Administrators III of the Taxpayer Services Process.

(h) For compromise of amounts of tax or interest of ~~\$1,250~~ ~~\$500~~ each or less and of penalty of ~~\$75,000~~ ~~\$30,000~~ or less, to the Service Center Managers of the Compliance Enforcement Process.

(i) For compromise of amounts of tax or interest of ~~\$1,250~~ ~~\$500~~ each or less and of penalty of ~~\$12,500~~ ~~\$5,000~~ or less, to the Tax Specialists I and II, the Revenue Specialist Supervisors of the Taxpayer Services Process, and the Revenue Specialist Supervisors of the Compliance Enforcement Processes.

(j) For compromise of amounts of tax or interest of ~~\$625~~ ~~\$250~~ each or less and penalty of ~~\$3,750~~ ~~\$1,500~~ or less, to the Revenue Specialists I, II, and III of the Taxpayer Services Process.

(k) For compromise of penalty of ~~\$75,000~~ ~~\$30,000~~ or less, to the Revenue Program Administrators I and II of the Compliance Enforcement Process.

(l) For compromise of penalty of ~~\$37,500~~ ~~\$15,000~~ or less, to the Process Group Managers of the Compliance Enforcement Process.

(m) For compromise of penalty of ~~\$12,500~~ ~~\$5,000~~ or less, to the Tax Specialist Administrators, Tax Audit Support Services Supervisors, and the Senior Tax Specialists (Case Processing and Contract Audits) of the Compliance Support Process.

(n) For compromise of penalty of ~~\$12,500~~ ~~\$5,000~~ or less, to the Tax Specialist II of the Program Director's Office within the General Tax Administration Program.

(o) For compromise of penalty of ~~\$3,750~~ ~~\$1,500~~ or less, to the Revenue Specialists I, II, and III of the Compliance Enforcement Process.

(4) Collection Cases. In cases involving a tax matter related to billings or assessments which have been issued by or referred to the Taxpayer Services Process, authority to settle and compromise is delegated as follows:

(a) For compromise of amounts of tax of ~~\$250,000~~ ~~\$100,000~~ or less, and compromise of interest and penalty in any amount, to the Deputy Executive Director, the General Counsel, and the Deputy General Counsel.



(b) For compromise of amounts of tax or interest of \$25,000 ~~\$10,000~~ each or less and penalty of \$62,500 ~~\$25,000~~ or less, to any Assistant General Counsel.

(c) For compromise of amounts of tax or interest of \$125,000 ~~\$50,000~~ each or less and penalty in any amount, to the ~~Senior~~ Program Director and Deputy Program Director ~~Directors~~ of the General Tax Administration Program.

(d) For compromise of amounts of tax or interest of \$62,500 ~~\$25,000~~ each or less and penalty of \$250,000 ~~\$100,000~~ or less, to the Process Managers of the Taxpayer Services, Compliance Enforcement, and Compliance Support Processes.

(e) For compromise of amounts of tax or interest of \$12,500 ~~\$5,000~~ each or less and penalty of \$125,000 ~~\$50,000~~ or less, to the Regional Managers of the Compliance Enforcement Process.

(f) For compromise of amounts of tax or interest of \$12,500 ~~\$5,000~~ each or less and penalty of \$75,000 ~~\$30,000~~ or less, to the Revenue Program Administrators I and II of the Compliance Support Process.

(g) For compromise of amounts of tax or interest of \$2,500 ~~\$1,000~~ each or less and penalty of \$75,000 ~~\$30,000~~ or less, to the Revenue Program Administrators II and Revenue Administrators III of the Taxpayer Services Process.

(h) For compromise of amounts of tax or interest of \$1,250 ~~\$500~~ each or less and penalty of \$75,000 ~~\$30,000~~ or less, to the Service Center Managers of the Compliance Enforcement Process.

(i) For compromise of amounts of tax or interest of \$1,250 ~~\$500~~ each or less and penalty of \$12,500 ~~\$5,000~~ or less, to the Revenue Specialist Supervisors and; Tax Specialists I and II of the Taxpayer Services Process and Revenue Specialist Supervisors of the Compliance Enforcement Process.

(j) For compromise of amounts of tax or interest of \$625 ~~\$250~~ each or less and penalty of \$3,750 ~~\$1,500~~ or less, to the Revenue Specialists I, II, and III of the Taxpayer Services Process.

(k) For compromise of penalty in amounts of \$75,000 ~~\$30,000~~ or less, to all Revenue Program Administrators I and II of the Compliance Enforcement Process.

(l) For compromise of penalty in amounts of \$37,500 ~~\$15,000~~ or less, to all the Process Group Managers of the Compliance Enforcement Process.

(m) For compromise of penalty in amounts of \$12,500 ~~\$5,000~~ or less, to all Tax Specialist Administrators, Tax Audit Support Services Supervisors, Senior Tax Specialists (Case Processing and Contract Audits) of the Compliance Support Process.

(n) For compromise of penalty of \$12,500 ~~\$5,000~~ or less, to the Tax Specialist II of the Program Director's Office within the General Tax Administration Program.

(o) For compromise of penalty in amounts of \$3,750 ~~\$1,500~~ or less, to all Revenue Specialists I, II, and III of the Compliance Enforcement Process.

(p) Once an audit assessment has become final, the authority to compromise delegated pursuant to paragraphs (c) through (o) shall be limited to compromises based on doubt as to collectibility or reasonable cause based upon doubt as to collectibility.

(5) Audit Cases. In cases involving an audit of the taxpayer, or an audit conducted pursuant to a refund request, prior to initiation of litigation pursuant to s. 72.011, F.S., or

expiration of the period for initiating same, or upon initial receipt of a protest involving penalty issues only, authority to settle and compromise is delegated as follows:

(a) For compromise of amounts of tax of \$250,000 ~~\$100,000~~ or less, and compromise of interest or penalty in any amount, to the Deputy Executive Director, the General Counsel, and the Deputy General Counsel.

(b) For compromise of amounts of tax or interest of \$125,000 ~~\$50,000~~ each or less and penalty in any amount, to the ~~Senior~~ Program Director and Deputy Program Director ~~Directors~~ in the General Tax Administration Program.

(c) For compromise of amounts of tax or interest of \$62,500 ~~\$25,000~~ each or less and penalty of \$250,000 ~~\$100,000~~ or less, to the Process Managers of the Taxpayer Services, Compliance Enforcement, and Compliance Support Processes.

(d) For compromise of amounts of tax or interest of \$12,500 ~~\$5,000~~ each or less and penalty of \$125,000 ~~\$50,000~~ or less, to the Regional Managers of the Compliance Enforcement Process.

(e) For compromise of amounts of tax or interest of \$12,500 ~~\$5,000~~ each or less and penalty of \$75,000 ~~\$30,000~~ or less, to the Revenue Program Administrators I and II of the Compliance Support Process.

(f) For compromise of amounts of tax or interest of \$1,250 ~~\$500~~ each or less and penalty of \$75,000 ~~\$30,000~~ or less, to the Service Center Managers of the Compliance Enforcement Process.

(g) For compromise of amounts of tax or interest of \$1,250 ~~\$500~~ each or less and penalty of \$12,500 ~~\$5,000~~ or less, to the Revenue Specialist Supervisors of the Compliance Enforcement Process.

(h) For compromise of amounts of tax or interest of \$1,250 each or less and penalty of \$37,500 or less, to the Tax Law Specialists, Senior Tax Specialists, and Revenue Program Administrator I in the Contract Audit and Certified Audit Subprocess within the Compliance Enforcement Process.

~~(i)(h)~~ For compromise of amounts of penalty ~~in the amount of~~ \$75,000 ~~\$30,000~~ or less, to all Revenue Program Administrators I and II of the Compliance Enforcement Process.

~~(j)(i)~~ For compromise of penalty in amounts of ~~\$37,500~~ \$15,000 or less, to all Process Group Managers of the Compliance Enforcement Process.

~~(k)(j)~~ For compromise of penalty in amounts of ~~\$12,500~~ \$5,000 or less, to all Tax Specialist Administrators, Tax Audit Support Services Supervisors, Senior Tax Specialists (Case Processing and Contract Audits) of the Compliance Support Process and Tax Specialists II within the General Tax Administration Program.

~~(l)(k)~~ For compromise of amounts of penalty ~~in the amount of~~ \$3,750 ~~\$1,500~~ or less, to all Revenue Specialists I, II, and III of the Compliance Enforcement Process.

(6) Refund Cases. In cases involving refund requests that have not been referred for audit, prior to initiation of litigation pursuant to s. 72.011, F.S., or prior to expiration of the period for initiating same, authority to settle and compromise is delegated as follows:

(a) For compromise of amounts of penalty of \$100,000 or less, to the Process Manager of the Refunds and Revenue Distribution Process.

(b) For compromise of amounts of penalty of \$30,000 or less, to the Senior Tax Audit Administrator in the Refunds and Revenue Distribution Process.

(c) For compromise of amounts of penalty of \$15,000 or less, to the Tax Audit Supervisors in the Refunds and Revenue Distribution Process.

~~(7)(6)~~ In all other circumstances not previously described in this rule, authority to settle and compromise tax in amounts of ~~\$250,000~~ \$100,000 or less and interest and penalty in any amount is delegated to the Deputy Executive Director, the General Counsel, and the Deputy General Counsel.

~~(8)(a)(7)~~ The Executive Director also shall have discretionary authority to delegate authority to settle and compromise to specific employees or positions on a temporary basis pursuant to the following circumstances: ~~not enumerated in this rule.~~

1. The issue assigned to the employee exceeds the monetary amount the employee is currently authorized to settle or compromise pursuant to this rule chapter; or,

2. The employee has assumed the duties of another employee who has authority, or a higher authority, to settle or compromise tax, interest, and penalty, and refund requests.

(b) A temporary ~~However,~~ a delegation of authority to any employee or position beyond that described herein shall be in writing, signed by the Executive Director, and shall be for a specified time period of no more than 2 years.

(c) Such delegations cannot grant authority to compromise tax in excess of \$250,000 ~~may be renewed in writing.~~

(d) Copies of any such written delegations of authority shall be maintained on file with the agency clerk in the Office of General Counsel.

12-13.005 Grounds for Finding Doubt as to Liability.

(1) The Executive Director or the Executive Director's designee, as enumerated in Rule 12-13.004, F.A.C., shall make a determination ~~of~~ whether there is doubt as to liability for tax or interest based on all the facts and circumstances of the specific case. Doubt as to liability is indicated when there is reasonable doubt ~~as to~~ whether an action is required in view of conflicting rulings, decisions, or ambiguities in the law, and the taxpayer has exercised ordinary care and prudence in attempting to comply with the revenue laws of this state.

~~(2) Reasonable reliance~~ Reliance upon the express terms of a written determination ~~advice given~~ by the Department ~~establishes~~ may be the basis for doubt as to liability. ~~Consideration will be given to the complexity of the facts and the difficulty of the tax law and the issue involved, and also to the existence or lack of clear rules or instructions covering the taxpayer's situation. The taxpayer must show that the advice was timely sought from a departmental employee and that all material facts were disclosed, and that the express terms of the advice were actually followed. Advice issued by the Department informally, or in response to a hypothetical situation, will not be a basis for doubt as to liability. Advice issued in response to a taxpayer's request containing a misrepresentation of material facts is not a basis for a finding of doubt as to liability.~~

(a) For purposes of establishing doubt as to liability, a "written determination" shall be deemed issued by the Department under the following circumstances:

1. Audit workpapers from a prior audit of the same taxpayer clearly show that the same issue was considered in the course of the audit and that, after such consideration, the Department's auditor determined that no assessment was appropriate in regard to that issue. Audit workpapers that fail to assess tax based on a particular issue are not a written determination in regard to that issue unless those workpapers clearly demonstrate that the auditor was aware of the issue and determined that no assessment was appropriate in regard to that issue. Failure by an auditor to recognize an issue and assess tax in the audit workpapers is not a basis for doubt as to liability based on a written determination by the Department.

a. Audit workpapers include all correspondence, notices, file memoranda, schedules, exhibits, or other documents an auditor generates, receives from the taxpayer, or reviews in the course of conducting an audit.

b. If an auditor submits a request for technical advice in accordance with Rule Chapter 12-11, F.A.C., and an internal technical advisement is issued in response to that request, the internal technical advisement is part of the audit workpapers and will be considered a written determination of the Department as to that issue.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21 FS. History--New 5-23-89, Amended 8-10-92, 10-24-96, \_\_\_\_\_.

c. A written communication from the auditor to the taxpayer in the course of the audit that discusses an issue upon which no assessment is made will demonstrate that the issue was considered by the auditor.

d. If an auditor issues a notice of intent to make audit changes that includes an assessment on an issue and subsequently issues a revised notice of intent to make audit changes that removes the assessment on that issue, that revision and any written explanation the auditor prepares in regard to that revision establishes that the auditor determined that the taxpayer was not subject to assessment as to that issue.

e. Correspondence from the taxpayer to the auditor that discusses an issue upon which no assessment is made will demonstrate that the issue was considered by the auditor if the requirements of this sub-subparagraph are met. There must be documentation of the auditor's receipt of the correspondence, such as the auditor's signature on a receipt or a copy of the correspondence, if it is hand delivered, or a return receipt for registered or certified mail. Correspondence from the taxpayer will establish that the auditor considered an issue only if such correspondence is dated sufficiently prior to the auditor's issuance of a notice of intent to make audit changes or a revised notice of intent to make audit changes to permit the auditor to investigate the issue and make a determination prior to issuing the notice. Correspondence from a taxpayer calling an issue to the auditor's attention will not have the effect of establishing that the auditor considered the issue if that correspondence is delivered to the auditor after the auditor has substantially completed the auditor's review of the taxpayer's books and records, unless the taxpayer agrees to a reasonable extension of the time in which the auditor must complete the audit under the applicable statute of limitations.

2. A final notice of decision or notice of reconsideration withdrawing an assessment on the same issue during an informal protest of a proposed assessment in a prior audit of the same taxpayer was issued by the Department. Correspondence from the Department in which an issue is discussed prior to issuance of a final notice or any offer to compromise the assessment in lieu of or in conjunction with the issuance of a notice of decision or notice of reconsideration is not a written determination on the issue for purposes of establishing doubt as to liability. This subparagraph applies only to a notice of decision or a notice of reconsideration that resolves the issue in favor of the taxpayer based on a determination that the assessment was not supported by the governing legal authorities.

3. A technical assistance advisement was issued to the same taxpayer pursuant to s. 213.22, F.S., in regard to the same issue. For purposes of this paragraph, a technical assistance advisement issued to an industry association as the representative of its members in accordance with Rule Chapter

12-11, F.A.C., will be considered a written determination as to any taxpayer that was a member of the association at the time the taxpayer reasonably relied upon the advisement.

(b) Only audit workpapers, notices of decision or reconsideration, and technical assistance advisements described in paragraph (a) are written determinations of the Department for purposes of s. 213.21(3), F.S. Audit workpapers, notices of decision or reconsideration, and technical assistance advisements are written determinations only as to the specific taxpayer or taxpayers to whom they were issued. For this purpose, if a taxpayer has multiple locations, the taxpayer may rely on a written determination issued as to any of the taxpayer's locations for purposes of the taxpayer's other locations so long as it is otherwise reasonable to do so under the criteria set forth in paragraph (c).

(c) A taxpayer must demonstrate that reliance on a written determination was reasonable. This requires that the taxpayer fully disclosed all material facts and did not misrepresent any material facts when the Department was considering the issue for purposes of issuing the written determination. Reliance on a written determination is reasonable only so long as the taxpayer continues to operate in accordance with the material facts upon which the written determination was based. Reliance by an industry association member on a technical assistance advisement issued to the association as the representative of its members is reasonable only when that member's facts and circumstances conform in all material respects with the facts and circumstances upon which the technical assistance advisement to the industry association was based. If specific facts and circumstances change in a material manner, reliance on the written determination is no longer reasonable. Reliance on a written determination is not reasonable if the law applicable to an issue has changed so that the legal analysis on which the written determination was based is no longer valid. This would be the case if governing statutes or regulations have been materially revised or if a court of competent jurisdiction has published a final decision overruling the Department's determination. Reliance is not reasonable if the Department notifies the taxpayer in writing that the previous written determination is no longer correct and should not be relied upon after the date of such notification.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21, 213.22 FS. History—New 5-23-89, Amended 8-10-92, 5-18-94, \_\_\_\_\_.

12-13.006 Grounds for Finding Doubt as to Collectibility. Tax or interest or both will may be compromised or settled on the grounds of "doubt as to collectibility" when it is determined that the financial status of the taxpayer is such that it is in the best interests of the State to settle or compromise the matter because full payment of the unpaid tax obligation is highly doubtful and there appears to be an advantage in having the case permanently and conclusively closed. The discretion to

make this determination is delegated pursuant to the procedures to those persons enumerated in Rule 12-13.004, F.A.C.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21 FS. History—New 5-23-89, Amended 8-10-92, \_\_\_\_\_.

12-13.007 Grounds for Reasonable Cause for Compromise of Penalties.

(1) through (4) No change.

(5) Reasonable reliance ~~Reliance~~ upon the express terms of written advice given by the Department establishes a basis for ~~is a basis for~~ reasonable cause when the taxpayer shows that the advice was timely sought from a departmental employee and that all material facts were disclosed, and that the express terms of the advice were actually followed. “Written advice” for purposes of establishing reasonable cause as a basis for compromise of penalties includes a writing issued to the same taxpayer by the Department in response to that taxpayer's request for advice. The determination whether the taxpayer has reasonably relied on such written advice will be made in accordance with the criteria for determining if a taxpayer has reasonably relied on a written determination for purposes of compromise of tax and interest as set forth in Rule 12-13.005(2), F.A.C.

(6) through (14) No change.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21 FS. History—New 5-23-89, Amended 8-10-92, 5-18-94, \_\_\_\_\_.

12-13.0075 Guidelines for Determining Amount of Compromise.

(1) Tax and Interest.

(a) Doubt as to Liability. When determining the amount of a compromise of tax or interest based upon doubt as to liability, the following factors shall be considered by the Department:

1. Likelihood of prevailing on the issue in litigation;

2. Ambiguity in the applicable laws or rules, as evidenced by both the laws or rules themselves and the common interpretation and application of same among members of the taxpayer's industry; ~~and~~

3. Whether doubt as to liability is based upon reasonable reliance by the taxpayer on a written determination by the Department as provided in Rule 12-13.005(2), F.A.C.; and

~~4.3.~~ Whether tax was collected but not remitted to the state by the taxpayer.

(b) Doubt as to Collectibility. When determining the amount of a compromise of tax or interest based upon doubt as to collectibility, the following factors shall be considered by the Department:

1. Whether the financial problems of the taxpayer can be addressed, in whole or in part, through use of a stipulated payment arrangement, in lieu of reduction of the taxpayer's liability;

2. Whether a pattern of chronic tax delinquencies by the taxpayer exists to indicate that efforts to assist this taxpayer because of its financial problems will not ultimately serve the public interest but will simply afford this a particular ~~the~~ taxpayer a competitive advantage in the market; and,

3. Whether tax was collected but not remitted to the state by the taxpayer.

(2) Penalty. When determining the amount of a compromise of penalty based upon a finding of reasonable cause, the following factors shall be considered by the Department:

(a) Factors that weigh against reduction of penalty include:

1. The tax deficiency assessed as a result of an audit exceeds 5% of the total liability for the same tax for the audit period.

2. Taxpayer has been audited previously and the current tax deficiency resulted from specific issue-related error(s) identified in previous audit(s). It is not the intent that ~~of~~ this subparagraph ~~to~~ apply to infrequent occurrences of human error.

3. Taxpayer has been repeatedly delinquent in remitting the tax.

4. Taxpayer failed to promptly remit tax and interest upon receipt of a billing or notice.

5. Tax was collected but not remitted to the state by the taxpayer.

(b) Factors that weigh in favor of reduction of penalty include:

1. Tax assessed as a result of an audit is less than 5% of the total liability for the same tax for the audit period.

2. Tax deficiency assessed is a result of a first-time audit, or is a result of an audit conducted subsequent to an audit in which the same specific issue-related errors by the taxpayer were not present or not identified by the Department. It is not the intent that ~~of~~ this subparagraph ~~to~~ apply to infrequent occurrences of human error.

3. Taxpayer has not been repeatedly delinquent in remitting the tax to the Department.

4. Taxpayer demonstrated to auditor prior to conclusion of the audit that action had been taken to improve future compliance by correcting or controlling activities which gave rise to the tax deficiency and related penalty.

5. Taxpayer promptly remitted tax and interest upon receipt of a billing or notice.

(3) No change.

(4) Self Audits/Self-Analysis of Books.

(a) When a taxpayer timely responds to and complies with the Department's request that the taxpayer participate in a self-audit or self-analysis of books and records, the Department will compromise all penalties.

(b) through (7) No change.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21 FS. History—New 8-10-92, Amended \_\_\_\_\_.

12-13.008 Procedures for Compromise and Settlement of Taxes, Interest, and Penalties.

(1) The Department will consider compromise or settlement of the taxpayer's liability for tax, interest, or penalty only upon its receipt of the taxpayer's written request that the same be settled and compromised under s. 213.21(3), F.S. However, a written request is not required for the compromise or settlement of penalty and returned check service fee amounts of \$30,000 or less. The taxpayer's ~~written~~ request should include:

- (a) The taxpayer's name, address, and taxpayer identifying tax identification number;
- (b) The type of tax and, if applicable, the type of penalty, and the taxable period(s) involved;
- (c) The amount of tax, interest, or penalty involved; and
- (d) A statement of the following:

1. In the case of tax or interest, the taxpayer's basis for doubt as to liability or collectibility, and the facts and circumstances which support the existence of such doubt; and

2. In the case of penalty, the taxpayer's basis for reasonable cause, and the facts and circumstances which support the existence of reasonable cause and which indicate the absence of willful negligence, willful neglect, or fraud.

(2) When a Department employee has additional knowledge or information supporting the taxpayer's ~~written~~ request for compromise, the finding in support of a compromise may be based upon such knowledge or information, provided the basis for compromise is documented in writing.

(3) A Department employee is authorized to compromise penalty within the employee's authority when it is determined that sufficient evidence exists to support a finding of reasonable cause despite the fact that no written request has been made by the taxpayer. The person exercising the Department's authority shall prepare full documentation of any request and the compromise, including the basis for finding reasonable cause, for the Department's record.

(4) The taxpayer's ~~written~~ request for compromise shall be filed upon receipt of a billing, notice, proposed assessment, or assessment, and shall be filed with the office issuing such billing, notice, proposed assessment, or assessment. This subsection is intended to expedite requests for compromise and settlement of taxes, interest, and penalties, but it does not alter deadlines specified in Rule Chapter 12-6, F.A.C.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21 FS. History—New 5-23-89, Amended 8-10-92, 5-18-94, 10-24-96, \_\_\_\_\_.

12-13.009 Closing Agreements.

(1) through (2)(c) No change.

(d) Any person delegated authority under this rule to compromise amounts of ~~\$37,500~~ ~~\$15,000~~ or more may sign a closing agreement on behalf of the Department, after determining that the compromise action complies with these rules. The Executive Director shall have discretionary authority to delegate authority to sign closing agreements to specific employees or positions not enumerated in these rules. A delegation of authority to any employee or position which is not enumerated herein shall be in writing, signed by the Executive Director, and shall be for a specified time period of no more than 2 years. Such delegations may be renewed in writing. Copies of any such written delegations of authority shall be maintained on file with the Agency Clerk in the Office of General Counsel.

(3) through (5) No change.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 120.55(1)(a)4., 213.05, 213.21 FS. History—New 5-23-89, Amended 8-10-92, 5-18-94, 10-24-96, \_\_\_\_\_.

12-13.010 Special Provisions Applicable to Compromise of Estate Taxes.

(1) Pursuant to s. 213.21(2)(b), F.S., the Executive Director is granted authority to compromise and settle the amount of taxes arising as a result of Chapter 198, F.S. Section 213.21(3), F.S., authorizes the Department to compromise or settle tax, penalty, or interest in any amount. If a case involves a billing or assessment issued by or referred to the Taxpayer Services Process, authority to compromise and settle is delegated as set forth in Rule 12-13.004(4), F.A.C., for collection cases. If a case is protested, authority to compromise and settle is delegated as set forth in Rule 12-13.004(3), F.A.C. If a case is in litigation, authority to compromise and settle is delegated as set for in Rule 12-13.004(2), F.A.C. This is further delegated by this rule to:

~~(a) The General Counsel and Deputy General Counsel to compromise tax of \$100,000 or less and interest and penalty in any amount; and~~

~~(b) Other designees of the Executive Director to compromise penalty of \$10,000 or less.~~

(2) through (3) No change.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21 FS. History—New 8-10-92, Amended 5-18-94, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda W. Bridges, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9412  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mark Zych, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)488-2576

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rule amendments were noticed for a Rule Development Workshop in the Florida Administrative Weekly on February 9, 2001 (Vol. 27, No. 6, pp. 527-534). A rule development workshop was held on February 26, 2001, in Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida, regarding these proposed rule amendments. Changes were made to and included in the proposed amendments, as contained in the Notice of Proposed Rulemaking, in response to comments received at the rule development workshop and in writing.

**DEPARTMENT OF REVENUE**

RULE TITLES:	RULE NOS.:
Application for Refund	12-26.003
Refund Approval Process	12-26.004
Public Use Forms	12-26.008

PURPOSE AND EFFECT: These proposed rule changes clarify the procedures a taxpayer must use to claim a refund of taxes paid to the Department. The effect of these proposed rules is to ensure taxpayers successfully complete all refund application procedures.

SUMMARY: A) The proposed amendments to Rule 12-26.003, F.A.C. (Application for Refund) inform taxpayers applying for a refund that they should return the appropriate application to DOR using the address or instructions on the form; remove the reference to the specific DOR address to which taxpayers must send form DR-26; add forms DR-26S and F-1120A to those forms that can be used to apply, respectively, for a sales tax or corporate income tax refund; provide that, beginning January 1, 2002, Form DR-26S must be used for applying for a refund of taxes paid pursuant to Chapter 212, F.S.; and, clarify that an application for an Estate Tax refund does not require the filing of a DR-26, but instead requires the filing of DOR form F-706 with the application. B) The proposed change to Rule 12-26.004, F.A.C. (Refund Approval Process) establishes DOR form DR-370026 (Mutual Agreement to Audit or Verify Refund Claim) as the proper form to use to document that a taxpayer and the Department have jointly agreed to extend the time during which a taxpayer's refund request is pending. C) The proposed revisions to Rule 12-26.008, F.A.C. (Public Use Forms) add forms DR-26S (Application for Refund – Sales and Use Tax), and DR-370026 (Mutual Agreement to Audit or Verify Refund Claim) to those used by the Department and the public for refund procedures; and, delete two forms that are not rules pursuant to Chapter 120, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since these proposed rule amendments reduce the administrative burden and potential confusion taxpayers may experience when they apply to claim

a refund, no new administrative costs are being created. Therefore, 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: 213.06(1) FS.

LAW IMPLEMENTED: 95.091(3), 213.235, 213.255, 213.34, 213.345, 215.26 FS., ss. 2, 3, 4, 5, 6, 7, and 40, Ch. 91-112, L.O.F.

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

TIME AND DATE: 10:00 a.m., May 22, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips, (850)922-4726. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE FULL TEXT OF THE PROPOSED RULES IS:

12-26.003 Application for Refund.

(1) No change.

(2)(a) Applications for tax refund under those revenue laws enumerated in s. 72.011(1), F.S., shall be deemed complete upon the Department's receipt of a properly executed application for refund form which contains the information required by ss. 213.255(2) and 215.26, F.S., and this rule, except as provided in paragraph (b) of this subsection. Applications for refund shall be filed with the Florida Department of Revenue by submitting the completed application to the Department, using the address or instructions contained on the DR-26 or DR-26S application, or other form described in subsection (4) of this rule.

(b) Refund applications filed under the provisions of section 212.08(5)(g), (h), (n), and (o), Florida Statutes, also require, in addition to the DR-26 or DR-26S required by paragraph (a) of this subsection, the forms specified in Rule 12A-1.107, F.A.C., in order to be deemed completed applications; Refund Subprocess, P. O. Box 6490, Tallahassee, Florida 32314-6490.

(3) For purposes of this rule, Form DR-26, Application for Refund from the State of Florida Department of Revenue, incorporated by reference in Rule 12-26.008, F.A.C., is the approved refund application for all taxes collected by the Department, except as otherwise specified in subsection (4) of this rule. However, taxpayers applying for a refund of any taxes paid pursuant to Chapter 212, F.S., can also use Form DR-26S, Application for Refund – Sales and Use Tax, incorporated by reference in Rule 12-26.008, F.A.C. Beginning, January 1, 2002, Form DR-26S must be used to apply for a refund of taxes paid pursuant to Chapter 212, F.S.

(4) Tax refunds requiring a refund application other than Form DR-26 are listed below.

(a) Corporate Income Tax. Except as provided in subsection (5), all refunds claimed under Chapters 220 and 221, F.S., shall be made by the filing of either:

1. Form F-1120, Florida Corporate Income/Franchise and Emergency Excise Tax Return or form F-1120A, Florida Corporate Short Form Income Tax Return (incorporated by reference in Rule 12C-1.051, F.A.C.) or

2. through (e) No change.

(f) Estate Tax. Application for all refunds claimed under Chapter 198, F.S., must be made by filing Form F-706 (incorporated by reference in Rule 12C-3.008, F.A.C.).

(5) through (8) No change.

Specific Authority 213.06(1) FS. Law Implemented 95.091(3), 213.235, 213.255, 213.34, 213.345, 215.26 FS. History–New 11-14-91, Amended 4-18-93, 4-18-95, 4-2-00,\_\_\_\_\_.

12-26.004 Refund Approval Process.

(1) through (2)(b) No change.

(c) The 90 consecutive calendar day period and the requirement to pay interest on refund amounts not timely paid or credited to a taxpayer, as discussed in paragraphs (a) and (b) above, will be tolled if:

1. Both the taxpayer and the Department agree that an audit or other verification process is necessary to validate the taxpayer's refund request, and;

2. Both parties complete and sign Department Form DR-370026 (Mutual Agreement to Audit or Verify Refund Claim) DR-872 (Consent to Extend the Time to Issue an Assessment or to File a Claim for Refund).

(3)(a) through (4) No change.

Specific Authority 213.06(1) FS. Law Implemented 95.091(3), 213.235, 213.255, 213.34, 213.345, 215.26 FS. History–New 11-14-91, Amended 4-2-00,\_\_\_\_\_.

12-26.008 Public Use Forms.

The following public use forms are used by the Department in the processing of refunds and refund denials and are hereby incorporated by reference. These forms are available by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at

850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site stated in the parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331, ~~upon written request directed to the Department of Revenue, Refund Section, Building E, 5050 West Tennessee Street, Tallahassee, Florida 32399-0100.~~

Form Number	Title	Effective Date
(1) DR-26	Application for Refund from the State of Florida Department of Revenue (r. 09/99 04/92)	___ 04/93
(2) DR-370026	Mutual Agreement to Audit or Verify Refund Claim (n. 03/01)	
DR-832R	Notice of Proposed Refund Denial (r. 01/93)	04/93
(3) DR-26S	Application for Refund--Sales and Use Tax (n. 11/00)	___
DR-1200R	Notice of Intent to Make Refund Claim Changes (r. 07/92)	04/93

Specific Authority 213.06(1) FS. Law Implemented 213.34, 215.26 FS., ss. 2, 3, 4, 5, 6, 7, and 40, Ch. 91-112, L.O.F. History–New 11-14-91, Amended 4-18-93,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, Post Office Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development Workshop was published in the Florida Administrative Weekly on February 9, 2001 (Vol. 27, No. 6, pp. 534-536)

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE TITLES:	RULE NOS.:
Specific Exemptions	12A-1.001
Sales and Use Tax on Services; Sale for Resale Consumer's Certificate of Exemption;	12A-1.0161
Exemption Certificates	12A-1.038
Sales for Resale	12A-1.039
Public Use Forms	12A-1.097

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12A-1.001, F.A.C. (Specific Exemptions); Rule 12A-1.0161, F.A.C. (Sales and Use Tax on Services; Sale for Resale); and Rule 12A-1.097, F.A.C. (Public Use Forms); and the proposed substantial rewording of Rule 12A-1.038, F.A.C. (Consumer's Certificate of Exemption); and Rule 12A-1.039, F.A.C. (Sales for Resale), is necessary to implement ss. 18, 19, 20, 21, 22, 23, and 24, Chapter 99-208, L.O.F. Chapter 99-208, L.O.F., substantially amended provisions regarding the exemption provided for sales made for the purpose of resale. Chapter 2000-228, L.O.F., substantially revised s. 212.08(7), F.S., which provides sales tax exemptions for certain qualifying organizations. The proposed changes will remove obsolete guidelines for sales to exempt organizations and sales for the purposes of resale, remove obsolete suggested formats of resale/exemption certificates, and provide current guidelines regarding how to obtain a Florida Consumer's Certificate of Exemption and how to properly document tax exempt sales made for the purposes of resale.

**SUMMARY:** The proposed amendments to Rule 12A-1.001, F.A.C. (Specific Exemptions), implement the provisions of s. 1, Chapter 2000-228, L.O.F. This law substantially revised s. 212.08(7), F.S., which provides sales tax exemptions for certain qualifying organizations. With the exception of the provisions of s. 212.08(7)(cc), F.S., regarding the exemption provided for certain works of art, the new s. 212.08(7), F.S., is clear and an administrative rule to implement these exemptions provided by statute is unnecessary. For the purposes of the exemption provided for certain works of art, the law eliminates the definition provided in s. 212.08(7)(o)2.d., F.S., and creates a definition for the term "educational institution" in s. 212.08(7)(cc), F.S.

The proposed amendments to Rule 12A-1.001, F.A.C., also remove provisions regarding sales made directly to the United States Government, a state, county, municipality, or political subdivision and the suggested formats for exemption certificates to be issued by employees of these governmental entities. These suggested formats for exemption certificates will be provided in Rule 12A-1.038, F.A.C., as proposed for amendment.

The proposed amendments to Rule 12A-1.0161, F.A.C. (Sales and Use Tax on Services; Sale for Resale), provide current guidelines regarding the sale of taxable services for resale and remove obsolete guidelines regarding sales to exempt organizations. Guidelines regarding sales to exempt organizations and the suggested formats for exemption certificates will be provided in Rule 12A-1.038, F.A.C., as proposed for amendment. Guidelines regarding sales for the purpose of resale will be provided in Rule 12A-1.039, F.A.C., as proposed for amendment.

The proposed amendments to Rule 12A-1.038, F.A.C. (Consumer's Certificate of Exemption): (1) remove obsolete guidelines regarding sales made to tax exempt entities; (2) provide guidelines for organizations and governmental entities on how to obtain a Florida Consumer's Certificate of Exemption; (3) provide guidelines for the effective dates of Florida Consumer's Certificates of Exemption issued by the Department; (4) provide guidelines on how to challenge the denial of an application for a Florida Consumer's Certificate of Exemption; (5) provide guidelines for dealers making tax exempt sales to organizations holding a Consumer's Certificate of Exemption, to governmental entities, and to persons who purchase items tax exempt based on the use of the property or service; (6) provide guidelines on how to obtain a transaction authorization number or a vendor authorization number from the Department to properly document tax exempt sales; and (7) provide guidelines to dealers regarding records that are required to be maintained to document tax exempt sales.

The proposed substantial rewording of Rule 12A-1.039, F.A.C. (Sales for Resale): (1) implements the provisions of Chapter 99-208, L.O.F., regarding the exemption provided for sales for the purpose of resale and the Department's requirement to issue an Annual Resale Certificate to dealers actively registered with the Department; (2) removes obsolete provisions regarding the use of resale and exemption certificates; (3) provides guidelines regarding the methods that a selling dealer may use to properly document an exempt sale for the purpose of resale; (4) provides guidelines on how a selling dealer may obtain a transaction authorization number or a vendor authorization number from the Department to properly document tax exempt sales; (5) provides guidelines to selling dealers on the requirements for documenting sales of alcoholic beverages, sales of certain motor vehicles, and sales of motor vehicles to dealers who are not required to be registered in this state; (6) provides guidelines for when a selling dealer will be held harmless for establishing the exempt nature of a tax exempt sale for the purpose of resale; (7) provides guidelines to dealers regarding records that are required to be maintained to document tax exempt sales for the purpose of resale; (8) provides the requirements on how a taxpayer may purchase items or services for the purpose of resale tax exempt and the documentation requirements of such purchases; and (9) provides how taxpayers may use the Multistate Tax Commission's Uniform Sales and Use Tax Certificate-Multijurisdiction to make tax exempt purchases for the purposes of resale.

The proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), incorporate by reference, as required by s. 120.54, F.S., form DR-5N, Information and Instructions for Completing Application for Consumer's Certificate of Exemption, and incorporate form DR-5, Application for Consumer's Certificate of Exemption, and form DR-600013, Request for Verification that Customers are Authorized to Purchase for Resale.



SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since these proposed rule amendments to Rules 12A-1.001, 12A-1.0161, and 12A-1.097, F.A.C., and the substantial rewording of Rules 12A-1.038 and 12A-1.039, F.A.C., only implement statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 212.07(1)(b), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 95.091(3), 120.57(1),(2), 120.60(3), 120.80(14), 212.02(10),(12),(14), (16),(20),(21), 212.05, 212.0515, 212.054, 212.055, 212.0596(7), 212.06(1)(a),(c),(e), (2),(9), 212.07(1),(8), 212.08(4),(5)(a),(e),(6),(7)(a),(b),(c),(d), (f),(h),(i),(k),(q),(v),(x),(cc),(nn),(8), 212.085, 212.13(4), (5)(c),(d), 212.17(6), 212.18(2),(3), 212.21(2), 213.053(10), 213.12(2), 213.37, 403.715 FS., ss. 21, 22, 23, 24, Ch. 99-208, L.O.F.

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

TIME AND DATE: 10:00 a.m., May 22, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet L. Young, (850)922-9407 and Vicki Allen, (850)922-4846, Tax Law Specialists, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips, (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-1.001 Specific Exemptions.

(1) through (2) No change.

~~(3) RELIGIOUS, EDUCATIONAL, CHARITABLE, VETERANS' AND SCIENTIFIC ORGANIZATIONS, HOMES FOR THE AGED, NURSING HOMES OR HOSPICES, FEDERAL AND STATE CHARTERED CREDIT UNIONS, FLORIDA RETIRED EDUCATORS ASSOCIATION AND LOCAL CHAPTERS, ORGANIZATIONS PROVIDING SPECIAL EDUCATIONAL AND SOCIAL BENEFITS TO MINORS,~~

~~STATE THEATER CONTRACT ORGANIZATIONS, MILITARY MUSEUM FUNDRAISERS, COAST GUARD AUXILIARIES, AND CEMETERY ASSOCIATIONS.~~

~~(a) A sale or lease directly to or sales or leases of tangible personal property by churches, or a sale or lease directly to nonprofit religious, nonprofit educational, nonprofit charitable institutions, and veterans' organizations, for use in the course of their customary nonprofit religious, nonprofit educational, nonprofit charitable activities, and for use by veterans' organizations, including church cemeteries, are exempt from the tax imposed by Chapter 212, F.S. Also exempt are scientific organizations and organizations providing special educational and social benefits to minors; State Theater Contract Organizations; Florida Retired Educators Association; and certain nonprofit corporations qualified as homes for the aged or licensed as a nursing home or hospice. However, such institutions or organizations desiring to qualify for the exemption must obtain from the Department of Revenue a consumer's certificate of exemption, and payment must be made directly to the dealer by the exempt entity. See subparagraph (9)(d)2. of this rule for a suggested document to be provided the dealer by an employee who has been authorized to make purchases on behalf of a nonprofit organization when payments are made directly to the dealer by the exempt entity. This exemption shall not inure to any transaction otherwise taxable when payment is made by an exempt entity's employee by any means, including but not limited to, cash, check, or credit card, when that employee is subsequently reimbursed by the exempt entity. See Rules 12A-1.038 and 12A-1.039, F.A.C.~~

~~(b) With the exceptions noted below, sales or rentals of tangible personal property, rentals or leases of transient rental accommodations, rentals or leases of real property, rentals or leases of parking, docking, or tie down spaces, admissions, or other transactions subject to the tax imposed by Chapter 212, F.S., made by exempt entities are taxable. Such entities are required to register in the same manner as other dealers and collect and remit tax on transactions which are subject to the tax imposed by Chapter 212, F.S. For admission charges imposed by not for profit sponsoring organizations qualifying under the provisions of s. 501(c)(3) of the U.S. Internal Revenue Code, see Rule 12A-1.005(3)(g), F.A.C. Sales or leases of tangible personal property by churches are exempt. Sales or leases by the following organizations are exempt from the tax imposed pursuant to Chapter 212, F.S.:~~

~~1. Homes for the aged, nursing homes, or hospices, pursuant to s. 212.08(7)(m), F.S.;~~

~~2. Organizations providing special educational, cultural, recreational, and social benefits to minors, pursuant to s. 212.08(7)(n), F.S.;~~

~~3. State theater contract organizations, pursuant to 212.08(7)(r), F.S.;~~

4. Coast Guard auxiliaries, pursuant to s. 212.08(7)(cc), F.S.;

5. Citizen support organizations, pursuant to s. 212.08(7)(kk), F.S.;

6. Nonprofit cooperative hospital laundries, pursuant to s. 212.08(7)(nn), F.S.

(e) Church” means a religious institution having an established physical place of worship where persons regularly assemble for worship and instruction for religious purposes. Religious organizations whose functions are radio or television broadcasting or those organizations conducting services for short periods of time at temporary locations, and religious associations that provide administrative functions only, are not considered to be churches.

(d) “Religious institutions” means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term “religious institutions” includes:

1. Nonprofit corporations, the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees.

2. State, district, or other governing or administrative offices whose function is to assist or regulate the customary activities of religious organizations or members within the state or district organization.

3. Any corporation qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code, 1986, as amended, that owns and operates a Florida television station of which 90 percent of the station’s programming consists of programs of a religious nature. In addition, in excess of 50 percent of the financial support for the corporation, exclusive of receipts for broadcasting from other nonprofit organizations, must come from contributions from the general public.

(e) Furniture purchased by a church for the parsonage, rectory, or church home for the pastor with title to such furniture remaining in the name of the church is exempt.

(f)1. Nonprofit educational institutions must hold consumer’s certificates of exemption in order to be exempt from payment of tax on materials and supplies which are purchased for use by them in their customary educational activities. See Rules 12A-1.038 and 12A-1.039, F.A.C.

2.a. “Educational institutions” shall mean state tax supported or parochial, church and nonprofit private schools, colleges, or universities conducting regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and Schools, State Department of Education, Florida Council of Independent Schools, or the Florida Association of Christian Colleges or nonprofit private schools which conduct regular classes and courses of study accepted for continuing education credit by a Board of the Division of Medical Quality Assurance of the

Department of Professional Regulation or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association.

b. The term “educational institutions” includes any educational television or radio network or system established pursuant to s. 229.805, F.S., or s. 229.8051, F.S., and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(3), United States Internal Revenue Code.

e. The term “educational institutions” shall also include private nonprofit organizations whose primary purpose is to raise funds for schools teaching grades kindergarten through high school, colleges, and universities.

d. The term “educational institutions” also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members.

e. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and are eligible for exemption.

f. The term “educational institutions” includes any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. For the taxability of the sale of newspapers by educational institutions see Rule 12A-1.008(10), F.A.C.

g. On or after July 1, 1994, the term “educational institutions” includes a nonprofit educational cable consortium which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, 1986, as amended, whose primary purpose is the delivery of educational and instructional cable television programming and whose members are composed exclusively of educational organizations which hold a valid consumer’s certificate of exemption and which are either an “educational institution” as defined in this paragraph or qualified as a nonprofit organization pursuant to s. 501(c)(3) of the Internal Revenue Code, 1986, as amended.

(3) ART SOLD TO OR USED BY AN EDUCATIONAL INSTITUTION.

(a)3-a. A “work of art,” as defined in s. 212.08(7)(cc)(dd)8., F.S., is exempt from sales and use tax if the work of art is sold to or used by an educational institution, as defined in s. 212.08(7)(cc)8., F.S. subparagraph 2., or if it is purchased in Florida or imported into Florida within six months from the date of purchase by any person exclusively for the purpose of being donated to, or being loaned to and made available for display by, an educational institution. A work of art is presumed to have been purchased in or imported into this state exclusively for loan to an educational institution if it is so loaned or placed in storage in preparation for such a

loan within 90 days after purchase or importation, whichever is later. A work of art will not be deemed to be "in storage" for purposes of this subsection if it is displayed at any place other than an educational institution.

(b) The purchaser or his authorized agent must: (1) complete an affidavit documenting entitlement to the exemption provided in s. 212.08(7)(cc)(dd), F.S., (2) present the affidavit to the seller of the work of art, and (3) forward a copy of the affidavit to the Department of Revenue when it is presented to the vendor. A purchaser may authorize his or her agent to execute such affidavit by a documented Power of Attorney filed with the Department. The Department prescribes Form DR-835, Power of Attorney (incorporated by reference in Rule 12C-1.051 12A-1.097, F.A.C.), as the form to be used for such purposes.

(c) The following is a suggested format of the affidavit to be provided by the purchaser or the authorized agent to the vendor of the work of art:

AFFIDAVIT FOR EXEMPTION OF A WORK OF ART TO BE DONATED OR LOANED TO AN EDUCATIONAL INSTITUTION

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

Personally appears the below named affiant, who being duly sworn, deposes and says:

1. I claim exemption under s. 212.08(7)(cc)(dd), F.S., from Florida sales and use tax on the work(s) of art, described below, purchased in Florida or imported into Florida exclusively for the purpose of being (check one).

a. \_\_\_\_\_ donated to \_\_\_\_\_, an educational institution as defined in s. 212.08(7)(cc)(e)2.d., F.S.

b. \_\_\_\_\_ loaned to \_\_\_\_\_, an educational institution as defined in s. 212.08(7)(cc)(e)2.d., F.S.

2. If a donation, title to the work(s) of art is being or will be transferred to the educational institution, and at the time of transfer, I will submit to the Department an affidavit evidencing the transfer of title.

3. If a loan:

a. The work(s) of art will be loaned to the educational institution or placed in storage in preparation for loan within 90 days after it was purchased in or imported into Florida. If placed in storage, it will not be displayed until such time as it is delivered to an educational institution.

b. I have entered into a written agreement with the educational institution providing for a loan of the work(s) of art and making the work(s) of art available to the educational institution for display for a term of not less than 10 years, or will do so before the transfer of possession of the work(s) of art to the educational institution occurs. A copy of the loan agreement will be provided to the Florida Department of Revenue at the time that the agreement is executed.

c. I understand that the exemption provided in s. 212.08(7)(cc)(dd), F.S., is allowed during the period of time in which the work(s) of art is in the possession of the educational institution, and

d. I understand that tax based upon the sales price as stated below will become due and payable at the time the provisions of s. 212.08(7)(cc)(dd), F.S., are no longer met, and the statute of limitations as provided in s. 95.091, F.S., will begin to run at that time. However, if I donate the work(s) of art to an educational institution after the loan ceases, no tax will be due.

4. A signed copy of this affidavit is being forwarded to the Florida Department of Revenue at the time the original is given to the seller of the work(s) of art.

Name of Purchaser \_\_\_\_\_

Purchaser's Permanent Address \_\_\_\_\_ (Street) \_\_\_\_\_ (City) \_\_\_\_\_ (State)

Name of Seller \_\_\_\_\_

Seller's Permanent Address \_\_\_\_\_ (Street) \_\_\_\_\_ (City) \_\_\_\_\_ (State)

DESCRIPTION OF WORK(S) OF ART \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Sales Price \_\_\_\_\_ Date of Sale \_\_\_\_\_

Name of Educational Institution \_\_\_\_\_

Institution's Address \_\_\_\_\_ (Street) \_\_\_\_\_ (City) \_\_\_\_\_ (State)

Educational Institution's Florida Consumer's Certificate of Exemption Number \_\_\_\_\_

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

\_\_\_\_\_  
(Signature of Purchaser or Authorized Agent)

Sworn to and subscribed before me  
this \_\_\_\_\_ day of  
\_\_\_\_\_ (Month), \_\_\_\_\_ (Year).

\_\_\_\_\_  
Notary Public, State of Florida

My commission expires: \_\_\_\_\_

NOTARY SEAL

Personally known ( )

Produced Identification ( ) Type: \_\_\_\_\_

Original to be retained by the seller and made part of the seller's records

1st Copy to be submitted to the Florida Department of Revenue, Compliance Enforcement, Enforcement Operations, P. O. Box 6417, Tallahassee, Florida 32314-6417

2nd copy: Purchaser's copy

~~(d)~~ The following is a suggested format of an affidavit of transfer of title to be provided by the purchaser or the authorized agent to the educational institution, as defined in s. 212.08(7)(cc)8.(e)2.d., F.S., upon donation of a work of art to that institution:

AFFIDAVIT TRANSFERRING TITLE TO A WORK OF ART TO AN EDUCATIONAL INSTITUTION

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Personally appears the below named affiant, who being duly sworn, deposes and says:

1. I claim exemption under s. 212.08(7)(cc)(dd), F.S., from Florida sales and use tax on the work(s) of art described below that was purchased in Florida or imported into Florida for the exclusive purpose of being donated to \_\_\_\_\_, an educational institution as defined in s. 212.08(7)(cc)8.(e)2.d., F.S. A copy of the affidavit provided to the vendor of the work(s) of art at the time of purchase is attached.

2. Title to the work(s) of art has been, or is being, transferred to the educational institution, effective (date; no later than the date of this affidavit). Copies of any other documents evidencing the transfer of title to the educational institution are attached to this affidavit and are being forwarded to the Florida Department of Revenue with the affidavit.

3. A signed copy of this affidavit is being forwarded to the Florida Department of Revenue at the time the original is given to the educational institution.

Name of Transferor \_\_\_\_\_  
\_\_\_\_\_(City) \_\_\_\_\_(State)

DESCRIPTION OF WORK(S) OF ART \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Purchased \_\_\_\_\_

Name and Address of Person from Whom Purchased \_\_\_\_\_  
\_\_\_\_\_

Name of Educational Institution \_\_\_\_\_

Institution's Address \_\_\_\_\_(Street)  
\_\_\_\_\_(City) \_\_\_\_\_(State)

Educational Institution's Florida Consumer's Certificate of Exemption Number \_\_\_\_\_

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

\_\_\_\_\_  
(Signature of Transferor)

Sworn to and subscribed before me  
this \_\_\_\_ day of

\_\_\_\_\_(Month), \_\_\_\_\_(Year).

Notary Public, State of Florida

My commission expires: \_\_\_\_\_

NOTARY SEAL

Personally known ( )

Produced identification ( ) Type: \_\_\_\_\_

Original to be retained by the educational institution and made part of that institution's records

1st Copy to be submitted to the Florida Department of Revenue, Compliance Enforcement, Enforcement Operations, P. O. Box 6417, Tallahassee, Florida 32314-6417.

2nd copy: Donor's copy

~~(e)~~ The exemption provided to the purchaser of a work of art loaned to an educational institution is not terminated if the educational institution loans the work of art to another educational institution(s) and the physical custody of such work of art is returned to the lending educational institution at the termination of the loan agreement(s). Any educational institution which transfers possession of a work of art that is exempt under this subsection subparagraph to other educational institutions is required to notify the Department within 60 days of such transfers. The notification must include a description of the work of art, the name and address of the purchaser who loaned it, the names and addresses of each of the educational institutions receiving the work of art for display, and the time periods that the work of art will be displayed at each identified educational institution.

~~(f)~~ Any educational institution in this state that has received from a purchaser a work of art that which is exempt under this subsection subparagraph is required to notify the Department within 60 days that it has received the work of art. The notification to the Department must include a description of the work of art, the name and address of the purchaser who loaned it, and the date on which the transfer of possession occurred.

~~(g)~~ Any educational institution which displays a work of art received on loan that is exempt under s. 212.08(7)(cc)(dd), F.S., is required to maintain any written agreements, notifications, affidavits, and any other documentation which substantiates the educational institution's right to display the work of art until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under s. 95.091(3), F.S., and such documentation shall be made available to the Department upon request.

~~(h)~~ Any educational institution that transfers from its possession a work of art received on loan that is exempt under s. 212.08(7)(cc)(dd), F.S., is required to notify the Department within 60 days after the transfer, except for transfers which do not terminate the exemption provided by s. 212.08(7)(cc)(dd), F.S., for purposes such as storage, repairs, conservation and restoration, authentication, insurance examination, valuation, appraisal, research, photography and reproduction, or fumigation during which the work of art is not displayed and the educational institution maintains documentation to substantiate that such transfers do not constitute a transfer of possession for purposes of display of such work of art. The

notification to the Department must include a description of the work of art, the name and address of the purchaser who loaned it, the name and address of to whom the work of art is transferred, and the date on which the transfer of possession occurred.

~~(i) Documents and notifications required to be provided to the Department should be mailed to the following address:~~

~~Florida Department of Revenue  
Compliance Enforcement  
Enforcement Operations  
P. O. Box 6417  
Tallahassee, Florida 32314-6417~~

~~(g)1. "Charitable institutions" means only nonprofit corporations qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code, 1954, as amended, and other nonprofit entities that meet the following requirements:~~

~~a. the sole or primary function is providing a "qualified charitable service" as defined in this subsection; and~~

~~b. a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service.~~

~~2. "Qualified charitable service" means:~~

~~a. Medical aid for the relief of disease, injury, or disability;~~

~~b. Regular provision of physical necessities such as food, clothing, or shelter;~~

~~c. Services for the prevention of or rehabilitation of persons from alcoholism or drug abuse; the prevention of suicide; or the alleviation of mental, physical, or sensory health problems; services include public education or awareness programs intended to relieve or prevent any disease, injury, or disability;~~

~~d. Social welfare services including adoption placement, child care, community care for the elderly, and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship;~~

~~e. Medical research for the relief of disease, injury, or disability;~~

~~f. Legal services;~~

~~g. Food, shelter, or medical care for animals or adoption services, cruelty investigations, or education programs concerning animals;~~

~~h. Providing volunteer manpower to charitable institutions as defined in this subsection; or~~

~~i. Raising funds for "charitable institutions" as defined in this subsection.~~

~~3.a. For the purpose of this subsection the following terms and phrases shall have the meaning ascribed to them except when the context clearly indicates a different meaning:~~

~~I. "Persons unable to pay" means persons whose annual income is 150 percent or less of the current Federal Poverty Guidelines or whose uncompensated hospital charges exceed~~

~~25 percent of their annual family income for the preceding 12 months. A charity day shall be computed from the amount of uncompensated services to persons unable to pay. However, in no case shall any of the hospital's charges for an individual or family whose income exceeds four (4) times the Federal Poverty Level for a family of four be considered charity days.~~

~~II. Example: The Smith family (family of four) whose annual family income for 1986 was \$20,000 had a catastrophic illness affect one of their children. The hospital bill which their insurance did not cover amounted to \$7,000, which represented thirty five (35) percent of their current salary.~~

~~b. The hospital may include those days stayed at the hospital by the child as a charity day if the outstanding balance is uncollectible. The hospital may include this total even though the family's income exceeds the Federal Poverty Level by over 170 percent because the uncompensated portion of the hospital bill exceeds 25 percent of the family's income.~~

~~e. For providers of low income housing, "persons unable to pay" means persons who qualify as "low income persons" pursuant to Florida's "State Housing Strategy Act."~~

~~d. "Substantially reduced cost" means the normal charge, market price, or fair market value to a purchaser or recipient, diminished in an amount of considerable quantity.~~

~~e. "Sole or primary function" means that a charitable institution, excluding hospitals, must establish and support its function as providing or raising funds for services as outlined in subparagraphs 1. and 2. above, by expending in excess of 50.0 percent of the charitable institution's operational expenditures towards "qualified charitable services", as defined in subparagraph 2.a.g., within the charitable institution's most recent fiscal year.~~

~~4.a. For charitable institutions other than hospitals, a "reasonable percentage" of the charitable services provided free or at a substantially reduced cost to those unable to pay will be determined by the particular circumstances of each institution. The following factors shall be considered in determining whether a nonprofit entity is providing a reasonable percentage of its charitable services free of charge or at a substantially reduced cost to persons, animals, or institutions unable to pay for such services:~~

~~I. services are provided free of charge;~~

~~II. services are provided at a substantially reduced cost to the recipient;~~

~~III. available services are provided to anyone who requests the service without regard to ability to pay;~~

~~IV. the ratio of services offered without cost or at a substantially reduced cost to the cost of all services provided;~~

~~V. the fair market value of the provided services offered free or at a substantially reduced cost compared to the amount of sales tax savings to the institution resulting from exemption;~~

~~VI. the likelihood that due to the nature of the services provided and the geographic area in which the services are provided, the services will be delivered to those unable to pay;~~

VII. medical research services and public education and awareness programs are intended to benefit the public in that they are directed toward or involve diseases, injuries, or disabilities which can affect members of the public.

b. If a charitable institution, other than a hospital, does not screen to determine whether its clientele are unable to pay, the institution may submit to the Department a statement signed by an officer or director of the institution which specifies the institution's best good faith estimate of the percentage of its services provided without charge or at a substantially reduced cost to persons unable to pay and the basis for the estimate.

e. For hospitals, meaning only those institutions as defined in Part I, Chapter 395, F.S., and subject to the licensing requirements of Part I, Chapter 395, F.S., a reasonable percentage of charitable services provided without cost to those unable to pay shall be computed by the hospital, using one of the following methods:

I. The ratio of uncompensated charity days and medicaid days (numerator) compared to total acute care inpatient days (denominator), should be greater than or equal to 2.5 percent.

II. The ratio of uncompensated charity days and medicaid days (numerator) compared to total acute care inpatient days minus medicare days (denominator) shall be greater than or equal to 5 percent. These figures used to compute charity days, medicaid days, total acute care inpatient days, and medicare days shall be those reported to and accepted by the Health Care Cost Containment Board.

(h) Political subdivisions of the state and public libraries which qualify for and maintain a current sales tax exemption certificate under s. 212.08(6) or (7), F.S., shall utilize their certificates to purchase, with funds provided by the following groups, equipment, supplies, and items necessary for the operation of the group or organization:

1. School districts shall purchase necessary goods and services requested by parent teacher organizations.

2. Counties and municipalities shall purchase necessary goods and services requested by REACT groups, neighborhood crime watch groups, and state or locally recognized organizations solely engaged in youth activities identical to those discussed in s. 212.08(7)(n), F.S.

3. Public libraries shall purchase necessary goods and services requested by groups solely engaged in fund-raising activities for such libraries.

(i) A sale or lease directly to or by a nonprofit corporation which holds a current exemption from federal corporate income tax pursuant to s. 501(c)(3), United States Internal Revenue Code, 1954, as amended, and which either qualifies as a home for the aged pursuant to s. 196.1975(2), F.S., or is licensed as a nursing home or hospice under the provisions of Chapter 400, F.S., is exempt from the tax imposed by Chapter 212, F.S., providing such entity holds a consumer's certificate of exemption. See Rules 12A-1.038 and 12A-1.039, F.A.C.

(j) Sales or leases to the state headquarters of veterans' organizations and the state headquarters of their auxiliaries, when used in carrying out their customary veterans organization activities, are exempt from payment of the tax imposed by Chapter 212, F.S., providing such organizations hold a consumer's certificate of exemption. If the organization or its auxiliary does not maintain a permanent state headquarters, the transactions involving sales or leases used to maintain the office of the highest ranking state official are exempt. See Rules 12A-1.038 and 12A-1.039, F.A.C. "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or s. 501(c)(19) of the Internal Revenue Code.

(k)1. The term "scientific organizations" means scientific organizations in Florida holding a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. This term also means organizations whose purpose is to protect air and water quality or protect wildlife in Florida and which hold current exemptions from the federal income tax under s. 501(c)(3) of the Internal Revenue Code.

2. Sales or leases directly to nonprofit scientific organizations are exempt from the tax imposed by Chapter 212, F.S., providing such organizations hold a consumer's certificate of exemption. See Rules 12A-1.038 and 12A-1.039, F.A.C.

(l) A chamber of commerce is not entitled to exemption on its purchases as it is not a religious, educational, or charitable institution. The funds derived from the cities and counties by taxation paid to the chamber of commerce do not exempt it on the expenditure of those funds unless the purchases involved are made directly by the city or county.

(m) Unless qualified as hereinbefore provided, civic, commercial, cooperative, fraternal, social, labor, and veterans' organizations are not exempt organizations under Chapter 212, F.S. Sales and rentals made to or by them are taxable in the same manner as those made to or by other "dealers".

(n) Sales to or purchases by federally chartered and state chartered credit unions are exempt from the tax imposed by Chapter 212, F.S. Each credit union claiming the exemption should apply to the Department for a consumer's certificate of exemption.

(o) Nonprofit organizations incorporated in accordance with Chapter 617, F.S., which have qualified under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended, and which have been designated as State Theater Contract Organizations as provided in s. 265.289, F.S., shall be exempt from any tax imposed by Chapter 212, F.S.

(p) Sales to or purchases by the Florida Retired Educators Association and Local Chapters of office supplies, equipment, and publications only are exempt from tax imposed by Chapter 212, F.S. See Rules 12A-1.038 and 12A-1.039, F.A.C.

(q) Nonprofit organizations providing special educational, cultural, recreational, and social benefits to minors which are incorporated pursuant to Chapter 617, F.S., or which hold a current exemption from federal corporate income tax pursuant to s. 501(c)(3) of the United States Internal Revenue Code whose primary purpose is providing activities which contribute to the development of good character, good sportsmanship, or to the educational or cultural development of minors are exempt from the tax imposed by Chapter 212, F.S. "Primary purpose" means that the applicant for this exemption must establish and support its function by expending in excess of 50% of the organization's total expenditures towards the referenced activities within the organization's most recent fiscal year. For purposes of making exempt purchases, such organizations must hold a consumer's certificate of exemption. (See Rules 12A-1.038 and 12A-1.039, F.A.C.) This exemption is extended only to that level of the organization that has a salaried executive officer or an elected non-salaried executive officer.

(r) Sales to nonprofit corporations which hold a current exemption from federal corporate income tax pursuant to s. 501(c)(3), United States Internal Revenue Code, 1954, as amended, whose primary purpose is to raise money for military museums are exempt from the payment of the tax imposed by Chapter 212, F.S., providing such nonprofit corporations hold a consumer's certificate of exemption. See Rules 12A-1.038 and 12A-1.039, F.A.C.

(s) On or after July 1, 1992, sales or leases directly to or purchases or use by Coast Guard auxiliaries are exempt from the tax imposed by Chapter 212, F.S., if the Coast Guard auxiliary holds a consumer's certificate of exemption and presents it to the dealer at the time of sale. For purposes of this paragraph, "Coast Guard auxiliaries" are defined as nonprofit organizations affiliated with the United States Coast Guard which are exempt from federal income tax under ss. 501(a) and 501(c)(3) of the U.S. Internal Revenue Code of 1986, as amended, and the primary purpose of which is to promote safe boating and to conduct free classes in basic seamanship. (See Rules 12A-1.038 and 12A-1.039, F.A.C.)

(t) On or after July 1, 1992, sales or leases directly to or purchases or use by a nonprofit corporation, operated for the purpose of maintaining a cemetery that was donated to the community by deed, that has qualified under s. 501(c)(13) of the U.S. Internal Revenue Code of 1986, as amended, are exempt from the tax imposed by Chapter 212, F.S., if the nonprofit corporation holds a consumer's certificate of exemption and presents it to the dealer at the time of sale. (See Rules 12A-1.038 and 12A-1.039, F.A.C.)

(4) through (8) No change.

(9) GOVERNMENTAL UNITS.

(a) All sales made directly to the United States Government, a state, or any county, municipality, or political subdivision of a state are exempt, except machines, equipment, parts, and accessories therefor used in the generation, transmission, or distribution of electricity. Except for purchases by employees of the United States Government, this exemption is not available for any taxable transaction when payment is made by a governmental employee by use of personal funds, including cash, checks, or credit cards, when the employee is subsequently reimbursed by the governmental entity. Payment must be made directly to the dealer by the governmental entity of a state, or any county, municipality, or political subdivision of a state. Purchases made by Federal employees on behalf of their agency are exempt even though the employee is subsequently reimbursed by the agency. Such governmental entities desiring to qualify for the exemption must obtain from the Department of Revenue a consumer's certificate of exemption (see Rule 12A-1.038 and 12A-1.039, F.A.C.). The exemption provided in this subsection shall be strictly defined, limited, and applied to each entity as provided herein.

(b) through (c) renumbered (a) through (b) No change.

(d) Vendors are required to document exempt sales. Federal employees, other government employees, and employees of nonprofit organizations described in subsection (3) of this rule shall provide the vendor with proper documentation of the exempt nature of the sale.

1. A suggested format of the document to be provided by Federal employees to their vendors is the following:

FEDERAL EMPLOYEE'S CERTIFICATE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SELLING DEALER'S NAME

\_\_\_\_\_  
SELLING DEALER'S ADDRESS

I, the undersigned, am an employee of the Federal agency identified below. The purchase or lease of tangible personal property or services or the rental of living accommodations on (DATE[S]) from the business identified above is in pursuit of my employer's affairs. The Government of the United States either will pay the seller directly, or will provide reimbursement to the employee for the actual cost of the purchase or lease of tangible personal property, services, or sleeping accommodations made on this date(s). Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true.

SIGNATURE OF EMPLOYEE

CONSUMER'S CERTIFICATE OF EXEMPTION NUMBER

NAME OF FEDERAL AGENCY

ADDRESS OF FEDERAL AGENCY

THIS CERTIFICATE MAY NOT BE USED TO MAKE EXEMPT PURCHASES OR LEASES OF TANGIBLE PERSONAL PROPERTY OR SERVICES OR RENTAL OF LIVING ACCOMMODATIONS FOR THE PERSONAL USE OF ANY INDIVIDUAL EMPLOYED BY A UNITED STATES GOVERNMENT AGENCY. PROPER IDENTIFICATION IS REQUIRED BEFORE THIS CERTIFICATE MAY BE ACCEPTED BY THE SELLER.

THIS CERTIFICATE MAY NOT BE USED TO MAKE PURCHASES OR LEASES OF TANGIBLE PERSONAL PROPERTY OR SERVICES OR RENTAL OF LIVING ACCOMMODATIONS FOR THE PERSONAL USE OF ANY INDIVIDUAL REPRESENTING THE EXEMPT ENTITY IDENTIFIED ABOVE.

(10) through (21) No change.

2. A suggested format of the document to be provided by other government employees or employees of nonprofit organizations to their vendors is the following:

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 92-525, 212.02(10),(12),(16),(20),(21), 242-03, 242-031, 242-04, 212.05, 212.0515, 212.06(2),(9), 212.08(4),(5)(a),(c),(6),(7)(a),(b),(c),(d),(f),(g),(h),(i), (k),(l),(m),(n),(o),(p),(q),(r),(s),(t),(v),(x),(bb),(cc),(dd),(8), 212.085, 242-17, 242-18, 243-12(2), 213.37, 403.715 FS. History- Revised 1-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 7-19-72, 12-11-74, 5-27-75, 10-21-75, 9-7-78, 9-28-78, 10-18-78, 9-16-79, 2-3-80, 6-3-80, 7-7-80, 10-29-81, 12-3-81, 12-31-81, 7-20-82, 11-15-82, 10-13-83, 4-12-84, Formerly 12A-1.01, Amended 7-9-86, 1-2-89, 12-1-89, 7-7-92, 9-14-93, 5-18-94, 12-13-94, 3-20-96, 4-2-00, 6-28-00.

EMPLOYER'S AUTHORIZATION TO MAKE PURCHASES ON BEHALF OF AN EXEMPT GOVERNMENTAL OR NONPROFIT ORGANIZATION

12A-1.0161 Sales and Use Tax on Services; Sale for Resale.

DATE

(1) through (3) No change.

TO: SELLING DEALER'S NAME

(4)(a) Sales of services made directly to the United States Government, a state, any county, municipality, or political subdivision of a state, or any qualifying nonprofit religious, nonprofit charitable, nonprofit educational, nonprofit veterans', or nonprofit scientific organization or institution, are exempt from tax.

SELLING DEALER'S ADDRESS

(b) Also exempt are sales made to nonprofit corporations who hold a current federal exemption under section 501(c)(3) of the Internal Revenue Code, if the corporation's primary purpose is:

I, the undersigned, am a representative of the exempt governmental or nonprofit organization identified below. The purchase or lease of tangible personal property or services or the rental of living accommodations made on (DATE[S]) from the business identified above is for use by the exempt governmental or nonprofit organization identified below. The charges for the purchase or lease of tangible personal property or services or the rental of living accommodations from the dealer identified above will be billed to and paid directly by the exempt governmental or nonprofit organization. Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true.

- 1. To raise funds for military museums;
2. To operate homes for the aged pursuant to s. 196.1975(2), Florida Statutes;
3. To operate nursing homes licensed under Chapter 400, Florida Statutes;
4. To provide special educational, cultural, recreational, and social benefits to minors; or
5. To operate a facility which has been designated as a State Theater Program facility by s. 265.287, Florida Statutes.

AUTHORIZED SIGNATURE ON BEHALF OF EXEMPT ENTITY

(c) Sales made to these governmental entities, nonprofit organizations, institutions, or corporations will be considered exempt only if the governmental entity, nonprofit organization, institution, or corporation holds a consumer's certificate of exemption and presents it to the service provider at the time of sale, except that such sales made to the United State Government are exempt with or without a consumer's certificate of exemption.

NAME OF EXEMPT ENTITY

(d) The following is a suggested format for an exemption certificate to be used when making sales of services to governmental units or other exempt entities.

ADDRESS OF EXEMPT ENTITY



This is to certify that the service(s) purchased on or after \_\_\_\_\_ (date) from \_\_\_\_\_ (name) pursuant to \_\_\_\_\_ (contract number or other form of agreement) is purchased by a governmental entity, nonprofit organization, institution, or corporation which holds a consumer's certificate of exemption.

Purchaser \_\_\_\_\_  
Address \_\_\_\_\_  
By \_\_\_\_\_  
\_\_\_\_\_  
(Signature)

Date \_\_\_\_\_

Consumer's Certificate of Exemption No. \_\_\_\_\_

Effective Date of Certificate \_\_\_\_\_

Expiration Date of Certificate \_\_\_\_\_

~~(4)(5)(a)~~ A sale of a service is a sale for resale and is exempt from sales tax when the service is later sold under the following conditions:

~~(a)1-~~ The service provides a direct and identifiable benefit to a single client or customer of the purchaser; and

~~(b)2-~~ The purchaser of the service buys the service pursuant to a written contract (or other evidence sufficient for audit purposes) with the seller which specifically designates the client or customer on whose behalf the purchaser is buying the service; and

~~(c)3-~~ The purchaser of the service separately states the value of the service in the charge for the service when it is subsequently sold to the purchaser's client or customer; and

~~4. The selling dealer obtains a resale certificate from a purchasing dealer who is primarily engaged in the business of selling taxable services. In order to purchase a service tax exempt as a sale for resale, the purchaser's sales tax number must end in digits 92 or 93.~~

~~(d)5- The selling dealer complies with the provisions of Rule 12A-1.039, F.A.C., with regard to documenting sales for resale. When a sale of a service is made to a person who claims to be entitled to purchase services for resale, the seller of the service being a duly registered dealer pursuant to Chapter 212, F.S., shall obtain from the purchaser of the service a resale certificate. The resale certificate, executed by the purchaser of the service, shall contain a statement to the effect that the service is being purchased exclusively for resale and the statement shall include the following information:~~

- ~~a. The name of the person selling the service;~~
- ~~b. The purchaser's Certificate of Registration Number;~~
- ~~c. The effective date of the purchaser's Certificate of Registration;~~
- ~~d. The purchaser's name and address;~~
- ~~e. The signature of the person executing the statement; and~~
- ~~f. The date of execution of the statement.~~

~~(b) The following is a suggested service resale certificate to be completed by the purchaser and presented to the seller on each purchase of a service for resale:~~

This is to certify that the service(s) purchased on \_\_\_\_\_ (date) from \_\_\_\_\_ (name) pursuant to \_\_\_\_\_ (contract number or other form of agreement) is purchased for resale.

Purchaser \_\_\_\_\_  
Address \_\_\_\_\_  
By \_\_\_\_\_  
\_\_\_\_\_  
(Signature)

Date \_\_\_\_\_

Certificate of Registration No. \_\_\_\_\_

Effective Date of Certificate \_\_\_\_\_

~~(e) Any dealer who makes a sale for resale of a service which is not in compliance with the provisions of this subsection shall himself be liable for and pay the tax.~~

~~(6) through (13) renumbered (5) through (12) No change.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(b),(j), 212.054, 212.055, 212.0596(7), 212.06(1)(a),(2)(k), 212.07(1)(b),(8), 212.08(7)(v) FS. History--New 5-13-93, Amended 1-4-94, 10-17-94, 3-20-96, 4-2-00, \_\_\_\_\_.

(Substantial rewording of Rule 12A-1.038 follows. See Florida Administrative Code for present text.)

12A-1.038 Consumer's Certificate of Resale and Exemption; Exemption Certificates.

(1) It is the specific legislative intent that each and every sale, admission, use, storage, consumption, or rental is taxable, unless such sale, admission, use, storage, consumption, or rental is specifically exempt. The exempt nature of the transaction must be established by the selling dealer. Unless the selling dealer shall have taken from the purchaser the required documentation as provided in subsections (3), (4), or (5) of this rule, the sale shall be deemed to be taxable. Subsection (3) of this rule governs sales made to exempt entities (other than governmental units) that hold a Consumer's Certificate of Exemption. Subsection (4) of this rule governs sales made directly to governmental units. Subsection (5) of this rule governs sales exempt based on the use of the property or services.

(2) HOW TO OBTAIN A CONSUMER'S CERTIFICATE OF EXEMPTION.

(a)1. Any organization determined by the Internal Revenue Service to be currently exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, any state, county, municipality, or other political subdivision of a state, qualifying for the exemption provided in s. 212.08(6), F.S., any state chartered credit union qualifying for exemption under s. 213.12(2), F.S., and any other organization qualifying for exemption under s. 212.08(7), F.S., desiring to qualify for these exemptions must obtain a Consumer's Certificate of Exemption. Any limited liability company determined by the Internal Revenue Service to be currently exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as

amended, must obtain a separate Consumer's Certificate of Exemption, even though its parent corporation may currently hold a Consumer's Certificate of Exemption. The United States Government or any of its federal agencies is not required to obtain a Consumer's Certificate of Exemption.

2. To obtain a Consumer's Certificate of Exemption, the organization must file an Application for a Consumer's Certificate of Exemption (Form DR-5, incorporated by reference in Rule 12A-1.097, F.A.C.) and documentation sufficient to substantiate the applicant's claim for exemption with the Department. The Department will issue a Consumer's Certificate of Exemption (form DR-14) to each applicant qualifying for exemption under s. 212.08(6) or (7), F.S., or s. 213.12(2), F.S.

(b) A Consumer's Certificate of Exemption will be valid from its "Issue Date" through its "Expiration Date," as indicated on the certificate (form DR-14). Any dealer selling taxable property, services, or admissions to an exempt entity prior to the date of issue, or after the date of expiration, indicated on the exempt entity's Consumer's Certificate of Exemption, is required to collect tax. An entity whose Consumer's Certificate of Exemption has been revoked by the Department is prohibited from extending a copy of its certificate to purchase taxable property, services, or admissions exempt from tax. However, a selling dealer who accepts in good faith a copy of a Consumer's Certificate of Exempt that appears valid and current on its face will not be liable for any applicable tax due on sales to the entity or subject to other punitive actions.

(c) Pursuant to the requirements of s. 120.60(3), F.S., the Department will notify an applicant when it intends to deny the applicant a Consumer's Certificate of Exemption by issuing the applicant a Notice of Intent to Deny. The Notice of Intent to Deny notifies the applicant of the Department's intended action and the facts and legal authority which support that intended action.

(d) In order to challenge the denial of an application for a Consumer's Certificate of Exemption, the applicant receiving a Notice of Intent to Deny must request an administrative hearing under the provisions of s. 120.57, F.S. The Request for Hearing must be delivered to the Department by hand delivery or mail within 21 days from the date of issuance of the Notice of Intent to Deny. If the Request for Hearing is filed with the Department by mail, the date of the postmark will be the date the Request for Hearing is deemed filed for purposes of the 21-day time computation. The Request for Hearing must be delivered to:

Office of the General Counsel  
Department of Revenue  
501 South Calhoun Street  
Carlton Building  
Post Office Box 6668  
Tallahassee, Florida 32314-6668.

(e) The Request for Hearing must contain the following:

1. The name and address of the entity opposing the denial of a Consumer's Certificate of Exemption;

2. The case number of the application for a Consumer's Certificate of Exemption;

3. A statement requesting an administrative hearing;

4. A statement specifying the factual allegations in the Notice of Intent to Deny that the entity disputes;

5. A statement setting forth any other factual or legal issues that the entity intends to raise in protest of the Department's intended action;

6. A statement that the entity will be substantially affected by the denial of the application for a Consumer's Certificate of Exemption and why the entity will be so affected;

7. A request for relief;

8. The name and title of the person submitting the Request for Hearing;

9. The signature of the person submitting the Request for Hearing; and

10. The date of the Request for Hearing.

(3) SALES MADE TO EXEMPT ENTITIES OTHER THAN GOVERNMENTAL UNITS.

(a) An entity that holds a valid Consumer's Certificate of Exemption (form DR-14) issued by the Florida Department of Revenue may extend a copy of its certificate to the selling dealer to purchase or rent taxable property, admissions, or services used for its authorized tax exempt purpose in lieu of paying sales tax. Purchases of property, admissions, or services used for the entity's authorized tax exempt purposes must be made with the purchasing entity's funds and may not be made with personal funds of the purchasing entity's authorized representative. When the payment for taxable property, admissions, or services is made with an authorized representative's personal funds, the purchase is subject to tax, even if the representative is subsequently reimbursed with the entity's funds.

(b) To make purchases or rentals for the purposes of resale, the entity must be registered as a sales tax dealer and issue the selling dealer an Annual Resale Certificate (form DR-13), as provided in Rule 12A-1.039, F.A.C.

(c) It is the exempt entity's responsibility to determine whether the purchase or rental will be used for its authorized tax exempt purpose or for the purposes of resale and to provide the proper documentation to the selling dealer. In lieu of obtaining a copy of the entity's valid Consumer's Certificate of Exemption, the selling dealer may obtain a Transaction Authorization Number or a Vendor Authorization Number from the Department when making a tax exempt sale to the entity. A selling dealer who accepts in good faith a copy of an entity's valid Consumer's Certificate of Exemption or Annual Resale Certificate, or a Transaction Authorization Number or Vendor Authorization Number issued by the Department will not be held liable for any tax due on sales made to the entity

during the effective dates indicated on the certificate or the effective dates of the authorization number. The selling dealer must maintain the required authorization numbers and certificates in its books and records for the time period provided in subsection (6) of this rule.

(d) An exemption certificate granted by any other state, District of Columbia, or territory of the United States to the selling dealer is not sufficient to make tax-exempt purchases or rentals in Florida. The fact that an entity holds an exemption from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, is not sufficient to make tax exempt purchases or rentals in Florida.

(e) An entity holding a valid Consumer's Certificate of Exemption may not extend a copy of its certificate to a contractor to be applied to contracts for the construction or improvement of real property. See Rule 12A-1.094, F.A.C., for guidance on direct purchases by governmental entities of construction materials in real property projects.

(f) The validity of a Consumer's Certificate of Exemption may be verified by calling the Department of Revenue's touch tone telephone authorization system at 1-877-357-3725. Persons with hearing or speech impairments may call the Department's TDD, at 1-800-367-8331.

(g)1. TRANSACTION AUTHORIZATION NUMBER ISSUED AT POINT-OF-SALE – VALID FOR A SINGLE TRANSACTION ONLY. In lieu of obtaining a copy of the exempt entity's valid Consumer's Certificate of Exemption, the selling dealer may obtain a Transaction Authorization Number or a Vendor Authorization Number from the Department when making a tax exempt sale to the exempt entity or its authorized representative.

2. The selling dealer may obtain a transaction authorization number at the point-of-sale by calling the Department's automated nationwide toll-free verification system at 1-877-357-3725. Using a touch-tone telephone, the selling dealer is prompted to key in the purchaser's Consumer's Certificate of Exemption Number. The system will either issue a 13-digit transaction authorization number or alert the selling dealer that the purchaser does not have a valid Consumer's Certificate of Exemption. Selling dealers who do not have a touch-tone telephone will be connected to a live operator during the hours of 8:00 a.m. to 7:00 p.m. (Eastern Time), Monday through Friday. Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

3. The selling dealer must document the transaction authorization number on the sales invoice, purchase order, or other document that is prepared by the purchaser or the selling dealer to document the tax exempt purchase by the exempt entity.

4. A transaction authorization number is valid for a single sales transaction and is not valid to properly document subsequent sales made to the same entity. The selling dealer must obtain a new vendor authorization number for subsequent tax exempt transactions.

(h)1. VENDOR AUTHORIZATION NUMBER FOR REGULAR CUSTOMERS – VALID FOR CALENDAR YEAR ISSUE. In lieu of obtaining a copy of the exempt entity's valid Consumer's Certificate of Exemption or a Transaction Authorization Number from the Department for each sale to the entity, the selling dealer may obtain a Vendor Authorization Number for that entity. This option is available to selling dealers throughout the calendar year without limitation.

2. The "vendor authorization number" is a customer-specific authorization number that will be valid for all sales made to an exempt entity during the calendar year.

3. To obtain vendor authorization numbers, the selling dealer must forward to the Department, using an electronic medium, a list of the dealer's regular customers for which the dealer has a Consumer's Certificate of Exemption number. The electronic format for sending the customer data may be obtained from the Department's web site at <http://sun6.dms.state.fl.us/dor/> or by calling the Department at 850-488-3516. In response to the request, the Department will issue to the selling dealer, using the same electronic medium, a list containing a unique vendor authorization number for each exempt entity who is a holder of a valid Consumer's Certificate of Exemption.

4. The selling dealer may make tax exempt sales to the exempt entity during the period in which the vendor authorization number for that entity is valid. Vendor authorization numbers are valid for the remainder of the calendar year during which they are issued. However, vendor authorization numbers issued by the Department in November or December are valid for the remainder of that calendar year and the next calendar year.

(4) SALES MADE DIRECTLY TO GOVERNMENTAL UNITS.

(a) Any state, or any county, municipality, or political subdivision of a state that holds a valid Consumer's Certificate of Exemption (form DR-14) issued by the Florida Department of Revenue may issue a copy of its certificate to the selling dealer to purchase or rent taxable items or services tax exempt in lieu of paying sales tax. The United States Government is not required to hold a Consumer's Certificate of Exemption to make tax exempt purchases and rentals.

(b) Payment for tax exempt purchases or rentals of property or services must be made directly to the selling dealer by the governmental unit of a state, or any county, municipality, or political subdivision of a state. Payments made with an authorized P-Card are considered to be made directly by the governmental unit. When the payment for taxable

property or services is made with the personal funds of an authorized representative of the governmental unit, the purchase is subject to tax, even if the representative is subsequently reimbursed with the governmental unit's funds. The authorized representative of any state, county, municipality, or political subdivision of a state, must CHOOSE ONE of the following methods to make tax exempt purchases or rentals:

1. Use an authorized Purchasing or Procurement Card ("P-Card") which indicates on its face that it is a Florida government purchasing card for official business only. Information printed on the front of the card will include the agency's name, the agency's Consumer's Certificate of Exemption number, the account number, the name of the cardholder (employee), and the expiration date. The selling dealer who accepts the "P-Card" should retain a copy of the face of the "P-card" to note the Consumer's Certificate of Exemption number, account number, and cardholder name for its books and records to properly document the exempt sale. When the selling dealer cannot copy the "P-Card," the dealer must retain the Consumer's Certificate of Exemption number, the account number, cardholder's name, and the expiration date of the "P-Card."

2. Issue a certificate containing the governmental unit's name, address, the Consumer's Certificate of Exemption Number, the effective date and expiration date of the Consumer's Certificate of Exemption, and the signature of an authorized representative of the governmental unit. The following is a suggested format of the certificate:

EMPLOYER'S AUTHORIZATION TO MAKE PURCHASES ON BEHALF OF AN EXEMPT GOVERNMENTAL UNIT

\_\_\_\_\_  
DATE

TO: \_\_\_\_\_

SELLING DEALER'S NAME

\_\_\_\_\_  
SELLING DEALER'S ADDRESS

I, the undersigned, am a representative of the exempt governmental unit identified below. The purchase or lease of tangible personal property or services or the rental of living quarters or sleeping accommodations made on or after \_\_\_\_\_ (DATE[S]) from the business identified above is for use by the exempt governmental unit identified below.

The charges for the purchase or lease of tangible personal property or services or the rental of living quarters or sleeping accommodations from the dealer identified above will be billed to and paid directly by the exempt governmental unit.

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

\_\_\_\_\_  
AUTHORIZED SIGNATURE ON BEHALF OF EXEMPT GOVERNMENTAL UNIT

\_\_\_\_\_  
NAME OF EXEMPT GOVERNMENTAL UNIT

\_\_\_\_\_  
ADDRESS OF EXEMPT GOVERNMENTAL UNIT

\_\_\_\_\_  
CONSUMER'S CERTIFICATE OF EXEMPTION NUMBER

THIS CERTIFICATE MAY NOT BE USED TO MAKE PURCHASES OR LEASES OF TANGIBLE PERSONAL PROPERTY OR SERVICES OR RENTAL OF LIVING ACCOMMODATIONS FOR THE PERSONAL USE OF ANY INDIVIDUAL REPRESENTING THE EXEMPT ENTITY IDENTIFIED ABOVE.

(c) The purchase or rental of property or services by employees authorized on behalf of a federal agency is exempt, even though the employee is subsequently reimbursed by the federal agency. The following is a suggested certificate format to be issued by federal employees to the selling dealer to make tax exempt purchases or rentals:

EXEMPTION CERTIFICATE TO BE USED BY FEDERAL EMPLOYEES

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SELLING DEALER'S NAME

\_\_\_\_\_  
SELLING DEALER'S ADDRESS

I, the undersigned am an employee of the federal agency identified below. The purchase or lease of tangible personal property or services or the rental of living quarters or sleeping accommodations on or after \_\_\_\_\_ (DATE[S]) from the business identified above is in pursuit of my employer's affairs. The Government of the United States either will pay the seller directly or will provide reimbursement to the employee for the actual cost of the purchase or lease of tangible personal property, services, or living quarters or sleeping accommodations made on this date(s).

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

\_\_\_\_\_  
SIGNATURE OF EMPLOYEE

\_\_\_\_\_  
NAME OF FEDERAL AGENCY

\_\_\_\_\_  
ADDRESS OF FEDERAL AGENCY

THIS CERTIFICATE MAY NOT BE USED TO MAKE EXEMPT PURCHASES OR LEASES OF TANGIBLE PERSONAL PROPERTY OR SERVICES OR RENTAL OF LIVING ACCOMMODATIONS FOR THE PERSONAL USE OF ANY INDIVIDUAL EMPLOYED BY A UNITED STATES GOVERNMENTAL AGENCY. PROPER IDENTIFICATION IS REQUIRED BEFORE THIS CERTIFICATE MAY BE ACCEPTED BY THE SELLER.

(d) To make purchases or rentals for the purpose of resale, the state, county, municipality, or political subdivision of a state must be registered as a sales tax dealer and extend to the selling dealer a copy of its Annual Resale Certificate (form DR-13), as provided in Rule 12A-1.039, F.A.C.

(e) It is the responsibility of the authorized representative of any state, county, municipality, or political subdivision of the state to determine whether the purchase is for use by the governmental unit or for the purpose of resale and to provide the documentation required in this subsection to the selling dealer. A selling dealer who accepts in good faith the required documentation or an Annual Resale Certificate will not be held liable for any tax due on sales made to the governmental unit during the effective time period indicated on the certificate obtained from the purchaser. The selling dealer must maintain the required documentation in its books and records for the time period provided in subsection (6) of this rule.

(5) SALES EXEMPT BASED ON THE USE OF THE PROPERTY OR SERVICES.

(a)1. The provisions of this subsection apply only to persons (other than the United States Government or any federal agency) who do not hold a Consumer's Certificate of Exemption (form DR-14) that purchase, lease, license, or rent tangible personal property or purchase services exempt from tax imposed under Chapter 212, F.S., based on the use of the property or service.

2. The provisions of this subsection do not apply to exemption affidavits required under the provisions of Chapter 212, F.S., and Rule Chapter 12A-1, F.A.C.; suggested certificates provided in other rule sections in Rule Chapter 12A-1, F.A.C.; or suggested certificates provided in Taxpayer Information Publications issued by the Department. The provisions of Chapter 212, F.S., Rule Chapter 12A-1, F.A.C., and Taxpayer Information Publications are available on the Department's Tax Law Library provided to the public on its Internet site at <http://sun6.dms.state.fl.us/dor>. Dealers are required to maintain the exemption affidavits and exemption certificates, as well as the certificates and documentation required in this rule section, in their books and records for the time periods provided in subsection (6) of this rule.

3. The provisions of this subsection do not apply to the tax exempt sale of utilities that are used by the purchaser exclusively for residential household purposes. Guidelines regarding the sale of utilities are provided in Rules 12A-1.053 and 12A-1.059, F.A.C.

4. The provisions of this subsection do not apply to purchases or rentals that are for resale. A person who desires to make purchases or rentals for resale must comply with the provisions of Rule 12A-1.039, F.A.C.

(b) Any person who is purchasing, renting, leasing, or licensing tangible personal property or services that qualify for an exemption from tax imposed under Chapter 212, F.S., based on the use of the property or service, must extend an exemption certificate to the selling dealer in lieu of paying tax. The exemption certificate must contain the purchaser's name, address, the reason for which the use of the property or service qualifies for exemption based on its use, and the signature of the purchaser or an authorized representative of the purchaser. The selling dealer is only required to obtain one certificate for sales made for the purposes indicated on the certificate and is not required to obtain an exemption certificate for subsequent sales made for the exempt purpose indicated on the exemption certificate. The selling dealer must maintain the required exemption certificates in its books and records for the time period provided in subsection (6) of this rule.

(c) Selling dealers may contact the Department at 1-800-352-3671 to verify the specific exemption specified by the purchaser. Persons with hearing or speech impairments may call the Department's TDD, at 1-800-367-8331.

(d)1. The following is a suggested format of an exemption certificate to be issued by a purchaser who does not hold a Consumer's Certificate of Exemption, but who claims that the purchase, rental, lease, or license of the property, or the purchase of the services is for an exempt purpose. Exemption purposes listed on the suggested format that are not relevant to the purchaser may be eliminated from the certificate.

EXEMPTION CERTIFICATE

FOR EXEMPTIONS BASED ON THE PROPERTY'S USE  
This is to certify that the tangible personal property purchased, leased, licensed, or rented, or services purchased, on or after \_\_\_\_\_ (date) from \_\_\_\_\_ (Selling Dealer's Business Name) is purchased, leased, licensed, or rented for the following purpose as checked in the space provided. This is not intended to be an exhaustive list:

Materials, containers, labels, sacks, bags, or similar items intended to accompany a product for sale at other than retail, as provided in s. 212.02(14)(c), F.S., by persons who are not required to be registered under s. 212.18(3), F.S.

Export of tangible personal property for use outside this state, as provided in Rule 12A-1.064(1), F.A.C.

Incorporation into items of tangible personal property manufactured, produced, compounded, processed, or fabricated for one's own use, as provided in Rule 12A-1.043, F.A.C.

Printing of a publication exempt under the provisions of s. 212.08(7)(w), F.S.

( ) Items, such as paper and ink, that will be incorporated into and become a component part of a publication exempt under the provisions of s. 212.08(7)(w), F.S.

( ) Educational materials that are used in the classroom and not used for its administration by child care facilities outlined in s. 402.305, F.S., that hold a current license under s. 402.308, F.S., holds a current Gold Seal Quality Care designation as provided in s. 402.281, F.S., and provide all employees with basic health insurance as defined in s. 627.6699(12), F.S., as provided in s. 212.08(7)(m), F.S.

( ) Motor vehicle rented or leased by a dealer who will provide the motor vehicle at no charge to a person whose motor vehicle is being repaired, adjusted, or serviced by the dealer, as provided in s. 212.0601(4), F.S.

( ) Other (include description and statutory citation): \_\_\_\_\_

I understand that if I use the property or service for any nonexempt purpose, I must pay tax on the purchase or lease price of the taxable property or service directly to the Department of Revenue.

I understand that if I fraudulently issue this certificate to evade the payment of sales tax I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

The exemption specified by the purchaser may be verified by calling 1-800-352-3671.

Purchaser's Name \_\_\_\_\_

Purchaser's Address \_\_\_\_\_

Name and Title of Purchaser's Authorized Representative \_\_\_\_\_

Sales and Use Tax Certificate of Registration No. (if applicable) \_\_\_\_\_

By \_\_\_\_\_

(Signature of Purchaser or Authorized Representative)

Title \_\_\_\_\_

(Title – only if purchased by an authorized representative of a business entity)

Date \_\_\_\_\_

2. As provided in subparagraph (a)2. of this subsection, there are other suggested formats for exemption certificates based on the use of the property or services that are provided in other sections of Rule Chapter 12A-1, F.A.C., and in Taxpayer Information Publications (TIPs) issued by the Department. The following is a list of these suggested formats of exemption and the applicable rule section or TIP number that suggests the exemption certificate format. This list is not intended to be an exhaustive list:

a. Printed Materials to be Mailed Partly Outside Florida. See Rule 12A-1.027, F.A.C.

b. Printed Materials Purchased by a Nonresident Dealer. See Rule 12A-1.027, F.A.C.

c. Purchases of Film and Other Printing Supplies. See Rule 12A-1.027, F.A.C.

d. Boiler Fuels Used to produce Tangible Personal Property for Sale. See Rule 12A-1.059, F.A.C.

e. Export of Tangible Personal Property Irrevocably Committed to the Exportation Process Outside of Florida. Rule 12A-1.064(1)(b), F.A.C., provides the documentation required to establish when tangible personal property is deemed to be committed to the exportation process.

f. Lease or License of Real Property Upon Which Certain Antennas, Equipment, and Structures are Placed. See Rule 12A-1.070, F.A.C.

g. Real Property Used or Occupied for Space Flight Business Purposes. See Rule 12A-1.070, F.A.C.

h. Items Sold to Advertising Agencies. See Rule 12A-1.072, F.A.C.

i. Items for Agricultural Use or for Agricultural Purposes and Certain Farm Equipment. Rule 12A-1.087, F.A.C.

j. Items Sold or Leased; or Real Property Licensed or Leased to Motion Picture Educational Entities. See TIP 99A01-32, dated August 31, 1999.

k. "Qualifying Property" and/or "Overhead Materials" Sold to or Purchased by Government Contractors. See TIP 99A01-21, dated July 2, 1999.

l. People Mover Systems and Parts. See TIP 00A01-18, dated July 11, 2000.

m. Railroad Roadway Materials. See TIP 00A01-19, dated July 11, 2000.

n. Solar Energy Systems and Components. See TIP 00A01-27, dated September 20, 2000.

(6) RECORDS REQUIRED. Selling dealers must maintain blanket resale and exemption certificates based on the Department's suggested format provided in Rule 12A-1.039, F.A.C., effective 12-13-94, as well as exemption affidavits, exemption certificates, copies of Consumer's Certificates of Exemption, Transaction Authorization Numbers, Vendor Authorization Numbers, and other documentation required under the provisions of this rule, other rule sections of Rule Chapter 12A-1, F.A.C., or suggested in Taxpayer Information Publications, until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under s. 95.091(3), F.S. Electronic storage by the selling dealer of the required affidavits, certificates, or other documentation through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 212.07(4)(b), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091(3), 120.57(1),(2), 120.60(3), 120.80(14), 212.02(14)(c), 212.05(1)(j)(4), 212.06(1)(c), 212.07(1), 212.08(6),(7) 212.084, 212.085, 212.13(5)(e), 212.18(2),(3), 212.21(2), 213.053(7)(b) FS. History-Revised 10-7-68, 6-16-72, Amended 9-28-78, 7-20-82, 4-29-85, Formerly 12A-1.38, Amended 8-10-92, 3-17-93, 9-14-93, 12-13-94.

(Substantial rewording of Rule 12A-1.039 follows. See Florida Administrative Code for present text.)

12A-1.039 Sales for Resale Suggested Forms.

(1)(a) It is the specific legislative intent that each and every sale, use, storage, consumption, or rental is taxable, unless such sale, use, storage, consumption, or rental is specifically exempt. The exempt nature of the transaction must be established by the selling dealer.

(b) A sale for resale is exempt from the tax imposed by Chapter 212, F.S., only when the sale for resale is in strict compliance with the provisions of this rule. For purposes of this rule, a "sale for resale" includes the following sales, leases, or rentals when made to a person who is an active registered dealer. This is not intended to be an exhaustive list.

1. The sale of tangible personal property to a dealer when such property will be resold to the dealer's customers.

2. The sale, lease, or rental of tangible personal property to a dealer when such property will be held exclusively for leasing or rental purposes, pursuant to Rule 12A-1.071(2)(a), F.A.C.

3. The sale of taxable services identified in Rule 12A-1.0161(1), F.A.C., to a dealer when such services are being resold to the dealer's customers under the conditions stated in Rule 12A-1.0161(4), F.A.C.

4. The lease or rental of real property to a dealer when such property will subsequently be leased, rented, or licensed by the dealer's tenants.

5. The lease or rental of real property to a dealer when such property will subsequently be leased, rented, or licensed as transient accommodations by the dealer's tenants.

6. The sale of tangible personal property to a dealer when such property will be incorporated as a material, ingredient, or component part of tangible personal property that is being produced for sale by manufacturing, processing, or compounding.

7. The sale of inserts of printed materials that are distributed as a component part of a newspaper or magazine, as provided in s. 212.05(1)(h), F.S.

8. The sale of tangible personal property to a repair dealer, when such property will be incorporated into and sold as part of a repair of tangible personal property by such dealer.

9. The alteration, remodeling, maintenance, adjustment, or repair of tangible personal property (when labor and materials are provided) that is held in inventory for resale or exclusively for leasing purposes by a dealer.

(c) For purposes of this rule, "active registered dealer" means a person who is registered with the Department as a dealer for sales tax purposes and who is required to file a sales and use tax return during each applicable reporting period, as provided in s. 212.11(1), F.S.

(2) ANNUAL RESALE CERTIFICATES ISSUED BY THE DEPARTMENT.

(a) For each calendar year, the Department of Revenue will issue to each active registered dealer an Annual Resale Certificate (form DR-13). A newly registered dealer will receive a Sales and Use Tax Certificate of Registration (form DR-11) and an Annual Resale Certificate. The business name and location address, the registration effective date, and the certificate number will be indicated on the Annual Resale Certificate.

(b) Dealers who lose their Annual Resale Certificate may request a replacement by contacting the Department at 1-800-352-3671. Persons with hearing or speech impairments may call the Department's TDD, at 1-800-367-8331. Written requests should be addressed to Central Registration, Florida Department of Revenue, 5050 West Tennessee Street, Building E, Tallahassee, Florida 32399-0100.

(3) Except as provided in subsection (4), a dealer making a sale for resale is required to document the exempt sale by CHOOSING ONE of the following three methods:

(a) COPIES OF ANNUAL RESALE CERTIFICATES OBTAINED BY THE SELLING DEALER. The selling dealer who makes a tax exempt sale for the purposes of resale must obtain a copy of the purchaser's current Annual Resale Certificate, or a Transaction Resale Authorization Number or Vendor Resale Authorization Number issued by the Department.

1. The copy of the Annual Resale Certificate must be signed by the purchaser or the purchaser's authorized representative.

2. A selling dealer may make sales for resale to a purchaser whose current Annual Resale Certificate is on file without seeking a new Annual Resale Certificate for each subsequent transaction during that calendar year. A new Annual Resale Certificate must be obtained each calendar year. Except for sales made to purchasers who purchase on account from the dealer on a continual basis, a selling dealer may only make exempt sales for resale to purchasers during the calendar year for which the purchaser's Annual Resale Certificate appears valid on its face.

3. For sales made to purchasers who purchase on account from a dealer on a continual basis, the selling dealer may rely upon the Annual Resale Certificate beyond the expiration date of the certificate and is not required to obtain a new Annual Resale Certificate each calendar year. For purposes of this paragraph, the phrase "purchase on account from a dealer on a continual basis" means that the selling dealer has a continuing business relationship with a purchaser and makes recurring sales on account to that purchaser in the normal course of business. For purposes of this paragraph, a sale "on account" refers to a sale where the dealer extends credit to the purchaser and records the debt as an account receivable, or where the dealer sells to a purchaser who has an established cash or C.O.D. account, similar to an "open credit account." For purposes of this paragraph, purchases are made from a selling

dealer on a "continual basis" if the selling dealer makes sales to the purchaser no less frequently than once in every twelve month period in the normal course of business.

(b) TRANSACTION RESALE AUTHORIZATION NUMBER ISSUED AT POINT-OF-SALE – VALID FOR SINGLE TRANSACTION ONLY. When making a tax exempt sale for the purposes of resale, the selling dealer may obtain a Transaction Resale Authorization Number from the Department in lieu of obtaining a copy of an Annual Resale Certificate from the purchaser or a Vendor Resale Authorization Number from the Department.

1. A "transaction resale authorization number" must be obtained by the selling dealer at the point-of-sale through use of an automated nationwide toll-free telephone verification system. The nationwide toll-free number to access the system is 1-877-357-3725.

2. The selling dealer must key in the purchaser's sales tax certificate of registration number through use of a touch-tone phone. The system will either issue a 13 digit transaction resale authorization number or alert the selling dealer that the purchaser does not have a valid resale certificate. Callers who do not have a touch-tone phone will be connected to a live operator. Persons with hearing or speech impairments may call the Department's TDD, at 1-800-367-8331.

3. A transaction resale authorization number is not valid to exempt subsequent resale purchases or rentals made by the same purchaser. A selling dealer must obtain a new transaction resale authorization number for each and every resale transaction.

4. The selling dealer must document the transaction resale authorization number on the sales invoice, purchase order, or a separate form that is prepared by either the purchaser or the selling dealer. The sales invoice, purchase order, or separate form must contain the following statement: "The purchaser hereby certifies that the property or services being purchased or rented are for resale." This statement must be followed by the signature of the purchaser. The signature may be obtained by the selling dealer through use of an electronic signature pad or other electronic method.

5. Alternatively, in lieu of meeting the requirements of subparagraph 4., the transaction resale authorization number may be documented on a properly completed Uniform Sales and Use Tax Certificate-Multijurisdiction, as provided in subsection (8) of this rule.

(c) VENDOR RESALE AUTHORIZATION NUMBER FOR REGULAR CUSTOMERS WHO HAVE PREVIOUSLY SUBMITTED DOCUMENTATION TO THE SELLING DEALER – VALID FOR CALENDAR YEAR ISSUED. When making a tax exempt sale for the purposes of resale, the selling dealer may obtain a Vendor Resale Authorization Number from the Department, in lieu of obtaining a

Transaction Authorization Number or a copy of the purchaser's Annual Resale Certificate. This option is available to selling dealers throughout the calendar year without limitation.

1. The "Vendor Resale Authorization Number" is a customer-specific authorization number that will be valid for all sales for resale made to a particular customer during the calendar year.

2. To obtain vendor resale authorization numbers, the selling dealer must send to the Department, using an electronic medium, a list of the dealer's regular customers for which the dealer has a resale certificate number or outdated Annual Resale Certificate on file. The request may be submitted on form DR-600013, Request for Verification that Customers are Authorized to Purchase for Resale, or by providing the following information: date of request; name of the dealer's business; return address; name and telephone number of a contact person. The written request, or completed form DR-600013, should be forwarded to: Florida Department of Revenue, Production Control, G30 Carlton Building, Tallahassee, Florida 32399-0100. The electronic format for sending the customer data is provided in form DR-600013 and may be obtained from the Department's web site at <http://sun6.dms.state.fl.us/dor/> or by calling the Department at 850-488-3516. In response to this request, the Department will issue to the selling dealer, using the same electronic medium, a list containing a unique vendor resale authorization number for each customer who is an active registered dealer.

3. The selling dealer may make exempt sales for resale to a customer during the period in which the vendor resale authorization number for that customer is valid. Vendor resale authorization numbers are valid for the remainder of the calendar year during which they are issued. However, vendor resale authorization numbers issued by the Department in November or December shall be valid for the remainder of the current calendar year and the next calendar year.

(4) SALES OF ALCOHOLIC BEVERAGES AND CERTAIN MOTOR VEHICLES; SALES TO OUT-OF-STATE DEALERS.

(a) The sale of alcoholic beverages by distributors licensed by the Division of Alcoholic Beverage and Tobacco, Department of Business and Professional Regulation, to others who are also licensed by the Division of Alcoholic Beverage and Tobacco, Department of Business and Professional Regulation, are deemed to be sales for resale. The distributors are not required to meet the documentation requirements provided in subsection (3) of this rule.

(b) The sale of motor vehicles or recreational vehicles through a motor vehicle auction licensed by the Department of Highway Safety and Motor Vehicles, pursuant to s. 320.27(1)(c)4., F.S., to other motor vehicle dealers licensed by the Department of Highway Safety and Motor Vehicles under



s. 320.27(2), F.S., are deemed to be sales for resale. The motor vehicle auction is not required to meet the documentation requirements provided in subsection (3) of this rule.

(c) A sale to a nonresident dealer who is not required to be registered in this state for resale outside this state is governed by Rule 12A-1.064(2)(b), F.A.C., or Rule 12A-1.007(6), F.A.C. However, blanket resale affidavits from out-of-state motor vehicle dealers are acceptable in lieu of individual affidavits in Rule 12A-1.007(6), F.A.C., for each sale of each motor vehicle to such out-of-state motor vehicle dealers.

(5) BURDEN OF ESTABLISHING EXEMPT NATURE OF SALES FOR RESALE.

(a) A selling dealer who makes a sale for resale in good faith, and who complies with the requirements of subsections (3) and (4) of this rule, has met the burden of proof for establishing the exempt nature of the sale, and is relieved from any liability for tax due on that sale. Submission of copies of Annual Resale Certificates to the Department that are obtained after the sale from purchasers who were active registered dealers at the time of the sale will be considered sufficient compliance with subsection (3) when submitted during audit or protest, but will not be acceptable if submitted during any proceeding under Chapter 120, F.S. or in any circuit court action under Chapter 72, F.S.

(b)1. A sale that is not in compliance with the requirements of subsections (3) and (4) of this rule is presumed to be a retail sale, and the selling dealer will be liable for any applicable sales tax not collected and remitted on that sale.

2. For a sale that is not in compliance with the requirements of subsections (3) and (4), but that is made to a person who was an active registered dealer at the time of the sale, and it would be reasonable to assume, based on the nature of the purchaser's business, that the sale was for the purposes of resale, the presumption that the sale is a retail sale can be overcome during an audit or protest.

3. A sale made to a person who was not an active registered dealer, other than a nonresident dealer, at the time of the transaction is a retail sale, and can never be considered a sale for resale. However, a selling dealer who accepts an Annual Resale Certificate that appears valid on its face will not be held liable for any tax due on this transaction, if it is later determined that the purchaser was not an active registered dealer at the time of the transaction.

(6) RECORDS REQUIRED. Resale certificates created and issued by purchasers that were based on the Department's suggested format provided in Rule 12A-1.039, F.A.C., effective 12-13-94, are valid only for the purpose of documenting sales for resale made prior to February 1, 2000. The selling dealer must also maintain copies of receipts, invoices, billing statements, or other tangible evidence of sales, copies of Annual Resale Certificates and other certificates, and Vendor Resale Authorization and Transaction Authorization Numbers until tax imposed by Chapter 212, F.S., may no

longer be determined and assessed under s. 95.091(3), F.S. Electronic storage by the selling dealer of the copy of the Annual Resale Certificate or other required documentation through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

(7) PROVISIONS APPLICABLE TO PERSONS CLAIMING THE RESALE EXEMPTION.

(a) Annual Resale Certificates may only be used by purchasers who hold a valid Sales and Use Tax Certificate of Registration (form DR-11) issued by the Department, and whose registration status is currently active. For dealers who have been in business for less than the full calendar year, the effective date of the Annual Resale Certificate (form DR-13) will be the postmark or hand delivered date of the Sales and Use Tax Application for Certificate of Registration. The effective date is found in the block labeled "Registration Effective Date" on the Sales and Use Tax Certificate of Registration (form DR-11).

(b) A dealer whose Sales and Use Tax Certificate of Registration has been revoked or whose registration status has been inactivated or canceled by the Department is prohibited from purchasing, leasing, or renting taxable property or services for the purposes of resale exempt from tax. However, a selling dealer who accepts an Annual Resale Certificate that appears valid on its face will not be held liable for tax on this transaction, if it is later determined that the purchaser was not an active registered dealer at the time of the transaction.

(c) A purchaser who files returns on a consolidated basis (80 code) may extend, and the selling dealer may accept, a copy of the Annual Resale Certificate bearing the purchaser's consolidated sales tax registration number (80 code number), in lieu of extending a copy of the Annual Resale Certificate for each active location that is reported under the consolidated sales tax registration number (80 code number).

(d) For dealers who report sales tax using a county-control number, the Annual Resale Certificate will only be issued to the active reporting number(s) within each county. Dealers who report using a county-control number must use the Annual Resale Certificate issued to the active reporting number(s) to make purchases for resale, except dealers who file returns under a consolidated sales and use tax registration number (80 code). Sales tax numbers issued to the individual locations within a county are inactive, and will not be issued an Annual Resale Certificate.

(e) Wholesalers and certain other sales tax dealers who are currently on an inactive reporting status will need to contact the Department at 800-352-3671 (Florida only) or 850-488-6800 (outside Florida) to have their sales tax registration number activated in order to obtain the Annual Resale Certificate and make exempt purchases for resale. By

activating the sales tax registration number, the dealer will then be required to file a sales tax return during each applicable reporting period, as provided in s. 212.11(1), F.S.

(f) Purchasers who are holders of a Direct Pay Permit, Temporary Tax Exemption Permit, or other permits or exemption certificates issued pursuant to Chapter 212, Florida Statutes, are not required to extend or provide copies of their Annual Resale Certificate to the selling dealer to make tax exempt purchases authorized under the Direct Pay Permit, Temporary Tax Exemption Permit, or other exemption certificates or permits issued pursuant to Chapter 212, F.S.

(g) Purchasers of vessels and parts thereof used to transport persons or property in interstate or foreign commerce must complete the affidavit as required in Rule 12A-1.064(5), F.A.C.

(h) A person who complied with the provisions of this rule when making a purchase or rental of tangible personal property that is intended for resale, but then uses, consumes, distributes, or stores for use or consumption in this state, the tangible personal property in a manner inconsistent with the purposes described in paragraph (1)(b) of this rule, is required to pay use tax as provided in s. 212.05(1)(b), F.S.

(i) Any person who, for the purpose of evading tax, uses an Annual Resale Certificate or signs a written statement claiming an exemption from sales tax knowing that tax is due on the property or services at the time of purchase or rental, is subject to the civil and criminal penalties provided in s. 212.085, F.S.

(j) The resale exemption shall also apply to the importation of tangible personal property into this state for resale in this state. A dealer who imports tangible personal property into this state for resale must be an active registered dealer at the time the property is imported into this state to meet the resale exemption requirements. The determination whether a particular item of tangible personal property imported into this state is for resale is based on the same criteria described in paragraph (1)(b) of this rule.

(8) USE OF UNIFORM SALES AND USE TAX CERTIFICATE – MULTIJURISDICTION. The Department will allow purchasers to use the Multistate Tax Commission's Uniform Sales and Use Tax Certificate-Multijurisdiction. However, the use of this uniform certificate must be in conjunction with the telephonic or electronic authorization number method described in paragraph (3)(b) or (c) of this rule.

Specific Authority 212.07(1)(b), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091(3), 212.02(14), 212.05(1)(b),(j), 212.06(4)(b), 212.07(1)(b), 212.08(3),(5)(a),(6),(7)(e),(9) 212.085, 212.13(5)(c),(d), 212.17(6), 212.18(2),(3), 212.21(2), 213.053(10) FS., ss. 21, 22, 23, 24, Ch. 99-208, L.O.F. History—Revised 10-7-68, 1-7-70, 6-16-72, 9-26-77, Amended 7-20-82, 4-12-84, Formerly 12A-1.39, Amended 1-2-89, 9-14-93, 12-13-94, \_\_\_\_\_.

12A-1.097 Public Use Forms.

(1) No change.

Form Number	Title	Effective Date
(2) through (4)	No change.	
(5)(a) DR-5	<u>Sales and Use Tax Application for Consumer's Consumer Certificate of Exemption (r. 10/99 N. 09/87)</u>	___ 08/92
(b) DR-5N	<u>Information and Instructions for Completing Application for Consumer's Certificate of Exemption (r. 10/00)</u>	___
(b) DR-5R	<u>Renewal Application for Consumer Certificate of Exemption (r. 04/88)</u>	08/92
(6) through (27)	No change.	
(28) DR-600013	<u>Request for Verification that Customers are Authorized to Purchase for Resale (N. 01/00)</u>	___

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.17(6), 212.18(2),(3) FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vicki Allen, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4846

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Melton H. McKown, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12A-1.0161, 12A-1.038, and 12A-1.097, F.A.C., and the proposed substantial rewording of Rule 12A-1.039, F.A.C., were noticed for a Rule Development Workshop in the Florida Administrative Weekly on December 17, 2001 (Vol. 25, No. 50, pp. 5721-5730). A rule development workshop was held on January 13, 2000, in the auditorium of the R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida. In response to comments received at the first workshop, changes were incorporated into the proposed rule text and incorporated into a second Notice of Proposed Rule Development Workshop.

The proposed amendments to Rules 12A-1.001, 12A-1.0161, 12A-1.038, and 12A-1.097, F.A.C., and the proposed substantial rewording of Rule 12A-1.039, F.A.C., were noticed for a Rule Development Workshop in the Florida

Administrative Weekly on April 7, 2000 (Vol. 26, No. 14, pp. 1612-1625). A second rule development workshop was held on April 25, 2000, in Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida. Based on the comments received at the second workshop, changes were incorporated into the proposed rule text and incorporated into a third Notice of Rule Development Workshop.

The proposed amendments to Rules 12A-1.001, 12A-1.0161, 12A-1.097, F.A.C., and the proposed substantial rewording of Rules 12A-1.038 and 12A-1.039, F.A.C., were noticed for a Rule Development Workshop in the Florida Administrative Weekly on January 19, 2001 (Vol. 27, No. 3, pp. 139-147). A third rule development workshop was held on February 14, 2001, in Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida, regarding these proposed rule amendments. In response to comments received at the rule development workshop and written comments received by the Department, changes were made to the proposed rule text of Rules 12A-1.038 and 12A-1.039, F.A.C., and incorporated into the Notice of Proposed Rulemaking.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE TITLES:	RULE NOS.:
Manufacturing	12A-1.043
Sales to or by Contractors Who Repair, Alter, Improve and Construct Real Property	12A-1.051
Electric Power and Energy	12A-1.053
Fuels	12A-1.059
Rentals, Leases, and Licenses to Use Transient Accommodations	12A-1.061

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12A-1.043, F.A.C. (Manufacturing); Rule 12A-1.051, F.A.C. (Sales to or by Contractors Who Repair, Alter, Improve and Construct Real Property); Rule 12A-1.053, F.A.C. (Electric Power and Energy), Rule 12A-1.059, F.A.C. (Fuels); and Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), is to: (1) incorporate the legislative changes to s. 212.07, F.S., that require dealers who purchase items for the purposes of resale to extend a copy of their Annual Resale Certificate to make tax exempt purchases; (2) incorporate the provisions of s. 4, Chapter 2000-276, L.O.F., which extends to corporations and affiliated groups the exclusion from the requirement to pay use tax on rock, shell, fill dirt, or similar materials that are secured from the property owned by the corporation and used on property owned by the corporation or a corporate member of the corporation's affiliated group; (3) provide guidelines for when the sale of electricity or the sale of fuels to be used in residential households, to owners of residential models, and to licensed family day care homes are exempt from tax; (4) remove obsolete provisions regarding the sale of motor fuel and special fuel that are provided in ss. 206.87(3)(f) and

212.0501, F.S., as amended, and Rule 12B-5.130(2), F.A.C.; (5) provide guidelines for the exemption provided for boiler fuels, including a suggested exemption certificate to be issued by the purchaser to purchase boiler fuels tax exempt; (6) provide that, to qualify for the exemption provided for military personnel on active duty and present in the community under official orders from the tax on transient rentals, the dealer may obtain a copy of an overflow certificate or a copy of the official orders of the purchaser; and (7) remove obsolete provisions and provide necessary technical correction to properly reference other rule sections.

**SUMMARY:** The proposed amendments to Rule 12A-1.043, F.A.C., Manufacturing: (1) incorporate the legislative changes to s. 212.07, F.S., that require dealers who purchase items for the purposes of resale to extend a copy of their Annual Resale Certificate to make tax exempt purchases; (2) provide that dealers who do not sell tangible personal property are not required to register as dealers and may extend an exemption certificate, as provided in Rule 12A-1.038, F.A.C., as amended, to purchase tax exempt items purchased for the purpose of manufacturing, producing, compounding, processing, or fabricating items of tangible personal property for their own use or consumption; and (3) provide a technical correction to properly reference Rule 12A-1.051(12), F.A.C., where guidelines for use tax due on asphalt manufactured for one's own use are provided.

The proposed amendments to Rule 12A-1.051, F.A.C., Sales to or by Contractors Who Repair, Alter, Improve and Construct Real Property: (1) provide that dealers are required to issue a copy of their Annual Resale Certificate to make tax exempt purchases for the purposes of resale; (2) provide reference to Rule 12A-1.038, F.A.C., as amended, for sales made to entities that hold a valid Consumer's Certificate of Exemption; and (3) incorporate the provisions of s. 4, Chapter 2000-276, L.O.F., which extends to corporations and affiliated groups the exclusion from the requirement to pay use tax on rock, shell, fill dirt, or similar materials that are secured from the property owned by the corporation and used on property owned by the corporation or a corporate member of the corporation's affiliated group.

The proposed amendments to Rule 12A-1.053, F.A.C., Electric Power and Energy: (1) provide guidelines for when the sale of electricity to be used in residential households, to owners of residential models, and to licensed family day care homes is exempt from tax: (2) provide guidelines for when a utility will be held liable for tax exempt sales of electricity that is used for a nonexempt purpose; and (3) remove obsolete provisions regarding imposition of obsolete tax rates.

The proposed amendments to Rule 12A-1.059, F.A.C.: (1) change the title to "Fuels" to reflect the removal of provisions for the sale of lubricants that are unnecessary; (2) provide guidelines regarding documentation requirements for dealers who make sales of fuels used in residential households, to

owners of residential models, and to licensed family day care homes that are exempt from tax: (3) provide guidelines for when a dealer will be held liable for tax exempt sales of fuel that is used for a non-exempt purpose; (4) remove obsolete provisions regarding the sale of motor fuel and special fuel that are provided in ss. 206.87(3)(f) and 212.0501, F.S., as amended, and Rule 12B-5.130(2), F.A.C.; (5) provide guidelines for the exemption provided for boiler fuels, including a suggested exemption certificate to be issued by the purchaser to purchase boiler fuels tax exempt; (6) remove redundant provisions regarding the sale of fuels and other items subject to the proration provisions in Rule 12A-1.064, F.A.C.; (7) remove redundant provisions regarding the sale of fuels used to generate electrical power or energy that are provided in Rule 12A-1.053, F.A.C.; and (8) remove examples of lubricants and other items for which an administrative rule to provide that the sale of tangible personal property is taxable is unnecessary.

The proposed amendments to Rule 12A-1.061, F.A.C., Rentals, Leases, and Licenses to Use Transient Accommodations: (1) provide that, to qualify for the exemption provided for military personnel on active duty and present in the community under official orders from tax on transient rentals, the dealer may obtain a copy of an overflow certificate or a copy of the official orders of the purchaser; (2) correct the reference to exemption certificates for purchases of transient accommodations made by government employees and representatives of exempt organizations that will be provided in Rule 12A-1.038, F.A.C., as amended; (3) remove the unnecessary repetition of record keeping requirements from subsection (13) that are provided in subsection (19) of the rule; and (4) clarify that exemption certificates are required to be maintained in a dealer's books and records.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** Since these proposed rule amendments to Rules 12A-1.043, 12A-1.051, 12A-1.053, 12A-1.059, and 12A-1.061, F.A.C., only implement statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

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

**LAW IMPLEMENTED:** 92.525(1)(b), 212.02(2),(4), (7),(10)(a)-(g),(16),(19),(21), 212.03(1),(2),(3),(4),(5),(7), 212.031, 212.04(4), 212.05, 212.052, 212.06(1),(3),(14), (15)(a), 212.07(1),(8), 212.08(4),(6),(7)(b),(i),(j),(m),(o), 212.11(1),(2), 212.12(7),(9),(12), 212.13(2), 212.14(5), 212.18(2),(3), 212.183, 213.37, 213.756, 366.051 FS.

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

TIME AND DATE: 10:00 a.m., May 22, 2001

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

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

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips, (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-1.043 Manufacturing.

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

(d) Persons who manufacture, produce, compound, process, or fabricate items of tangible personal property for resale or for their own use or consumption may purchase direct materials tax exempt but shall include the cost of the direct materials when computing tax on the cost of the items so manufactured, produced, compounded, processed, or fabricated for such persons' own use or consumption. If tax has been paid on the direct materials, the method described in paragraph (c) should be used when computing the tax on the cost of the items so manufactured, produced, compounded, processed, or fabricated.

(e)1. To purchase direct materials tax exempt, dealers registered with the Department to sell tangible personal property may extend a copy of their Annual Resale Certificate (form DR-13) to the selling dealer in lieu of paying tax at the time of purchase. The cost of such materials is subject to tax on the cost of the items so manufactured, produced, compounded, processed, or fabricated, as provided in paragraph (d).

2. Persons who do not sell tangible personal property are not required to register with the Department as a dealer. However, to purchase direct materials tax exempt, such persons may extend an Exemption Certificate, as provided in Rule 12A-1.038, F.A.C., to the selling dealer in lieu of paying tax at the time of purchase. The cost of such materials is subject to tax on the cost of the items so manufactured, produced, compounded, processed, or fabricated, as provided in paragraph (d).

~~(f)(e)~~ No change.

(2) through (3) No change.

(4) Any person who manufactures asphalt for his own use shall calculate and remit the use tax on such asphalt, as provided in Rule 12A-1.051(12)(6), F.A.C.

(5) through (6) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4), (7), 212.052, 212.06(1), 212.12(12), 366.051 FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 1-19-74, 12-26-83, Formerly 12A-1.43, Amended 1-2-89, 2-28-90, 3-20-96, 7-27-99, \_\_\_\_\_.

12A-1.051 Sales to or by Contractors Who Repair, Alter, Improve and Construct Real Property.

(1) through (4) No change.

(5) Rule for (3)(d) contractors. Contractors who perform retail sale plus installation contracts described in paragraph (3)(d); do sell tangible personal property. They should register as dealers and provide a copy of their Annual Resale Certificate (form DR-13) to the selling dealer to purchase tax exempt resale certificates for materials that are itemized and resold under paragraph (3)(d) contracts. They should not provide the certificate to purchase tax exempt resale certificates for items that they use themselves rather than reselling, such as hand tools, shop equipment, or office supplies. They must charge their customers tax on the price paid for tangible personal property, ~~unless a valid exemption certificate is provided~~, but not on the charges for installation labor. See Rule 12A-1.038, F.A.C., for tax exempt sales made to entities that hold a valid Consumer's Certificate of Exemption.

(6) through (8)(a) No change.

(b) If the predominant nature of a mixed contract is a contract for tangible personal property, taxability of the contract will be determined as if the contract were entirely for tangible personal property. For example, a vendor of a mechanical conveyor system for a warehouse provides reinforced concrete foundations and embeds steel plates in the concrete to permit installation of the equipment by bolting it to the plates. The contract is predominantly for the sale of equipment. The contractor should buy the equipment, concrete, and steel plates tax exempt by extending a copy of the contractor's Annual Resale Certificate (form DR-13) to the selling dealer using a resale certificate and charge tax on the full price charged to the customer.

(c) No change.

(d) If a mixed contract clearly allocates the contract price among the various elements of the contract, and such allocation is bona fide and reasonable in terms of the costs of materials and nature of the work to be performed, taxation will be in accordance with the allocation. For example, a residential developer builds and sells a home on a cost plus basis, but the contract provides separately stated prices for the sale and installation of certain optional free standing appliances that are tangible personal property and are not classified as real property fixtures. The contractor may purchase those appliances by issuing a copy of the contractor's Annual Resale

Certificate (form DR-13) to the selling dealer using a resale certificate and charge sales tax on the price paid for the appliances, including installation, by the home buyer. The contractor is responsible for paying tax on all the materials that are included in the cost plus price of the home, other than the separately itemized appliances. Similarly, a manufacturer who sells and installs a mechanical conveyor system in a warehouse could state a separate charge in the contract for providing reinforced concrete with embedded steel plates in the warehouse floor to support the conveyor. The conveyor system is machinery or equipment and is therefore tangible personal property. The concrete and plates would be considered a real property improvement. The contractor should pay tax on the materials used for the real property part of the contract and not charge tax to the customer on the related charge. The customer should pay tax on the rest of the contract price allocable to the conveyor machinery itself.

(e) This subsection does not affect any exemption provided in Chapter 212, F.S., for machinery or equipment that may be claimed by a contractor based on a temporary tax exemption permit, affidavit, or other authorized certification by the owner of real property. For example, purchases of certain equipment for generating electrical power or of certain machinery for manufacturing tangible personal property for sale are exempt from sales and use taxes. In order for the property owner to receive the benefit of these exemptions, it has been specifically provided that contractors who purchase and install the exempt items may claim the exemption based on the property owner's providing the required documentation of entitlement. The guidelines on mixed contracts are not intended to impact these exemptions. In the case of a mixed contract that is treated as a real property contract, the contractor is still entitled to purchase the qualified equipment or machinery tax-exempt. In the case of a mixed contract treated as a sale of tangible personal property, the contractor would purchase the equipment or machinery by issuing a copy of the contractor's Annual Resale Certificate (form DR-13) to the selling dealer using a resale certificate and accept the property owner's authorized documentation of exemption in lieu of charging tax on the subsequent sale of the equipment or machinery to the property owner. See Rule 12A-1.038, F.A.C., for tax exempt sales made to entities that hold a valid Consumer's Certificate of Exemption.

(9) Dual operators. Some contractors both use materials themselves in the performance of contracts and resell materials either in over-the-counter sales or under contracts described in paragraph (3)(d). Those contractors should register as dealers. When they purchase materials that they may either use themselves or that they may resell, they may issue a copy of the contractor's Annual Resale Certificate (form DR-13) to the selling dealer resale certificate. Florida tax should be remitted when a subsequent event determines the appropriate taxation of the materials. If the materials are subsequently resold, tax

should be collected from the buyer and remitted to the state. If the materials are used by the contractor, use tax should be paid to the state State instead.

(10) through (12) No change.

(13) Use tax on rock, shell, fill dirt, or similar materials. A real property contractor is taxable on the cost of rock, shell, fill dirt, or similar materials the contractor uses to perform a real property contract for another person.

(a) If the contractor acquires the materials from a location the contractor owns or leases, the contractor must remit use tax based on one of the following methods:

1. the fair retail market value, which means either the price the contractor would have to pay on the open market or the price at which the contractor would sell the materials to third parties; or

2. the cost of the land plus all costs of clearing, excavating, and loading the materials, including labor, power, blasting, and similar costs.

(b) If the contractor purchases the materials and as part of the agreement excavates and removes them from the seller's land (including state-owned submerged land), the taxable cost is the purchase price paid to the seller plus all the costs incurred by the contractor in clearing, excavating, and removing the materials, including labor.

(c) When rock, shell, fill dirt, or similar materials are secured from a location owned by the contractor for use on his or her own property, the contractor does not owe tax on these materials. For purposes of this paragraph, a contractor that is a corporation is considered to own any location that is owned by any corporation in the same affiliated group as the contractor. "Affiliated group" shall have the meaning provided in s. 220.03(1), F.S.

(d)(e) A contractor on a road project owes no tax on borrow materials that are provided at no charge by the Department of Transportation, including materials extracted from pits that are provided at no charge by that department.

(14) through (19) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4),(7),(16),(19),(21), 212.06(1),(14),(15)(a), 212.07(1),(8), 212.08(6), 212.14(5), 212.183 FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 2-3-80, 3-27-80, 6-3-80, 8-26-81, 11-15-82, 6-11-85, Formerly 12A-1.51, Amended 1-2-89, 8-10-92, 7-27-99, 3-30-00,\_\_\_\_\_.

12A-1.053 Electric Power and Energy.

(1)(a) The sale of electric power or energy by a electric utility private or public utilities and rural electric cooperative associations is taxable. The sale of electric Electric power or energy is exempt when it is separately metered and sold for use in residential households, to owners of residential models, or to licensed family day care homes (including trailer lots) direct to the actual consumer by utilities who are required to pay the gross receipts tax imposed by Chapter 203, F.S., is exempt Section 203.01, Florida Statutes. Such electric power or energy is exempt, even though metered and billed direct to the

~~landlord (master metered).~~ However, if any part of the electric power or energy utility or fuel is used for a non-exempt purpose, the entire sale is subject to tax taxable. Landlords shall provide separate meters for non-exempt consumption of electric power and energy. This exemption shall also apply to electric power or energy sold to residents when separately metered and billed direct to them. Electric power or energy used in residential model homes or common areas of apartments, cooperatives and condominiums is exempt provided that none of the electric power or energy is used in residential model homes which are used as sales offices or for other non-exempt purposes. Hotels and motels cater primarily to transient guests and are not considered to be residential households. Therefore, this exemption shall not apply to electric power or energy sold for use in hotels and motels.

(b) An electric utility is not obligated to collect and remit tax on any sale of electric power or energy when all of the following factors are present: Effective May 1, 1982, the sale or use of electric power or energy that is subject to tax shall be taxed at the rate of 5 percent in lieu of the former rate of 4 percent. If a customer is billed for electric power or energy for a cycle ending on or after may 1, 1982, the 5 percent tax rate is applicable on the entire taxable transaction even though the billing may have been for electrical services received prior to May 1, 1982. Where no cycle date appears on the billing, the billing date will control the rate of tax applicable.

1. The property to which the electric power or energy is sold is coded "residential," based on tariffs filed by the utility with the Public Service Commission.

2. The electric utility has on file a writing or document evidencing a representation of the utility's customer that the electric power or energy is being purchased for residential household use, including licensed family day care homes. The writing or document may be a customer application, a certificate, or a series of billing statements to the customer that identifies the customer as holding a residential account and provides the customer a means to change its classification if the electric power or energy is no longer being purchased for residential household use. A "customer application" includes a record of information obtained electronically or orally from the customer in the ordinary course of business at the time of establishing the account. A commercial or business purpose does not include electric power or energy used in a licensed family day care home.

3. The electric utility must have acted in good faith in accepting the representation of the customer.

(c) Tax is due on electric power or energy purchased by a customer tax exempt for the purposes of residential household use that does not qualify for such exemption. In such instances, if the electric utility complies with the requirements of paragraph (b), the Department will look to the customer for any applicable tax, penalty, or interest due. The Department

will look to the electric utility for any applicable tax, penalty, or interest due when the utility's books and records indicates a failure to comply with the requirements of paragraph (b).

(2) through (3) No change.

~~(4) Effective June 1, 1982, the provision under 166.231(3), F.S., which provided that the municipal tax on electricity shall not be levied and collected on the first 50 kilowatt hours per month for residential use has been eliminated. Therefore, if a utility has a billing cycle which begins in May and ends in a subsequent month, the utility may deduct from their sales tax collects an amount equal to the municipal tax loss on the sale of electricity to residential customers. If a utility's billing cycle begins in June, the utility shall not deduct from their sales tax collections an amount equal to the municipal tax loss on the sale of electricity to residential customers.~~

~~(4)(5) No change.~~

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

#### 12A-1.059 Fuels and Lubricants.

~~(1)(a) The sale of fuel, including crude oil, fuel oil, kerosene, sterno, diesel oil, natural and manufactured gas, coke, charcoal briquets, cord wood, and other fuel products is taxable. The sale of natural or Natural and manufactured gas, such as butane, propane, and all other forms of liquefied petroleum (L.P.) gas, is exempt when separately metered and sold for use in residential households, to licensed family day care homes, or (including trailer lots) directly to owners of residential models the actual consumer by utilities who are required to pay the gross receipts tax imposed by Chapter 203, F.S., is exempt Section 203.01, Florida Statutes. The sale of exemption for residential households (including trailer lots) also includes L.P. gas, crude oil, fuel oil, kerosene, diesel oil, coke, charcoal briquets, cord wood, and other household fuels for the purposes of heating, cooking, lighting, and refrigeration in residential households, to owners of residential models, or to licensed day care homes is exempt. However, Such sales of utilities and fuels are exempt regardless of whether such sales are billed to the landlord; provided, however, that if any part of the utility or fuel is used for a non-exempt purpose, the entire sale is subject to tax taxable. Landlords shall provide separate meters for any non-exempt consumption of utilities or fuels. This exemption shall also apply to the sale of utilities and fuels used in residential model homes or common areas of apartments, cooperatives and condominiums provided that none of the utilities or fuels are used in residential model homes which are used as sales offices or for other non-exempt purposes. No exemption certificate or affidavit is required to be obtained by a dealer of special fuel or a dealer of liquefied petroleum gases when the fuel is sold and delivered into the customer's storage facility located on the customer's residential premises, when the fuel is for the purposes of home cooking or~~

~~home heating. Hotels and motels cater primarily to transient guests and are not considered to be residential households. Therefore, this exemption shall not apply to utilities or fuels sold for use in hotels and motels.~~

(b) Any dealer who sells manufactured gas that is delivered to the customer's storage facility located on the customer's residential premises to be used for home heating or cooking is not obligated to collect and remit tax or obtain a certificate from the customer. However, the dealer must document on the customer's delivery ticket, sales invoice, or billing statement that the fuel being sold and delivered is for the purposes of home heating or cooking.

(c) Any person who sells natural or manufactured gas or other fuels for residential household purposes or for use in a licensed family day care home, but does not deliver the gas or fuel directly to a storage facility located on the customer's residential premises, is not obligated to collect and remit tax on any sale of gas when:

1. The selling dealer has on file a writing or document evidencing a representation of the customer that the natural or manufactured gas or other fuel is being purchased for residential household use or for use in a licensed family day care home. The writing or document may be a customer application, a certificate, or a series of billing statements to the customer that identifies the customer as holding a residential account and provides the customer a means to change its classification if the fuel is no longer being purchased for residential household use. A "customer application" includes a record of information obtained electronically or verbally from the customer in the ordinary course of business at the time of establishing the account. A business or commercial purpose does not include gas or fuel used in a licensed family day care home; and

2. The selling dealer must have acted in good faith in accepting the representation of the customer.

(d) Tax is due on any natural or manufactured gas or other fuel purchased by a customer tax exempt for the purposes of residential household use, or for use in a licensed family day care home, that does not qualify for such exemption. In such instances, if the selling dealer complies with the requirements of paragraph (b), the Department will look to the customer for any applicable tax, penalty, or interest due. The Department will look to the selling dealer for any applicable tax, penalty, or interest due when the dealer's books and records indicates a failure to comply with the requirements of paragraph (b).

(e)(b) The charge Where the amount of the sale exceeds two dollars, and except for the filling of liquefied petroleum (L.P.) gas tanks in excess of twenty pounds, including tanks used in recreational vehicles, is exempt when the L.P. gas will be used by the purchaser for the purposes of residential heating or cooking twenty-pound tanks, the dealer must support his claim for exemption from the tax with a copy of an invoice which contains the date of sale, quantity and description of the

fuel, license number, and state of issue of the travel trailer. Twenty-pound L.P. gas tanks are used exclusively for residential household purposes and the charge for filling of such tanks them with L.P. gas is exempt under the law. The dealer must document on the customer's invoice or other written evidence of sale that the charge is for filling a twenty pound tank, or the gas is sold for the purposes of residential household cooking or heating.

(f) Any person who sells charcoal briquets or cord wood to be used for residential household cooking or heating is not required to obtain a certificate from the purchaser to make tax exempt sales of these items.

~~(2)(a) Motor fuels or special fuels, other than liquefied petroleum gases, on which the tax is imposed by Chapter 206 or by Part II, Chapter 212, F.S., are exempt from the tax imposed by Part I, Chapter 212, F.S. Motor fuels or special fuels exempt from tax under Chapter 206 or Part II, Chapter 212, F.S., are taxable under Part I, Chapter 212, F.S., unless specifically exempted therein.~~

~~(b) Butane gas, propane gas, and all other forms of liquefied petroleum gases are not defined as special fuels under Chapter 212, F.S. Such fuels are taxable under Part I, Chapter 212, F.S., at the rate of 6 percent of the total selling price, unless specifically exempted therein.~~

~~(c) Natural gas and liquefied petroleum gases, when such gases are used in any tractor, vehicle, or other farm equipment which is used exclusively on a farm or for processing farm products on the farm and no part of which is used in any vehicle or equipment driven or operated on the public highways of this state are exempt. This restriction shall not apply to the movement of farm vehicles or farm equipment between farms.~~

~~(d) Natural gas and liquefied petroleum gases used in the transporting of bees by water and the operating of equipment used in the apiary of a beekeeper are also exempt.~~

~~(e) In order to obtain the exemption on natural gas or liquefied petroleum gases, the purchaser shall furnish the seller a certificate stating that the natural gas or liquefied petroleum gases are used for agricultural purposes.~~

~~(3) All fuels used by public or private utilities, including municipal corporations and rural cooperative associations in the generation of electric power or energy for sale, are exempt.~~

~~(4) Fuels used or consumed in vessels or railroad locomotives which are used to transport persons or property in interstate or foreign commerce are taxable under Part I, Chapter 212, F.S., subject to the provisions contained in Rule 12A-1.064. Fuels, other than liquefied petroleum gases, used or consumed in other vessels or railroad locomotives and any other vehicle including, but not limited to, motor vehicles and aircraft are exempt from tax under Part I, Chapter 212, F.S. However, such fuels are taxable under Part II, Chapter 212, F.S.~~

~~(5) Lubricating oils, including machine oils and thread lubricating oil and greases are taxable, and the tax is due on the total selling price paid by the purchaser, including any other state and federal taxes which are a part thereof.~~

~~(6) The sale of lubricating oils and greases, motor additives, friction proofing oils, solvents, driers, and all other lubricants for use on or by commercial fishing vessels or on or by ships, vessels, aircraft, trucks, and other vehicles is taxable based on the total selling price, including any other state and federal taxes which are a part thereof. (See Rule 12A-1.064, F.A.C., for proration of tax on these items when used in or on vehicles, vessels, or aircraft engaged in interstate or foreign commerce.)~~

~~(7) The entire lump sum charges made for grease jobs, wheel packs, etc., are taxable and are payable by the customer to the dealer.~~

~~(8) Naphtha, mineral spirits and lighter fluids are taxable.~~

~~(9) Liquefied petroleum gas or other fuel used to heat a structure in which starter pullets or broilers are raised is exempt.~~

~~(2)(a)(10) "Boiler" fuels. When purchased as a combustible fuel, purchases of natural gas, residual oil, recycled oil, waste oil, solid waste material as defined in s. 403.703(13), F.S., coal, sulfur, wood, wood residues, or wood bark used in an industrial manufacturing, processing, compounding, or production process at a fixed location in this state is shall be exempt from the taxes imposed by this chapter; provided, however, that this exemption shall not apply to such fuels that are not used in manufacturing, processing, compounding, or producing items of tangible personal property for sale, or to the boiler fuels used by any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business Regulation. For the purpose of this exemption, the term "residual oil" means shall mean ASTM Grades No. 5 and No. 6, heavy diesel, and bunker C. Purchase invoices must indicate the type of residual oil purchased. This exemption does not shall NOT apply to any type of liquefied petroleum gases, naphtha, kerosene, or distillate fuel oil, such as including but not limited to diesel fuels, No. 1 and No. 2 heating oils, and No. 4 fuel oil. The term "fixed location" means shall mean being permanently affixed to one location or plant site, or any portable plant which may be set up for a period of not less than six months in a stationary manner so as to perform the same industrial manufacturing, processing, compounding, or production process that could be performed at a permanent location or plant site. To be entitled to this This exemption at the time of purchase, shall not be allowed, however, unless the purchaser must issue furnishes the seller a certificate stating that the combustible fuel is used in an industrial manufacturing, processing, compounding, or production process. The following is a suggested format of a certificate to be used for this purpose:~~



EXEMPTION CERTIFICATE  
BOILER FUELS USED TO PRODUCE TANGIBLE  
PERSONAL PROPERTY FOR SALE

\_\_\_\_\_, incorporated in the State of \_\_\_\_\_, its undersigned officer who is duly authorized, hereby certifies to that purchases of residual oil, recycled oil, waste oil, solid waste material as defined in s. 403.703(13), F.S., coal, sulfur, wood, wood residues, or wood bark under account number will be exclusively used as a combustible fuel in the manufacturing, processing, compounding, or production of tangible personal property for sale. This industrial process is located at in \_\_\_\_\_, Florida, County of \_\_\_\_\_. Further, it is certified that is not subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation. The purchase of the combustible fuel pursuant to this certification is exempt from tax, pursuant to s. 212.08(7)(b), F.S.

Dated at \_\_\_\_\_, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

AUTHORIZED OFFICER OF COMPANY  
BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

(b) The sale of boiler fuels that are not used in manufacturing, processing, compounding, or producing items of tangible personal property for sale is subject to tax. The sale of boiler fuels used by any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation is subject to tax.

~~(11) Special fuel may be purchased tax exempt when the fuel is consumed by a power take-off or engine exhaust for the purpose of unloading bulk cargo by pumping or turning a concrete mixer drum used in the manufacturing process or for compacting solid waste by a motor vehicle designed to carry such waste and such vehicles have no separate fuel tank or power unit. An invoice or delivery ticket, which shall be signed by the person operating the motor vehicle, shall be made at the time each motor vehicle is refueled and shall provide accurate information as to the date, the number of gallons placed in the fuel tanks of the motor vehicle, the motor vehicle number, or tag number in the event the motor vehicle is not numbered. All internal records which provide information as to fuel consumption by the concrete mixer trucks, trucks in which bulk cargo is unloaded by pumping, and trucks used to compact solid waste shall continue to be maintained for audit review. In order to purchase the fuel tax exempt, the purchaser:~~

~~(a) must obtain a license as a dealer of special fuel and as a sales tax dealer; and~~

~~(b) compute the tax on the special fuel consumed by each motor vehicle using a power take off unit for turning a concrete drum or for compacting solid waste based on the actual number of gallons consumed during the turning or compacting operation taxable under Part I Chapter 212, F.S., and the remaining gallons taxable under Parts II of Chapters~~

~~206 and 212, and Chapter 336, F.S., or on a percentage factor of 65 percent taxable under Parts II of Chapters 206 and 212, and Chapter 336, F.S., and 35 percent taxable under Part I, Chapter 212, F.S.; or~~

~~(c) compute the tax on special fuel consumed by each motor vehicle using a power take off unit or engine exhaust for unloading bulk cargo by pumping based on the actual number of gallons consumed during the pump off operation or on the industry's standard of 10 gallons per pump off taxable under Part I Chapter 212, F.S., and the remaining gallons taxable under Parts II of Chapters 206 and 212, and Chapter 336, F.S.~~  
Cross Reference: Rules 12A-1.087 and 12B-5.130(2), F.A.C.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 206.87(3)(f); 212.05, 212.06(3), 212.08(4),(5)(a),(e),(7)(b),(j) FS. History-Revised 10-7-68, 6-16-72, Amended 7-19-72, 12-11-74, 10-18-78, 7-3-79, 6-3-80, 12-23-80, 8-26-81, 12-31-81, 7-20-82, 10-13-83, Formerly 12A-1.59, Amended 12-13-88, 5-19-93, 9-14-93, 3-20-96, \_\_\_\_\_.

12A-1.061 Rentals, Leases, and Licenses to Use Transient Accommodations.

(1) through (10) No change.

(11) MILITARY PERSONNEL ON ACTIVE DUTY.

(a) Rental charges or room rates paid by military personnel currently on active duty and present in the community under official orders are exempt. This includes rental charges or room rates for transient accommodations paid by military personnel while traveling to a destination designated by their official orders. The exemption does not include rental charges or room rates for transient accommodations paid by military personnel that are in the community, but are not under official orders to be present in the community.

(b) To qualify for this exemption, military personnel must present either of the following documents to the owner or owner's representative of the transient accommodation:

~~1. A written declaration stating that he or she is currently serving on active duty in the U.S. Armed Services; and~~

~~1.2. A copy of the official orders supporting the active duty status of the military personnel and making it necessary to occupy the transient accommodation; or~~

2. A copy of an overflow certificate issued to military personnel on active duty status by any unit of the U.S. Armed Services.

~~(c) The following is a suggested written declaration to be completed and presented to the owner or owner's representative of the transient accommodation:~~

~~The undersigned hereby declares that he or she is currently serving on active duty in the U.S. Armed Services and that it is necessary to reside at the named facility to carry out official orders.~~

Name \_\_\_\_\_ and \_\_\_\_\_ Address \_\_\_\_\_ of \_\_\_\_\_ Facility: \_\_\_\_\_

Name: \_\_\_\_\_

Rank/Rate: \_\_\_\_\_ Serial No. \_\_\_\_\_

Address: \_\_\_\_\_ (Place of duty) \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
\_\_\_\_\_  
(Signature of Military Personnel)

(12) No change.

(13) GOVERNMENTAL EMPLOYEES AND REPRESENTATIVES OF EXEMPT ORGANIZATIONS.

(a) Employees of the federal government or its agencies are exempt from tax on rental charges or room rates for transient accommodations, even though the employee may be reimbursed by the federal government or its agencies, only when:

1. The federal government or its agencies pays the rental charges or room rates directly to the owner or the owner's representative of the transient accommodations or reimburses the employee for the actual rental charges or room rates;

2. The employee does not use the transient accommodations for personal purposes; and

3. The employee provides the owner or the owner's representative of the transient accommodations with the proper documentation. See Rule ~~12A-1.038(4)~~ ~~12A-1.001(9)(d)1~~, F.A.C., for the ~~information and suggested formats of the~~ proper documentation to be provided by the employee.

(b)1. Employees of governmental units other than the federal government or its agencies (i.e., state, county, city, or any other political subdivision of the State) and authorized representatives of organizations that hold a Consumer's Certificate of Exemption issued by the Department ~~exempt from tax under s. 212.08(7)(m) or (o), F.S.~~, are exempt from tax on rental charges or room rates for transient accommodations only when:

a. The rental charges or room rates are billed directly to and paid directly by the governmental unit or the exempt organization;

b. The employee or representative does not use the transient accommodations for personal purposes; and

c. The employee or representative provides the owner or the owner's representative of the transient accommodations with proper documentation. See Rule 12A-1.038(3) and (4) ~~12A-1.001(9)(d)2~~, F.A.C., for the ~~information and suggested formats of the~~ proper documentation to be provided by the employee or representative.

2. Rental charges or room rates paid with personal funds of any individual representing an exempt organization or of any employee of a governmental unit, other than the federal government or its agencies, are subject to tax, even though the representative may receive an advance or reimbursement from the exempt organization or governmental unit.

~~(c) To exempt rental charges or room rates to government employees and representatives of exempt organizations, the owner or owner's representative of the transient accommodations must maintain a copy of the documents required under paragraphs (a) or (b) in their records until the tax imposed by Chapter 212, F.S., may no longer be~~

~~determined and assessed under s. 95.091(3), F.S. Upon request, a copy of the documents must be made available to the Department.~~

(14) through (18) No change.

(19) RECORDS REQUIRED. Any person who collects rental charges or room rates for transient accommodations must maintain adequate records, including copies of all lease or rental agreements, duplicate copies of receipts issued for the payment of rental charges or room rates, and any exemption certificates until the tax imposed by Chapter 212, F.S., may no longer be determined and assessed under s. 95.091(3), F.S. Upon request, records must be made available to the Department.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 92.525(1)(b), 212.02(2),(10)(a)-(g),(16), 212.03(1),(2),(3),(4),(5),(7), 212.031, 212.04(4), 212.08(6),(7)(i),(m),(o), 212.11(1),(2), 212.12(7),(9),(12), 212.13(2), 212.18(2),(3), 213.37, 213.756 FS. History-Revised 10-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 7-19-72, 4-19-74, 12-11-74, 5-27-75, 10-18-78, 4-11-80, 7-20-82, 1-29-83, 6-11-85, Formerly 12A-1.61, Amended 10-16-89, 3-17-94, 1-2-95, 3-20-96, 11-30-97, 7-1-99, 3-4-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rule amendments were noticed for a Rule Development Workshop in the Florida Administrative Weekly on January 19, 2001 (Vol. 27, No. 3, pp. 147-154). A rule development workshop was held on February 14, 2001, in Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida, regarding these proposed rule amendments. In response to comments received at the rule development workshop and written comments received by the Department, changes were made to the proposed amendments to Rules 12A-1.053 and 12A-1.059, F.A.C., to clarify the exemption provided for the sale of electric power or energy or fuels for use in residential households. These changes are incorporated into the Notice of Proposed Rulemaking.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Registration  
RULE NO.: 12A-1.060

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.060, F.A.C., is to provide clear guidance to taxpayers and tax administrators regarding the Department's sales tax registration requirements and guidance for when the \$100 registration fee will apply.

SUMMARY: The proposed amendments to Rule 12A-1.060, F.A.C.: 1) correct the title of form DR-1, Application to Collect and/or Report Tax in Florida; 2) define the term "place of business"; 3) provide guidelines for when the Department will treat a single contiguous location as separate places of business and require a taxpayer to obtain separate registration certificates; 4) provide examples of when a single registration is sufficient and examples of when the Department will require separate registration certificates for multiple activities carried on within a single contiguous location; and 5) provide that only one failure to register penalty would apply to a single, contiguous location, regardless of the type or number of identifiable activities the taxpayer may carry on at that location.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since these proposed rule amendments to Rule 12A-1.060, F.A.C., only implement statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

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

LAW IMPLEMENTED: 212.03(1),(2), 212.04(4), 212.06(2), 212.12(2),(5),(6), 212.16(1),(2), 212.18(3) FS.

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

TIME AND DATE: 10:00 a.m., May 22, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda W. Bridges, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9412

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips, (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.060 Registration.

(1)(a)1. Except as provided in paragraphs (f), (g), or (h), every person must file an Application to Collect and/or Report Tax in Florida for Sales and Use Tax Registration (form Form DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.)

with the Department of Revenue for a dealer's certificate of registration before engaging in any one of the following businesses:

a. through i. No change.

2. A separate application must be filed to obtain a separate dealer's certificate of registration for each place of business. Each application must be accompanied by a \$5 registration fee, except as provided in subparagraphs ~~3- or~~ 4. or 5.

3. For purposes of this rule, a "place of business" is a location where a dealer engages in an activity or activities described in subparagraph 1. A place of business includes the entire contiguous area in which the dealer carries on an activity or activities that require registration. A dealer that engages in more than one activity requiring registration within a contiguous area generally is required to obtain only one registration certificate for that location. The department will, however, treat areas within a single contiguous location as separate places of business and require a dealer to obtain separate registration certificates if the activities carried on in those areas are subject to taxation under different provisions of Chapter 212, F.S., the activities are not functionally related, and the efficient administration of the taxes imposed by Chapter 212, F.S., is facilitated by multiple registrations. The department will permit a dealer to obtain separate registrations for activities carried on at a single contiguous location at the dealer's request if the dealer keeps separate financial records for the activities and the activities are not functionally related. Under no circumstances will a dealer be subject to more than one penalty for failure or refusal to obtain a registration certificate for a single contiguous location, even if the dealer could be required or permitted to obtain separate registration certificates for multiple activities carried on at the location. The following examples illustrate the application of this rule in determining whether more than one place of business exists at a single contiguous location.

a. A taxpayer operates a shopping mall with 100 retail outlets that are leased to stores and restaurants, parking and common areas, and offices where management and accounting functions are performed. The taxpayer is required to register as a dealer because the rental of real property to the retailers is taxable under s. 212.031, F.S. The entire shopping mall is a single place of business for purposes of registration by the taxpayer.

b. A taxpayer owns a parcel of land with a building and a parking area. The building is divided into three areas. In one area, the taxpayer operates a retail building supply store. In the second area, which has a separate customer entrance, the taxpayer operates a retail store where custom furniture is made and sold. The third area in the building is used as warehouse and office space serving both stores. When ordering inventory, Taxpayer combines orders of lumber, hardware, paints, and stains from suppliers for the building supply store and for the furniture store. All inventory is purchased for resale and no

records are maintained of whether materials are sold in the building supply store or incorporated into furniture for sale in the furniture store. The taxpayer records sales for both activities in the same accounting records. The parcel of land and the building are a single place of business for registration purposes. Separate registration cannot be required because both the sale of the building supplies and the sale of furniture are taxable under Section 212.05(1), F.S. In addition, because of shared inventory and sales records, the two activities are functionally related. Because the activities are functionally related and separate records are not kept, the taxpayer would not be permitted to treat them as separate places of business for registration purposes.

c. A taxpayer owns a parcel of land with a building and a parking area. The building is divided into three areas. In one area, the taxpayer operates a retail building supply store. In the second area, which has a separate customer entrance, the taxpayer operates a retail store where custom clothing is made and sold. The third area in the building is used as warehouse and office space serving both stores. Separate sales and other accounting records are maintained for the two stores. Unless the taxpayer applies for separate registration certificates, the parcel of land and the buildings are a single place of business for registration purposes. Separate registration cannot be required because both the sale of the building supplies and the sale of clothing are taxable under s. 212.05(1), F.S. If the taxpayer applies for separate certificates of registration for the two activities, the Department then would treat the building supply store and the clothing store as separate places of business because they are not functionally related and separate accounting is done for each.

d. A taxpayer owns a large tract of land. The taxpayer operates an amusement park on part of the land. The taxpayer charges admission for entrance to the park. In addition to amusement rides, the park facilities include restaurants and a gift shop operated by the taxpayer and concession stands throughout the park where concessionaires sell snacks and beverages. The taxpayer also operates a resort hotel adjacent to the amusement park on the same tract of land. Because of its proximity to the park, the hotel caters primarily to park visitors. The hotel contains several restaurants and a gift shop operated by the taxpayer as well retail stores that taxpayer leases to other merchants. The hotel also contains offices from which the taxpayer manages the entire amusement park and hotel complex and centralized storage areas serving the entire complex. The taxpayer orders food for all its restaurants and other materials and supplies on combined purchase orders, regardless of where in the park and hotel complex the food, materials, or supplies will be used. Employees may be assigned to work anywhere throughout the entire park and hotel complex as needed. The taxpayer treats the entire complex as a single business for purposes of financial accounting. The taxpayer would be entitled to treat the entire tract of land with amusement park and hotel facility as a single place of business

for registration purposes. Even though the taxpayer's activities are taxable pursuant to several different sections of Chapter 212, F.S., all of the activities are functionally related parts of a single tourism/resort business under the taxpayer's operational methods and accounting practices.

e. A taxpayer owns a large tract of land. The taxpayer operates an amusement park on part of the land. The taxpayer charges admission for entrance to the park. In addition to amusement rides, the park facilities include restaurants and a gift shop operated by the taxpayer and concession stands throughout the park where concessionaires sell snacks and beverages. The taxpayer also operates a resort hotel adjacent to the amusement park on the same tract of land. Because of its proximity to the park, the hotel caters primarily to park visitors. The hotel contains several restaurants and a gift shop operated by the taxpayer as well retail stores that taxpayer leases to other merchants. The hotel also contains offices from which the taxpayer manages the entire amusement park and hotel complex and centralized storage areas serving the entire complex. The taxpayer orders food for amusement park restaurants and other materials and supplies for the amusement park separately from food, materials, and supplies for the hotel complex. Employees may be assigned to work anywhere in the entire amusement park or anywhere in the hotel complex but no employee is assigned to work in both areas. The taxpayer treats the amusement park as one business and the hotel complex as a separate business for purposes of financial accounting. The taxpayer would be entitled to treat the entire tract of land with amusement park and hotel facility as a single place of business for registration purposes. Even though the taxpayer's activities are taxable pursuant to several different sections of Chapter 212, F.S., and the amusement park and hotel are not operated as functionally related activities, requiring two registration certificates would not facilitate efficient administration of Chapter 212, F.S. If the taxpayer applied for two registration certificates, the Department then would treat the amusement park and the hotel complex as separate places of business because they are not functionally related and separate accounting is done for each.

f. A taxpayer owns a large tract of land. The taxpayer operates an amusement park on part of the land. The taxpayer charges admission for entrance to the park. In addition to amusement rides, the park facilities include restaurants and a gift shop operated by the taxpayer, concession stands throughout the park where concessionaires sell snacks and beverages, and maintenance and storage buildings. The taxpayer manages the amusement park activities, including purchasing and payroll functions from taxpayer's corporate headquarters in another city. The taxpayer also owns a resort hotel adjacent to the amusement park on the same tract of land. The hotel contains several restaurants and retail stores that are leased to other merchants. Because of its proximity to the park, the hotel caters primarily to park visitors. The taxpayer has entered into a management agreement with a third party

management company. The management company is responsible, under its contract with the taxpayer, for all aspects of operating the hotel, including purchasing, paying suppliers, personnel, leasing retail stores to merchants, financial record keeping, and tax matters. The management company collects sales taxes in regard to the hotel operations and remits those taxes on taxpayer's behalf to the state. All records in regard to the hotel operations are maintained by the management company at the hotel premises. The taxpayer will be required to treat the amusement park and the hotel as separate places of businesses. The two activities are not functionally related in terms of operations or accounting. In addition, because a separate return will be prepared and filed for the hotel operations, it will facilitate administration of Chapter 212, F.S., if a separate registration and reporting number is assigned.

g. A taxpayer operates a manufacturing facility and a retail outlet on the same tract of land. Statutes have been enacted to provide sales and use tax exemptions to businesses manufacturing the type of product the taxpayer manufactures. Those statutes require the department to make annual reports to the legislature and the office of the governor on the volume of sales made by manufacturers claiming the exemption. The department will require separate registration of the manufacturing business to facilitate compiling the required annual report.

~~4.3.~~ The Department is authorized to impose a \$100 registration fee for each place of business in lieu of the \$5 registration fee for the failure or refusal of any person to file an Application to Collect and/or Report Tax in Florida for Sales and Use Tax Registration (form Form DR-1) prior to engaging in or conducting business in this state as hereinbefore provided in subparagraph 1. Persons who have failed or refused to register are those that the Department seeks to register as a result of information supplied by an informant under s. 213.30, F.S., or as a result of enforcement programs administered by the Department. In making the determination as to whether the \$100 registration fee shall be required in lieu of the \$5 registration fee, the Executive Director or the Executive Director's designee in the responsible process division shall consider and be guided by:

a. The prior history, if any, of the applicant's compliance or noncompliance with the revenue laws administered by the Department of Revenue pursuant to s. 213.05, F.S.;

b. The applicant's ability to demonstrate the exercise of ordinary care and prudence through facts and circumstances presented to the Department indicating that a diligent attempt to meet the registration requirements of the law was made. An applicant with limited business knowledge, limited education, or limited experience with Florida tax matters may establish a basis for the existence of reasonable cause when there is reasonable doubt as to whether or not the applicant is required to register;

c. Reliance upon the erroneous advice of a competent advisor that the applicant did not meet the State's registration requirements. To establish a reasonable cause for noncompliance with the registration requirements, the applicant must demonstrate that advice was sought in a timely manner from the competent advisor, all necessary information was provided to the competent advisor, and that the applicant acted in good faith on the information received from the competent advisor;

d. The applicant's ability to demonstrate that he relied upon another person to comply with the State's registration requirements on his behalf; or

e. Whether the applicant, his agent, or employee can demonstrate that he exercised ordinary care and prudence in meeting the registration requirements once he had actual or constructive knowledge of such requirements.

~~5.4.~~ No registration fee is required to accompany any application to engage in or conduct business or to make mail order sales. Additionally, no registration fee is required to accompany any application for out-of-state dealers who have no business location in Florida.

(b)1. Owners of transient accommodations, as defined in Rule 12A-1.061, F.A.C., including owners of time-shares whose time-shares are not registered under the provisions of subparagraph 2. must file an Application to Collect and/or Report Tax in Florida for Sales and Use Tax Registration (form Form DR-1) with the Department of Revenue for a separate dealer's certificate of registration for each property or time-share period rented, leased, let, or in which a license to use has been granted to others, except as provided in paragraph (c).

2. No change.

(c) through (3) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1),(2), 212.04(4), 212.06(2), 212.12(2),(5),(6), 212.16(1),(2), 212.18(3) FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 3-21-77, 5-10-77, 10-18-78, Formerly 12A-1.60, Amended 6-10-87, 1-2-89, 11-12-90, 3-17-94, 1-2-95, 3-20-96, 11-30-97, 4-2-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda W. Bridges, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9412

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mark Zych, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)488-2576

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rule amendments were noticed for a Rule Development Workshop in the Florida Administrative Weekly on February 9, 2001 (Vol. 27, No. 6,

pp. 536-539). A rule development workshop was held on February 26, 2001, in Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida, regarding these proposed rule amendments. No comments were received regarding these proposed rule amendments. The Department announced at the workshop that it would replace the word "may" with the word "will" in the portion of the rule discussing the conditions under which multiple registrations would be considered for activities at a single contiguous location. That change has been made.

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE TITLE: Public Use Forms  
 RULE NO.: 12B-7.026

PURPOSE AND EFFECT: These proposed rule changes add form DR-146 (Miami-Dade County Lake Belt Mitigation Fee Monthly Return) to the list of forms used by the public to remit the mitigation fee to the Department. The effect of this proposed rule is to ensure taxpayers successfully remit the Miami-Dade County Lake Belt Mitigation Fee.

SUMMARY: The proposed amendments to Rule 12B-7.026, F.A.C. (Public Use Forms) implement the statute requirement in s. 373.41492(4)(b), F.S., that the Department publish forms necessary to implement the Miami-Dade County Lake Belt Mitigation Fee. The suggested changes add form DR-146 (Miami-Dade County Lake Belt Mitigation Fee Monthly Return) to the list of forms used by the public for remitting taxes and fees imposed by the statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since these proposed rule amendments reduce the administrative burden and potential confusion taxpayers may experience when they attempt to submit the Miami-Dade County Lake Belt Mitigation Fee, no new administrative costs are being created. Therefore, 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: 211.33(6), 213.06(1), 373.41492(4)(b) FS.

LAW IMPLEMENTED: 211.30, 211.31, 211.3103, 211.3106, 211.33, 373.41492 FS.

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

TIME AND DATE: 10:00 a.m., May 22, 2001  
 PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips, (850)922-4726. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-7.026 Public Use ~~Forms Form~~.

The following public-use ~~forms form~~ and instructions are used by the Department in its dealings with the public. These forms are ~~This form~~ is hereby incorporated and made a part of this rule by reference. Copies of these forms ~~this form~~ are available by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/revenue.html>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

Form	Title	Effective Date
(1) DR-142	Producers Severance Tax Return (r. <u>12/98</u> <del>2/93</del> )	___ <u>12/94</u>
(2) DR-146	<u>Miami-Dade County Lake Belt Mitigation Fee Monthly Return (n. 7/99)</u>	___

Specific Authority 211.33(6), 213.06(1), 373.41492(4)(b) FS. Law Implemented 211.30, 211.31, 211.3103, 211.3106, 211.33, ~~213.06~~, 373.41492 FS. History--New 12-18-94, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, Post Office Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development Workshop was published in the Florida Administrative Weekly on February 9, 2001 (Vol. 27, No. 6, p. 539)

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE TITLES:	RULE NOS.:
Property Subject to Tax – Annual and Nonrecurring	12C-2.002
Exemptions	12C-2.003
Levy of Tax – Annual and Nonrecurring	12C-2.004
Due Date – Payment of Tax – Discounts Allowed	12C-2.005
Taxable Situs – Reporting Requirements – Who Shall File a Return	12C-2.006
Intangible Personal Property Held in Trusts	12C-2.0063
Penalties and Interest	12C-2.007
Information Reports	12C-2.008
Valuations	12C-2.010
Tax Credits	12C-2.0105
Public Use Forms	12C-2.0115

**PURPOSE AND EFFECT:** These amendments conform the rules in Chapter 12C-2, F.A.C., to statutory revisions made to Chapter 199, Florida Statutes, during the 1998, 1999, and 2000 legislative sessions. The effect of these proposed rules is to ensure taxpayers are adequately informed of the rule changes necessary to implement these statutory revisions.

**SUMMARY:** The following is a brief discussion of the specific changes: A) The proposed amendments to Rule 12C-2.002, F.A.C., clarify for which tax year specific intangible property is subject to tax; B) The suggested changes to Rule 12C-2.003, F.A.C., explain the applicable exemption for accounts receivable; C) The recommended revisions to Rule 12C-2.004, F.A.C., clarify the current tax rate and provide guidance on how to correctly calculate the tax; D) The proposed changes to Rule 12C-2.005, F.A.C., remove and update information on the threshold for required payment of tax, remove obsolete provisions on international banking, and provide guidance on when tax is due on a line of credit secured by a lien on Florida real property; E) The proposed revisions to Rule 12C-2.006, F.A.C., update information on forms to be used when reporting tax on intangible property, clarify what entities may be included as a member of an affiliated group, explain for which tax periods trustees were required to file intangible tax returns, and remove obsolete information regarding the requirement for banks to file intangible tax returns; F) The suggested amendments to Rule 12C-2.0063, F.A.C., remove references to trustees or their agents being required to file intangible tax returns for property held in trusts; G) The recommended changes to Rule 12C-2.007, F.A.C., conform the penalty provisions in the Administrative Code with the statutory provisions; H) The proposed revisions to Rule 12C-2.008,

F.A.C., remove and update information on the requirement that corporations must provide information concerning the value of their stock held by Florida shareholders and remove an obsolete provision regarding banks claiming an international banking exemption; I) The suggested changes to Rule 12C-2.010, F.A.C., add a cross reference to give guidance to taxpayers on the appropriate periods for which accounts receivable were subject to intangible tax; J) The recommended revisions to Rule 12C-2.0105, F.A.C., give guidance to taxpayers on the period for which tax credits for banks and savings associations apply; and K) The proposed amendments to Rule 12C-2.0115, F.A.C., remove obsolete forms no longer used by the public to report tax information to the Department of Revenue.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** Since these proposed rule amendments reduce the administrative burden and potential confusion taxpayers may experience when attempting to comply with the intangible personal property tax statutes, no new administrative costs are being created. Therefore, 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:** 199.202, 213.06(1), 213.21 FS.

**LAW IMPLEMENTED:** 196.199, 199.023, 199.032, 199.042, 199.052, 199.057, 199.062, 199.103, 199.104, 199.106, 199.133, 199.135, 199.143, 199.145, 199.155, 199.175, 199.183, 199.185, 199.202, 199.222, 199.232, 199.282, 199.292, 213.12(2), 213.235, 607.1622, 731.111, 733.604 FS.

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

**TIME AND DATE:** 10:00 a.m., May 22, 2001

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Joe Parramore, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4709.

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Mary Herring, (850)922-4704. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE FULL TEXT OF THE PROPOSED RULES IS:

12C-2.002 Property Subject to Tax – Annual and Nonrecurring.

(1) The following are examples of property subject to annual taxation:

(a) Accounts Receivable – a debt which is owed by another which is not supported by a negotiable paper. For tax years beginning on or after January 1, 2001, accounts receivable arising out of normal trade or business are exempt from tax.

(b) through (c) No change.

(d) Charitable Unitrust – such trusts are taxable while trust corpus is held by a nonexempt trustee. For tax years beginning on or after January 1, 2001, charitable unitrusts are exempt from tax.

(e) through (h) No change.

(i) Custody Account – custody account is taxable only if the custodian is exercising discretionary powers over the assets held in the custody account. For tax years beginning on or after January 1, 2001, custody accounts are exempt.

(j) through (l) No change.

(m) Insurance Premiums

1. Insurance premiums for the year ~~that~~ which are financed; are accounts receivable.

2. Due, but uncollected, premiums (those premiums ~~that~~ which are in a grace period) are not taxed.

3. For tax years beginning on or after January 1, 2000, insurance companies are exempt from tax.

(n) through (o) No change.

(p) Line of Credit – based on the outstanding balance on January 1 of each tax year when not evidenced by a note secured by a mortgage or other lien on Florida real property. When secured by a lien on real property in Florida, the maximum amount allowed under the line each advance is subject to the nonrecurring tax.

(q) No change.

(r) Margin Accounts –

1. Receivables arising from margin accounts are taxable to the broker. For tax years beginning on or after January 1, 2001, margin account receivables are exempt from tax.

2. Stocks bought on margin are the property of the purchaser and are to be reported for taxation by the purchaser.

(s) through (z) No change.

(aa) Stock – shares or units of incorporated or unincorporated companies, limited liability companies, business trusts, mutual funds, and money market funds.

(bb) through (dd) No change.

(ee) Trust – a trust having a taxable situs in Florida is primarily taxable to the trustee. For tax years beginning on or after January 1, 2001, trustees are no longer required to file

returns or pay the tax. A beneficiary, having a taxable beneficial interest, ~~where there is no Florida trustee,~~ is responsible for filing a return for the taxable trust assets.

(2) The following are examples of property subject to the nonrecurring tax:

(a) No change.

(b) Agreements not to encumber real property if the agreement attaches as a lien on the real property.

(c) through (d) No change.

~~(e) Guarantee~~

~~1. An unconditional guarantee when secured by a lien on Florida real property.~~

~~2. A conditional guarantee is also subject to the tax, but not taxed until the condition is met or removed.~~

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.023, 199.032, 199.042, 199.052, 199.057, 199.062, 199.103, 199.133, 199.135, 199.143, 199.145, 199.155, 199.175, 199.183, 199.185, 199.202 FS. History–New 4-17-72, Revised 12-20-73, Amended 11-17-74, Formerly 12C-2.02, Amended 11-21-91,\_\_\_\_\_.

12C-2.003 Exemptions.

The following intangible property shall be exempt from the tax:

(1) through (8) No change.

(9) Accounts Receivable:

(a) For tax years beginning January 1, 2001, and thereafter, all accounts receivable arising from normal trade or business are exempt from tax.

(b) For the tax year beginning January 1, 2000, two-thirds of the taxable accounts receivable arising from normal trade or business are exempt from tax.

(c) For the tax year beginning January 1, 1999, one-third of the taxable accounts receivable arising from normal trade or business are exempt from tax.

(d) For the tax year beginning January 1, 1998, and all prior years, all accounts receivable are subject to tax.

(10) A charitable trust is exempt from tax. For the purpose of this exemption, a charitable trust is a trust that is paying 95 percent or more of its income to one or more organizations exempt from federal income tax under s. 501(c)(3), IRC.

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.183, 199.185, 213.12(2) FS. History–New 4-17-72, Revised 12-20-73, Amended 11-17-74, 4-21-75, Formerly 12C-2.03, Amended 11-21-91,\_\_\_\_\_.

12C-2.004 Levy of Tax – Annual and Nonrecurring.

(1) Annual Tax – An annual tax on the just value of intangible property having a taxable situs in Florida is levied as follows:

(a)1. All firms, partnerships, joint ventures, associations, corporations, estates, trusts, trustees, personal representatives, receivers, guardians, custodians, and other fiduciaries are subject to the full tax rate of \$1 ~~2.00~~ per thousand dollars (1 mill 2 mills) of just value of intangible property having a taxable situs in Florida.



2. Example: Artificial entities and fiduciaries.

Accounts Receivable	\$75,000.00
Stocks	50,000.00
Bonds	25,000.00
Loans to Stockholders (outstanding balances)	50,000.00
Total	<del>\$125,000.00</del> 200,000.00
Tax Rate	x .001 <del>2</del>
Tax Due	<del>\$ 125.00</del> 400.00

~~(b) Charitable trusts are those trusts paying 95 percent of their income to organizations exempt from federal income tax under s. 501(c)(3), IRC, and are subject to a tax rate of \$1.00 per thousand dollars (1 mill) of just value of intangible personal property.~~

Example: Charitable trusts.

Stocks	\$100,000.00
Mutual Funds	150,000.00
Futures Contracts	75,000.00
Bonds	125,000.00
Total	\$450,000.00
Tax Rate	x .001
Tax Due	\$ 450.00

~~(b)(e) Natural persons filing an individual or joint return are subject to the tax rate of \$1.00 2.00 per thousand dollars (1 mill) of just value of intangible property in the following manner: The first \$1.00 (1 mill) of tax per thousand dollars of the just value of intangible personal property applies to the property value of individuals in excess of \$20,000 (\$40,000 for a married couple filing a joint return). The additional \$1.00 (1 mill) of tax per thousand dollars of the just value of intangible personal property applies to the property value of individuals in excess of \$100,000 (\$200,000 for a married couple filing a joint return).~~

Examples:

1. Individual having taxable assets valued at ~~\$75,000~~ 100,000 or less.

	<del>(first mill tax)</del>	<del>(second mill tax)</del>
Taxable Assets	<del>\$75,000.00</del> 50,000.00	<del>\$50,000.00</del>
Exemption	- 20,000.00	-
Net Taxable Assets	<del>\$55,000.00</del> 30,000.00	0
Tax Rate	x .001	x <del>.001</del>
Tax Due	\$ <del>55.00</del> 30.00	No tax is due
Total Tax Due	\$0 <del>30.00</del> (tax due is less than \$60.00)	

2. Individual having taxable assets valued at ~~greater than~~ \$200,000 100,000.

	<del>(first mill tax)</del>	<del>(second mill tax)</del>
Taxable Assets	\$200,000.00	<del>\$200,000.00</del>
Exemption	- 20,000.00	-
Net Taxable Assets	\$180,000.00	<del>100,000.00</del>

Tax Rate	x .001	x <del>.001</del>
Tax Due	\$180.00	<del>\$100.00</del>
Total Tax Due	\$180.00 + \$100.00 = \$280.00	

3. Married couple filing jointly having taxable assets valued at ~~\$95,000 200,000 or less.~~

	<del>(first mill tax)</del>	<del>(second mill tax)</del>
Taxable Assets	<del>\$95,000.00</del> 50,000.00	<del>\$50,000.00</del>
Exemption	- 40,000.00	-
Net Taxable Assets	<del>\$55,000.00</del> 10,000.00	\$0
Tax Rate	x .001	x <del>.001</del>
Tax Due	<del>\$55.00</del> 10.00	No tax is due
Total Tax Due	\$0 <del>10.00</del> (tax due is less than \$60.00)	

4. Married couple filing jointly having taxable assets valued at ~~\$300,000.00~~ greater than \$200,000.00.

	<del>(first mill tax)</del>	<del>(second mill tax)</del>
Taxable Assets	\$300,000.00	<del>\$300,000.00</del>
Exemption	- 40,000.00	-
Net Taxable Assets	\$260,000.00	<del>200,000.00</del>
Tax Rate	x .001	x <del>.001</del>
Tax Due	\$ 260.00	<del>\$ 100.00</del>
Total Tax Due	\$260.00 + \$100.00 = \$360.00	

(2) Nonrecurring tax:

(a) through (c)1.b. No change.

2.a. A line of credit secured by a mortgage on Florida real property ~~the equity in a borrower's home~~ is subject to nonrecurring tax on the maximum amount of the line. Subsequent borrowings under the line are not subject to nonrecurring tax.

b. Example: A borrower establishes a \$50,000 line of credit with a bank and secures the line with a Florida real property mortgage ~~on the equity in his home~~. The borrower initially draws the full line of \$50,000 and pays nonrecurring tax on this maximum amount. The borrower later repays \$30,000 of the initial amount borrowed and then draws another \$15,000. The \$15,000 draw of funds under the line is not subject to nonrecurring tax, since the nonrecurring tax was already paid on \$50,000, the maximum credit limit under the line.

(d) No change.

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.032, 199.133, 199.143, 199.185 FS. History—New 4-17-72, Revised 12-20-73, Amended 5-8-79, Formerly 12C-2.04, Amended 11-21-91, 5-18-93, \_\_\_\_\_.

12C-2.005 Due Date – Payment of Tax – Discounts Allowed.

(1)(a) No change.

(b)~~4~~ No person subject to the annual tax shall be required to file a return or pay a tax if the tax due, before discount, is less than sixty five ~~sixty five~~ dollars (~~\$60.00~~ 5.00).

~~2. An annual return is required to be filed by agents or fiduciaries. International banking organizations claiming the international banking exemption must also file a completed tax return.~~

~~2.3.~~ No change.

(2) Nonrecurring Tax

(a) through (b) No change.

(c) If a mortgage, deed of trust, or other instrument evidencing a lien subject to the nonrecurring tax secures a revolving line of credit, a line of credit, or future advances, the tax shall be paid as provided in paragraphs (a) and (b) of this subsection on the initial debt or obligation, excluding future advances. Thereafter, each time a future advance shall be taxed when it is made under a future advance mortgage additional nonrecurring tax shall be paid.

(3) Extension of time for filing annual tax –

(a) through (b) No change.

(c) Examples:

1. A taxpayer requested and was granted an extension of time to file an intangible tax return and paid the tax. On September 30 of the tax year, intangible tax in the amount of \$100 is paid. No penalties are due because of the approved extension of time to file. However, interest in the amount of \$3.00 is due. (See Rule 12C-2.007, F.A.C.)

Tax Due With Return	\$100
Penalties	0
Interest	3
Total Due With Return	\$103

2. A taxpayer is granted an extension of time to file an intangible tax return and pay paid the tax. The extension was granted through September 30 of the tax year. On October 1 of the tax year a return is filed and the intangible tax is paid. On this date the extension of time to file is void. The taxpayer is liable for all penalties and interest from the due date until the date paid. (See Rule 12C-2.007, F.A.C.)

Tax Due With Return	\$100
Penalties: Delinquency (40%)	<del>20</del>
Late Filing (40%)	<del>15</del>
<u>[Maximum delinquency and late filing Penalty (40%)]</u>	<u>40</u>
Interest	3
Total Due With Return	<del>\$143</del> \$138

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.202, 199.042, 199.052, 199.135, 199.202, 607.1622 FS. History—New 4-17-72, Revised 12-20-73, Amended 11-17-74, Formerly 12C-2.05, Amended 11-21-91, \_\_\_\_\_.

12C-2.006 Taxable Situs – Reporting Requirements – Who Shall File a Return.

(1)(a) No change.

(b)1. Individuals, married couples filing jointly, and guardians filing on behalf of their ward shall file on form DR-601I ~~or DR-601AI~~. Intangible Tax Return (~~DR-601AI or~~

DR-601I); is incorporated in Rule 12C-2.0115, F.A.C. The form entitled Intangible Tax Return (~~DR-601AI or~~ DR-601I); is available by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

2. Corporations, partnerships, affiliated groups, and fiduciaries shall file on form DR-601C ~~or DR-601AC~~. Intangible Tax Return (~~DR-601AC or~~ DR-601C); is incorporated in Rule 12C-2.0115, F.A.C. The form entitled Intangible Tax Return (~~DR-601AC or~~ DR-601C); is available by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

3. A group of corporations, Subchapter S corporations, or limited liability companies may choose to file as an affiliated group ~~of corporations~~ if they meet the following criteria:

a. An affiliated group has a common parent ~~corporation~~ that directly owns at least 80% of all classes of stock or membership interest in a limited liability company and at least 80% of each class of nonvoting stock or membership interest in a limited liability company of one or more of the corporations or limited liability companies in the group. As used here, the term nonvoting stock or membership interest does not include stock or membership interests in a limited liability company that which is limited and preferred as to dividends.

b. No change.

c. The election to file as an affiliated group must be made each year. A notice of the election must be filed with the Department on or before June 30 of the tax year. The election and notice is made by selecting the affiliated group filing status

on form ~~DR-601AC or~~ DR-601C. Failure to file the notice of the election shall bar the filing of a consolidated return except as provided in this rule. An affiliated group ~~of corporations~~ which ~~does~~ ~~do~~ not intend to file a consolidated return shall indicate ~~its~~ ~~their~~ intent by filing separate returns for each ~~entity corporation~~ subject to the intangible tax.

d. An affiliated group ~~of corporations~~ which has failed to file any returns for one year may choose to file a consolidated intangible tax return for one delinquent year provided the group has filed consolidated returns for the three immediate prior years. If timely returns were filed by members of the group, the group may not file a consolidated return after the due date for filing a consolidated return.

e. The parent ~~entity corporation~~ files a consolidated return. This parent ~~entity corporation~~ does not have to have a taxable situs in Florida. All subsidiaries ~~that~~ ~~which~~ meet the ~~stock~~ ownership rule must be included in the consolidated group. Subsidiary ~~entities that~~ ~~corporations which~~ are foreign to the United States must be included in the consolidated group if the ~~stock~~ ownership test is met. When a consolidated return is filed, all accounts receivable between the ~~entities that~~ ~~corporations which~~ are part of the consolidated group return are to be eliminated. Also, the parent ~~entity's corporation's~~ investments in subsidiaries ~~that~~ ~~which~~ are included as part of the consolidated group are to be eliminated. Accounts receivable and the parent ~~entity's corporation's~~ investments in subsidiaries ~~that~~ ~~which~~ are not part of the consolidated group remain as items subject to the intangible tax. The capital ~~investment stock~~ of the parent ~~entity corporation~~, owned by a member of the consolidated group, is not eliminated from taxation.

f. An affiliated group ~~of corporations~~ filing a consolidated return must include the following with the intangible tax return:

(I) A consolidated balance sheet for the group identifying the taxable items and the eliminated items.

(II) A separate balance sheet for each ~~entity corporation~~ included in the consolidated group.

(III) A list identifying the parent ~~entity's corporation's~~ name, Employer Identification Number, state of charter and charter number, and mailing address (including city, state and zip code) and the name, Employer Identification Number, state of charter and charter number, and mailing address (including city, state and zip code) for each ~~entity corporation~~ included in the consolidated return.

4. No change.

(2) A person will be required ~~subject~~ to file completed returns even though that person may owe less than sixty five ~~500~~ dollars (\$60.00 ~~500~~) tax, if ~~providing~~ that person is under audit, examination, or investigation by the Department ~~department~~.

(3) Trustees.

(a) For tax years beginning after December 31, 2000, trustees are no longer required to file intangible tax returns or pay a tax.

(b) For tax year 2000 and previous tax years, the ~~The~~ taxable situs of a trust shall be in Florida if the trustee's usual place of business where the books and records pertaining to the trust are kept is in Florida; or, ~~or,~~ if the trustee has no principal place of business, then taxable situs shall be determined as follows:

1.(a) ~~(a)~~ If a Florida resident is sole trustee of a foreign trust, the trust is deemed to have a taxable situs in Florida and the corpus is subject to tax.

2.(b) ~~(b)~~ If there is more than one trustee, and all are Florida residents, only one return is to be filed.

3.(c) ~~(c)~~ When trustees are both residents and nonresidents and management and control of the trust is with the Florida trustee, then a return for the trust is to be filed by the Florida trustee.

4.(d) ~~(d)~~ When trustees are both residents and nonresidents, and management or control is with an out of state trustee, then no return is necessary by the Florida trustee.

5.(e) ~~(e)~~ When there are two trustees, one is a resident and one a nonresident and they share equally in management and control of the trust, the assessment of property shall be apportioned between them.

6.(f) ~~(f)~~ When there are three or more trustees, and they are residents and nonresidents and they share equally in the management and control, the trust has a taxable situs in this state if the majority of the trustees are residents of this state. In such a case, only one return is to be filed for the trust. If the majority of the trustees are nonresidents, the trust does not have a taxable situs in this state and no return is to be filed.

(4) through (6) No change.

~~(7) Banking Organizations: Banking organizations claiming an exemption for international banking transactions as provided in s. 199.185(1)(h), F.S., shall file a return and list all intangibles arising out of international banking activities whether or not any tax is due. The form to be used is the intangible tax return (DR-601AC or DR-601C). The form entitled Intangible Tax Return (DR-601C or DR-601AC) is incorporated in Rule 12C-2.0115, F.A.C. The form entitled Intangible Tax Return (DR-601AC or DR-601C), is available by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses~~

~~(http://sun6.dms.state.fl.us/dor/). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.~~

- ~~(7)(8)~~ Taxpayer Identification Number Required.
- (a) through (b) No change.

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.052, 199.057, 199.062, 199.175, 199.202 FS. History—New 4-17-72, Revised 12-20-73, Amended 11-17-74, 9-27-76, 9-6-77, Formerly 12C-2.06, Amended 11-21-91, 1-5-94, 6-2-98,\_\_\_\_\_.

- 12C-2.0063 Intangible Personal Property Held in Trusts.
- (1) through (2) No change.

~~(3) All trustees must be domiciled and located outside of Florida.~~

- (4) through (6) renumbered (3) through (5) No change.

~~(6)(7)~~ If the trust includes any of the following powers, an item of intangible personal property constituting trust principal is not within the guidelines of this rule that describe certain, but not all, circumstances in which items of intangible personal property would not have taxable situs in Florida:

- (a) through (b) No change.
- ~~(c) The trust has an employee or agent in the state managing or controlling trust assets.~~

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

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.052, 199.175 FS. History—New 6-2-98, Amended\_\_\_\_\_.

- 12C-2.007 Penalties and Interest.
- (1) through (2) No change.

(3) Beginning with tax year 1999 and thereafter, when a tax payment is delinquent and the tax return is filed after June 30 of the tax year, the maximum for the combined penalties shall be 10 percent per month, not to exceed a maximum of 50 percent of the tax due with the return.

- (3) through (7) renumbered (4) through (8) No change.

Specific Authority 199.202, 213.06(1), 213.21 FS. Law Implemented 199.052, 199.282, 213.235 FS. History—New 4-17-72, Revised 12-20-73, Amended 9-27-76, 4-2-78, Formerly 12C-2.07, Amended 11-21-91, 5-18-93, 4-2-00,\_\_\_\_\_.

- 12C-2.008 Information Reports.

(1)(a) Each tax year every corporation qualified or doing business in this state shall provide its Florida shareholders and the department a written notification where applicable of the following:

1. The corporation's election to pay the tax as agent for its Florida shareholders. The notice shall be filed on an Intangible Tax Return (~~DR-601AC~~ or DR-601C) by completing Schedule E and checking the notification box. A copy of the notice given to Florida shareholders is to be attached to the return.

- 2. through 3. No change.

~~4. Corporations claiming the international banking exemption must notify the department and file an information return listing all intangible property for which the exemption is claimed.~~

(b) The form entitled Intangible Tax Return (~~DR-601AC~~ or DR-601C); is incorporated in Rule 12C-2.0115, F.A.C. The form entitled Intangible Tax Return (~~DR-601AC~~ or DR-601C); is available by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (http://sun6.dms.state.fl.us/dor/). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

(c) A representative copy of the notices required to be given to shareholders by subparagraphs 2. and 3. of paragraph (a) above shall be attached to the corporation's intangible tax return. The notices required to be given to the department by paragraph (a) above shall be given by marking the appropriate box or boxes on the ~~face of the~~ Intangible Tax Return (~~DR-601C~~ or ~~DR-601AC~~).

- (2) through (5) No change.

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.052, 199.057, 199.062, 199.185, 607.1622, 731.111, 733.604 FS. History—New 4-17-72, Revised 12-20-73, Amended 4-21-75, Formerly 12C-2.08, Amended 7-31-90, 11-21-91, 1-5-94,\_\_\_\_\_.

- 12C-2.010 Valuations.

- (1) Annual Tax.

- (a) through (g) No change.

(h) Accounts receivable shall be valued at their outstanding balance as of the close of business on the last day of the previous calendar year, less a deduction of a reasonable amount for uncollectible accounts. Such deduction shall be established by actual amounts or shown by the history of uncollectible ~~uncollectable~~ accounts. This provision shall apply even if the business is on a cash basis accounting system. Cross Reference – Rule 12C-2.003(9), F.A.C.

- (i) through (3) No change.

Specific Authority 199.202, 213.06(1) FS. Law Implemented 196.199, 199.023, 199.052, 199.103, 199.155 FS. History—New 4-17-72, Revised 12-20-73, Amended 9-27-76, 8-8-78, 12-31-80, Formerly 12C-2.10, Amended 11-21-91, 5-18-93,\_\_\_\_\_.

- 12C-2.0105 Tax Credits.

- (1) through (2)(b) No change.

(c) The credit provided by this subsection applies only to tax year 1999 and previous tax years.

Specific Authority 199.202(2), 213.06(1) FS. Law Implemented 199.104, 199.106 FS. History—New 5-18-93, Amended\_\_\_\_\_.

12C-2.0115 Public Use Forms.

The following public use forms and instructions are employed by the Department in its dealings with the public related to administration of the intangible tax. These forms are hereby incorporated and made a part of this rule by reference. Copies of these forms are available by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

Form Number	Title	Effective Date
(1) DR-301	Preliminary Notice and Report-Estate Tax (r. 05/93)	1/94
<del>(2) DR-601-AI</del>	<del>Intangible Tax Return (Flat sheet) (Individual and Fiduciary) (r. 12/92)</del>	<del>1/94</del>
<del>(3) DR-601-AC</del>	<del>Intangible Tax Return (Flat Sheet) (Corporation and Partnership) (r. 12/92)</del>	<del>1/94</del>
<del>(2)(4) DR-601-C</del>	<del>Intangible Personal Property Tax Return (Corporation and Partnership) (r. 12/00 12/92)</del>	<del>1/94</del>
<u>(3) DR-601CN</u>	<u>Instructions for Filing Form DR 601C (r.01/01)</u>	—
<u>(4) DR-601CS</u>	<u>Accompanying Schedules for Form DR 601C (r. 01/01)</u>	—
(5) DR-601-G	Government Leasehold Intangible Tax Return (r. 12/00 01/93)	— 1/94
(6) DR-601-I	Intangible Personal Property Tax Return (Individual and Fiduciary) (r. 01/01 12/92)	— 1/94
<u>(7) DR 601IN</u>	<u>Instructions for Filing Form DR 601I (r.01/01)</u>	—
<u>(8) DR 601CS</u>	<u>Accompanying Schedules for Form DR 601I (r. 01/01)</u>	—
<del>(9)(7) DR-602</del>	<del>Application for Extension of Time to File Florida Intangible Tax Return (r. 02/93)</del>	<del>1/94</del>

<del>(10)(8) DR-609</del>	<del>Clerk's Monthly Intangible Tax Transmittal Form (r. 10/87)</del>	<del>10/87</del>
<del>(11)(9) DR-610-B</del>	<del>Intangible Personal Property Tax Receipt (bookstyle) (r. 04/87)</del>	<del>4/87</del>
<del>(12)(10) DR-610-US</del>	<del>Intangible Personal Property Receipt (unit set snap-out style) (r. 05/86)</del>	<del>5/86</del>
<del>(11) DR-615</del>	<del>Application for Exemption (r. 7/90)</del>	<del>7/90</del>
<del>(13)(12) DR-618-TPS</del>	<del>Intangible Tax Input Document (Third Party Source Billing Document) (r. 07/82)</del>	<del>7/82</del>
<del>(14)(13) DR-629-C</del>	<del>Florida Intangible Personal Property Tax Letter of Inquiry (r. 11/92)</del>	<del>1/94</del>
<del>(15)(14) DR-629-I</del>	<del>Florida Intangible Personal Property Tax Letter of Inquiry (r. 03/93)</del>	<del>1/94</del>
<del>(16)(15) DR-629-S</del>	<del>individual and Fiduciary Intangible Personal Property Tax Letter of Inquiry (r. 9/91)</del>	<del>1/94</del>

Specific Authority 199.202(2), 213.06(1) FS. Law Implemented 199.023, 199.032, 199.042, 199.052, 199.062, 199.103, 199.135, 199.222, 199.232, 199.292 FS. History—New 11-21-91, Amended 1-5-94, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Parramore, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4709

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, Post Office Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development Workshop was published in the Florida Administrative Weekly on February 9, 2001 (Vol. 27, No. 6, pp. 539-546)

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE TITLE: Forms and Instructions  
 RULE NO.: 40D-1.659

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to incorporate new and modified forms relating to water well construction and water well contractor licensing into the District's rules.

SUMMARY: Forms which the District uses in dealings with the public must be formally adopted by rule pursuant to Section 120.55(1)(a)4., Florida Statutes. The District currently uses an Application for a Water Well Contractor’s License and a Well Grouting/Abandonment Form. Each of these forms has been updated to include several revisions since last incorporated into the District’s rules. The District also uses an Application for Renewal of a Water Well Contractor’s License, which has not previously been incorporated into the District’s rules. Each of the Licensing Forms includes an acknowledgment by the applicant that he or she understands the responsibilities under the applicable statutes and rules relating to the licensing, permitting and construction of water wells.

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-1.659, 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, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 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, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

**GROUND WATER**

(1) APPLICATION FOR WATER WELL CONTRACTOR’S LICENSE FORM NO. ~~WWCL-(7/99)~~ 42.00-044 (5/00).

(2) APPLICATION FOR RENEWAL OF A WATER WELL CONTRACTOR’S LICENSE FORM NO. 41.10-109 (\_\_\_\_).

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

(5)(4) WELL GROUTING/ABANDONMENT FORM FORM NO. 41.10-410 (8/96) (\_\_\_\_).

(5) through (18) renumbered (6) through (19) No change.

**SURFACE WATER**

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (13) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, ~~373.206, 373.207, 373.209~~, 373.216, 373.219, 373.229, 373.239, ~~373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339~~, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 10-26-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tony Gilboy, Well Const. Reg. Mgr., Well Const. Perm., Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (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: March 20, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Ambulatory Surgical Center Services RULE NO.: 59G-4.020

PURPOSE AND EFFECT: The purpose of the proposed rule is to incorporate by reference the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2001. Appendix A of the handbook contains the 2001 procedure codes and payment groups in effect for dates of service beginning on January 1, 2001. The effect will be to incorporate in the rule the current Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook.

SUMMARY: The proposed rule incorporates by reference the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 1, 2001. The handbook update consists of covered code and payment group revisions to Appendix A, Ambulatory Surgical Center Procedure Codes and Groups, routinely updated every year at this time. The revised code list is effective for dates of service beginning on January 1, 2001.

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: 409.919 FS.

LAW IMPLEMENTED: 409.906, 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 – 10:00 a.m., May 21, 2001

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ouida Mazzoccoli, Medical/Health Care Program Analyst, Medicaid Program Development Office, 2728 Fort Knox Boulevard, Building 3, Tallahassee, Florida 32308, (850)922-7351

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

(2) All ambulatory surgical center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2001 ~~April 2000~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ouida Mazzoccoli

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2001

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 01-12R

RULE CHAPTER TITLE: Stationary Sources – General Requirements  
RULE CHAPTER NO.: 62-210

RULE TITLES: Rule NOS.:  
Permits Required 62-210.300  
Reports 62-210.370  
Forms and Instructions 62-210.900  
Notification Forms for Air General Permits 62-210.920

PURPOSE AND EFFECT: The Department is proposing to amend the non-Title V air general permit notification forms to incorporate general procedures and conditions added to Rule 62-210.300(4), F.A.C., in a recent rule amendment, add new categorical exemptions from air permitting for relocatable screening-only operations and for brownfield site remediation, add a new non-Title V air general permit for nonmetallic mineral processing plants, remove public notice requirements for relocation of concrete batching plants with air general permits, add language allowing multiple concrete batching plants with air general permits to operate at the same location, add language allowing concrete batching plants with air general permits and nonmetallic mineral processing plants with air general permits to operate at the same location, add language allowing a single facility to hold air general permits for both human and animal crematories, and change the Notification of Intent to Relocate Air Pollutant Emitting Facility (DEP Form No. 62-210.900(6)) and associated rule language.

SUMMARY: The proposed amendments would affect categorical exemptions from air permitting, air general permits, and relocatable facilities.

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, 403.087, 403.0872, 403.814 FS.

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

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (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:

62-210.300 Permits Required.  
(1) through (2) No change.

(3) Exemptions. A facility, emissions unit or pollutant-emitting activity shall be exempt from the permitting requirements of this chapter, Chapter 62-212, F.A.C., and Chapter 62-4, F.A.C., if it satisfies the applicable criteria of Rule 62-210.300(3)(a) or (b), F.A.C., or if it has been exempted from permitting pursuant to Rule 62-4.040, F.A.C. Failure of a facility, emissions unit or activity to satisfy the exemption criteria of Rule 62-210.300(3)(a) or (b), F.A.C., does not preclude such facility, unit or activity from being considered for exemption pursuant to Rule 62-4.040, F.A.C. Emissions units and pollutant-emitting activities exempt from permitting under this rule shall not be exempt from the permitting requirements of Chapter 62-213, F.A.C., if they are contained within a Title V source; however, such emissions units and activities shall be considered insignificant for Title V purposes provided they also meet the criteria of Rule 62-213.300(2)(a)1. or 62-213.430(6)(b), F.A.C. Any proposed new emissions unit or activity that would be exempt from permitting under this rule shall not be required to obtain an air construction permit pursuant to this chapter, Chapter 62-212, F.A.C., or Chapter 62-4, F.A.C., even if such unit or activity would be contained within a Title V source. No emissions unit shall be entitled to an exemption from permitting under this rule if its emissions, in combination with the emissions of other units and activities at the facility, would cause the facility to emit or have the potential to emit any pollutant in such amount as to make the facility a Title V source. Neither shall any emissions unit be entitled to an exemption from permitting under this rule if it would be subject to any unit-specific applicable requirement. Notwithstanding its exemption from air permitting, an exempt emissions unit or activity shall be subject to any general, facility-level applicable requirements, and its emissions shall be considered in determining the applicability of permitting requirements to other emissions units at the facility or to the facility as a whole.

(a) Categorical Exemptions.

1. through 36. No change.

37. Relocatable screening-only operations, provided:

a. The screening operation is not connected to a nonmetallic mineral processing plant subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C.:

b. No dry material is processed; and

c. No hazardous waste or toxic waste, as defined in Department rules, is processed.

38. Brownfield site remediation, as described at Rule 62-785.700, F.A.C., provided that the total volatile organic compounds in the air emissions from all onsite remediation equipment does not exceed 13.7 pounds per day.

(b) No change.

(c) Conditional Exemptions from Title V Air Permitting.

The following facilities are exempt from the requirement to obtain a Title V air operation permit under the provisions of

Chapter 62-213, F.A.C., but are not exempt from the requirement to obtain any other air permit as may be required under this rule unless also exempt from permitting under Rule 62-210.300(3)(a) or (b), F.A.C., or Rule 62-4.040, F.A.C. A facility is not entitled to an exemption from Title V permitting under this rule if it is a Title V source pursuant to paragraph (f), (g), or (h) of the definition of "major source of air pollution" or ~~it contains other emissions units which would cause the facility would~~ to be classified as a Title V source as a result of their combined potential to emit regulated pollutants of all emissions units at the facility.

1. No change.

2. Bulk gasoline plants, provided the following conditions are met:

a. The facility operates no emissions units other than the bulk gasoline plant and emissions units which are exempt from permitting pursuant to the criteria of Rule 62-210.300(3)(a) or (b), F.A.C., or have been exempted from permitting under Rule 62-4.040, F.A.C.;

b. through f. No change.

3. Facilities comprising heating units and general purpose internal combustion engines, provided the following conditions are met:

a. The facility operates no emissions units other than the heating units and general purpose internal combustion engines and emissions units which are exempt from permitting pursuant to the criteria of Rule 62-210.300(3)(a) or (b), F.A.C., or have been exempted from permitting under Rule 62-4.040, F.A.C.

b. through f. No change.

4. Facilities comprising surface coating operations, provided the following conditions are met:

a. The facility operates no emissions units other than the surface coating operations and emissions units which are exempt from permitting pursuant to the criteria of Rule 62-210.300(3)(a) or (b), F.A.C., or have been exempted from permitting under Rule 62-4.040, F.A.C.

b. through f. No change.

5. Facilities comprising polyester resin plastic products fabrication activities, provided the following conditions are met:

a. The facility operates no emissions units other than the polyester resin plastic products fabrication units and emissions units which are exempt from permitting pursuant to the criteria of Rule 62-210.300(3)(a) or (b), F.A.C., or have been exempted from permitting under Rule 62-4.040, F.A.C.

b. through e. No change.

6. Facilities comprising cast polymer operations, provided the following conditions are met:



a. The facility operates no emissions units other than the cast polymer operations and emissions units which are exempt from permitting pursuant to the criteria of Rule 62-210.300(3)(a) or (b), F.A.C., or have been exempted from permitting under Rule 62-4.040, F.A.C.

b. through e. No change.

(4) Air General Permits.

(a) Title V Sources. Certain facilities are eligible to operate under the terms of an air general permit pursuant to the procedures and general conditions of Rule 62-213.300, F.A.C., Title V Air General Permits. These facilities are specified in Rule 62-213.300, F.A.C. Unless otherwise specified in Rule 62-213.300, F.A.C., the responsible official of any facility that is eligible and has submitted notification to use an air general permit pursuant to Rule 62-213.300, F.A.C., and who operates the facility in compliance with the terms and conditions of the air general permit shall not be required to obtain an air construction permit pursuant to Rule 62-210.300(1), F.A.C. In addition, such responsible official shall not be required to obtain a regular air operation permit pursuant to Rule 62-210.300(2), F.A.C., or a regular Title V air operation permit pursuant to Chapter 62-213, F.A.C.

(b)(a) Facilities with Conditional Exemptions from Title V Air Permitting. Non Title V Air General Permits. No facility which contains an emissions unit, other than a unit described in an air general permit under this paragraph or a unit exempted from permitting pursuant to Rule 62-210.300(3)(a) or (b), F.A.C., or Rule 62-4.040, F.A.C, shall be eligible to use any air general permit in this paragraph. No facility is eligible to use more than one air general permit under this paragraph. The following facilities are eligible to operate under the terms of an air general permit issued pursuant to the procedures and general conditions of Rules 62-210.300(4)(d)(e) through (e)(d), F.A.C., provided all existing air permits authorizing operation of the facility are surrendered, all requirements of this paragraph are met, and the facility complies with the terms and conditions of the particular air general permit throughout the term of the air general permit:

1. Volume reduction, mercury recovery, and mercury reclamation processes as defined in and subject to the requirements of Rule 62-296.417, F.A.C., provided the owner or operator submits a completed Volume Reduction, Mercury Recovery or Mercury Reclamation Air General Permit Notification Form (DEP Form No. 62-210.920(1)) to the Department at least 30 days prior to beginning operations under the general permit and, throughout the term of the general permit:

a. The facility operates no emissions units other than volume reduction, mercury recovery and mercury reclamation processes and emissions units which are exempt from permitting pursuant to the criteria of Rule 62-210.300(3)(a) or (b), F.A.C.; and

b. The facility does not emit or have the potential to emit 10 tons per year or more of mercury.

2. through 6. renumbered 1. through 5. No change.

7. Concrete Batching Plants as subject to the requirements of Rule 62-296.414, F.A.C, provided the owner or operator timely submits a completed Concrete Batching Plant Air General Permit Notification Form (DEP Form No. 62-210.920(7)) to the Department. Proposed new concrete batching plants, or existing relocatable concrete batching plants which are proposing to change location, shall: publish a notice of intent to use the general permit in a newspaper of general circulation in the area affected by the proposed project no more than 60 days prior to submitting a completed notification form to the Department; and submit a completed notification form with proof of notice publication to the Department at least 30 days prior to beginning construction or relocation. The Department shall provide the format for the notice of intent. Existing concrete batching plants which are not proposing to change location shall submit a completed notification form to the Department at least 30 days prior to the expiration date of any existing air operation permit or air general permit. Also, throughout the term of the general permit:

a. The facility operates no emissions units other than the concrete batching plant and emissions units which are exempt from permitting pursuant to the criteria of Rule 62-210.300(3)(a) or (b), F.A.C.;

b. If the facility proposes to change location, the owner or operator submits a completed concrete batching plant air general permit notification form to the Department, publishes a notice of intent to use a general permit, and submits proof of publication to the Department pursuant to the conditions of Rule 62-210.300(4)(a)7., F.A.C.;

e. The facility is not subject to a particulate matter Reasonably Available Control Technology (RACT) emission limiting standard of Rules 62-296.701 through .712, F.A.C.; and

d. The facility is not a Title V source as defined in Rule 62-210.200, F.A.C.

8. Human crematories as subject to the requirements of Rule 62-296.401(5), F.A.C., provided the owner or operator obtains an air construction permit pursuant to Rule 62-210.300(1), F.A.C., and at least 30 days prior to the expiration date of any air construction or existing air operation permit the owner or operator submits a completed Human Crematory Air General Permit Notification Form (DEP Form No. 62-210.920(8)) to the Department. Also, throughout the term of the general permit:

a. The facility operates no emissions units other than the human crematory and emissions units which are exempt from permitting pursuant to the criteria of Rule 62-210.300(3)(a) or (b), F.A.C.; and

b. The facility is not a Title V source as defined in Rule 62-210.200, F.A.C.

9. Animal crematories with aggregate design capacity to cremate 500 pounds per hour or less, as subject to the requirements of Rule 62-296.401(6), F.A.C., provided the owner or operator obtains an air construction permit pursuant to Rule 62-210.300(1), F.A.C., and at least 30 days prior to the expiration date of any air construction or existing air operation permit the owner or operator submits a completed Animal Crematory Air General Permit Notification Form (DEP Form No. 62-210.920(9)) to the Department. Also, throughout the term of the general permit:

a. The facility operates no emissions units other than the animal crematory and emissions units which are exempt from permitting pursuant to the criteria of Rule 62-210.300(3)(a), F.A.C.; and

b. The facility is not a Title V source as defined in Rule 62-210.200, F.A.C.

(b) Title V Air General Permits. Certain facilities are eligible to operate under the terms of an air general permit issued pursuant to the procedures and general conditions of Rule 62-213.300, F.A.C., Title V Air General Permits. These facilities are specified in Rule 62-213.300, F.A.C. Unless otherwise specified in Rule 62-213.300, F.A.C., the responsible official of any facility that is eligible and has submitted notification to use an air general permit pursuant to Rule 62-213.300, F.A.C., and who operates the facility in compliance with the terms and conditions of the air general permit shall not be required to obtain an air construction permit pursuant to Rule 62-210.300(1), F.A.C. In addition, such responsible official shall not be required to obtain a regular air operation permit pursuant to Rule 62-210.300(2), F.A.C., or a regular Title V air operation permit pursuant to Rule 62-213, F.A.C.

(c) Other Non-Title V Air General Permits. No facility which contains an emissions unit, other than a unit described in an air general permit under this paragraph or a unit exempted from permitting pursuant to Rule 62-210.300(3)(a) or (b), F.A.C., or Rule 62-4.040, F.A.C., shall be eligible to use any air general permit in this paragraph. Unless specifically authorized by the particular air general permit, no facility is eligible to use more than one air general permit under this paragraph. In no event, however, shall any emissions unit be eligible to use any air general permit in this paragraph if the unit would be a Title V source as defined at Rule 62-210.200, F.A.C., be located at or relocated to a Title V source, or create a Title V source with other facilities or emissions units. The following facilities are eligible to operate under the terms of an air general permit pursuant to the procedures and general conditions of Rules 62-210.300(4)(d) through (e), F.A.C., provided all existing air permits authorizing operation of the facility are surrendered, all

requirements of this paragraph are met, and the facility complies with the terms and conditions of the particular air general permit throughout the term of the air general permit:

1. Volume reduction, mercury recovery, and mercury reclamation processes as defined in and subject to the requirements of Rule 62-296.417, F.A.C., provided the owner or operator submits a completed Volume Reduction, Mercury Recovery or Mercury Reclamation Air General Permit Notification Form (DEP Form No. 62-210.920(1)) to the Department at least 30 days prior to beginning operations under the general permit and, throughout the term of the general permit, the facility does not emit or have the potential to emit 10 tons per year or more of mercury.

2. Concrete batching plants as subject to the requirements of Rule 62-296.414, F.A.C. provided:

a. The owner or operator timely submits a completed Concrete Batching Plant Air General Permit Notification Form (DEP Form No. 62-210.920(7)) to the Department. The owner or operator of any proposed new concrete batching plant shall publish a notice of intent to use the general permit in a newspaper of general circulation in the area affected by the proposed project no more than 21 days prior to submitting a completed notification form to the Department, shall submit a completed notification form with proof of notice publication to the Department at least 30 days prior to beginning construction, and shall demonstrate compliance no more than 30 days after beginning operation. The Department shall provide the format for the notice of intent;

b. Throughout the term of the air general permit, the owner or operator complies with the requirements of Rule 62-296.414, F.A.C.;

c. The owner or operator of any relocatable concrete batching plant proposing to change location shall submit a Facility Relocation Notification Form (DEP Form No. 62-210.900(6)) to the Department at least 30 days prior to relocation;

d. The owner or operator of a stationary concrete batching plant using an air general permit may operate a stationary nonmetallic mineral processing plant using an air general permit at the same location provided all concrete batching plant units operate under a single concrete batching plant air general permit, all nonmetallic mineral processing plant units operate under a single nonmetallic mineral processing plant air general permit, and the resultant facility contains no additional nonexempt units and would not be a Title V source;

e. The owner or operator of a stationary concrete batching plant using an air general permit may operate, or allow the operation of, one or more relocatable nonmetallic mineral processing plants using individual air general permits at the same location as the concrete batching plant provided the resultant facility contains no additional nonexempt units, the total combined annual facility-wide fuel oil usage of all plants is less than 240,000 gallons per calendar year, the material

processed is less than 10 million tons per calendar year, and the fuel oil sulfur content does not exceed 0.5%, by weight. The owner or operator of the concrete batching plant shall maintain a log book to account for fuel consumption and material processed on a monthly basis. Fuel supplier certifications shall be maintained to account for the sulfur content of the fuel being burned; and

f. The owner or operator of multiple relocatable concrete batching plants using individual concrete batching plant air general permits may operate more than one such plant at the same location provided the resultant facility contains no additional nonexempt units and would not be a Title V source.

3. Human crematories as subject to the requirements of Rule 62-296.401(5), F.A.C., provided:

a. The owner or operator obtains an air construction permit pursuant to Rule 62-210.300(1), F.A.C., and at least 30 days prior to the expiration date of any air construction or existing air operation permit the owner or operator submits a completed Human Crematory Air General Permit Notification Form (DEP Form No. 62-210.920(8)) to the Department;

b. Throughout the term of the air general permit, the owner or operator complies with the requirements of Rule 62-296.401(5), F.A.C.; and

c. The owner or operator may use a human crematory air general permit and an animal crematory air general permit at the same facility provided all human crematory units operate under a single human crematory air general permit and all animal crematory units operate under a single animal crematory air general permit.

4. Animal crematories with aggregate facility design capacity to cremate 500 pounds per hour or less, as subject to the requirements of Rule 62-296.401(6), F.A.C., provided:

a. The owner or operator obtains an air construction permit pursuant to Rule 62-210.300(1), F.A.C., and at least 30 days prior to the expiration date of any air construction or existing air operation permit the owner or operator submits a completed Animal Crematory Air General Permit Notification Form (DEP Form No. 62-210.920(9)) to the Department;

b. Throughout the term of the air general permit, the owner or operator complies with the requirements of Rule 62-296.401(6), F.A.C.; and

c. The owner or operator may use a human crematory air general permit and an animal crematory air general permit at the same facility provided all human crematory units operate under a single human crematory air general permit and all animal crematory units operate under a single animal crematory air general permit.

5. Nonmetallic mineral processing plants, provided the owner or operator timely submits a completed Nonmetallic Mineral Processing Plant Air General Permit Notification Form (DEP Form No. 62-210.920(10)) to the Department, and, throughout the term of the general permit complies with the following terms and conditions:

a. For purposes of this rule, the definitions of 40 CFR 60.671, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall apply;

b. The owner or operator of any relocatable nonmetallic mineral processing plant proposing to change location shall notify the Department by phone prior to changing location and submit a Facility Relocation Notification Form (DEP Form No. 62-210.900(6)) to the Department no later than one (1) business day following relocation;

c. For all relocatable nonmetallic mineral processing plants, except those located at mines or quarries and processing only material from onsite natural deposits, and for all stationary nonmetallic mineral processing plants processing dry material, the owner or operator shall have a water suppression system with spray bars located at the feeder(s), the entrance and exit of the crusher(s), the classifier screens, and the conveyor drop points;

d. The owner or operator shall comply with Rule 62-296.320(4)(c), F.A.C., using the following reasonable precautions:

(i) Unconfined emissions that might be generated from various activities throughout a nonmetallic mineral processing plant processing dry material shall be controlled by using a water suppression system with spray bars located at the feeder(s), the entrance and exit of the crusher(s), the classifier screens, and the conveyor drop points.

(ii) Unconfined emissions that might be generated by vehicular traffic or wind shall be controlled by applying water (by water trucks equipped with spray bars) or effective dust suppressant(s) on a regular basis to all stockpiles, roadways and work-yards where this nonmetallic mineral processing plant is located;

e. The owner or operator shall comply with the following emissions standards, as applicable:

(i) Stack emissions from any crusher, grinding mill, screening operation, bucket elevator, transfer point on belt conveyors, bagging operation, storage bin, enclosed truck or railcar loading station, or any other affected emission point subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall not contain particulate matter in excess of 0.05 grams per dry standard cubic meter (g/dscm) nor exceed 7% opacity, unless the stack emissions are discharged from a wet scrubbing control device.

(ii) Stack emissions from any baghouse that controls emissions from only an individual, enclosed storage bin subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall not exceed 7% opacity.

(iii) Visible emissions from any grinding mill, screening operation, bucket elevator, transfer point on belt conveyors, bagging operation, storage bin, enclosed truck or railcar loading station, or any other affected emission point subject to

40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall not exceed 10% opacity; and visible emissions from any crusher without a capture system subject to 40 CFR Part 60, Subpart OOO, shall not exceed 15% opacity.

(iv) If any crusher, grinding mill, screening operation, bucket elevator, transfer point on belt conveyors, bagging operation, storage bin, enclosed truck or railcar loading station, or any other emission point subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., is enclosed in a building, then each enclosed emission point must comply with the emission limits in Rule 62-210.300(4)(c)5.e.(i) through (iii), F.A.C., or the building enclosing the emission point(s) shall not discharge any visible fugitive emissions, except emissions from a vent, and the vent emissions shall not exceed the stack emissions limits of Rule 62-210.300(4)(c)5.e.(i), F.A.C.

(v) Visible emissions from any crusher, grinding mill, screening operation, bucket elevator, transfer point on belt conveyors, bagging operation, storage bin, enclosed truck or railcar loading station, or any other emission point not subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall be less than 20% opacity, pursuant to Rule 62-296.320(4)(b)1., F.A.C.

(vi) Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., is exempt from the emissions standards of Rule 62-210.300(4)(c)5.e., F.A.C.:

f. The owner or operator shall ensure that wet screening operations and subsequent screening operations, bucket elevators, and belt conveyors that process saturated material in the production line up to the next crusher, grinding mill or storage bin and are subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., do not discharge any visible emissions. The owner or operator shall also ensure that screening operations, bucket elevators, and belt conveyors in the production line downstream of wet mining operations, where such screening operations, bucket elevators, and belt conveyors process saturated materials up to the first crusher, grinding mill, or storage bin in the production line and are subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., do not discharge any visible emissions;

g. The owner or operator of a nonmetallic mineral processing plant subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., and using a wet scrubber to control emissions shall comply with the monitoring requirements of 40 CFR 60.674, adopted and incorporated by reference at Rule 62-204.800, F.A.C.:

h. The owner or operator shall provide a compliance demonstration with the emission standards of Rule 62-210.300(4)(c)5.e., F.A.C., along with a request for renewal of authorization for use of the air general permit. The owner or operator of any new facility shall demonstrate initial compliance with the emission standards of Rule 62-210.300(4)(c)5.e., F.A.C., prior to beginning commercial operation and shall demonstrate renewal compliance with the emission standards of Rule 62-210.300(4)(c)5.e., F.A.C., within 60 days prior to the anniversary of the initial air general permit notification form submittal date. The owner or operator of any existing facility shall demonstrate compliance with the emission standards of Rule 62-210.300(4)(c)5.e., F.A.C., within 60 days prior to submitting an air general permit notification form and shall demonstrate renewal compliance within 60 days prior to the anniversary of the initial air general permit notification form submittal date. For purposes of the testing requirements of this rule, the visible emission reference test method shall be EPA Method 9, the visible fugitive emission reference test method shall be EPA Method 22, the particulate matter reference test method shall be either EPA Method 5 or 17, and the test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C., 40 CFR 60.675, and 40 CFR Part 60, Appendix A, adopted and incorporated by reference at Rule 62-204.800, F.A.C.:

i. The owner or operator shall meet all applicable reporting and recordkeeping requirements of Chapter 62-297, F.A.C. and 40 CFR 60.676, adopted and incorporated by reference at Rule 62-204.800, F.A.C.:

j. The owner or operator of a stationary nonmetallic mineral processing plant using an air general permit may operate a stationary concrete batching plant using an air general permit at the same location provided all nonmetallic mineral processing plant units operate under a single nonmetallic mineral processing plant air general permit, all concrete batching plant units operate under a single concrete batching plant air general permit, and the resultant facility contains no additional nonexempt units and would not be a Title V source;

k. The owner or operator of a stationary nonmetallic mineral processing plant using an air general permit may operate, or allow the operation of, one or more relocatable concrete batching plants using individual air general permits at the same location as the nonmetallic mineral processing plant provided the resultant facility contains no additional nonexempt units and would not be a Title V source;

l. The owner or operator of multiple relocatable nonmetallic mineral processing plants using individual nonmetallic mineral processing plant air general permits may operate more than one such plant at the same location provided the resultant facility contains no additional nonexempt units, the total combined annual facility-wide fuel oil usage of all plants is less than 240,000 gallons per calendar year, the

material processed is less than 10 million tons per calendar year, and the fuel oil sulfur content does not exceed 0.5%, by weight. The owner or operator of the nonmetallic mineral processing plants shall maintain a log book to account for fuel consumption and material processed on a monthly basis. Fuel supplier certifications shall be maintained to account for the sulfur content of the fuel being burned; and

m. If a relocatable nonmetallic mineral processing plant is used to perform a routine function of a facility subject to regular air permitting, such as crushing recycled asphalt (rap) at an asphalt plant, it shall not operate under the authority of an air general permit. In such case, the regularly permitted facility air construction or air operation permit(s) must provide for operation of the nonmetallic mineral processing plant as an emission unit. If a relocatable nonmetallic mineral processing plant is used at a regularly permitted facility for a non-routine activity, such as destruction of a building, it may do so under the authority of its air general permit. In either case, the resultant facility shall not be a Title V source.

(d)(e) General Procedures.

1. Eligibility Determination. The owner or operator of the facility or emissions unit shall determine its eligibility for an air general permit pursuant to the applicability criteria of Rule 62-210.300(4)(b) or (c)(a), F.A.C.

a. Unless otherwise specified in Rule 62-210.300(4)(b) or (c)(a), F.A.C., the owner or operator of any facility or emissions unit that is eligible and has submitted notification to use an air general permit pursuant to Rule 62-210.300(4)(b) or (c)(a), F.A.C., and who operates the facility or emissions unit in compliance with the terms and conditions of the air general permit shall not be required to obtain an air construction permit pursuant to Rule 62-210.300(1), F.A.C. In addition, such owner or operator shall not be required to obtain a regular air operation permit pursuant to Rule 62-210.300(2), F.A.C.

b. No change.

c. For each facility or emissions unit intending to operate under the provisions of an air general permit, the owner or operator must complete and submit the correct notification form for the specific general permit to be utilized, as set forth in Rules 62-210.300(4)(b) through (c)(a), F.A.C., to give notice to the Department of intent to use one of the air general permits listed in this rule.

2. through 7. No change.

(e)(d) No change.

(5) through (7) No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—Formerly 17-2.210, Amended 11-28-93, Formerly 17-210.300, Amended 11-23-94, 4-2-95, 4-18-95, 10-16-95, 1-2-96, 3-13-96, 3-21-96, 5-13-96, 8-15-96, 10-7-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, \_\_\_\_\_.

62-210.370 Reports.

(1) Facility Relocation Notification of Intent to Relocate Air Pollutant Emitting Facility. An air permit for a relocatable facility shall be amended upon each change of location of the

facility. Unless otherwise provided by rule or more stringent permit condition, the owner or operator of a relocatable the facility must submit a Facility Relocation Notification Form of Intent to Relocate Air Pollutant Emitting Facility (DEP Form No. 62-210.900(6)) to the Department at least seven (7) days prior to the change, if the facility would be relocated to a county in which public notice of the proposed operation of the facility had been given within the previous five years pursuant to Rule 62-210.350(1), F.A.C., or otherwise thirty (30) days prior to the relocation change. A separate form shall be submitted for each facility in the case of the relocation of multiple facilities which are jointly owned or operated.

(2) through (3) No change.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—New 2-9-93, Amended 11-28-93, Formerly 17-210.370, Amended 11-23-94, 3-21-96, 2-11-99, \_\_\_\_\_.

62-210.900 Forms and Instructions.

The forms used by the Department in the stationary source control program are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, with the subject, title and effective date. Forms 62-210.900(1),(3),(4) and (5), F.A.C., including instructions, are available from the Department as hard-copy documents or executable files on computer diskettes. Copies of forms (hard-copy or diskette) may be obtained by writing to the Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Notwithstanding the requirement of Rule 62-4.050(2), F.A.C., to file application forms in quadruplicate, if an air permit application is submitted using the Department's electronic application form, only one copy of the diskette and signature pages is required to be submitted.

(1) through (5) No change.

(6) Facility Relocation Notification Form of Intent to Relocate Air Pollutant Emitting Facility, Form and Instructions (Effective \_\_\_\_\_ 11-23-94).

(7) No change.

Specific Authority 403.061 FS. Law Implemented 403.061, 403.087 FS. History—New 2-9-93, Amended 11-28-93, Formerly 17-210.900, Amended 11-23-94, 7-6-95, 3-21-96, 1-6-98, 2-11-99, 4-16-01, \_\_\_\_\_.

62-210.920 Notification Forms for Air General Permits.

The notification forms used by the Department for air general permits issued pursuant to the procedures of Rule 62-210.300(4) 62-4.530, F.A.C., are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, with the subject, title and effective date. Copies of the forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resources Management, ~~MS-5510~~, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Volume Reduction, Mercury Recovery or Mercury Reclamation Air General Permit Notification Form (Effective \_\_\_\_\_ 2-11-99).

(2) Bulk Gasoline Plant Air General Permit Notification Form (Effective 2-11-99).

(3) Heating Units and General Purpose Internal Combustion Engines Air General Permit Notification Form (Effective 2-11-99).

(4) Surface Coating Operations Air General Permit Notification Form (Effective 5-25-98).

(5) Polyester Resin Plastic Products Fabrication Air General Permit Notification Form (Effective 2-11-99).

(6) Cast Polymer Operations Air General Permit Notification Form (Effective 2-11-99).

(7) Concrete Batching Plant Air General Permit Notification Form (Effective 2-11-99).

(8) Human Crematory Air General Permit Notification Form (Effective 2-11-99).

(9) Animal Crematory Air General Permit Notification Form (Effective 2-11-99).

(10) Nonmetallic Mineral Processing Plant Air General Permit Notification Form (Effective \_\_\_\_\_).

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History--New 10-16-95, Amended 1-2-96, 3-21-96, 5-13-96, 8-15-96, 11-13-97, 5-25-98, 2-11-99, \_\_\_\_\_.

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: February 23, 2001

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: Criteria for Selection of Examiners and Consultants

RULE NO.: 64B13-4.005

PURPOSE AND EFFECT: The proposed rule amendments are intended to add additional requirements for examiners and clarify that licensees engaged in professional education may not serve as examiners for the practical portion of the licensure examination.

SUMMARY: The proposed rule amendments clarify requirements for examiners and consultants for the licensure examination.

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

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

SPECIFIC AUTHORITY: 456.017(1)(b) FS.

LAW IMPLEMENTED: 456.017(1)(b) 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., May 23, 2001

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-4.005 Criteria for Selection of Examiners and Consultants.

The following criteria are hereby established for the selection of examiners and consultants:

(1) All prospective examiners and consultants must have received approval of the Board prior to their selection as examiners by the Department of Health. The Department shall submit annually the curricula vitae of new examiners or consultants, and shall submit updated curricula vitae of all previously approved examiners or consultants every three years.

(2) In order to receive approval of the Board, a prospective examiner or consultant must comply with the following minimum requirements:

(a) Licensure as an optometrist ~~a licensed practitioner~~ in this State for at least three years preceding the date of the examination or examination development meeting at which they will serve as an examiner or consultant, as needed. ~~and~~

(b) The absence of any finding by the Board that the prospective examiner or consultant has violated Chapter 456, Chapter 463, Florida Statutes, or the rules promulgated thereunder or current investigation by the Department or the Agency for Health Care Administration.

(3) In addition to the minimum requirements, a licensee may not serve as an examiner if the licensee has externs at his/her place of practice, currently supervises doctors in a residency or fellowship, or is a faculty member or adjunct professor in a school of optometry.

~~(4)(3)~~ The examination of patients for the purpose of determining findings against which the performance of candidates will be compared must be conducted by certified optometrists ~~licensed practitioners~~ licensed in this State who meet the requirements stated in subsections (1), ~~and~~ (2)(b) and (3) of this rule.

Specific Authority 456.017(1)(b) FS. Law Implemented 456.017(1)(b) FS. History—New 10-6-81, Formerly 21Q-4.05, Amended 7-21-86, 11-20-86, Formerly 21Q-4.005, 61F8-4.005, 59V-4.005, Amended 2-7-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2001

**DEPARTMENT OF HEALTH  
Division of Environmental Health**

RULE TITLES:	RULE NOS.:
Definitions	64E-5.101
Special Requirements for a Specific License to Manufacture, Assemble, Repair or Distribute Commodities, Products or Devices Which Contain Radioactive Material	64E-5.210
License Required	64E-5.601
Notification	64E-5.603
Radiation Safety Committee	64E-5.606
Use of Radiopharmaceuticals for Uptake, Dilution, or Excretion Studies	64E-5.626
Use of Radiopharmaceuticals, Generators, and Reagent Kits for Imaging and Localization Studies	64E-5.627
Use of Radiopharmaceuticals for Therapy	64E-5.630

PURPOSE AND EFFECT: The purpose of the proposed rules is permit the use of radiopharmaceuticals prepared by nuclear pharmacists. The effect is the continued compatibility of the department’s radioactive materials licensing rules with those of the U.S. Nuclear Regulatory Commission.

SUMMARY: The proposed rule amends which radiopharmaceuticals can be used for diagnosis and therapy to include those prepared by licensed manufacturers and nuclear pharmacists.

SPECIFIC AUTHORITY: 404.022, 404.042, 404.051, 404.061, 404.071, 404.081, 404.141 FS.

LAW IMPLEMENTED: 404.022, 404.051, 404.061(2),(3), 404.071(1), 404.081, 404.141 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., May 30, 2001  
PLACE: 4042 Bald Cypress Way, Room 210J, Tallahassee, FL 32311

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: William A. Passetti, Chief, Bureau of Radiation Control, (850)245-4266

THE FULL TEXT OF THE PROPOSED RULES IS:

**PART I  
GENERAL PROVISIONS**

64E-5.101 Definitions.

As used in these rules, these terms have the definitions set forth below. Additional definitions used only in a certain part are defined in that respective part.

(1) through (174) No change.

(175) “Authorized nuclear pharmacist” means a pharmacist who is actively licensed as a nuclear pharmacist by the Board of Pharmacy as specified in Rule 64B16-28.903, F.A.C., and is authorized on a radioactive materials license by the department.

Specific Authority 404.042, 404.051, 404.061 FS. Law Implemented 404.051 FS. History—New 7-17-85, Amended 4-4-89, 5-12-93, 1-1-94, 5-15-96, Formerly 10D-91.102, Amended 5-18-98, 10-8-00, \_\_\_\_\_.

**PART II  
LICENSING OF RADIOACTIVE MATERIAL**

64E-5.210 Special Requirements for a Specific License to Manufacture, Assemble, Repair or Distribute Commodities, Products or Devices Which Contain Radioactive Material.

(1) through (9) No change.

(10) Manufacture and Distribution of Radiopharmaceuticals Containing Radioactive Material for Medical Use. An application for a specific license to manufacture and distribute radiopharmaceuticals containing radioactive material for use by persons licensed pursuant to Part VI for the uses listed in Rules 64E-5.626, 64E-5.627, and 64E-5.630, F.A.C., will be approved if:

(a) The applicant satisfies the general requirements specified in Rule 64E-5.208, F.A.C.;

(b) The applicant submits evidence that:

1. The applicant is registered or licensed with the U.S. Food and Drug Administration as a drug manufacturer; The radiopharmaceutical containing radioactive material will be manufactured, labeled and packaged in accordance with the Federal Food, Drug and Cosmetic Act or the Public Health Service Act, such as a new drug application (NDA) approved by the Food and Drug Administration (FDA), or a “Notice of Claimed Investigational Exemption for a New Drug” (IND) that has been accepted by the FDA; or

2. The applicant is registered or licensed as a drug manufacturer as specified in Chapter 499, F.S.; The manufacture and distribution of the radiopharmaceutical containing radioactive material is not subject to the Federal Food, Drug and Cosmetic Act and the Public Health Service Act; or

3. The applicant has a nuclear pharmacy permit as specified in Section 465.0193, F.S.

(c) The applicant submits information on the radionuclide, chemical and physical form, packaging including maximum activity per package, and shielding provided by the packaging of the radioactive material which is appropriate for safe handling and storage of radiopharmaceuticals by medical use group licensees; and

(d) The applicant satisfies the following labeling requirements:

1. The label affixed to each transport radiation shield of any material of a radioactive drug transferred for commercial distribution includes the radiation symbol and the words "Caution, Radioactive Material" or "Danger, Radioactive Material"; the name of the radioactive drug or its abbreviation; and the quantity of the radioactive material at a specified date and time. The time can be omitted for radioactive drugs with a half life greater than 100 days. The label affixed to each package of the radiopharmaceutical contains information on the radionuclide, quantity and date of assay and the label affixed to each package contains a statement that the radiopharmaceutical is licensed by the department for distribution to persons licensed pursuant to Part VI and Rules 64E-5.626, 64E-5.627, 64E-5.630, F.A.C., as appropriate, or under equivalent licenses of the U.S. Nuclear Regulatory Commission, an agreement state or a licensing state.

2. A label affixed to each syringe, vial, or other container used to hold a radioactive drug transferred for commercial distribution includes the words "Caution, Radioactive Material" or "Danger, Radioactive Material" and an identifier that correlates the syringe, vial, or other container with the information on the transport radiation shield label. The labels, leaflets or brochures required by (10)(d)1., above, are in addition to the labeling required by the Federal Food and Drug Administration (FDA) and they may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.

(e) A licensee specified in Rule 64E-5.210(10)(b)3., F.A.C., can prepare radioactive drugs for medical use if prepared by an authorized nuclear pharmacist as specified in Rule 64E-5.101(175), F.A.C., or an individual supervised by an authorized nuclear pharmacist.

(f) A licensee shall possess and use instruments to measure the radioactivity of radioactive drugs. The licensee shall have procedures for use of the instruments. The licensee shall measure by direct measurements or by combination of measurements and calculations the amount of radioactivity in doses of alpha-emitting, beta-emitting, or photon-emitting radioactive drugs before transfer for commercial distribution. In addition, the licensee shall:

1. Perform tests before initial use, periodically, and following repair on each instrument for accuracy, linearity, and geometry dependence appropriate for the use of the instrument and make adjustments when needed; and

2. Check each instrument for constancy and proper operation at the beginning of each day of use.

(11) through (14) No change.

Specific Authority 404.051, 404.061, 404.071, 404.081, 404.141 FS. Law Implemented 404.022, 404.051(1),(4),(6),(9),(10),(11), 404.061(2), 404.081(1), 404.141 FS. History—New 7-17-85, Amended 8-25-91, 5-12-93, 1-1-94, 5-15-96, Formerly 10D-91.311, Amended \_\_\_\_\_.

PART VI

USE OF RADIONUCLIDES IN THE HEALING ARTS

64E-5.601 License Required.

(1) through (3) No change.

(4) Unless authorized by the department, no individual shall manufacture, produce, acquire, receive, possess, use, or transfer radioactive materials for medical use unless:

(a) That individual is listed on the licensee's specific license as an authorized user or an authorized nuclear pharmacist;

(b) Authorized by Rule 64E-5.609, F.A.C.;

(c) Authorized by Rule 64E-5.601(2), F.A.C., with approval of the radiation safety committee at medical institutions or by management for licensees that are not medical institutions; or

(d) Authorized by Rule 64E-5.601(3), F.A.C., and subpart I of Part VI.

Specific Authority 404.022, 404.051, 404.061, 404.071, 404.081, 404.141 FS. Law Implemented 404.022, 404.051(1),(4),(5),(6),(8),(9),(10),(11), 404.061(2), (3), 404.071(1), 404.081, 404.141 FS. History—New 8-25-91, Amended 5-12-93, Formerly 10D-91.707, Amended \_\_\_\_\_.

64E-5.603 Notification.

A licensee shall notify the department in writing within 30 days when an authorized user, radiation safety officer, authorized nuclear pharmacist, or teletherapy physicist permanently discontinues performance of these duties for the licensee.

Specific Authority 404.022, 404.051, 404.061, 404.071, 404.081, 404.141 FS. Law Implemented 404.022, 404.051(1),(4),(5),(6),(8),(9),(10),(11), 404.061(2), (3), 404.071(1), 404.081, 404.141 FS. History—New 8-25-91, Formerly 10D-91.709, Amended \_\_\_\_\_.

Subpart A

General Administrative Requirements

64E-5.606 Radiation Safety Committee.

Each medical institution licensee shall establish a radiation safety committee to oversee the use of radioactive material.

(1) through (5) No change.

(6) The committee shall review and approve any individual to be an authorized user, an authorized nuclear pharmacist, the radiation safety officer, or teletherapy physicist based on safety and the training and experience standards of this part before sending a license application or request for amendment or renewal.

(7) through (11) No change.



Specific Authority 404.022, 404.051, 404.061, 404.071, 404.081, 404.141 FS.  
 Law Implemented 404.022, 404.051(1),(4),(5),(6),(8),(9),(10),(11),  
 404.061(2),(3), 404.071(1), 404.081, 404.141 FS. History–New 8-25-91,  
 Formerly 10D-91.712, Amended \_\_\_\_\_.

Subpart C

Uptake, Dilution, and Excretion

64E-5.626 Use of Radiopharmaceuticals for Uptake, Dilution, or Excretion Studies.

A licensee is allowed to may use any radioactive material in a radiopharmaceutical for a diagnostic use involving measurements of uptake, dilution, or excretion for medical use that is either: which the Food and Drug Administration has accepted an Investigational New Drug Application or approved a New Drug Application.

(1) Obtained from a manufacturer or pharmacy licensed as specified in Rule 64E-5.210(10), F.A.C., or in equivalent U.S. Nuclear Regulatory Commission or Agreement State regulations; or

(2) Prepared by an authorized nuclear pharmacist as specified in Rule 64B16-28.903, F.A.C., or by a physician who is an authorized user.

Specific Authority 404.022, 404.051, 404.061, 404.071, 404.081, 404.141 FS.  
 Law Implemented 404.022, 404.051(1),(4),(5),(6),(8),(9),(10),(11),  
 404.061(2),(3), 404.071(1), 404.081, 404.141 FS. History–New 8-25-91,  
 Formerly 10D-91.733, Amended \_\_\_\_\_.

Subpart D

Imaging and Localization

64E-5.627 Use of Radiopharmaceuticals, Generators, and Reagent Kits for Imaging and Localization Studies.

(1) A licensee is allowed to may use any radioactive material in a diagnostic radiopharmaceutical, except in an aerosol or gaseous form, or any generator or reagent kit for preparation and diagnostic use of a radiopharmaceutical containing radioactive material for medical use that is either: which the Food and Drug Administration has accepted an Investigational New Drug Application or approved a New Drug Application.

(a) Obtained from a manufacturer or pharmacy licensed as specified in Rule 64E-5.210(10), F.A.C., or in equivalent U.S. Nuclear Regulatory Commission or Agreement State regulations; or

(b) Prepared by an authorized nuclear pharmacist as specified in Rule 64B16-28.903, F.A.C., or by a physician who is an authorized user.

(2) No change.

Specific Authority 404.022, 404.051, 404.061, 404.071, 404.081, 404.141 FS.  
 Law Implemented 404.022, 404.051(1),(4),(5),(6),(8),(9),(10),(11),  
 404.061(2),(3), 404.071(1), 404.081, 404.141 FS. History–New 8-25-91,  
 Amended 5-12-93, Formerly 10D-91.735, Amended \_\_\_\_\_.

Subpart E

Radiopharmaceuticals for Therapy

64E-5.630 Use of Radiopharmaceuticals for Therapy.

A licensee is allowed to may use any radioactive material in a radiopharmaceutical and for a therapeutic medical use that is either: for which the Food and Drug Administration has accepted an Investigational New Drug Application or approved a New Drug Application.

(1) Obtained from a manufacturer or pharmacy licensed as specified in Rule 64E-5.210(10), F.A.C., or in equivalent U.S. Nuclear Regulatory Commission or Agreement State regulations; or

(2) Prepared by an authorized nuclear pharmacist as specified in Rule 64B16-28.903, F.A.C., or by a physician who is an authorized user.

Specific Authority 404.022, 404.051, 404.061, 404.071, 404.081, 404.141 FS.  
 Law Implemented 404.022, 404.051(1),(4),(5),(6),(8),(9),(10),(11),  
 404.061(2),(3), 404.071(1), 404.081, 404.141 FS. History–New 8-25-91,  
 Amended 5-12-93, Formerly 10D-91.739, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 William A. Passetti

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sharon Heber, Dr.P.H.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 23, 2001

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation**

RULE TITLE: Healthy Families Florida  
 RULE NO.: 65C-23.002

PURPOSE AND EFFECT: This rule establishes requirements that Health Families Florida provide services designed to prevent or reduce out-of-wedlock births.

SUMMARY: This rule clarifies the full scope of service objectives provided by the Healthy Families Florida program that are in accordance with the Temporary Assistance for Needy Families (TANF) program objectives. These include efforts to help children be cared for in their own home, reduce families' dependence on assistance, and to prevent or reduce out-of-wedlock births.

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: 414.158 FS.

LAW IMPLEMENTED: 414.158 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., May 18, 2001  
PLACE: 1317 Winewood Blvd., Building 8, Conference Room, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rae Hendlin, Specialist, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

**WAGES HARDSHIP EXEMPTION AND PREVENTION SERVICES**

65C-23.002 Healthy Families Florida.

Healthy Families Florida will provide services designed to prevent or reduce out-of-wedlock births.

Specific Authority 414.158 FS. Law Implemented 414.158 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Rae Hendlin, Specialist, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Darcy Abbott, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 30, 2001

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation**

RULE TITLES: Definitions 65C-27.001  
Timeframes 65C-27.002

PURPOSE AND EFFECT: These rules are to clarify timeframes in subsection 39.407(5), F.S. The timeframes apply to all qualified evaluators that provide initial suitability assessments for children that are referred for residential treatment placement. They also apply to the 3-month independent reviews for children in residential treatment.

SUMMARY: Subsection 39.407(5), F.S., requires that if the department believes that a child in its legal custody is emotionally disturbed and may need residential treatment that the child must receive an examination and suitability assessment by a qualified evaluator appointed by the Agency for Health Care Administration.

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: 39.407(5)(i) FS.  
LAW IMPLEMENTED: 39.407(5)(i) 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., May 18, 2001  
PLACE: 1317 Winewood Blvd., Building 8, Conference Room, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Darcy Abbott, Specialist, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

**CHAPTER 65C-27  
SUITABILITY ASSESSMENTS**

65C-27.001 Definitions.

(1) “Qualified Evaluator” means a psychiatrist or psychologist licensed in Florida who has at least 3 years of experience in the diagnosis and treatment of serious emotional disturbances in children and adolescents and who has no actual or perceived conflict of interest with any inpatient facility or residential treatment center or program.

(2) “Suitability Assessment” means assessment by a qualified evaluator that includes a personal examination and assessment of the child that includes written findings.

(3) “3-Month Independent Review” means assessment by a qualified evaluator that includes a personal examination and assessment of the child in residential treatment. The assessment includes evaluation of the child’s progress toward achieving the goals and objectives of the treatment plan, which must be submitted to the court.

(4) “Residential Treatment” as defined in s. 39.407(5)(a)(1).

Specific Authority 39.407(5)(i) FS. Law Implemented 39.407(5) FS. History—New

65C-27.002 Timeframes.

(1) When the department believes that a child is in need of an initial suitability assessment for residential treatment, a representative of the department must make a request to the Agency for Health Care Administration contract provider that coordinates the qualified evaluator registry.

(2) The Agency for Health Care Administration contracted provider shall refer the initial suitability assessment request to a registered qualified evaluator and notify the department’s representative who made the referral of the time and place for

the evaluation. It is the responsibility for the department to transport the child and required clinical records to the appointment with the selected qualified evaluator.

(3) The qualified evaluator will set the appointment within 5 working days of the referral. Following the assessment of the child, the qualified evaluator will submit written findings to the Agency for Health Care Administration contracted provider within 3 days of the assessment. The Agency for Health Care Administration contracted provider will review the findings and submit copies of the findings to the agency and the department within 3 days of receipt of at the findings from the qualified evaluator. Within these time frames, the department will receive the findings within 12 working days of the initial referral to the agency's contracted provider. Written findings will be submitted by the contracted provider to the Agency for Health Care Administration, the Department of Children and Families and the child's guardian ad litem.

(4) For all children in the custody of the department that are residing in residential treatment, a 3 month independent review must be conducted at least every 90 days after the child's initial placement. It is the department's responsibility to notify the Agency for Health Care Administration contracted provider no later than the 60th day of the child's placement in residential treatment to request a 3 month independent review. The Agency for Health Care Administration contracted provider must contact a qualified evaluator to perform the 3 month independent review and must submit the completed independent review to the Agency for Health Care Administration, the department and court at least 6 days prior to the 90th day in residential treatment. The 3-month independent review process must continue every 90 days for as long as the child resides in a residential treatment center.

Specific Authority 39.407(5)(i) FS. Law Implemented 39.407(5) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Darcy Abbott, Specialist, 1317 Winewood Blvd., Building 8,  
Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Ralph Harmsen, 1317 Winewood  
Blvd., Building 7, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: March 28, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: April 6, 2001

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF INSURANCE

##### Division of Insurer Services

RULE CHAPTER NO.: 4H-2  
RULE CHAPTER TITLE: Florida Casualty Insurance Risk  
Management Trust Fund

#### SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 26, No. 43, October 27, 2001, of the Florida Administrative Weekly, and a Notice of Change published in Vol. 27, No. 11, March 16, 2001, of the Florida Administrative Weekly:

4H-2003(3)(b) Form DI4-1392, the title will be changed to read "Statutory EBI Community Service Participants" the authority reference will be changed to "445.024(1)(d), F.S.", and the revision date to "rev. 3/01".

4H-2.003(3)(c) Change to revision date on form DI4-1393 to "rev. 3/01".

4H-2.003(3)(g) Change to revision date on form DI4-1397 to read "rev. 3/01" and the authority reference will be changed to read "948.03(8)(a)".

4H-2.004(2) The title of the form and revision date will be changed to read "Form DI4-867, "State Employee Workers' Compensation and Employer's Liability Certificate of Coverage," rev. 3/01".

4H-2.004(3) Change revision date on form DI4-863 to read "3/01".

4H-2.004(4) Change revision date on form DI4-864 to read "3/01".

4H-2.004(5) Change revision date on form DI4-865 to read "3/01".

4H-2.004(6) Change revision date on form DI4-862 to read "3/01".

4H-2.008(1)(a) Delete form DI4-280, "Release of All Claims".

4H-2.008(1)(b) Delete form DI4-262. "State of Claim".

4H-2.008(1) (c) Change (c) to "(a)"

4H-2.008(1)(d) Change (d) to "(b)" and change revision date on form DI4-866 to read "3/01".

4H-2.008(1)(e), Delete form DI4-868, "Employer's Supplement Report of Injury".

4H-2.008(1)(f), Change (f) to "(c)".

4H-2.008(1)(g) Change (g) to "(d)" and change revision date on form DI4-1404 to read "3/01".

4H-2.008(1)(h) Delete form DI4-1405, "Personal Property Affidavit".

4H-2.008(1)(i) Change (i) to "(e)".

4H-2.008(1)(j) Change (j) to "(f)".

4H-2.008(1)(k) Delete form DI4-1408, "Release for Property Damage Only".

4H-2.008(1)(l) Delete form DI4-1409, "Parents-Guardian Release and Indemnity Agreement".

4H-2.008(1)(m) Change (m) to "(g)".

4H-2.009(1)(a) Change revision date on form DI4-281 to read "3/01".

4H-2.009(1)(c) Delete form DI4-285, "Sworn Affidavit".

4H-2.009(1)(d) Delete form DI4-1411, "Affidavit of No Insurance".

The remainder of the rule reads as previously published.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40E-63	Everglades Program
RULE NOS.:	RULE TITLES:
40E-63.136	Conditions for Issuance of Individual Permits in the EAA Basin
40E-63.145	Compliance and Enforcement of Individual Permits in the EAA Basin
40E-63.310	Conditions for Issuance of a Master Permit
40E-63.314	Master Permit General Conditions

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 2, the January 12, 2001 issue of the Florida Administrative Weekly:

The first sentence in Subsection (2)(d) in Rule 40E-63.136 has been changed so that when adopted it will read: "A description of the proposed sample handling and laboratory analyses, including identification of the laboratory (which must have an approved QA/QC Plan from a laboratory certified in accordance with §403.0625, F.S.) to be used to perform the chemical analyses on the samples, a specified schedule for processing samples, and chain of custody documentation."

This change was made in response to a comment received from the Joint Administrative Procedures Committee, requesting the District to further identify the certification required of the sampling laboratory.

The last sentence in Subsection (6) in Rule 40E-63.145 has been changed so that when adopted it will read: "An outline of the compliance and enforcement procedures for the EAA Basin is provided in Appendix A5 which is incorporated by reference."

This is a grammatical change and was made in response to a comment received from the Joint Administrative Procedures Committee and intended to clarify the intent of the sentence.

The first sentence in Subsection (3) in Rule 40E-63.310 has been changed so that when adopted it will read: "Submit verification of laboratory certification as required by §403.0625, F.S. of the laboratory to be used to perform the chemical analyses on the samples."

This change was made in response to a comment received from the Joint Administrative Procedures Committee, requesting the District to further identify the certification required of the sampling laboratory.

The first sentence in Subsection (2) in Rule 40E-63.314 has been changed so that when adopted it will read: "All laboratory analysis of parameters required as part of this research shall be analyzed by a laboratory certified in accordance with §403.0625, F.S. to analyze the specific parameters identified in the permitted program scope-of-work."

This change was made in response to a comment received from the Joint Administrative Procedures Committee, requesting the District to further identify the certification required of the sampling laboratory.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE NO.:	RULE TITLE:
61G5-32.001	Continuing Education

**NOTICE OF PUBLIC HEARING**

The Board of Cosmetology hereby gives notice of a public hearing on the above-referenced rule to be held on May 20 and May 21, 2001 at the Adam's Mark Hotel, 1500 Sand Lake Road, Orlando, Florida, at 9:00 a.m. The rule was originally published in Vol. 27, No. 11, of the March 16, 2001, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE NO.:	RULE TITLE:
61G8-17.0034	Continuing Education for License Renewal

**NOTICE OF CHANGE**

The Board of Funeral Directors and Embalmers gives Notice of Change to the above-referenced rule in response to comments received from the Joint Administrative procedures Committee. The rule was originally published in Vol. 27, No. 9, March 2, 2001, issue of the Florida Administrative Weekly. When changed, Rule 61G8-17.0034(3) shall read as follows:

(3) In addition, up to five (5) hours of continuing education calculated pursuant to ss. 470.015(1), F.S., may be obtained by attending a regular meeting of the Board of Funeral Directors and Embalmers and compliance with the following:

- (a) The licensee must sign in with the Executive Director of the Board, or designee.
- (b) The licensee must remain in continuous attendance.
- (c) The licensee must sign out with the Executive Director of the board, or designee.
- (d) A licensee may receive credit only if he/she is not appearing before the board as the subject of disciplinary action at that meeting.
- (e) No licensee may use more that (5) hours of continuing education pursuant to this section for the purpose of completing the continuing educational requirements for each biennial renewal.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE NO.: 61G8-17.004  
 RULE TITLE: Continuing Education for Reactivation

**NOTICE OF CHANGE**

The Board of Funeral Directors and Embalmers gives Notice of Change to the above-referenced rule in response to comments received from the Joint Administrative procedures Committee. The rule was originally published in Vol. 27, No. 9, March 2, 2001, issue of the Florida Administrative Weekly. When changed, Rule 61G8-17.004(1) shall read as follows:

(1) Every license holder pursuant to Chapter 470, F.S., whose license has been inactive or delinquent for more than one (1) year shall be required to complete the same continuing education requirements as an active licensee for all biennial licensure periods in which the licensee was inactive or delinquent, as a condition for reactivating a license.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-6.001  
 RULE TITLE: Manner of Application  
**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 27, No. 5, February 2, 2001 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board Meeting held on February 15, 2001, in Jacksonville, Florida.

The rule shall now read as follows:

64B3-6.001 Manner of Application  
 (1) through (4) No change.

(5) With regard to persons who have been issued a social security number by the Federal Government, disclosure of a social security number is mandatory pursuant to Sections 456.004(9), 409.2577 and 409.2598, Florida Statutes, and are used to allow efficient screening of applicants and licensees by a Title IV-D child support agency to assure compliance with child support obligations.

(6) No change.

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-12.007  
 RULE TITLE: Inactive Status License

**NOTICE OF ADDITIONAL PUBLIC HEARING**

The Board of Osteopathic Medicine hereby gives notice of an additional public hearing on the above-referenced rule to be held on June 8, 2001 at 6:00 p.m., at the Crown Plaza Hotel, 950 N. W. LeJeune Road, Miami, Florida 33125, 305-446-9000. The rule was originally published in Vol. 26, No. 51, of the December 22, 2000, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**DEPARTMENT OF HEALTH**

**Council of Licensed Midwifery**

RULE NO.: 64B24-6.005  
 RULE TITLE: Criteria for Continuing Education Programs

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above referenced rule, noticed in the Florida Administrative Weekly on January 14, 2000, Vol. 26, No. 2, has been withdrawn.

**Section IV  
 Emergency Rules**

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 349 "CRAZY 8'S BINGO"  
 RULE NO.: 53ER01-18

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 349, "CRAZY 8'S BINGO" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, procedures to be followed on how to play the game, and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

**THE FULL TEXT OF THE EMERGENCY RULE IS:**

53ER01-18 Instant Game Number 349, "CRAZY 8'S BINGO."

(1) Name of Game. Instant Game Number 349, "CRAZY 8'S BINGO."

(2) Price. CRAZY 8'S BINGO lottery tickets sell for \$2.00 per ticket.

(3) CRAZY 8'S BINGO lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void if Removed Number (VIRN) under the latex area on the ticket. To be a valid winning CRAZY 8'S BINGO lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), Florida

Administrative Code. In the event a dispute arises as to the validity of any CRAZY 8'S BINGO lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "Caller's Card" play symbols are as follows:

INSERT SYMBOLS

(5) The player's cards play symbols are as follows:

INSERT SYMBOLS

(6) Determination of Prize Winners. There is one Caller's Card, and four player's cards numbered 1 through 4 on each CRAZY 8'S BINGO ticket. A "FREE" space will appear in the center of each player's card. A "FREE" space can substitute as a number in a pattern of which it is a part.

(a) The holder of a ticket whose Caller's Card numbers match the numbers on one of the four player's cards in one of the following designs shall be entitled to the prize shown for that design on the card:

1. Horizontal line of five numbers (or four numbers and one "FREE" space).

2. Vertical line of five numbers (or four numbers and one "FREE" space).

3. Diagonal line of four numbers and one "FREE" space.

4. Four corners (consisting of four numbers).

5. "X" (consisting of eight numbers and one "FREE" space).

(b) The holder of a ticket whose Caller's Card numbers match the numbers on one of the four player's cards in an "8" pattern (consisting of ten numbers and one "FREE" space in the highlighted "8" pattern) shall be entitled to the corresponding prize for that card as follows:

- 1. Card 1 – \$8
- 2. Card 2 – \$88
- 3. Card 3 – \$888
- 4. Card 4 – \$8,888

(7) Prize amounts for a particular design are different on each player’s card.

(8) Players may win on one or more player’s cards per ticket.

(9) Prizes which appear in the player’s card play area are: FREE TICKET, \$3, \$10, \$25, \$50, \$150, \$250, \$1,000, \$10,000.

(10) The holder of a ticket which entitles the player to a prize of a “FREE TICKET” shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a CRAZY 8’S BINGO lottery ticket which entitles the holder to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(11) Number and Size of Prizes. The value, number of prizes, and odds of winning in Instant Game Number 349 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS IN 84 POOLS OF 120,000 TICKETS PER POOL	ODDS
LINE – CARD 1	\$2 TICKET	1,142,400	1 in 8.82
LINE – CARD 2	\$3	739,200	1 in 13.64
LINE – CARDS 1 & 2	\$3 + \$2 TICKET	604,800	1 in 16.67
“8” – CARD 1	\$8	201,600	1 in 50.00
LINE – CARD 3	\$10	67,200	1 in 150.00
“8” – CARD 1 + LINE – CARD 2	\$11	67,200	1 in 150.00
“8” – CARD 1 + LINE – CARD 3	\$18	67,200	1 in 150.00
4 CORNERS – CARD 1	\$25	12,600	1 in 800.00
“8” – CARD 1 + LINE – CARDS 2 & 4	\$36	3,360	1 in 3,000.00
LINE – CARDS 1, 2, 3 & 4	\$38 + \$2 TICKET	9,240	1 in 1,090.91
4 CORNERS – CARD 2	\$50	1,680	1 in 6,000.00
“8” – CARD 2	\$88	1,680	1 in 6,000.00
“X” – CARD 1	\$150	252	1 in 40,000.00
4 CORNERS – CARDS 1 & 3 + LINE – CARD 4	\$200	40	1 in 252,000.00
“X” – CARD 1 + 4 CORNERS – CARD 2	\$200	40	1 in 252,000.00
4 CORNERS – CARDS 1, 2 & 3 + LINE – CARD 4	\$250	40	1 in 252,000.00
“X” – CARD 2	\$250	40	1 in 252,000.00
4 CORNERS – CARD 4	\$250	40	1 in 252,000.00
“8” – CARD 3	\$888	20	1 in 504,000.00
“X” – CARD 3	\$1,000	9	1 in 1,120,000.00
“8” – CARD 4	\$8,888	5	1 in 2,016,000.00
“X” – CARD 4	\$10,000	5	1 in 2,016,000.00

(12) The overall odds of winning any prize in Instant Game Number 349 are 1 in 3.45.

(13) For reorders of Instant Game Number 349, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(14) By purchasing a CRAZY 8’S BINGO lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c) FS. History–New 4-13-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: April 13, 2001

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 346, FUN MONEY

RULE NO.: 53ER01-19

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 346, "FUN MONEY" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-19 Instant Game Number 346, FUN MONEY.

(1) Name of Game. Instant Game Number 346, “FUN MONEY.”

(2) Price. FUN MONEY tickets sell for \$2.00 per ticket.

(3) FUN MONEY lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning FUN MONEY lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any FUN MONEY lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The “WINNING NUMBERS” play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbols captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT LEGENDS

(8) Determination of Prize Winners.

(a) The holder of a ticket having a number in the "YOUR NUMBERS" play area that matches either number in the "WINNING NUMBERS" play area shall be entitled to the corresponding prize shown for that number. The prizes are: TICKET, \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100. The holder of a ticket which entitles the player to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a FUN MONEY lottery ticket which entitles the holder to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(b) The holder of a ticket having a "dollar bill" symbol in the "YOUR NUMBERS" play area shall be entitled to a prize of \$50.00.

(9) The value, number of prizes, and odds of winning in Instant Game Number 346 are as follows:

GAME PLAY	WIN	WINNERS IN	
		63 POOLS OF	ODDS
TICKET	\$2 TICKET	1,058,400	1 in 7.14
\$2	\$2	302,400	1 in 25.00
\$2 x 2	\$4	201,600	1 in 37.50
\$2 + \$3	\$5	201,600	1 in 37.50
\$5	\$5	151,200	1 in 50.00
\$2 x 5	\$10	75,600	1 in 100.00
\$5 + \$5	\$10	75,600	1 in 100.00
\$10	\$10	75,600	1 in 100.00
(\$2 x 5) + (\$5 x 3)	\$25	18,900	1 in 400.00
\$5 x 5	\$25	18,900	1 in 400.00
\$25	\$25	18,900	1 in 400.00
"Dollar Bill" symbol	\$50	5,670	1 in 1,333.33
\$10 x 5	\$50	5,670	1 in 1,333.33
\$25 + \$25	\$50	5,670	1 in 1,333.33
\$10 x 10	\$100	315	1 in 24,000.00
\$20 x 5	\$100	315	1 in 24,000.00
\$100	\$100	315	1 in 24,000.00

(10) The overall odds of winning any prize in Instant Game Number 346 are 1 in 3.41.

(11) For reorders of Instant Game Number 346, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(12) By purchasing a FUN MONEY lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c) FS. History--New 4-13-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: April 13, 2001

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 388, MONOPOLY®  
 RULE NO.: 53ER01-28  
 SUMMARY OF THE RULE: Instant Game Number 388, "MONOPOLY®," will be sold by Florida Lottery retailers on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, procedures to be followed on how to play the game, and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-28 Instant Game Number 388, MONOPOLY®.

(1) Name of Game. Instant Game Number 388, "MONOPOLY®."

(2) Price. MONOPOLY® tickets sell for \$2.00 per ticket.

(3) MONOPOLY® Lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning MONOPOLY® Lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any MONOPOLY® Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR HOTEL NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "HOUSE NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS



(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners.

(a) The holder of a ticket having a number in the "YOUR HOTEL NUMBERS" play area that matches any number in the "HOUSE NUMBERS" play area shall be entitled to the corresponding prize shown for that number. The prizes are: TICKET, \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$200, \$5,000. The holder of a ticket which entitles the player to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a MONOPOLY® lottery ticket which entitles the holder to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(b) The holder of a ticket having a "GO" symbol in the "HOUSE NUMBERS" play area shall be entitled to a prize of \$200.

(c) The holder of a ticket having a "Moneybag" symbol in the "HOUSE NUMBERS" play area shall be entitled to a prize of double the corresponding amount shown.

(9) Number and Size of Prizes. The value, number of prizes, and odds of winning in Instant Game Number 388 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS	
		PER POOL	ODDS
TICKET	\$2 TICKET	1,209,600	1 in 8.33
\$2	\$2	604,800	1 in 16.67
\$2 (D)	\$4	604,800	1 in 16.67
\$2 + \$3	\$5	403,200	1 in 25.00
\$5	\$5	134,400	1 in 75.00
\$2 + \$2 + \$2 +			
(\$2 (D))	\$10	67,200	1 in 150.00
\$5 + \$5	\$10	33,600	1 in 300.00
\$10	\$10	33,600	1 in 300.00
\$2 + \$2 + \$2 + \$2 +			
\$2 + \$5 + (\$5 (D))	\$25	33,600	1 in 300.00
\$5 + \$5 + \$5 + (\$5 (D))	\$25	33,600	1 in 300.00
\$5 x 10	\$50	1,400	1 in 7,200.00
\$10 + \$10 + \$10 +			
\$10 + \$10	\$50	1,400	1 in 7,200.00
\$25 + \$25	\$50	1,400	1 in 7,200.00
\$50	\$50	1,400	1 in 7,200.00
\$10 x 10	\$100	840	1 in 12,000.00

\$20 + \$20 + \$20 +			
(\$20 (D))	\$100	840	1 in 12,000.00
\$50 (D)	\$100	840	1 in 12,000.00
\$200 ("GO") symbol	\$200	3,360	1 in 3,000.00
\$100 x 10	\$1,000	7	1 in 1,440,000.00
\$5,000 x 5	\$25,000	4	1 in 2,520,000.00

(10) The overall odds of winning any prize in Instant Game Number 388 are 1 in 3.18.

(11) For reorders of Instant Game Number 388, the expected value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(12) By purchasing a MONOPOLY® lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c) FS. History--New 4-17-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: April 17, 2001

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### DEPARTMENT OF STATE

NOTICE IS HEREBY GIVEN that on March 23, 2001, the Department of State, Division of Cultural Affairs, received a Petition for Variance of Rule 1T-1.001(4)(b), Florida Administrative Code, from Nova Southeastern University relating to grant CFG 01-9015. Nova Southeastern University requests that the Department allow a variance in certain provisions of the restrictive covenants required to be executed and filed under the rule.

A copy of the petition may be received from Cara Martin, Agency Clerk, Department of State, PL-02, The Capitol, Tallahassee, Florida 32399-0250. Comments on the petition must be received no later than 14 days from the date of this notice.

NOTICE IS HEREBY GIVEN that on April 6, 2001, the Department of State issued an Order and Notice of Disposition of Petition For Waiver. The Department denied a request by Miami Children's Museum for the Department to grant a waiver of the change of venue restriction, which would have allowed the museum to retain its Cultural Facilities Program grants and to construct the museum at a location different from the one specified in the grants. The Department received the petition on January 8, 2001 requesting waiver of Rule 1T-1.001(4)(b), Florida Administrative Code, relating to grants CFG 99-9014 and CFG 2K-9023. Notice of receipt of the

petition was published on March 9, 2001 in the Florida Administrative Weekly, Vol. 27, No. 10, in accordance with Section 120.542(6), Florida Statutes (2000). The Department denied the petition on the basis that the purpose of the underlying statute could not be achieved by other means.

A copy of the Order and Notice may be received from Cara Martin, Agency Clerk, Department of State, PL-02, The Capitol, Tallahassee, Florida 32399-0250.

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#### DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that, on April 17, 2001, the Florida Department of Transportation issued an order granting the Petition of Gate Maritime Properties, Inc., seeking a variance from the provisions of Rule Section 14-57.003(5)(c)1., F.A.C. The Petition was received by the Department on January 17, 2001. The Department published its notice of receipt of the petition in the March 30, 2001, edition of the Florida Administrative Weekly, which erroneously reported that the Department received the Petition on January 16, 2001. Rule Section 14-57.003(5)(c)1., F.A.C. provides the minimum distance between the center lines of parallel standard gauge railroad tracks. The Department's order, issued in DOT Case No. 01-013, granted the petition because Gate Maritime Properties, Inc., demonstrated a substantial hardship to justify the need for the variance and how the variance requested would serve the purposes of the underlying statute, Section 341.302(7), Florida Statutes.

A copy of the Department's Order Granting Request for Variance may be obtained from: Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458.

For additional information, contact: James C. Myers, (850)414-5393.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on April 6, 2001, a petition from Allen Charles Below, seeking a waiver under Section 120.542 of the Florida Statutes from the requirement that an applicant for licensure as a Class B wastewater treatment plant operator must successfully complete an approved training course before applying to take the licensure examination under Rules 62-602.300(3)(b) and 62-602.400(4), Florida Administrative Code. The petitioner has been an instructor of other approved training courses administered as correspondence courses by the California State University at Sacramento, and had mistakenly received the instructor's manual for the required course for the Class B level license. Therefore, the University would not enroll him for the required course. The petition has been assigned OGC File No.: 01-0608. Copies may be received from, and written comments submitted to, Department of Environmental Protection, Operator

Certification, Mail Station 3505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; Attn: Craig Diltz. Comments must be received no later than 14 days from the date of publication of this notice.

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NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on March 29, 2001, a petition from AR Environmental Services, Inc., seeking a variance under section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under Rule 62-522.300(3), Florida Administrative Code, for the use of hydrogen peroxide to clean up sites that are contaminated with petroleum. The petition has been assigned OGC File No.: 01-0551. Copies may be received from, and written comments submitted to, Department of Environmental Protection, Underground Injection Control Section, Mail Station 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399-2400; Attn: Cathy McCarty. Comments must be received no later than 14 days from the date of publication of this notice.

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NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on March 30, 2001, a petition from Environmental Engineering Consultants, Inc., seeking a variance under section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under Rule 62-522.300(3), Florida Administrative Code, for the use of potassium lactate to clean up sites that are contaminated with chlorinated solvents, chlorinated pesticides, polychlorinated biphenyls, and other related compounds. The petition has been assigned OGC File No.: 01-0541. Copies may be received from, and written comments submitted to, Department of Environmental Protection, Underground Injection Control Section, Mail Station 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399-2400; Attn: Cathy McCarty. Comments must be received no later than 14 days from the date of publication of this notice.

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#### DEPARTMENT OF HEALTH

The Electrolysis Council hereby gives notice that it has received a petition, filed on February 7, 2001, by Rebecca K. Wood; Kay Updegraff; Rebecca Rotante, seeking a variance from and/or waiver of Rule 64B8-51.007(3), which states: Application examination fee is \$300.00. Written comments on this petition should be filed with Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Kay Howerton, Executive Director, Electrolysis Council/MQA, Department of Health, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255.

## Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration  
 Department of Veterans' Affairs  
 Department of Highway Safety and Motor Vehicles  
 Department of Law Enforcement  
 Department of Revenue  
 Department of Education  
 Administration Commission  
 Florida Land and Water Adjudicatory Commission  
 Board of Trustees of the Internal Improvement Trust Fund  
 Department of Environmental Protection

DATE AND TIME: May 15, 2001, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval

of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and

matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

#### DEPARTMENT OF STATE

The **Museum of Florida History Foundation**, Inc. announces a Board of Director's Meeting to which all persons are invited.

**DATE AND TIME:** Tuesday, May 22, 2001, 4:30 p.m.

**PLACE:** R. A. Gray Building, Room 307, 500 S. Bronough Street, Tallahassee, Florida

**PURPOSE:** Regularly Scheduled Meeting.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact Penny Lord, (850)922-5299, at least 48 hours prior to the meeting in order to request any special assistance.

The **Department of State, Division of Cultural Affairs** announces the following public meetings to which all persons are invited.

**COMMITTEE:** Art Selection Committee

**DATE AND TIME:** Wednesday, May 9, 2001, 9:00 a.m.

**PLACE:** Alachua County Health Department, Conference Center, 224 S. E. 24th Street, Gainesville, FL 32641, (352)334-7940

**PURPOSE:** To hold a Slide Review meeting to select artwork for Art in State Buildings Project No. DOH 9706/1000, Alachua County Health Department, Gainesville, Florida

**COMMITTEE:** Art Selection Committee

**DATE AND TIME:** Tuesday, May 15, 2001, 9:00 a.m.

**PLACE:** Florida Department of Transportation, Kepler Complex, Wahoo Conference Room, 1650 N. Kepler Road, DeLand, FL 32724, (904)740-3402

**PURPOSE:** To hold a Slide Review meeting to select artwork for Art in State Buildings, Project No. DOT 243-267, Kepler Road Complex, DeLand, Volusia County, Florida

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250, (850)487-2980, Ext 116.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Kirby Mole, (850)487-2980, Ext 133. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

#### DEPARTMENT OF LEGAL AFFAIRS

The Legislative Advocacy Committee of the **Florida Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

**DATE AND TIME:** May 11, 2001, 10:00 a.m.

**PLACE:** Please call (850)414-3300 for instructions on participation

**PURPOSE:** To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Florida Alligator Marketing and Education Advisory Committee.

**DATE AND TIME:** May 10, 2001, 9:30 a.m.

**PLACE:** Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, Florida

**PURPOSE:** To discuss marketing and educational activities beneficial to the Florida alligator industry.

A copy of the agenda can be obtained by contacting: Phyllis McCranie, 2051 E. Dirac Drive, Tallahassee, FL 32310-3760 or by calling (850)488-0163.

If special accommodations are needed to attend this meeting because of a disability, please contact Phyllis McCranie as soon as possible.

The Florida **Department of Agriculture and Consumer Services** announces a public workshop to which all interested persons are invited.

DATE AND TIME: May 21, 2001, 6:00 p.m. – 8:00 p.m.

PLACE: Apalachicola Community Center, 1 Bay Avenue, Apalachicola, Florida 32320

PURPOSE: The Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund, approved an application process to select qualified applicants for individual lease parcels in the Alligator Harbor Aquaculture Use Area, Alligator Harbor, Franklin County. The Department of Agriculture and Consumer Services, as staff to the Board of Trustees, will administer the application and selection processes. The workshop will address the application forms and processes for issuing aquaculture leases on sovereignty submerged land within the designated aquaculture use area.

A copy of the agenda may be obtained by writing: Division of Aquaculture, 1203 Governor's Square Blvd., Fifth Floor, Tallahassee, Florida 32301.

ADA NOTICE: If an accommodation is needed for a disability in order to participate in the public workshop, please notify the Bureau of Personnel Management, Department of Agriculture and Consumer Services by calling (850)488-1806, at least seven days prior to the public workshop.

#### DEPARTMENT OF EDUCATION

The Florida **Department of Education** (DOE) announces a meeting of the Partnership for School Safety and Security to which all persons are invited.

DATE AND TIME: May 7, 2001, 8:00 a.m. – 5:30 p.m.

PLACE: Wyndham Westshore Hotel, 4860 West Kennedy Boulevard, Tampa, Florida 33609

PURPOSE: Meeting of the Partnership for School Safety and Security Members, appointed by Governor Jeb Bush in October, 2000. The Partnership for School Safety and Security welcomes participation from any interested members of the public.

Additional information may be obtained by writing: Department of Education, Office of Safe Schools, 325 West Gaines Street, Room 301, Tallahassee, Florida 32399 or by telephoning Neisa Logman, (850)410-1667.

Any persons requiring special accommodation at this meeting because of a disability or physical impairment should contact Neisa Logman, Office of Safe Schools, (850)410-1667, at least five calendar days prior to the meeting.

The **Articulation Coordinating Committee** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, May 16, 2001, 9:30 a.m. – 12:30 p.m.

PLACE: Turlington Building, Room 1706, 325 West Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Articulation issues regarding secondary and postsecondary education.

A copy of the items to be addressed may be obtained by contacting: Florida Department of Education, K-16 Articulation, Room 401, Turlington Building, Tallahassee, Florida 32399-0400, (850)922-0344 or Suncom 292-0344.

The public is invited to a telephone conference call meeting of the Florida **Board of Regents**.

DATE AND TIME: May 11, 2001, 9:00 a.m.

PLACE: Florida Education Center, Conference Room, 15th Floor, Tallahassee, Florida

PURPOSE: Consideration of Legislative Update; and other matters pertaining to the State University System.

A copy of the agenda may be obtained by writing: Florida Board of Regents, Mary-Anne Bestebreurtje, Corporate Secretary, 325 West Gaines Street, Tallahassee, Florida 32399-1950.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

The **Gulf Coast Community College District**, Board of Trustees will hold its monthly meeting as follows.

DATE AND TIME: May 10, 2001, 10:00 a.m. (EDT)

PLACE: Gulf/Franklin Center

PURPOSE: Regular monthly meeting.

Contact person for the meeting is Dr. Robert L. McSpadden, President.

The Florida Community College Distance Learning Consortium of the **State Board of Community Colleges** announces the following public meeting to which all persons are invited to participate.

DATE AND TIME: Thursday, May 17, 2001, 1:00 p.m. – 5:00 p.m.

PLACE: Seminole Community College, 100 Weldon Boulevard, Sanford, FL 32773-6199

DATE AND TIME: Friday, May 18, 2001, 8:00 a.m. – 3:00 p.m.

PLACE: Seminole Community College, 100 Weldon Boulevard, Sanford, FL 32773-6199

PURPOSE: Regular Quarterly Business Meeting.

NOTE: If you need additional information or special services to participate in the meeting, please contact: Florida Community College Distance Learning Consortium, University Center, Building C, Suite C-1100, Tallahassee, FL 32306-2732 or by phone (850)645-4826.

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### DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Communities Trust** announces a public meeting of the Governing Body to which all persons are invited. Members of the Trust Governing Body will participate by way of teleconference.

DATE AND TIME: Wednesday, May 9, 2001, 1:30 p.m.

PLACE: Department of Community Affairs, Conference Room 100E, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

PURPOSE: Extend grant contracts for certain funded projects; approve project plans for certain funded projects; other business that the governing board deems necessary.

ACTION TO BE TAKEN: Consideration of above-stated business. To obtain a copy of the agenda, contact the Trust, (850)922-2207.

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

Persons requiring a special accommodation for a disability of physical impairment should contact Florida Communities Trust, (850)922-2207, Suncom 292-2207, at least five days prior to the meeting. If hearing or speech impaired, contact Florida Communities Trust using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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### DEPARTMENT OF REVENUE

The Florida **Department of Revenue** announces a meeting of the Communication Services Tax Advisory Committee to the Executive Director to which all persons are invited.

DATE AND TIME: May 25, 2001, 10:00 a.m.

PLACE: Building C-1, Capital Center, 5050 West Tennessee Street, Tallahassee, Florida

PURPOSE: The purpose of this public meeting is for the Department of Revenue to advise the Committee about the Department's transition strategy, business processes, rulemaking and future legislative issues and obtain recommendations regarding the Communication Services Tax.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any public meeting conducted by the Department is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips,

(850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

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### DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation** and Lodestar/SpectraSite, Inc., announce a meeting of the wireless siting Public/Private Partnership representatives to which all persons are invited.

DATE AND TIME: May 9, 2001, 1:30 p.m.

PLACE: Sheraton Oceanfront, 3200 North Ocean Drive, Singer Island, Florida 33404

PURPOSE: The Florida Department of Transportation and Lodestar/SpectraSite, Inc., operate in a public/private partnership to construct and manage wireless facilities along the Department's limited access rights of way. Representatives of the partnership meet from time to time to review work progress and to foster greater project awareness.

A copy of the agenda may be obtained by calling: Robert L. Gottschalk, P. E., Florida Department of Transportation, (850)414-4985 or via email: robert.gottschalk@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Pamela Haynes, (850)414-4990. If you are hearing or speech impaired, please contact the agency by calling TDD 1(800)955-8771.

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### STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** (SBA) of a meeting of the Florida State Board of Administration regarding the Intent to Procure for institutional investment product providers for the Public Employee Optional Retirement Program to which all persons are invited.

DATE AND TIME: Monday, May 7, 2001, 9:00 a.m. – conclusion of the meeting

PLACE: Emerald Coast Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: At this meeting, the Investment Services Implementation Group (ISIG) will discuss the recommendations by the investment consultant, Callan Associates, regarding candidates for oral interviews, and will discuss the oral interview process. The meeting will also include a discussion of the general business of PEORP. Although this meeting will be primarily in person, anyone wishing to participate by telephone is free to use the following conference call number: (850)410-0966 or Suncom 210-0966.

Anyone wishing further information should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or by e-mail at: lazar\_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend these meetings is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

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NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** (SBA) of a meeting date of the Florida State Board of Administration regarding the Request for Information and Invitation to Negotiate for Multiple Investment Products Provider (Bundled Provider) for Public Pension Fund, RFI/ITN # 2001-16, for the Public Employee Optional Retirement Program to which all persons are invited.

DATE AND TIME: Tuesday, May 15, 2001, 9:00 a.m. – conclusion of the meeting

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: At this meeting, the co-chairs of the Investment Services Implementation Group (ISIG) will determine which of those respondents to RFI/ITN # 2001-16 whose investment products merit further consideration will be eligible to respond to the questions in Section X of the RFI/ITN. The meeting will also include a discussion of the general business of PEORP. Although this meeting will be primarily in person, anyone wishing to participate by telephone is free to use the following conference call number: (850)410-0966 or Suncom 210-0966.

Anyone wishing further information should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or by e-mail at: lazar\_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend these meetings is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

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NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a joint meeting of the Investment Advisory Council (IAC) and the Public Employee Optional Retirement Advisory Committee (PEORPAC) to which all persons are invited. Note that both these groups will meet concurrently.

DATE AND TIME: Friday, June 1, 2001, 1:00 p.m. – 4:00 p.m.

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: This is a joint business meeting of the IAC and PEORPAC. The two groups will discuss staff recommendations regarding unbundled product managers and other issues relating to the implementation of the Public Employee Optional Retirement Program. Although this meeting will be primarily in person, anyone wishing to participate by telephone is free to use the following conference call number: (850)410-0966 or Suncom 210-0966.

Anyone wishing further information should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or via e-mail at: lazar\_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend the meeting is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

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#### DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Florida Citrus Research Advisory Council to which all persons are invited.

DATE AND TIME: Wednesday, May 9, 2001, 10:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and recommend research proposal(s) for funding by the Florida Citrus Commission and other business that might come before the council for consideration.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

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#### PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces the rescheduling of a prehearing from May 4, 2001 in Docket No. 001305-TP – Petition by BellSouth Telecommunications, Inc., for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.

DATE AND TIME: May 2, 2001, 1:30 p.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 152, 4075 Esplanade Way, Tallahassee, Florida

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The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: \*May 14, 2001, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Room 140, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Florida Public Service Commission, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior

to the conference. Any person who is hearing or speech impaired should contact the Commission through the Florida Relay Service by using the following numbers: 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

\* In the event of a scheduling conflict, this meeting may be moved to May 15, 2001, immediately following the Commission Conference, in Room 140.

\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\*

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: May 15, 2001, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Rule 25-22.002, F.A.C.), by contacting: Division of Records and Reporting, (850)413-6770 or writing to the Florida Public Service Commission, Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 990362-TI – Initiation of show cause proceedings against GTE Communications Corporation (n/k/a Verizon Select Services Inc.) for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll or Toll Provider Selection.

DATE AND TIME: May 16, 2001, 9:30 a.m.

PLACE: Betty Easley Conference Center, Commission Hearing Room 152, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 001305-TP – Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.

DATES AND TIME: May 16-17, 2001, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To permit parties to present testimony and exhibits relative to the petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc. and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on May 2, 2001. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

## REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a telephone conference meeting of the Nominating Committee to which all persons are invited.

DATE AND TIME: May 8, 2001, 3:00 p.m.

PLACE: North Central Florida Regional Planning Council, 2009 N. W. 67th Place, Gainesville, Florida 32653



**PURPOSE:** To conduct the regular business of the Nominating Committee.

A copy of the agenda may be obtained by writing: North Central Florida Regional Planning Council, 2009 N. W. 67th Place, Suite A, Gainesville, Florida 32653-1603.

Any person deciding to appeal any decision of the Committee with respect to any matter considered at the meeting may need to ensure that a verbatim record of the proceedings is made.

Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

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**The North Central Florida Regional Planning Council** announces a meeting of the Finance Committee to which all persons are invited.

**DATE AND TIME:** May 16, 2001, 4:00 p.m.

**PURPOSE:** To develop the budget for Fiscal Year 2001-2002 for the North Central Florida Regional Planning Council.

**PLACE:** North Central Florida Regional Planning Council Office, 2009 N. W. 67th Place, Suite A, Gainesville, Florida

A copy of the agenda may be obtained by writing: North Central Florida Regional Planning Council, 2009 N. W. 67th Place, Suite A, Gainesville, Florida 32653-1603.

Any person deciding to appeal any decision of the Committee with respect to any matter considered at the meetings may need to ensure that a verbatim record of the proceedings are made.

Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

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**The Northeast Florida Regional Planning Council, Personnel, Program Planning and Budget Committee** announces the following public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, May 3, 2001, 9:00 a.m.

**PLACE:** Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

**PURPOSE:** To discuss pending personnel, program planning and budget matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

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**The Northeast Florida Regional Planning Council, Comprehensive and Project Planning Committee** announces the following public meetings to which all persons are invited.

**DATE AND TIME:** Thursday, May 3, 2001, 9:00 a.m.

**PLACE:** Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

**PURPOSE:** To discuss pending comprehensive and project planning items.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

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**The Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, May 3, 2001, 10:00 a.m.

**PLACE:** Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

**PURPOSE:** Monthly Meeting

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Ginny Montgomery, (904)363-6350, Extension 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

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**The Northeast Florida Regional Planning Council, Economic Development Committee** announces the following public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, May 10, 2001, 10:00 a.m.

**PLACE:** Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

**PURPOSE:** Quarterly meeting

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Ginny Montgomery, (904)363-6350, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

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**The Northeast Florida Regional Planning Council**, Local Emergency Preparedness Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: May 16, 2001, 10:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: Board Meeting

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Ginny Montgomery, (904)363-6375, Ext. 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

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**The Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 10, 2001, 9:00 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., Suite 219, St. Petersburg, FL 33702

PURPOSE: Agency on Bay Management – Full Agency Meeting.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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**The Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 14, 2001, 8:30 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, FL 33702

PURPOSE: Executive/Budget Committee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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**The Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 14, 2001, 10:00 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, FL 33702

PURPOSE: Tampa Bay Regional Planning Council.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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**The Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 21, 2001, 9:30 a.m. (Subject to cancellation, please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., Suite 219, St. Petersburg, FL 33702

PURPOSE: Clearinghouse Review Committee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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**The Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 30, 2001, 10:30 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, FL 33702

PURPOSE: Local Emergency Planning Committee, District VIII Meeting.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a

verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

### WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: May 10, 2001, 9:00 a.m.

PLACE: Tommy Usher Center, 506 S. W. 4th Avenue, Highway 345, Chiefland, FL

PURPOSE: Board Meeting – to consider District business and conduct public hearings on regulatory and land acquisition matters. Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of the Rayonier/Falling Creek Sink Tract, 55 Acres +/-, Columbia County, Florida, with funds from the Preservation 2000 Trust Fund; also the proposed acquisition of the Versatility Inc. Tract, 340 Acres +/-, Dixie County, Florida, with funds from the Preservation 2000 Trust Fund; also the proposed acquisition of the Barber & Jackson/Cross City Wastewater Tract, 377 Acres +/-, Dixie County, Florida, with funds from the Preservation 2000 Trust Fund; also the proposed acquisition of the Chaplin/Dillon Tract, 60 Acres +/-, Gilchrist County, Florida, with funds from the Preservation 2000 Trust Fund; also the proposed acquisition of the Foley Timber & Land Co./Perry Wastewater Tract, 515 Acres +/-, Taylor County, Florida, with funds from the Preservation 2000 Trust Fund; also the proposed acquisition of the Buzby & McCormack Tracts, 82 Acres +/-, Gilchrist County, Florida, with funds from the Preservation 2000 Trust Fund; also the proposed acquisition of the W. G. Brown Inholdings & Additions Tract, 1 Acres +/-, Lafayette County, Florida, with funds from the Preservation 2000 Trust Fund; also the proposed acquisition of the A. VanHook Inholdings & Additions Tract, 17.5 Acres +/-, Suwannee County, Florida, with funds from the Preservation 2000 Trust Fund; also the proposed acquisition of the M. L. Kodim Inholdings & Additions Tract, 1.2 Acres +/-, Dixie County, Florida, with funds from the Preservation 2000 Trust Fund.

DATES AND TIMES: May 10, 2001, 2:00 p.m.; May 11, 2001, 8:30 a.m.

PLACE: Cedar Key Historical Museum, Second Street and Highway 24, Cedar Key, Florida

PURPOSE: Governing Board Workshop on FY 2002 Budget.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

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

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following public meetings and hearings to which all persons are invited:

#### PERSONNEL COMMITTEE MEETING

DATE AND TIME: Tuesday, May 8, 2001, 8:30 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

PURPOSE: Discussion of Information Technology Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

#### GOVERNING BOARD MEETING

DATE AND TIME: Tuesday, May 8, 2001, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

PURPOSE: Discussion and consideration of District business including regulatory and non-regulatory matters.

#### FINANCE COMMITTEE MEETING

DATE AND TIME: Wednesday, May 9, 2001, 8:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

PURPOSE: Discussion of Finance Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

#### GOVERNING BOARD MEETING AND PUBLIC HEARING

DATE AND TIME: Wednesday, May 9, 2001, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Discussion and consideration of District business including regulatory and non-regulatory matters.

#### FOURTH PUBLIC HEARING ON ENVIRONMENTAL RESOURCE PERMIT STREAMLINING RULE AMENDMENTS

DATE AND TIME: Wednesday, May 9, 2001, following Governing Board meeting which begins at 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: To receive testimony and evidence and to consider further changes regarding the proposed ERP Streamlining amendments to Chapters 40C-1, 40C-4, 40C-40, 40C-41, 40C-42 and 40C-400, F.A.C., and Applicant Handbooks: Management and Storage of Surface Waters and Regulation of Stormwater Management Systems.

A copy of the agenda for these meetings may be obtained by writing: St. Johns River Water Management District, Attention: Ann Freeman, Executive Office, P. O. Box 1429, Palatka, Florida 32178-1429.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting Ann Freeman, (904)329-4101. If you are hearing or speech impaired, please contact the District by calling (904)329-4450 (TDD).

The **Southwest Florida Water Management District** announces the following public hearing to which all interested persons are invited.

**DATES AND TIMES:** May 29, 2001, 9:00 a.m. and may be continued; May 30, 2001, 9:00 a.m.

**PLACE:** Governing Board Room, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-6899

**PURPOSE:** The acquisition of certain lands eligible to be considered for funding from the Water Management Lands Trust Fund (Save Our Rivers)/Florida Preservation 2000 Trust Fund which lands are further described as follows:

Part of the Annuteliga Hammock comprised of one parcel referred to as SWF Parcel No. 15-228-679 consisting of approximately 42.39± acres. The parcel is located on the west side of Nail Lane, north of Centralia Road and lies in Section 32, Township 21 South, Range 18 East in Hernando County, Florida.

A copy of the agenda or a more specific legal description of the lands proposed for acquisition may be obtained by contacting Fritz H. Musselmann, Land Resources Director, Southwest Florida Water Management District, at the above address.

Any person deciding to appeal any decision made by the District Governing Board concerning the above-referenced hearing will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal may be based.

The District does not discriminate based on disability status. Anyone requiring reasonable accommodations under the ADA should call 1(800)423-1476 (Florida only), Extension 4452, Fax: (352)754-6877, TTD only 1(800)231-6103.

The **Southwest Florida Water Management District** announces the following public hearing to which all interested persons are invited.

**DATES AND TIMES:** May 29, 2001, 9:00 a.m. and may be continued; May 30, 2001, 9:00 a.m.

**PLACE:** Governing Board Room, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899

**PURPOSE:** The acquisition of certain lands eligible to be considered for funding from the Water Management Lands Trust Fund (Save Our Rivers)/Florida Preservation 2000 Trust Fund which lands are further described as follows:

Part of the Green Swamp project comprised of one parcel referred to as SWF Parcel No. 10-200-1217C to be acquired by a conservation easement consisting of approximately 63.95± acres. The parcel is located on the north side of Green Pond Road and lies in Sections 1 and 12, Township 25 South, Range 24 East in Polk County, Florida; and

Part of the Weekiwachee Preserve project comprised of one parcel referred to as SWF Parcel No. 15-773-121 consisting of approximately 136.9± acres. The parcel is located on County Road 597 and lies in Section 31, Township 22 South, Range 17 East in Hernando County, Florida; and

Part of the Weekiwachee Preserve project comprised of one parcel referred to as SWF Parcel No. 15-773-151 containing approximately 24.5± acres. The parcel is located south of County Road 595 and lies in Section 25, Township 23 South, Range 16 East in Hernando County, Florida.

A copy of the agenda or a more specific legal description of the lands proposed for acquisition may be obtained by contacting Fritz H. Musselmann, Land Resources Director, Southwest Florida Water Management District, at the above address.

Any person deciding to appeal any decision made by the District Governing Board concerning the above-referenced hearing will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal may be based.

The District does not discriminate based on disability status. Anyone requiring reasonable accommodations under the ADA should call 1(800)423-1476 (Florida only), Extension 4452, Fax (352)754-6877, TTD only 1(800)231-6103.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

**DATES AND TIME:** May 1, 2001; May 8, 2001; May 15, 2001; May 22, 2001; May 29, 2001, 1:00 p.m.

**PLACE:** South Florida Water Management District, Headquarters, B-1 Building, Egret Conference Room, 3301 Gun Club Road, West Palm Beach, Florida

**PURPOSE:** The Appraisal Review Committee will hold its regular meeting to discuss appraisal issues and, if necessary, select an appraiser from proposals received on upcoming appraisal assignments.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information or those wishing to submit written or physical evidence may contact Kenneth Daw, Chief Appraiser, (561)682-6737.

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The **South Florida Water Management District** announces public meetings to which all interested persons are invited.

DATE AND TIME: May 8, 2001, 8:30 a.m.

PLACE: District Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, FL

PURPOSE: Meeting of the Water Resources Advisory Committee to begin orientation and organization for committee operation.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

For more information, contact: Tony Burns, District Clerk, (561)682-6206.

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The **South Florida Water Management District** announces a public workshop and meeting which may be conducted by means of or in conjunction with communications technology, specifically by telephonic conference to which all interested parties are invited.

DATE AND TIME: May 9, 2001, 8:30 a.m.

PLACE: Southwest Florida International Airport Training Facility, 16000 Chamberlin Parkway, Fort Myers, FL 33913

PURPOSE: Governing Board workshop and meeting to discuss and consider District business including regulatory and non-regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members. Any Item on the Thursday, May 10, 2001 Governing Board Regular Meeting may be considered on this agenda.

DATE AND TIME: May 10, 2001, 8:30 a.m.

PLACE: District Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, FL

PURPOSE: Governing Board meeting for consideration of District business including regular and regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agendas may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information, or those wishing to submit written or physical evidence may contact: Tony Burns, District Clerk, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680, (561)682-6206.

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### COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a meeting of the Conference Committee to which all persons are invited.

DATE AND TIME: Wednesday, May 9, 2001, 9:30 a.m. – completion

PLACE: 2740 Centerview Drive, Rhyne Building, Suite 1A, Tallahassee, FL, (850)488-6036

PURPOSE: To discussed plans for 2001 TD conference.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Commission for the Transportation Disadvantaged, Erin Schepers, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)488-6036 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

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### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** (AHCA) has scheduled a workgroup meeting to which all interested persons are invited.

DATE AND TIME: Thursday, May 10, 2001, 10:30 a.m. – 1:00 p.m.

PLACE: Florida Department of Health, Betty Easley Conference Center, Room 180, Capital Circle Office Complex, 4075 Esplanade Way, Tallahassee, FL

**PURPOSE:** The purpose of the meeting will be to review and receive comments from all interested parties regarding the draft document entitled Diabetes Medical Practice Guidelines. For those individuals unable to attend the meeting, written comments may be submitted to: Agency for Health Care Administration, Debby Walters, Senior Health Policy Analyst, BIN #17, Building 3, Room 1107, 2727 Mahan Drive, Tallahassee, Florida 32308. All comments are due by May 25, 2001.

Interested parties planning to participate in the workgroup session are asked to confirm their attendance with Carole Dulany, Office of Health Policy, (850)922-5585.

Purchase Order Number: I00158

**DEPARTMENT OF MANAGEMENT SERVICES**

The Americans with Disabilities Act Working Group, which is administered by the **Department of Management Services** announces a meeting of the Americans with Disabilities Act Working Group Quarterly Meeting/Public Hearing to which all interested persons are invited.

**DATES AND TIME:** April 30, 2001 through May 2, 2001, 9:00 a.m. – 12:00 Noon

**PLACE:** Hyatt Sarasota on Sarasota Bay, 1000 Boulevard of The Arts, Sarasota, Florida 34236-4808

**PURPOSE:** To facilitate the mission of this Working Group. A copy of the agenda may be obtained by writing or calling: American with Disabilities Act Working Group, 4040 Esplanade Way, Suite 180, Tallahassee, Florida 32399-7016, Voice (850)487-3423, TTY (850)410-0684, by April 25, 2001. Should you require accommodations or materials in alternate formats, please contact Doris Farmer, (850)487-3424, TTY (850)410-0684.

The **Department of Management Services, State Technology Office** announces a workshop on the progress of the Joint Task Force Radio Communications System to which all persons are invited.

**DATE AND TIME:** May 4, 2001, 9:00 a.m.  
**PLACE:** Department of Management Services, State Technology Office, 4030 Esplanade Way, Room 225A, Tallahassee, FL 32399

**PURPOSE:** To discuss and take action on the items included in the meeting agenda. A copy of the agenda may be obtained by writing: Department of Management Services, State Technology Office, Nick Adams, 4030 Esplanade Way, Suite 235H, Tallahassee, Florida 32399-0950.

If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure a

verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring some accommodation at this hearing because of a physical impairment should call the State Technology Office, (850)922-7506, at least five calendar days prior to the meeting. If you are hearing or speech-impaired, please contact the State Technology Office by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

The **Department of Management Services, State Technology Office** announces a public meeting of the Board of Directors of the Joint Task Force on State Agency Law Enforcement Communications to which all persons are invited. **DATE AND TIME:** May 4, 2001, immediately following the workshop

**PLACE:** 4030 Esplanade Way, Room 225A, Tallahassee, FL 32399

**PURPOSE:** To discuss and take action on the items included in the meeting agenda.

A copy of the agenda may be obtained by writing: Department of Management Services, State Technology Office, Nick Adams, 4030 Esplanade Way, Suite 235H, Tallahassee, Florida 32399-0950.

If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring some accommodation at this hearing because of a physical impairment should call the State Technology Office, (850)922-7506, at least five calendar days prior to the meeting. If you are hearing or speech-impaired, please contact the State Technology Office by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Florida **Board of Pilot Commissioners** announces the following meeting via telephone conference to which all persons are invited to attend.

**DATE AND TIME:** May 8, 2001, 10:00 a.m.  
**PLACE:** Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)488-0698, Access Phone #: (850)921-6513, Suncom 291-6513

**PURPOSE:** Deputy Pilot advancements in Florida Port Training programs.

Agenda available upon request. To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Pilot Commissioners, 1940 N. Monroe Street, Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)488-0698, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Accountancy**, Committee on Continuing Professional Education announces the following public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 16, 2001, 10:00 a.m.

PLACE: Hyatt Regency, Orlando International Airport, Orlando, FL

PURPOSE: To review reporting forms and requests for course approval.

If you wish to participate in this meeting or receive a copy of the agenda, please contact: Kim Thompson, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, FL 32607, (352)333-2500, as soon as possible.

The **Board of Accountancy** announces the following public meetings to which all persons are invited.

DATES AND TIMES: Tuesday, July 17, 2001, 8:30 a.m., Probable Cause Panel; Wednesday, July 18, 2001, 9:00 a.m., Meeting of the Board

PLACE: The Hilton Westshore, 2225 North Lois Avenue, Tampa Florida

PURPOSE: The probable cause panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public, however, there may be cases where probable cause was previously found which are to be reconsidered. The Board will meet to consider enforcement proceedings including consideration of investigating officer's reports and other general business. This is a public meeting.

A copy of any probable cause materials which are open to the public and a copy of the Board agenda may be obtained by writing: Martha P. Willis, Division Director, Division of Certified Public Accounting, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607.

Note: Portions of the Probable Cause Panel meeting may be closed to the public.

If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Martha Willis, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a public workshop for the State Revolving Fund (SRF) Rule. The SRF would provide low-interest rate loans for wastewater, stormwater and nonpoint source pollution control. Governmental and nongovernmental project sponsors would be eligible for loans. The SRF would be capitalized by federal and state match appropriations, loan repayments, investment earnings, and revenue bonds. Funding prerequisites would be linked to the federal Clean Water Act and Florida's Water Pollution Control Financial Assistance Act. All persons are invited to attend the meeting and public comments will be accepted. If a disability accommodation is needed in order to participate in this activity, please call 1(800)955-8771 or call Dick Smith, (850)488-8163, no later than May 4, 2001.

DATE AND TIME: May 11, 2001, 1:00 p.m.

PLACE: Department of Environmental Protection, Twin Towers Office Building, Room 609, 2600 Blair Stone Road, Tallahassee, Florida

PURPOSE: The Department is considering Rule revisions to expand eligibilities to nonpoint source pollution control projects sponsored by governmental or nongovernmental entities. The workshop will be held for the first phase of Rule development. Phase 1 would expand eligibilities to the funding of nonpoint source pollution control projects sponsored by entities with documented financial resources and financial management capabilities. Phase 2, yet to be initiated, would extend funding to entities with less secure resources and capabilities. Financial hardship loans, at reduced interest rates, would be available for projects to serve small communities. Preconstruction loans would become available for all categories and sizes of projects. Design/build projects would be funded initially with preconstruction loans. Simplified planning requirements would be established for all categories of projects. An integrated priority system would be used to rank all categories of projects. To qualify a project for inclusion on the priority list for financing of construction (or implementation of best management practices not involving construction) during any fiscal year, a project sponsor would have to complete project planning. The period for development

of the priority list would be extended to provide additional time for project sponsors to achieve readiness-to-proceed before the end of the SRF fiscal year.

A copy of the agenda and the workshop draft rule may be obtained by writing: Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling Dick Smith, (850)488-8163.

The **Department of Environmental Protection** announces a public workshop to which all persons are invited.

DATE AND TIME: Wednesday, May 16, 2001, 6:30 p.m.

PLACE: Jupiter Farms Community Elementary School, 17400 Haynie Lane, Jupiter, Florida

PURPOSE: This will be a rule and informational meeting to: (1) discuss the permitting problems associated with construction in Jupiter Farms, Palm Beach County; and (2) explain the purpose and effect of, and receive public comment on, the proposed rulemaking regarding Section 62-341.476, F.A.C., Noticed General Permit for Private Single-Family Residences in Jupiter Farms, Palm Beach County.

The proposed Noticed General Permit (NGP) is intended to provide an expedited Environmental Resource Permit (ERP) for the construction, alteration, maintenance, operation, abandonment and removal of single-family residences and associated on-site residential structures within specified sections of Jupiter Farms, and a mechanism to offset impacts resulting from such activities within the wetlands of Jupiter Farms. The NGP will specify the maximum acreage of wetland impacts that will be authorized, and will specify other general and specific limiting conditions. The NGP will not be effective in Palm Beach County Estates.

The Notice of Proposed Rule Development was published in Vol. 27, No. 11, Florida Administrative Weekly, March 16, 2001. (Docket No. 00-47R)

A copy of the agenda may be obtained by writing: Kris McFadden, Department of Environmental Protection, Southeast District Office, P. O. Box 15425, West Palm Beach, FL 33401, (561)681-6714 or e-mail: Kris.McFadden@dep.state.fl.us. Draft rule language may be accessed on the Internet at the following address: <http://www.dep.state.fl.us/water/slerp/pds/draft.htm>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting the Personnel Service Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Department of Environmental Protection** announces a public hearing to be held before the Environmental Regulation Commission to which all interested persons are invited.

DATE AND TIME: May 31, 2001, 10:00 a.m.

PLACE: The Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, FL

PURPOSE: To receive testimony and public comment and to take final action on adoption of the fiscal year 2002 Disadvantaged Small Community Grant priority list in accordance with Rule 62-505, Florida Administrative Code. Approximately \$2.8 million is expected to be available for grants in aid to qualifying disadvantaged small communities. All interested persons will have the opportunity to testify regarding the list and any proposed actions. The Commission may adopt, modify or deny the proposed actions at the hearing. After the hearing, the Department will file the written Final Order for actions taken at the hearing.

A copy of the Final Order will be sent to local governments sponsoring the projects at issue and to any person submitting a timely written request. Such written requests must be submitted at the hearing or must be filed with the Department's Bureau of Water Facilities Funding, Twin Towers Office Building, Mail Station #3505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, no later than 5:00 p.m. on the first working day after the public hearing.

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

The **Department of Environmental Protection, Office of Greenways and Trails** announces a meeting of the Florida Greenways and Trails Council's Recreational Trails Prioritization Committee to which all interested parties are invited.

DATE AND TIME: May 16, 2001, 10:00 a.m. – 3:00 p.m.

PLACE: University of Florida Campus, Room 331, Architecture Building, Gainesville, FL

PURPOSE: To discuss the development of the process for recreational trails prioritization.

For additional information contact: Samantha Browne, Department of Environmental Protection, Office of Greenways and Trails, DEP MS #795, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)488-3701 or 1(800)955-8871 (TDD), email address: [samantha.browne@dep.state.fl.us](mailto:samantha.browne@dep.state.fl.us).

NOTE: If you need special accommodation in order to attend this meeting because of a disability, please contact Samantha Browne, at the address or telephone number above prior to May 9, 2001.



The **Department of Environmental Protection, Office of Greenways and Trails** (OGT) announces a meeting of the Florida Greenways and Trails Council (FGTC) and/or its committees to which all interested parties are invited.

Landowner Incentives Committee – Full Council

DATES AND TIMES: May 16, 2001, 6:30 p.m.; May 17, 2001, 9:00 a.m.

PLACE: Plantation Inn and Golf Resort, 9301 West Fort Island Trail, Crystal River, FL 34429, (352)795-1605

PURPOSE: Regular meeting of the council and/or its committees. It should be noted that FGTC committees are subject to meet the evening prior to the full council meeting. Interested parties should contact the OGT to determine if a committee not specifically noticed will meet. The Council will vote to approve or disapprove the designation of the following properties into the Statewide System of Greenways and Trails:

- Extension of the Hillsborough River Canoe Trail (River Hills Park in the City of Temple Terrace to Rowlett Park in Tampa (4.5 river miles/380 acres).
- United States Forest Service Managed Land, to include:
- Congressional Designated Wilderness Areas (71,735 acres) – Big Gum Swamp Wilderness in the Osceola National Forest; Little Lake George, Billie's Bay Juniper Prairie, and Alexander Springs wilderness areas in the Ocala National Forest; Mud Swamp and Bradwell Bay wilderness areas in the Apalachicola National Forest;
- Pinhook Swamp Purchase Unit (40,025 acres);
- Sections of Florida National Scenic Trail in the Ocala, Osceola and Apalachicola National Forests (20,423 acres).

For additional information contact: Marsha Rickman, Department of Environmental Protection, Office of Greenways and Trails, DEP MS #795, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)488-3701 or 1(800)955-8871 (TDD), email: marsha.rickman@dep.state.fl.us.

NOTE: If you need special accommodation in order to attend this meeting because of a disability, please contact Marsha Rickman at the address or telephone number above prior to May 10, 2001.

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## DEPARTMENT OF HEALTH

The **Department of Health, Board of Dentistry** announces that an emergency meeting of the board was held by way of telephone conference hookup at the following call-in number (850)488-2854.

DATE AND TIME: April 16, 2001, 12:00 Noon

PLACE: Department of Health, Board of Dentistry, 4052 Bald Cypress Way, Building 4042, 3rd Floor, Tallahassee, FL 32399-3256

PURPOSE: To conduct a general business meeting of the board to decide if an appeal of an unfavorable ruling should be pursued and to discuss pending proposed legislation.

STATEMENT OF NECESSITY: This emergency meeting of the board was held under these circumstances in the interest of the public welfare. The board had to meet immediately to discuss whether to authorize an appeal of an unfavorable court decision. Due to the appellate procedure deadlines, this decision had to be made on or before April 18, 2001.

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The Florida **Board of Medicine**, Probable Cause Panel (North) announces a meeting to which all interested persons are invited.

DATE AND TIME: April 27, 2001, 2:00 p.m.

PLACE: The Hilton, Desoto Conference Room, 1201 Riverplace Blvd., Jacksonville FL 32207, (904)398-8800

PURPOSE: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), via Florida Relay Service.

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The Florida **Board of Medicine**, Probable Cause Panel (South) announces a meeting to which all interested persons are invited.

DATE AND TIME: May 11, 2001, 2:00 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607

PURPOSE: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229,

Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), via Florida Relay Service.

The Florida **Board of Medicine** announces a telephone conference call to be held via meet me number.

DATE AND TIME: Wednesday, May 2, 2001, 12:00 Noon

PLACE: Meet me Number: (850)488-5778, SC 298-5778

PURPOSE: To conduct general business of the Board.

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, 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).

**NOTICE OF CANCELLATION** – The Florida **Board of Medicine**, Quality Assurance Committee meeting to which all persons are invited has been cancelled.

DATE AND TIME: Friday, May 4, 2001, 11:00 a.m.

PLACE: The Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

PURPOSE: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, 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).

The Florida **Board of Medicine**, Surgical Care Committee announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, May 19, 2001, following completion of the Rule Hearing or soon thereafter

PLACE: The Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

PURPOSE: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, Florida Board of Medicine, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, 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).

The Florida **Board of Medicine**, Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: Sunday, May 20, 2001, 8:00 a.m. or soon thereafter

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

PURPOSE: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, 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).

The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, May 11, 2001, 12:30 p.m. or soon thereafter

PLACE: Conference Call Meet me number (850)488-5778 or SC 278-5778

PURPOSE: To conduct general business of the Council.

A copy of the agenda may be obtained by writing: Margaret Anglin, Regulation Administrator, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record or the proceeding is made, which record includes the testimony and evidence upon which is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants, the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Nursing** announces a public meeting to which all interested persons are invited. CNA Council Meeting

DATE AND TIME: Wednesday, May 9, 2001, 9:30 a.m. –5:00 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

PURPOSE: To consider rules on practice and discipline for Certified Nursing Assistants.

A copy of the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Florida Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207.

Please Note that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings and for such purpose he/she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact the Board of Nursing

office, (904)858-6940, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

NOTICE OF CHANGE – The **Board of Optometry**, Probable Cause Panel has rescheduled their meeting to which all persons are invited to attend.

DATE AND TIME: Friday, May 11, 2001, 8:00 a.m.

PLACE: Radisson Bay Harbor Hotel, 7700 Courtney Campbell Causeway, Tampa, FL 33607, (813)281-8900

PURPOSE: For cases previously heard by the panel.

A copy of the agenda item may be obtained by writing: Sherra W. Causey, Board of Optometry, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Physical Therapy Practice** announces a conference call to which all persons are invited.

DATES AND TIMES: May 10, 2001, 8:30 a.m. or soon thereafter; June 14, 2001, 8:30 a.m. or soon thereafter

PLACE: Nonsuncom (850)487-8856, Suncom 277-8856

PURPOSE: Education Committee Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the board office, (850)245-4373.

Please note that if a person decides to appeal any decision made by the board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office,

(850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Florida **Department of Children and Family Services** announces a meeting of the Marion County Community Alliance to which all persons are invited.

DATE AND TIME: Wednesday, May 2, 2001, 12:00 Noon  
 PLACE: Marion County Sheriff's Office, 692 N. W. 30th Ave., Ocala, FL

PURPOSE: To provide participation and governance of community based services, Chapter 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Hernando County Community Alliance to which all persons are invited.

DATE AND TIME: Wednesday, May 9, 2001, 9:00 a.m.  
 PLACE: Hernando County School Support Complex, 919 Broad Street, Brooksville, FL

PURPOSE: To provide participation and governance of community based services, Chapter 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Lake County Community Alliance to which all persons are invited.

DATE AND TIME: Wednesday, May 16, 2001, 12:00 Noon  
 PLACE: Lake Technical Center, 2001 Kurt St., Eustis, FL

PURPOSE: To provide participation and governance of community based services, Chapter 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Sumter County Community Alliance to which all persons are invited.

DATE AND TIME: Wednesday, May 23, 2001, 12:00 Noon

PLACE: Wildwood City Hall, 100 N. Main St., Wildwood, FL  
 PURPOSE: To provide participation and governance of community based services, Chapter 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Citrus County Community Alliance to which all persons are invited.

DATE AND TIME: Thursday, May 31, 2001, 8:30 a.m.  
 PLACE: Citrus County School Board Office, 1007 W. Main Street, Inverness, FL

PURPOSE: To provide participation and governance of community based services, Chapter 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The **Department of Children and Family Services**, SunCoast Region announces the following public meeting to which all persons are invited.

Pasco Community Alliance  
 DATE AND TIME: May 9, 2001, 2:00 p.m.

PLACE: Counsel Square II, Conference Room 150, 7601 Little Road, New Port Richey, FL

PURPOSE: To discuss implementation of community alliances in the SunCoast Region.

Agendas can be obtained seven days in advance of the meeting at: Mary Grizzle, State Office Building, Suite 414, 11351 Ulmerton Road, Largo, FL.

Persons needing accommodation to participate in the meeting should call at least 3 days in advance of the meeting, (727)588-7061 or TDD (727)588-6662, to arrange accommodations.

The **Department of Children and Family Services** (District Ten) in conjunction with the community will conduct the following meeting during the month of May. The Department of Children and Family Services, Alcohol, Drug Abuse and Mental Health Standing Committee announces a public meeting to which you are invited to attend.

DATE AND TIME: May 14, 2001, 3:00 p.m. – 5:00 p.m.

PLACE: Broward Regional Health Planning Council, Inc., 915 Middle River Drive, Suite 115, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to Alcohol, Drug Abuse and Mental Health clients.

A copy of the agenda may be obtained by writing: Scott Silverman, Management Review Specialist, Regional Office, 201 W. Broward Blvd., Suite 200, Ft. Lauderdale, FL 33301. Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Scott Silverman) at least 5 working days before the meeting, (954)759-5446 or (954)467-4509 (TDD).

**FLORIDA HOUSING FINANCE CORPORATION**

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend.

DATE AND TIME: Friday, May 4, 2001, 10:00 a.m.  
 PLACE: Florida Housing Finance Corporation, Seltzer Conference Room, 6th Floor, 227 North Bronough Street, Tallahassee, FL 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluation of responses submitted for Florida Housing Finance Corporation’s Request for Proposals #2001/02 for Hearing Officer services.

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Laurie Camp, Human Resources Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend.

DATE AND TIME: Tuesday May 8, 2001, 10:00 a.m.  
 PLACE: Florida Housing Finance Corporation, Formal Conference Room, 5th Floor, 227 North Bronough Street, Tallahassee, FL 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluation of responses submitted for Florida Housing Finance Corporation’s Request for Proposals #2001/04 for Credit Underwriting, Servicing and Monitoring services for the HOME Home Ownership and the Florida Homeownership Assistance Programs.

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the

proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Laurie Camp, Human Resources Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Housing Finance Corporation** announces a public workshop and meeting of the Board of Directors to which all interested parties are invited.

Fiscal Committee; Guarantee Committee; Combined Cycle Committee; Multifamily Revenue Bond Committee; Board Meeting

DATE AND TIME: May 10, 2001, 10:30 a.m. – adjourned  
 PLACE: Radisson Hotel, Orlando Airport, 5555 Hazeltine National Dr., Orlando, FL 32812, (407)856-0100

- PURPOSE:
1. Consider, review and take action on matters brought to the Fiscal Committee and to consider recommendations made by the Fiscal Committee to the Board.
  2. Consider, review and take action on matters brought to the Guarantee Committee and to consider recommendations made by the Guarantee Program Committee to the Board.
  3. Consider, review and take action on matters brought to the Combined Cycle Committee and to consider recommendations made by the Combined Cycle Committee to the Board.
  4. Consider, review and take action on matters brought to the Multifamily Revenue Bond Committee and to consider recommendations made by the Multifamily Revenue Bond Committee to the Board.
  5. Authorize the Corporation Staff to proceed with all actions necessary for the sale of bonds of pending multifamily issues which have satisfied the requirements for funding.
  6. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
  7. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
  8. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.

9. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
10. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
11. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
12. Consideration of all necessary actions with regard to the Multifamily Bond Program.
13. Consideration of approval of underwriters for inclusion on approved master list and teams.
14. Consideration of all necessary actions with regard to the HOME Rental Program.
15. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
16. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
17. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
18. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
19. Consideration of all necessary actions with regard to the Home Ownership Programs.
20. Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.
21. Consideration of Appeals from Combined Cycle ranking and grading with entry of final orders.
22. Consideration of workouts or modifications for existing projects funded by the Corporation.
23. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
24. Consideration of funding additional reserves for the Guarantee Fund.
25. Consideration of audit issues
26. Evaluation of Professional and Consultant performance
27. Such other matters as may be included on the agenda for the May 10, 2001 Board Workshop and Meeting.

A copy of the agenda may be obtained by contacting: Deanne Coughlin, Board Administrative Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197.

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Deanne Coughlin, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Housing Finance Corporation** announces a public workshop to which all persons are invited.

DATE AND TIME: May 11, 2001, 9:00 a.m.

PLACE: Radisson Hotel, Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida 32812

PURPOSE: To receive comments and suggestions from interested persons relative to Rule Chapters 67-21 and 67-48, F.A.C., relating to the Multifamily Mortgage Revenue Bond Program and the State Apartment Incentive Loan (SAIL), HOME Investment Partnerships (HOME Rental) and Housing Credit (HC) Programs.

Any person requiring a special accommodation at the workshop because of a disability or physical impairment should contact Laurie Camp, (850)488-4197. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**FLORIDA INDEPENDENT LIVING COUNCIL**

The **Florida Independent Living Council** announces the following meetings.

MEETING: Grassroots Forum, Steering Committee

DATE AND TIME: Tuesday, May 1, 2001, 9:00 a.m. – 11:00 a.m. (EST)

PLACE: 1018 Thomasville Road, Suite 100A, Tallahassee, FL 32303-6271

MEETING: Executive Committee

DATE AND TIME: Thursday, May 3, 2001, 10:30 a.m. – 11:30 a.m. (EST)

PLACE: 1018 Thomasville Road, Suite 100A, Tallahassee, FL 32303-6271

MEETING: Full Council, Quarterly Meeting

DATE AND TIME: May 10, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: The Hampton Inn, 6101 Sand Lake Road, Orlando, FL 32819

MEETING: Nominating Committee

DATE AND TIME: Tuesday May 8, 2001, 5:30 p.m. – 6:30 p.m. (EST)

PLACE: The Hampton Inn, 6101 Sand Lake Road, Orlando, FL 32819

MEETING: Planning Committee

DATE AND TIME: Wednesday, May 9, 2001, 5:00 p.m. – 6:00 p.m. (EST)

PLACE: The Hampton Inn, 6101 Sand Lake Road, Orlando, FL 32819

MEETING: Advocacy Committee

DATE AND TIME: Wednesday, May 9, 2001, 8:00 a.m. – 9:00 a.m. (EST)

PLACE: The Hampton Inn, 6101 Sand Lake Road, Orlando, FL 32819

MEETING: Outreach Committee

DATE AND TIME: Thursday, May 10, 2001, 8:00 a.m. – 9:00 a.m. (EST)

PLACE: The Hampton Inn, 6101 Sand Lake Road, Orlando, FL 32819

MEETING: Executive Committee

DATE AND TIME: Thursday, June 14, 2001, 9:30 a.m. – 10:30 a.m. (EST)

PLACE: 1018 Thomasville Road, Suite 100A, Tallahassee, FL 32303-6271

PURPOSE: To conduct the regular business of the council.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850) 488-5624.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

Any person who needs an accommodation to participate in this meeting because of a disability should submit a request for such accommodation in writing at least one week before the meeting date.

**ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: May 9, 2001, 8:00 a.m.

PLACE: Lowndes, Drosdick, Doster, Kantor & Reed, 215 North Eola, Orlando, Florida

PURPOSE: General Business Meeting.

**SEMINOLE COMMUNITY COLLEGE**

The **Region VII, Training Council** announces a public meeting to which all interested person are invited.

DATE AND TIME: May 10, 2001, 10:00 a.m.

PLACE: Seminole Community College, Room A 202, 100 Weldon Blvd., Sanford, FL 32773, (407)328-2316

PURPOSE: Quarterly Meeting

**TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY**

The **Technological Research and Development Authority** (TRDA) announces a meeting of its Board of Directors to which all persons are invited to participate.

DATE AND TIME: May 11, 2001, 3:00 p.m.

PLACE: Technological Research and Development Authority, 5195 South Washington Avenue, Titusville, Florida 32780

PURPOSE: General Quarterly Board Meeting.

A copy of the agenda may be obtained by contacting: Linda D. Lundy, TRDA Office Manager, (321)269-6330 or [llundy@trda.org](mailto:llundy@trda.org).

**NORTHEAST FLORIDA CRIMINAL JUSTICE TRAINING AND EDUCATION CENTER**

The **Region V, Training Council** will hold its Bi-Annual Advisory Meeting to which all interested persons are invited.

DATE and TIME: May 17, 2001, 2:00 p.m.

PLACE: Northeast Florida Criminal Justice Training Center, Bldg. P, Conference Room, 4501 Capper Road, Jacksonville, FL

For an advance copy of the agenda, contact: Frank Heinze Northeast Florida Criminal Justice Training and Education Center, (904)713-4828, Fax (904)713-4900.

**CRIMINAL JUSTICE TRAINING CENTER**

The **Region I, Criminal Justice Training Council** announces a Public Meeting to which all interested persons are invited.

DATE AND TIME: May 23, 2001, 10:00 a.m.

PLACE: Regional I Criminal Justice Training Council, George Stone Center, Room 229, Conference Room, 2400 Longleaf Drive, Pensacola, FL 32526

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Criminal Justice Standards and Training update.

A copy of the agency may be obtained by contacting: W. R. Pentecost, Chairman, Region I, Criminal Justice Training Council, 2400 Longleaf Drive, Pensacola, FL 32526-8922.

**FLORIDA CENTER FOR SOLID AND HAZARDOUS WASTE MANAGEMENT**

The **Florida Center for Solid and Hazardous Waste Management**, Advisory Board announces a meeting to which all interested persons are invited.

DATE AND TIME: May 30, 2001, 9:00 a.m. – 2:00 p.m.

PLACE: Best Western Gateway Grand, Gainesville, Florida

For Further Information: Please call (352)392-6264 or visit our web site at [www.floridacenter.org](http://www.floridacenter.org).

**INDIAN RIVER COMMUNITY COLLEGE**

The **Indian River Community College**, Criminal Justice Training Institute announces a public meeting to which the public is invited.

DATE AND TIME: May 30, 2001, 10:00 a.m.

PLACE: Indian River Community College, Indian River Academy Site, 5900 Tedder Road, Fort Pierce, Florida

PURPOSE: Review information gathered at the May State Commission meeting and provide update on training classes at the academy.

**Section VII**

**Notices of Petitions and Dispositions Regarding Declaratory Statements**

**DEPARTMENT OF INSURANCE**

NOTICE IS HEREBY GIVEN that the Department of Insurance has issued an order disposing of the petition for declaratory statement filed by Boca Towers Condominium Association, Inc., on April 9, 2001. The following is a summary of the agency's disposition of the petition:

1. Section 553.895, Florida Statutes, neither conflicts with nor supersedes NFPA 1, Subdivision 7-3.2.21.2.2.
2. Subdivision 7-3.2.21.2.2 of NFPA 1, as well as NFPA 101, Subdivision 31.3.5.6, require sprinklers on all high-rise buildings within 12 years of the adoption thereof by operation of Chapter 98-287, Laws of Florida, Sections 633.01, 633.0215, and 633.025, Florida Statutes, and the Florida Fire Prevention Code proposed to be adopted as rules of the Department.
3. After the effective date of the adoption of NFPA 1 and NFPA 101, mandated by the legislature, the portion of Section 553.895, Florida Statutes, that does not apply to construction contracts let before January 1, 1994, will no

longer control and will be superseded by Chapter 98-287, Laws of Florida, Sections 633.01, 633.0215, and 633.025, Florida Statutes, and the Florida Fire Prevention Code proposed to be adopted as rules of the Department.

A copy of the order may be obtained: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604.

NOTICE IS HEREBY GIVEN that the Department of Insurance has issued an order disposing of the petition for declaratory statement filed by William C. Vola, Deputy Fire Chief, Fire Marshal/Building Official, City of Seminole on April 9, 2001. The following is a summary of the agency's disposition of the petition:

1. A fireworks company is not permitted to transfer, lend, sell or assign the wholesaler certificate or the seasonal retailer certificate to any person who is not employed by or owned by the fireworks company for the sale of its products to the public under Section 791.015, Florida Statutes.
2. If a fireworks company enters into a contract with a person for the sale of its products to the public, the fireworks company is not permitted to transfer, lend, sell or assign either its wholesaler certificate or its seasonal retailer certificate to that person if that person is not directly employed by or owned by the fireworks company under Section 791.015, Florida Statutes.
3. Section 791.015, Florida Statutes, does not permit the practices enumerated above, and there is no other provision in Chapter 791, Florida Statutes, that does permit those practices.

A copy of the order may be obtained: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Windjammer Condominium Association, Inc., Petitioner.

The Petitioner requests an interpretation as to whether s. 718.111(12), F.S., requires that a certain association record which includes privilege communication is an official association record subject to unit owner access.

A copy of the Petition for Declaratory Statement, Docket Number CD2001-017, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida



32399-2217. Please refer all comments to Patricia Draper, Senior Attorney, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Suite 60, Tallahassee, Florida 32399-1029.

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

The Florida Insurance Forum, Inc. vs. Department of Insurance; Case No.: 01-1323RX; Rule No.: 4-154.112(1)(b)

Jacqueline M. Lane vs. Department of Environmental Protection; Case No.: 01-1332RP; Rule No.: 62-303

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Ester Lee Johnson vs. Department of Environmental Protection; Case No.: 01-0948RU; Dismissed

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

**RE-NOTICE TO PROFESSIONAL CONSULTANTS**

Florida A & M University, on behalf of the State of Florida, Board of Regents announces that Professional Services in the discipline of Architecture/Engineering will be required for:

**PLANS REVIEW, CODE COMPLIANCE AND  
CONSTRUCTION INSPECTIONS**

Description: These services are for Plans Review, Code Compliance and Inspections of Construction Contract Projects. The selected consultant will review all Construction Documents for ADA, Building and Life Safety Code Compliance during Design including securing the necessary information required to obtain Building Permits from the appropriate federal, state and local agencies. The consultant will be involved in building inspections.

Firms applying must have State of Florida licensed and/or certified personnel on staff to perform such duties.

Preference will be given to firms that are primarily in the business of plans review, code compliance and inspections.

These services will be based on a negotiated fee schedule with each occurrence of service being authorized with a purchase order. Campus Service Continuing Contracts provide that the consultant will be available on an as-needed basis. The term of agreement is for one year with the option to extend the agreement for an additional year.

Proximity of location will be a prime factor in the selection of the firm.

Design ability will not be considered for this selection.

Blanket professional liability insurance will be required for this project in the amount of \$500,000, and will be provided as a part of Basic Services.

**INSTRUCTIONS**

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. The most recent version of the Board of Regents "Professional Qualifications Supplement," (PQS) form SUSPQS: 09/99, completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit six (6) coil, comb, ring or spiral (no tack or solid) bound copies of the above requested data in the order listed above. Applications which do not comply with the above instructions will be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or

consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information and selection criteria may be obtained by contacting: Chuks Onwunli, Assistant Director or Teresa Williams, Secretary, Office of Facilities Planning and Construction, Florida A & M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, FL 32307, (850)599-3197, Fax (850)561-2289.

Submittals must be received in the Office of Facilities Planning and Construction, by 2:00 p.m. (Local Time), May 25, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

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#### REQUEST FOR QUALIFICATIONS

Florida Atlantic University acting for and on behalf of the State of Florida Board of Regents announces that Energy Service, Contracting Services and Professional Services For Energy Efficient Lighting Only in accordance with Section 235.215, Florida Statutes, will be required for the project listed below:  
Project No. BR-627.

Project and Location: Performance Contracting for Energy Efficient Lighting Only, Florida Atlantic University (Owner) is seeking an Energy Services Company (ESCO) team to identify and implement energy efficient lighting improvements financed through guaranteed cost savings achieved from the improvements. The energy related capital improvements should include only projects directly related to lighting. These improvements shall be in compliance with the standards of the Board of Regents and Florida Atlantic University unless specifically exempted by the university in writing.

The ESCO team is initially expected to provide an energy audit with cost payback data for proposed capital improvements. If an agreement is reached the ESCO team may provide any or all of the following funding, design and installation of the agreed upon improvements. The ESCO team may also be requested to provide training, technical assistance and maintenance during the payback period for the energy efficient capital improvements.

Blanket professional liability insurance will be required for the project in the amount established by the State University System, and shall be provided as part of the ESCO team's basic services. The firms and/or persons on the proposal team are required to be appropriately registered in the State of Florida in the professional disciplines(s) required. At a minimum, the proposal shall identify the team's project manager, project superintendent, and a registered professional electrical engineer. The firms and/or persons on the proposal team and any subcontractors are required to be appropriately licensed by the State of Florida to perform the construction work associated with the improvements. The ESCO team will be required to provide a Payment and Performance Bond for the improvements.

Firms applying for consideration shall submit a Letter of Application. The Letter of Application shall have attached:

1. A Florida Board of Regents "Performance Contracting Energy Management Qualifications Supplement" (PCEMQS). Applications without this completed form will not be considered.
2. A copy of the applicant's or team member's current Professional Registration Certificate from the appropriate governing board. Applicants of team members must be properly registered at the time of application to practice their profession on the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State of operate in Florida.

Qualification submittals shall be received by the Office of the Associate Vice President, Florida Atlantic University, 777 Glades Road, Building T-10, Room 16, Boca Raton, Florida 33431-0991 until the date and time listed for the proposal deadline. Qualification submittals may be brought or sent to: The Office of the Associate Vice President, Florida Atlantic University, 777 Glades Road, Building T-10, Room 16, Boca Raton, Florida 33431-0991. Facsimile submittals are not acceptable. For information relating to the Request for Qualifications, contact Larry Ulstein, Assistant Director Physical Plant, (561)297-2113.

Proposals must be received before the deadline of 5:00 p.m. (Local Time), Tuesday, May 29, 2001. Submit eight (8) copies including the above requested data bound in the order listed above. Each proposal should be prepared economically, providing a straightforward and concise description of the ESCO team's abilities to satisfy the requirements of the RFQ. In order to expedite the evaluation of proposals, it shall follow the prescribed format and should not exceed 40 pages. The University is not liable for costs incurred in responding to this RFQ, including those for the PCEMQS submittal, technical submittals and oral presentations. Applications that do not comply with the above instructions may be disqualified. Application information will not be returned.

Plans and specification for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the service of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000 in connection with this project for a period of 26 months from the date of their being placed on the convicted vendor list. PCEMQS Forms, Descriptive Project Information (Project Fact Sheet), and selection criteria may be obtained by contacting Larry Ulstein, Assistant Physical Plant Director, Florida Atlantic University, 777 Glades Road,

Building U5, Boca Raton, Florida 33431-0991, (561)297-2113. Firms are encouraged to request the selection criteria, as they will form the basis of the selection.

NOTICE OF CORRECTION – CM PROPOSALS  
BR-688 – PAVILION

The due date for the above referenced CM submittals should read Monday, May 14, 2001, 5:00 p.m. (Local Time).

Notice to Bidders  
The School District of Lee County, Florida  
Purchasing Department  
QUOTATION REQUEST FOR:

SNACK PRODUCTS

BID NO. 5912      OPENING DATE: May 9, 2001, 2:00 p.m.  
Request a bid package by: May 1, 2001  
Phone: (941)479-4250, Fax: (941)337-8200, In Person or Mail:  
3308 Canal Street, Fort Myers, Florida 33916-6594  
Requests must be received by, 2:00 p.m.  
Complete bid package available only upon request.  
By: Linda Owen, Senior Buyer

BID #1-0515-1 FOOD SERVICE/FOOD

1. The School Board of Bradford County requests bids on the attached sheet(s) meeting the required specifications.
2. Bids will be received until 2:00 p.m., Tuesday, May 15, 2001, after which they will be opened at the School Board Office, 501 W. Washington St., Starke, FL 32091. NO LATE BIDS WILL BE ACCEPTED.
3. Bids should be addressed to Linda Alday, Purchasing 501 W. Washington St., Starke, FL 32091.
4. Outside of the envelope MUST CLEARLY STATE: BID DESCRIPTION: BID #1-0515-1 FOOD SERVICE/FOOD.
5. Contact person: Dotty Rondelli, (904)966-6026.  
NO VERBAL CHANGES IN BIDS WILL BE ACCEPTED. ALL CHANGES WILL BE MADE IN WRITTEN ADDENDUM FORM WITH JULEE W. TINSLER'S SIGNATURE.
6. FAXED BIDS WILL NOT be considered as a LEGAL BID.
7. FOB: DESTINATION
8. The School Board of Bradford County reserves the right to accept or reject any or all bids and to waive any bidding irregularities.
9. \_\_\_\_\_ (Co. name) acknowledges receipt of all enclosed documents. (General Conditions, Drug Free Work Place and Specifications)

COMPANY ADDRESS

AUTHORIZED SIGNATURE CITY/STATE/ZIP

NAME (TYPED OR PRINTED) TELEPHONE#/FAX#

EACH BID MUST BE SIGNED BY AN AUTHORIZED COMPANY REPRESENTATIVE AND RETURNED TO THE ABOVE ADDRESS TO BE CONSIDERED AS A VALID BID.

BID #1-0515-2 FOOD SERVICE /PAPER

1. The School Board of Bradford County requests bids on the attached sheet(s) meeting the required specifications.
2. Bids will be received until 2:10 p.m., Tuesday, May 15, 2001, after which they will be opened at the School Board Office, 501 W. Washington St., Starke, FL 32091. NO LATE BIDS WILL BE ACCEPTED.
3. Bids should be addressed to Linda Alday, Purchasing, 501 W. Washington St., Starke, FL 32091.
4. Outside of the envelope MUST CLEARLY STATE: BID DESCRIPTION: BID #1-0515-2 FOOD SERVICE/PAPER.
5. Contact person: Dotty Rondelli, (904)966-6026.  
NO VERBAL CHANGES IN BIDS WILL BE ACCEPTED. ALL CHANGES WILL BE MADE IN WRITTEN ADDENDUM FORM WITH JULEE W. TINSLER'S SIGNATURE.
6. FAXED BIDS WILL NOT be considered as a LEGAL BID.
7. FOB: DESTINATION
8. The School Board of Bradford County reserves the right to accept or reject any or all bids and to waive any bidding irregularities.
9. \_\_\_\_\_ (Co. name) acknowledges receipt of all enclosed documents. (General Conditions, Drug Free Work Place and Specifications)

COMPANY ADDRESS

AUTHORIZED SIGNATURE CITY/STATE/ZIP

NAME (TYPED OR PRINTED) TELEPHONE#/FAX#  
EACH BID MUST BE SIGNED BY AN AUTHORIZED COMPANY REPRESENTATIVE AND RETURNED TO THE ABOVE ADDRESS TO BE CONSIDERED AS A VALID BID.

BID #1-0515-3 FOOD SERVICE/CHEMICALS

1. The School Board of Bradford County requests bids on the attached sheet(s) meeting the required specifications.
2. Bids will be received until 2:20 p.m., Tuesday, May 15, 2001, after which they will be opened at the School Board Office, 501 W. Washington St., Starke, FL 32091. NO LATE BIDS WILL BE ACCEPTED.
3. Bids should be addressed to Linda Alday, Purchasing, 501 W. Washington St., Starke, FL 32091.
4. Outside of the envelope MUST CLEARLY STATE: BID DESCRIPTION: BID #1-0515-3 FOOD SERVICE/CHEMICALS.

- 5. Contact person: Dotty Rondelli, (904)966-6026.  
NO VERBAL CHANGES IN BIDS WILL BE ACCEPTED. ALL CHANGES WILL BE MADE IN WRITTEN ADDENDUM FORM WITH JULEE W. TINSLER'S SIGNATURE.
- 6. FAXED BIDS WILL NOT be considered as a LEGAL BID.
- 7. FOB: DESTINATION
- 8. The School Board of Bradford County reserves the right to accept or reject any or all bids and to waive any bidding irregularities.
- 9. \_\_\_\_\_ (Co. name) acknowledges receipt of all enclosed documents. (General Conditions, Drug Free Work Place and Specifications)

COMPANY ADDRESS

AUTHORIZED SIGNATURE CITY/STATE/ZIP

NAME (TYPED OR PRINTED) TELEPHONE#/FAX#  
EACH BID MUST BE SIGNED BY AN AUTHORIZED COMPANY REPRESENTATIVE AND RETURNED TO THE ABOVE ADDRESS TO BE CONSIDERED AS A VALID BID.

**BID #1-0515-4 FOOD SERVICE/DRINKS**

- 1. The School Board of Bradford County requests bids on the attached sheet(s) meeting the required specifications.
- 2. Bids will be received until 2:30 p.m., Tuesday, May 15, 2001, after which they will be opened at the School Board Office, 501 W. Washington St., Starke, FL 32091. NO LATE BIDS WILL BE ACCEPTED.
- 3. Bids should be addressed to Linda Alday, Purchasing, 501 W. Washington St., Starke, FL 32091.
- 4. Outside of the envelope MUST CLEARLY STATE: BID DESCRIPTION: BID #1-0515-4 FOOD SERVICE/DRINKS.
- 5. Contact person: Dotty Rondelli, (904)966-6026.  
NO VERBAL CHANGES IN BIDS WILL BE ACCEPTED. ALL CHANGES WILL BE MADE IN WRITTEN ADDENDUM FORM WITH JULEE W. TINSLER'S SIGNATURE.
- 6. FAXED BIDS WILL NOT be considered as a LEGAL BID.
- 7. FOB: DESTINATION
- 8. The School Board of Bradford County reserves the right to accept or reject any or all bids and to waive any bidding irregularities.
- 9. \_\_\_\_\_ (Co. name) acknowledges receipt of all enclosed documents. (General Conditions, Drug Free Work Place and Specifications)

COMPANY ADDRESS

AUTHORIZED SIGNATURE CITY/STATE/ZIP

NAME (TYPED OR PRINTED) TELEPHONE#/FAX#  
EACH BID MUST BE SIGNED BY AN AUTHORIZED COMPANY REPRESENTATIVE AND RETURNED TO THE ABOVE ADDRESS TO BE CONSIDERED AS A VALID BID.

**BID #1-0515-5 FOOD SERVICE/SMALL WARES**

- 1. The School Board of Bradford County requests bids on the attached sheet(s) meeting the required specifications.
- 2. Bids will be received until 2:40 p.m., Tuesday, May 15, 2001, after which they will be opened at the School Board Office, 501 W. Washington St., Starke, FL 32091. NO LATE BIDS WILL BE ACCEPTED.
- 3. Bids should be addressed to: Linda Alday, Purchasing, 501 W. Washington St., Starke, FL 32091.
- 4. Outside of the envelope MUST CLEARLY STATE: BID DESCRIPTION: BID #1-0515-1 FOOD SERVICE/SMALL WARES.
- 5. Contact person: Dotty Rondelli, (904)966-6026.  
NO VERBAL CHANGES IN BIDS WILL BE ACCEPTED. ALL CHANGES WILL BE MADE IN WRITTEN ADDENDUM FORM WITH JULEE W. TINSLER'S SIGNATURE.
- 6. FAXED BIDS WILL NOT be considered as a LEGAL BID.
- 7. FOB: DESTINATION
- 8. The School Board of Bradford County reserves the right to accept or reject any or all bids and to waive any bidding irregularities.
- 9. \_\_\_\_\_ (Co. name) acknowledges receipt of all enclosed documents. (General Conditions, Drug Free Work Place and Specifications)

COMPANY ADDRESS

AUTHORIZED SIGNATURE CITY/STATE/ZIP

NAME (TYPED OR PRINTED) TELEPHONE#/FAX#  
EACH BID MUST BE SIGNED BY AN AUTHORIZED COMPANY REPRESENTATIVE AND RETURNED TO THE ABOVE ADDRESS TO BE CONSIDERED AS A VALID BID.

**METROPOLITAN PLANNING ORGANIZATIONS**

**NOTICE TO PROFESSIONAL CONSULTANTS**

PURPOSE: Pursuant to law and regulations, the Pinellas County Metropolitan Planning Organization (MPO) in conjunction with the Florida Department of Transportation, hereinafter referred to as the Department, requests that

qualified consultants submit Letters of Response for consideration in the competitive selection of professional services on the following project:

MAJOR TYPE OF WORK: 13.3 Policy Planning  
 13.4 Systems Planning  
 13.5 Subarea/Corridor Planning  
 13.6 Land planning/Engineering

PROJECT: Mobility Initiative to provide analysis and recommendations concerning the implementation of an elevated guideway project and other improvements recommended in the Locally Preferred Alternatives Report approved by the MPO in October, 2000. This project will be viewed as the current phase of a multi-phased initiative, with the intent of implementing an elevated guideway project. Previous phases included establishment of baseline studies and analysis of issues including the selection of viable corridor and transportation modalities, cost estimates, environmental and land use impact, private sector involvement and public involvement. The current phase will incorporate and enhance the work products of previous phases and community based guideway efforts wherever appropriate. Federal policies emphasize public/private partnerships in the implementation of transportation projects. As such, this project will be designed to encourage private sector participation in both this planning phase and in the eventual implementation process.

Since this initiative and its feasibility may utilize approaches or methods that rely upon a whole new approach legislatively, administratively and technically, flexibility will be required.

RESPONSE EVALUATION: All respondents will be evaluated in accordance with Section 287.055(4), Florida Statutes, and must be determined by the Metropolitan Planning Organization and the Department to be qualified to do business in Florida and qualified to perform the advertised work requirements. The above project falls into the selection process so indicated in Florida Administrative Code Rule 14-75, wherein at least three (3) firms will be requested to submit technical proposals. The contract fee will be negotiated in accordance with Section 287.055, Florida Statutes.

SUBCONSULTANT OPPORTUNITY: Subconsultants that are not pre-qualified by the Department shall be subject to compensation restrictions as specified in Florida Administrative Code Rule 14-75. Any such subconsultant utilized must be technically qualified by District Seven before work may commence. Preference points will be given in the technical proposal evaluation for certified DBE consultants and non-DBE consultants who propose certified DBE subconsultants.

NOTIFICATION OF CRIME CONVICTION: Each applicant shall notify the Department within 30 days after a conviction of a contract crime applicable to it or any officers, directors, executive shareholders active in management, employees or agents of its affiliates. Under Section 337.164, Florida Statutes, the privilege of conducting business with the Department shall

be denied to applicants so convicted until such applicant is properly reinstated pursuant to Section 337.165, Florida Statutes, and Rule Chapter 14-75, Florida Administrative Code.

FEDERAL DEBARMENT: By signing and submitting a Letter of Response/Proposal, the consultant certifies that no principal (which includes officers, directors or executives) is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal Department or Agency.

EQUAL OPPORTUNITY STATEMENT: Pinellas County, in accordance with Title VI of the Civil Rights Act of 1964, 78 Statute 252, 42 U.S.C. 2000d to 2000d-4, and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all respondents that it will affirmatively ensure that, in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to respond to this advertisement and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

RESPONSE PROCEDURE: Consultants who are interested in these projects may obtain a copy of the Scope of Services outlined by contacting Karen Cunningham, (727)464-4751. Consultants are required to submit a Letter of Response to the Pinellas County Metropolitan Planning Organization and the Florida Department of Transportation indicating their desire to be considered for these projects. The letter must be brief (no more than two pages) and should, as a minimum, include the following information:

1. Name and Address of Firm
2. Contact person for the project and telephone number
3. Key personnel and their titles and/or classification (do not include resumes).
4. Subconsultants that may be used for the project
5. Relevant past experiences
6. Name(s) of DBE-Certified subconsultants that may be used for the project, if any.

SHORTLIST SELECTION PROCESS: From the Letters of Response received, the MPO and the Department shall shortlist a minimum of three (3) firms. Shortlist selection consideration will be given only to those firms who are qualified pursuant to law and who have been pre-qualified by the Department to perform the indicated Type of Work. Any firm who has not been qualified by the Department and would like to be considered for this project must submit a Request for Qualification Package from Contractual Services Office in Tallahassee, c/o Lorraine Odom, (850)414-4485, prior to the response deadline.

REQUESTING UNITS: The Pinellas County MPO and  
 FDOT – District VII, Tampa

LETTERS OF RESPONSE ADDRESS:

Three (3) copies to: Pinellas County Metropolitan Planning Organization  
 Attention: Karen Cunningham, Planner  
 14 South Fort Harrison Avenue  
 Clearwater, FL 33756  
 Telephone: (727)464-4751

One (1) copy to: Florida Department of Transportation District VII  
 Attention: Edward McKinney  
 11201 North McKinley Drive  
 MS #7-700  
 Tampa, FL 34612-6430  
 Telephone: (813)975-6000

LETTER OF RESPONSE DUE: 5:00 p.m. (EST), April 27, 2001

**DEPARTMENT OF HEALTH**

**INVITATION TO BID**

Sealed bids will be accepted by the Pinellas County Health Department (PCHD), located at 300 31st St., North, Suite 602, St. Petersburg, FL 33713, until 1:00 p.m., May 11, 2001. Bid No. 0001-04-RW to furnish INFANT/TODDLER CAR & BOOSTER SEATS may be secured from the Purchasing Department within the PCHD at the above address, telephone No. (727)893-2209. Bid packages include specifications, terms and general conditions. Any "Certified Minority Business Enterprise" (pursuant to Section 288.703(2), F.S.) is encouraged to participate. Right is reserved for the PCHD to reject any or all bids. SPECIAL NOTE: If you require accommodations because of a disability in order to participate in the bid process, please contact Rick Wallace, (727)893-2209, Ext.137, by May 7, 2001.

**POLK COUNTY BOARD OF COUNTY COMMISSIONERS**

**REQUEST FOR QUALIFICATIONS**

The Polk County Charter Review Commission is considering retaining a firm/person to serve as its lawyer. The firm/person must be licensed to practice law in the State of Florida. Qualification submittals should include complete lists of previous county and municipal clients; experience in working with chartered county governments; and any direct experience with Charter Commissions or Charter Review Commissions. Lists should include dates when assistance was provided and a contact person with address, telephone and fax numbers. Identification of person(s) to be assigned to serve the Charter Commission should be provided as well as a list of previous county and municipal experience of the individual(s), and the location of the office of those persons. A general proposed

approach to the provision of services should be included. Sixteen copies of submittal must be received by the Office of the County Attorney, 330 West Church Street, Bartow, Florida 33830, by 5:00 p.m., May 14, 2001. For further information contact the Polk County Charter Review Commission c/o County Attorney, (863)534-6438.

**REQUEST FOR QUALIFICATIONS**

The Polk County Charter Review Commission is considering retaining a firm/person to serve as its consultant. The firm/person should submit complete lists of previous county and municipal clients; experience in working with chartered county governments; and direct experience with Charter Commissions or Charter Review Commissions. Lists should include dates when assistance was provided and a contact person with address, telephone and fax numbers. Identification of person(s) to be assigned to serve the Polk County Charter Review Commission should be provided as well as a list of previous county and municipal experience of the individual(s), and the location of the office of those persons. A general proposed approach to the provision of services should be included. Sixteen copies of submittal must be received at the Office of the County Attorney, 330 West Church Street, Bartow, Florida 33830, by 5:00 p.m., May 14, 2001. For further information contact the Polk County Charter Review Commission, County Attorney, (863)534-6438.

**Section XII  
 Miscellaneous**

**DEPARTMENT OF BANKING AND FINANCE**

**NOTICE OF FILINGS**

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notices. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Section 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., May 18, 2001):

**EXPANDED FIELD OF MEMBERSHIP**

Name and Address of Applicant: Railroad & Industrial Credit Union, Post Office Box 5125, Tampa, Florida 33675-5125  
 Expansion Includes: Employees of Greater Tampa Bay Auto Auction, Tampa; Brownlee & Associates, Inc., Plant City; Ruan Transportation Management Systems, Tampa; Surface

Center, Inc., Plant City; Heady Financial Corp., Sarasota; Exide Corp., Tampa; SRI/Surgical Express, Plant City; Coastal Trucking Co., Plant City; AmeriSteel Rebar Fabrication Division, Plant City; Marjon Specialty Foods, Inc., Plant City; Palm Harbor Homes, Inc., Florida Division, Plant City; City of Plant City; Square D Co., Plant City; CS Integrated LLC (CSI-Tampa), Plant City; Florida Strawberry Growers Assoc., Plant City; Parkway Animal Hospital, Tampa; Advantage Healthcare Personnel, Inc., Lakeland; Hydradyne Hydraulics, Tampa; Walden Lake Golf and Country Club, Plant City; Peninsular Engineering & Construction Co., Plant City; AJILON LLC, Tampa; Creative Games International, Inc., Plant City; Williford Flooring Co., Lakeland; Brandon Glass & Mirror Co., Inc., Brandon; and Entourage, Tampa.

Received: April 12, 2001

Name and Address of Applicant: Jacksonville Utilities Employees Credit Union, 30 East 27th Street, Jacksonville, Florida 32206

Expansion Includes: Temp Force Staffing Service employees assigned to jobs with any of the credit union's employer groups.

Received: April 16, 2001

Name and Address of Applicant: Knight Ridder/Miami Herald Credit Union, 2010 N. W 150th Ave., Pembroke Pines, Florida 33028

Expansion Includes: Employees of Sweet Tomatoes restaurants who work in South Florida.

Received: April 16, 2001

Name and Address of Applicant: Bell-Tel Credit Union, Post Office Box 4900, Orlando, Florida 32802

Expansion Includes: Employees who are paid from Protocol in Merritt Island, Florida; employees who are paid from Sunbelt Credit Card Corporation of America in Orlando, Florida; employees who are paid from Keebler Company in Orlando, Florida; and employees who are paid from Doubletree Hotels in Orlando, Florida.

Received: April 16, 2001

**DEPARTMENT OF INSURANCE**

DEPARTMENT OF INSURANCE  
OFFICE OF THE TREASURER  
BUREAU OF COLLATERAL SECURITIES  
PUBLIC DEPOSITS SECTION

\*\*\*\*\*  
FOR PUBLIC DEPOSITORS TO RECEIVE THE PROTECTION FROM LOSS PROVIDED IN CHAPTER 280, FLORIDA STATUTES, THEY SHALL COMPLY WITH THE FOLLOWING ON EACH PUBLIC DEPOSIT ACCOUNT IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN CHAPTER 280, F.S.: (1) EXECUTE THE PUBLIC DEPOSIT IDENTIFICATION AND ACKNOWLEDGMENT FORM DI4-1295 WITH THE QUALIFIED PUBLIC DEPOSITORY (QPD), MAINTAIN IT

AS A VALUABLE RECORD, AND CONFIRM THE ACCOUNT ANNUALLY; (2) EXECUTE A REPLACEMENT FORM DI4-1295 WHEN THERE IS A MERGER, ACQUISITION, NAME CHANGE OR OTHER EVENT WHICH CHANGES THE ACCOUNT NAME, ACCOUNT NUMBER OR NAME OF THE QPD.

THE FOLLOWING QPDS ARE AUTHORIZED TO HOLD PUBLIC DEPOSITS. THEY ARE LISTED UNDER THE STATE OF HOME OFFICE LOCATION. ONLY FLORIDA BRANCHES OF THESE INSTITUTIONS ARE ALLOWED TO HOLD FLORIDA PUBLIC DEPOSIT ACCOUNTS. INSTITUTIONS MARKED WITH AN ASTERISK HAVE LIMITED THE AMOUNT OF PUBLIC DEPOSITS THEY WILL ADMINISTER AND ARE NOT ACCEPTING NEW PUBLIC DEPOSIT ACCOUNTS. DEPOSITORY WITHDRAWING FROM THE PROGRAM HAVE A STATED EFFECTIVE DATE OF WITHDRAWAL BESIDE THE NAMES AND SHALL NOT RECEIVE OR RETAIN PUBLIC DEPOSITS AFTER THE DATE LISTED.

\*\*\*\*\*

**ALABAMA**

**BIRMINGHAM**

AMSOUTH BANK  
COMPASS BANK  
REGIONS BANK  
SOUTHTRUST BANK, N.A.

**MONTGOMERY**

COLONIAL BANK

**WARRIOR**

THE BANK  
BRANCHES OF THIS QPD CONDUCT BUSINESS IN FLORIDA UNDER THE NAMES C & L BANK AND EMERALD COAST BANK

**CALIFORNIA**

**SAN FRANCISCO**

CITIBANK, F.S.B.

**FLORIDA**

**ALACHUA**

FIRST NATIONAL BANK OF ALACHUA

**APALACHICOLA**

APALACHICOLA STATE BANK

**ARCADIA**

FIRST STATE BANK OF ARCADIA

**AVENTURA**

TURNBERRY BANK

**BARTOW**

CITRUS & CHEMICAL BANK  
COMMUNITY NATIONAL BANK AT BARTOW

**BELLE GLADE**

BANK OF BELLE GLADE

**BONIFAY**

BANK OF BONIFAY

**BRADENTON**

AMERICAN BANK  
COAST BANK OF FLORIDA  
FIRST BRADENTON BANK  
FIRST NATIONAL BANK & TRUST

**BRANDON**

PLATINUM BANK

**BROOKSVILLE**

HERNANDO COUNTY BANK

**CANTONMENT**

CITIZENS & PEOPLES BANK, N.A.

**CAPE CORAL**

RIVERSIDE BANK OF THE GULF COAST

**CARRABELLE**

GULF STATE COMMUNITY BANK

**CHIEFLAND**

DRUMMOND COMMUNITY BANK

**CLEARWATER**

INTERVEST BANK

**CLEWISTON**

FIRST BANK OF CLEWISTON  
FIRST FEDERAL SAVINGS BANK OF THE GLADES

**COOPER CITY**

FIRST WESTERN BANK

**CORAL GABLES**

BANKUNITED, F.S.B.

GIBRALTAR BANK, F.S.B.

METRO BANK OF DADE COUNTY

**CRAWFORDVILLE**

CITIZENS BANK OF WAKULLA  
WAKULLA BANK

**CRESTVIEW**

FIRST NATIONAL BANK OF CRESTVIEW

**CRYSTAL RIVER**

CRYSTAL RIVER BANK

**DADE CITY**

FIRST NATIONAL BANK OF PASCO

**DAVIE**

REGENT BANK

**DEBARY**

FIRST COMMUNITY BANK

**DESTIN**

DESTIN BANK

**DUNNELLON**

DUNNELLON STATE BANK

**ENGLEWOOD**

ENGLEWOOD BANK  
PENINSULA BANK

**FERNANDINA BEACH**

FIRST COAST COMMUNITY BANK  
FIRST NATIONAL BANK OF NASSAU COUNTY

**FORT LAUDERDALE**

BANKATLANTIC, F.S.B.  
EQUITABLE BANK  
GATEWAY AMERICAN BANK OF FLORIDA  
LANDMARK BANK, N.A.

**FORT MYERS**

EDISON NATIONAL BANK

**FORT PIERCE**

HARBOR FEDERAL SAVINGS BANK  
RIVERSIDE NATIONAL BANK OF FLORIDA

**FORT WALTON BEACH**

FIRST CITY BANK OF FLORIDA



FIRST NATIONAL BANK & TRUST

**FROSTPROOF**

CITIZENS BANK OF FROSTPROOF

**GAINESVILLE**

MERCHANTS & SOUTHERN BANK  
MILLENNIUM BANK

**GRACEVILLE**

BANK OF JACKSON COUNTY  
PEOPLES BANK OF GRACEVILLE

**GROVELAND**

PEOPLES STATE BANK OF GROVELAND

**HAINES CITY**

FIRST NATIONAL BANK OF POLK COUNTY

**HALLANDALE**

DESJARDINS FEDERAL SAVINGS BANK

**HOMESTEAD**

COMMUNITY BANK OF FLORIDA  
FIRST NATIONAL BANK OF HOMESTEAD

**HOMOSASSA SPRINGS**

HOMOSASSA SPRINGS BANK

**IMMOKALEE**

FLORIDA COMMUNITY BANK

**INDIANTOWN**

FIRST BANK OF INDIANTOWN

**INVERNESS**

BANK OF INVERNESS

**JACKSONVILLE**

FIRST ALLIANCE BANK

**JACKSONVILLE BEACH**

OCEANSIDE BANK

**KEY LARGO**

TIB BANK OF THE KEYS

**KEY WEST**

FIRST STATE BANK OF THE FLORIDA KEYS

**KISSIMMEE**

FIRST NATIONAL BANK OF OSCEOLA COUNTY

**LADY LAKE**

CITIZENS FIRST BANK

**LAKE CITY**

CNB NATIONAL BANK  
COLUMBIA COUNTY BANK  
PEOPLES STATE BANK

**LAKELAND**

FLORIDAFIRST BANK

**LAKE MARY**

COMMUNITY NATIONAL BANK OF MID FLORIDA

**LAKE WALES**

AMERICAN BANK & TRUST OF POLK COUNTY

**LAUDERHILL**

UNION BANK OF FLORIDA

**LEESBURG**

FIRST FEDERAL SAVINGS BANK OF LAKE COUNTY

**LIVE OAK**

FIRST FEDERAL SAVINGS BANK OF FLORIDA

**LONGWOOD**

LIBERTY NATIONAL BANK

**MADISON**

MADISON COUNTY COMMUNITY BANK

**MALONE**

PCB, THE COMMUNITY BANK

**MARATHON**

FIRST NATIONAL BANK OF THE FLORIDA KEYS  
MARINE BANK OF THE FLORIDA KEYS

**MARCO ISLAND**

CITIZENS COMMUNITY BANK OF FLORIDA

**MAYO**

LAFAYETTE COUNTY STATE BANK

**MIAMI**

BAC FLORIDA BANK  
CITY NATIONAL BANK OF FLORIDA  
COCONUT GROVE BANK

COMMERCIAL BANK OF FLORIDA  
CONTINENTAL NATIONAL BANK OF MIAMI  
EAGLE NATIONAL BANK OF MIAMI  
EASTERN NATIONAL BANK  
ESPIRITO SANTO BANK OF FLORIDA  
EXECUTIVE NATIONAL BANK  
GULF BANK  
HAMILTON BANK, N.A.  
HEMISPHERE NATIONAL BANK  
INTERAMERICAN BANK, F.S.B.  
\*INTERCREDIT BANK, N.A. 10/15/01  
INTERNATIONAL BANK OF MIAMI, N.A.  
\*INTERNATIONAL FINANCE BANK 5/28/01  
MELLON UNITED NATIONAL BANK  
NORTHERN TRUST BANK OF FLORIDA, N.A.  
OCEAN BANK  
SOFISA BANK OF FLORIDA  
TOTALBANK  
TRANSATLANTIC BANK

**MILTON**

FIRST NATIONAL BANK OF FLORIDA

**MONTICELLO**

FARMERS & MERCHANTS BANK

**MOUNT DORA**

FIRST NATIONAL BANK OF MOUNT DORA  
FLORIDA CHOICE BANK

**NAPLES**

BANK OF NAPLES  
COMMUNITY BANK OF NAPLES, N.A.  
FIFTH THIRD BANK, FLORIDA  
FIRST NATIONAL BANK OF FLORIDA  
GULF COAST NATIONAL BANK

**NEW SMYRNA BEACH**

FRIENDS BANK

**NICEVILLE**

PEOPLES NATIONAL BANK

**NORTH LAUDERDALE**

\*SECURITY BANK, N.A.

**NORTH MIAMI**

KISLAK NATIONAL BANK

**NORTH PALM BEACH**

COMMUNITY SAVINGS, F.A.  
PALM BEACH NATIONAL BANK & TRUST COMPANY

**OAKLAND PARK**

AMERICAN NATIONAL BANK

**OCALA**

FLORIDA CITIZENS BANK

**OKEECHOBEE**

BIG LAKE NATIONAL BANK

**ORANGE PARK**

HERITAGE BANK OF NORTH FLORIDA

**ORLANDO**

BANK OF CENTRAL FLORIDA  
CENTURY NATIONAL BANK  
CITRUS BANK  
SOUTHERN COMMUNITY BANK

**ORMOND BEACH**

COQUINA BANK

**OVIEDO**

CITIZENS BANK OF OVIEDO

**PAHOKEE**

FIRST COMMUNITY BANK OF PALM BEACH COUNTY

**PALATKA**

FIRST FEDERAL BANK OF NORTH FLORIDA  
PUTNAM STATE BANK

**PALM BEACH**

BANKERS TRUST FLORIDA, N.A.

**PALM BEACH GARDENS**

ADMIRALTY BANK

**PALM COAST**

CYPRESS BANK

**PALM HARBOR**

FLORIDA BANK OF COMMERCE  
PEOPLES BANK

**PANAMA CITY**

BAY BANK & TRUST COMPANY  
FIRST NATIONAL BANK NORTHWEST FLORIDA  
PEOPLES FIRST COMMUNITY BANK

**PEMBROKE PINES**  
POINTE BANK

**PENSACOLA**  
BANK OF PENSACOLA  
BANK OF THE SOUTH  
FIRST AMERICAN BANK OF PENSACOLA, N.A.

**PERRY**  
CITIZENS BANK OF PERRY

**PORT ST. JOE**  
CITIZENS FEDERAL SAVINGS BANK OF PORT ST. JOE

**PORT ST. LUCIE**  
FIRST PEOPLES BANK

**QUINCY**  
QUINCY STATE BANK

**ST. AUGUSTINE**  
BANK OF ST. AUGUSTINE  
PROSPERITY BANK

**ST. CLOUD**  
PUBLIC BANK

**ST. PETERSBURG**  
MERCANTILE BANK  
REPUBLIC BANK  
UNITED BANK & TRUST COMPANY

**SANTA ROSA BEACH**  
FIRST AMERICAN BANK OF WALTON COUNTY

**SEBRING**  
HEARTLAND NATIONAL BANK  
HIGHLANDS INDEPENDENT BANK  
**SOUTH MIAMI**  
FIRST NATIONAL BANK OF SOUTH MIAMI

**STARKE**  
COMMUNITY STATE BANK OF STARKE

**STUART**  
FIRST NATIONAL BANK & TRUST OF THE TREASURE  
COAST  
GULFSTREAM BUSINESS BANK

**TALLAHASSEE**  
CAPITAL CITY BANK  
FIRST SOUTH BANK  
TALLAHASSEE STATE BANK

**TAMPA**  
FIRST CITRUS BANK  
\*FLORIDA BANK, N.A.  
MANUFACTURERS BANK OF FLORIDA  
SOUTHERN EXCHANGE BANK

**TRENTON**  
TRI-COUNTY BANK

**UMATILLA**  
UNITED SOUTHERN BANK

**VALPARAISO**  
VANGUARD BANK & TRUST COMPANY

**VERO BEACH**  
INDIAN RIVER NATIONAL BANK

**WAUCHULA**  
FIRST NATIONAL BANK OF WAUCHULA  
WAUCHULA STATE BANK

**WEST PALM BEACH**  
FIDELITY FEDERAL BANK & TRUST  
GRAND BANK OF FLORIDA  
REPUBLIC SECURITY BANK

**WEWAHITCHKA**  
WEWAHITCHKA STATE BANK

**WILLISTON**  
PERKINS STATE BANK

**WINTER PARK**  
BANKFIRST

**ZEPHYRHILLS**  
COMMUNITY NATIONAL BANK OF PASCO COUNTY

**GEORGIA**

**ATLANTA**  
SUNTRUST BANK

**DARIEN**

SOUTHEASTERN BANK

**LOUISIANA**

**NEW ORLEANS**

WHITNEY NATIONAL BANK

**MASSACHUSETTS**

**BOSTON**

BOSTON BANK OF COMMERCE

BRANCHES OF THIS QPD CONDUCT BUSINESS IN FLORIDA UNDER THE NAME PEOPLES BANK OF COMMERCE

**MINNESOTA**

**EDINA**

INTER SAVINGS BANK, F.S.B.

**NORTH CAROLINA**

**CHARLOTTE**

BANK OF AMERICA, N.A.

FIRST UNION NATIONAL BANK

**WINSTON-SALEM**

WACHOVIA BANK, N.A.

**OHIO**

**CINCINNATI**

PROVIDENT BANK

**COLUMBUS**

HUNTINGTON NATIONAL BANK

**TENNESSEE**

**MEMPHIS**

UNION PLANTERS BANK, N.A.

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THE FOLLOWING IS A LIST OF INSTITUTIONS THAT HAD A CHANGE SINCE THE LAST PUBLICATION OF THIS REPORT.

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**BANKUNITED SAVINGS BANK**

CORAL GABLES

BANKUNITED SAVINGS BANK CHANGED ITS NAME TO BANKUNITED, F.S.B.

**CAPE CORAL NATIONAL BANK**

CAPE CORAL

MERGED INTO FIRST NATIONAL BANK OF NAPLES.

**FIRST COMMUNITY BANK**

ORANGE CITY

LOCATION CHANGED TO DEBARY.

**FIRST NATIONAL BANK OF FLORIDA**

CLEARWATER

MERGED INTO FIRST NATIONAL BANK OF NAPLES.

**FIRST NATIONAL BANK OF NAPLES**

NAPLES

FIRST NATIONAL BANK OF NAPLES CHANGED ITS NAME TO FIRST NATIONAL BANK OF FLORIDA (NAPLES).

**PEOPLES NATIONAL BANK OF NICEVILLE**

NICEVILLE

PEOPLES NATIONAL BANK OF NICEVILLE CHANGED ITS NAME TO PEOPLES NATIONAL BANK.

**WEST COAST GUARANTY BANK, N.A.**

SARASOTA

MERGED INTO FIRST NATIONAL BANK OF NAPLES.

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**DEPARTMENT OF REVENUE**

The Department of Revenue is pleased to announce that it will, from time to time, post draft emergency rules relating to the Communications Services Tax for public comment on the "Communications Services Tax Rule" Internet site, located at "<http://sun6.dms.state.fl.us/dor/taxrules/index.html>". The site can also be accessed through the Department of Revenue's main page of the "Tax Law Library" Internet site, located at <http://taxlaw.state.fl.us/taxlawmenu.asp>.

The Internet site enables the public to comment on draft emergency rules. The Department's emergency rulemaking authority for the "Communications Services Tax" is located in Section 202.26(5), F.S.

The Communications Services Tax Rule Site is comprised of six primary Internet pages: the enacting Chapter Law, an Advisory Committee page, an Overview page, a Draft Emergency Rules Open for Public Comment page, a Public Comments Received page, and an Emergency Rules Adopted page. The "Overview of Communications Services Tax Draft Rule Development" page describes the process of commenting on emergency rule drafts. The "Draft Emergency Rules Open for Public Comment" page contains a listing of rule drafts that

are available for public comment and links to the text of such rule drafts. The "Public Comments Received" page contains a listing of the public comments received by the Department on the emergency rule drafts and links to the actual text of such comments. The "Emergency Rules Adopted" page lists all emergency rules that have been adopted for this tax and provides links to the text of such rules.

The Department of Revenue encourages interested parties to visit this Internet site and provide comments regarding the interpretation of the Communications Services Tax prior to its effective date of October 1, 2001.

The person to be contacted regarding this internet site is: Jennifer Silvey, Department of Revenue, 501 South Calhoun Street, Tallahassee, Florida 32399-0100, (850)922-4727.

Any persons requiring special accommodation due to disability or physical impairment should contact Jennifer Silvey, Department of Revenue, 501 South Calhoun Street, Tallahassee, Florida 32399-0100, (850)922-4727, for assistance. Persons with hearing or speech impairments, may call 1(800)367-8331(TDD).

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## DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

### Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mack Trucks, Inc., intends to allow the establishment of Capital Truck, Inc., d/b/a Mack Sales of Tallahassee as a dealership for the sale of Mack Trucks and Mack Mid-Liner Trucks, at 4740 Blountstown Highway, Tallahassee (Leon County), Florida 32304, on or after April 11, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Capital Truck, Inc., d/b/a Mack Sales of Tallahassee are: dealer operator and principal investor(s): Mark A. Thomas, 404 Meridian Ride, Tallahassee, FL 32303, and Michael J. Pitts, P. O. Box 20352, Tallahassee, FL 32316.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ron Gerhard, Director-Business Development, Mack Trucks, Inc., 2100 Mack Blvd., P. O. Box M, Allentown, PA 18105-5000.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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### Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Dynasty Motorcar (Canada) Corporation, intends to allow the establishment of GEM OF DESTIN, LLC as a dealership for the sale of Dynasty's IT vehicles, at 14071-C Hwy. 98 E, Destin (Okaloosa), Florida 32541, on or after April 1, 2001.

The name and address of the dealer operator(s) and principal investor(s) of GEM OF DESTIN, LLC are: dealer operator(s) and principal investor(s): Anthony Derck and Mary Derck; 227 Wilderness Way, Grayton Beach, Florida 32459.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Howard Wilson, V. P. World Wide Sales and Marketing, 800 McCurdy Road, Kelowna, BC, Canada V1X 2P7.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that General Motors Corporation, intends to allow the relocation of Holiday Chevrolet Oldsmobile, LLC as a dealership for the sale of Chevrolet/Oldsmobile automobiles, at 2499 Hwy. 192, Saint Cloud (Osceola County), Florida 34769, on or after April 12, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Holiday Chevrolet Oldsmobile, LLC are: dealer operator and principal investor(s): Mr. Alan C. Starling, 3550 W. 13th Street, Saint Cloud, FL 34769.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Douglas J. Chandler, Dealer Contractual Group, General Motors, 100 Renaissance Center, Mail Code 482-A07-C66, Detroit, MI 48265-1000.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

## DEPARTMENT OF HEALTH

On April 13, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Abdul Khan, D.D.S., license number DN 9928. Khan's last known address is: 591 Appaloosa Road, Tarpon Springs, Florida 34689. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On April 13, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Darlene Moon, RN, license number RN 1903042. Moon's last known address is: 1111 Brickell Bay Drive, #1206, Miami, Florida 33131. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

## CITY OF CLEWISTON

**CITY MANAGER** – City of Clewiston, FL. (Population 6,500). Salary range: \$50,000 to \$70,000 plus benefits. Chief administrative official for the city. Directs and coordinates administration of city government in accordance with the policies determined by the five-member city commission elected at large. The City's current budget is \$18 million; 115 full-time employees; full-service city.

Must possess skills and abilities including but not limited to: public works, fiscal management and intergovernmental relation experience; superior organization management and consensus-building skills; ability to formulate, submit and administer budgets; proficient in the use of computers and able to function in a sophisticated computer environment. Must be able to keep the city commission fully advised as to its financial condition and forecast future needs of the city.

Minimum qualifications: A bachelor's degree from an accredited college or university in public administration, government, accounting, business administration or related field and three years of professional experience as a city manager or related field with high level of management and supervisory experience.

Submit resume, cover letter and five professional references to: Interim City Manager Iva Pittman, City of Clewiston, 115 West Ventura Avenue, Clewiston, FL 33440. Position is open until filled. Under Florida Public Records Law, resumes are subject to disclosure. EOE/ADA/DFWP.

**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN April 9, 2001  
 and April 13, 2001**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF INSURANCE**

4-228.010	4/9/01	4/29/01	26/35	27/9
4-228.020	4/9/01	4/29/01	26/35	27/9
4-228.030	4/9/01	4/29/01	26/35	27/9
4-228.040	4/9/01	4/29/01	26/35	27/9
4-228.050	4/9/01	4/29/01	26/35	27/9
4-228.060	4/9/01	4/29/01	26/35	27/9
4-228.070	4/9/01	4/29/01	26/35	
4-228.080	4/9/01	4/29/01	26/35	27/9
4-228.090	4/9/01	4/29/01	26/35	27/9
4-228.100	4/9/01	4/29/01	26/35	27/9
4-228.110	4/9/01	4/29/01	26/35	
4-228.120	4/9/01	4/29/01	26/35	
4-228.130	4/9/01	4/29/01	26/35	
4-228.140	4/9/01	4/29/01	26/35	
4-228.150	4/9/01	4/29/01	26/35	27/9
4-228.160	4/9/01	4/29/01	26/35	27/9
4-228.170	4/9/01	4/29/01	26/35	
4-228.180	4/9/01	4/29/01	26/35	27/9
4-228.190	4/9/01	4/29/01	26/35	27/9
4-228.210	4/9/01	4/29/01	26/35	27/9
4-228.220	4/9/01	4/29/01	26/35	27/9
4-228.230	4/9/01	4/29/01	26/35	27/9
4-228.240	4/9/01	4/29/01	26/35	
4-228.250	4/9/01	4/29/01	26/35	

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

5E-1.023	4/11/01	5/1/01		27/10
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**DEPARTMENT OF EDUCATION**

**State Board of Education**

6A-1.09412	4/13/01	5/3/01		27/8
6A-1.09441	4/13/01	5/3/01		27/8
6A-14.030	4/13/01	5/3/01		27/8
6A-20.0131	4/13/01	5/3/01		27/8

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**Board of Regents**

6C-4.001	4/9/01	4/29/01		27/3
6C-6.0103	4/9/01	4/29/01		27/3
6C-6.0105	4/9/01	4/29/01		27/3
6C-6.011	4/9/01	4/29/01		27/3
6C-6.019	4/9/01	4/29/01		27/3
6C-6.020	4/9/01	4/29/01		27/3
6C-6.021	4/9/01	4/29/01		27/3
6C-9.006	4/9/01	4/29/01		27/3
6C-9.012	4/9/01	4/29/01		27/3

**University of South Florida**

6C4-4.002	4/9/01	4/29/01	Newspaper	
6C4-4.0021	4/9/01	4/29/01	Newspaper	
6C4-4.0023	4/9/01	4/29/01	Newspaper	
6C4-4.0024	4/9/01	4/29/01	Newspaper	
6C4-4.0025	4/9/01	4/29/01	Newspaper	
6C4-4.0026	4/9/01	4/29/01	Newspaper	
6C4-4.0027	4/9/01	4/29/01	Newspaper	
6C4-4.0028	4/9/01	4/29/01	Newspaper	
6C4-4.0029	4/9/01	4/29/01	Newspaper	
6C4-4.00210	4/9/01	4/29/01	Newspaper	
6C4-4.00211	4/9/01	4/29/01	Newspaper	
6C4-4.00212	4/9/01	4/29/01	Newspaper	
6C4-4.00213	4/9/01	4/29/01	Newspaper	
6C4-4.00214	4/9/01	4/29/01	Newspaper	

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION**

**Lakewood Ranch Community Development District 5**

42EE-1.001	4/10/01	4/30/01		27/9
42EE-1.002	4/10/01	4/30/01		27/9
42EE-1.003	4/10/01	4/30/01		27/9

**Lakewood Ranch Community Development District 2**

42W-1.002	4/10/01	4/30/01		27/9
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**AGENCY FOR HEALTH CARE ADMINISTRATION  
 Medicaid Program Office**

59G-4.070	4/10/01	4/30/01		27/6
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

61G6-7.001	4/10/01	4/30/01		27/9
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**Board of Funeral Directors and Embalmers**

61G8-14.006	4/13/01	5/3/01	27/9	
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**Florida Building Code Administrators and Inspector**

61G19-6.012	4/10/01	4/30/01	26/15	27/11
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Office of the Secretary**

62S-2.070	4/11/01	5/1/01	26/38	27/10
62S-2.071	4/11/01	5/1/01	26/38	27/10
62S-2.072	4/11/01	5/1/01	26/38	27/10
62S-2.073	4/11/01	5/1/01	26/38	27/10
62S-2.074	4/11/01	5/1/01	26/38	
62S-2.075	4/11/01	5/1/01	26/38	27/10
62S-2.076	4/11/01	5/1/01	26/38	27/10

**DEPARTMENT OF HEALTH**

**Division of Children's Medical Services**

64C-7.008	4/12/01	5/2/01	26/49	27/9
64C-7.010	4/12/01	5/2/01	26/49	
64C-7.011	4/12/01	5/2/01	26/49	

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Division of Children's Medical Services**

65A-4.218	4/11/01	5/1/01	27/2	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

68A-1.004	4/11/01	5/1/01	27/8	
68A-2.005	4/11/01	5/1/01	27/8	
68A-15.005	4/11/01	7/1/01	27/8	
68A-15.061	4/11/01	7/1/01	27/8	
68A-15.062	4/11/01	7/1/01	27/8	
68A-15.063	4/11/01	7/1/01	27/8	
68A-15.064	4/11/01	7/1/01	27/8	
68A-16.005	4/11/01	5/1/01	27/8	
68A-17.005	4/11/01	5/1/01	27/8	
68A-20.005	4/11/01	7/1/01	27/8	
68A-23.002	4/11/01	7/1/01	27/8	
68A-23.005	4/11/01	7/1/01	27/8	
68A-23.008	4/11/01	7/1/01	27/8	
68A-27.0021	4/11/01	5/1/01	27/8	
68A-27.005	4/11/01	5/1/01	27/8	

**Marine Fisheries**

68B-4.012	4/12/01	7/1/01	27/8	
68B-31.010	4/12/01	5/2/01	27/8	
68B-39.0047	4/12/01	7/1/01	27/8	