

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Voting System Equipment Regulations
 RULE NO.: IS-5.001

PURPOSE AND EFFECT: To establish standards for voting systems certification, in compliance with the requirements of section 6, of Chapter 2001-40, Laws of Florida, the “Florida Election Reform Act of 2001.”

SUBJECT AREA TO BE ADDRESSED: Procedures and standards for implementation of the provisions of section 6, of Chapter 2001-40, Laws of Florida, to include: procedural changes to allow new technologies to be examined in a timely manner; requirements for disclosure of file and interface specifications for system components; “User Standards” for the user interfaces of systems including minimum standards for accessibility by disabled voters; file specifications for electronic transfer of results on election night; procedures for determining the will of the public with respect to voting systems; and procedures for continuing review and revision of the Florida Voting Systems Standards.

SPECIFIC AUTHORITY: Section 101.015, as amended by section 6 of Chapter 2001-40, Laws of Florida.

LAW IMPLEMENTED: Section 101.015, as amended by section 6 of Chapter 2001-40, Laws of Florida.

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

TIME AND DATE: 1:00 p.m. – 3:00 p.m., July 24, 2001

PLACE: Room 116, Knott Building, 415 West St. Augustine Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Paul Craft, Division of Elections, (850)921-4110

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

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Purpose and Scope	4-211.029
Definitions	4-211.030
Effect of Law Enforcement Records on Applications for Licensure	4-211.031
Purpose and Scope	4-211.040
Definitions	4-211.041
Effect of Law Enforcement Records on Applications for Licensure	4-211.042

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to implement the Department’s duty under Section 624.307(1), Florida Statutes, to enforce sections 626.611(7) and (14), and 626.621(8) and (11), Florida Statutes, by establishing standards for granting licensure applications described in those statutory sections, and interpreting provisions in those sections as they relate to penalties imposed upon applicants.

SUBJECT AREA TO BE ADDRESSED: Standards for granting insurance agent licensure applications.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 112.011, 624.307 (1), 626.161, 626.171, 626.201, 626.211, 626.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641, 626.681, 626.691, 648.34, 648.37 FS.

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

TIME AND DATE: 9:30 a.m., July 20, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Audrey Huggins, Bureau Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5405

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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-211.029 Purpose and Scope.

Specific Authority 624.308 FS. Law Implemented 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.211, 626.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641, 648.34, 648.37 FS. History–New 2-2-95, Amended 8-15-00, Repealed.

4-211.030 Definitions.

Specific Authority 624.308 FS. Law Implemented 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.211, 626.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641 FS. History–New 2-2-95, Repealed.

4-211.031 Effect of Law Enforcement Records on Applications for Licensure.

Specific Authority 624.308 FS. Law Implemented 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.211, 626.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641 FS. History–New 5-2-93, Amended 2-2-95, Repealed.

4-211.040 Purpose and Scope.

(1) The purpose of this rule part is to implement the Department's duty under Section 624.307(1), Florida Statutes, to enforce Sections 626.611(7) and (14), and 626.621(8) and (11), Florida Statutes, by establishing standards for granting licensure applications described in those statutory sections, and interpreting provisions in those sections as they relate to penalties imposed upon applicants specified in subsection (2) below.

(2) This rule part applies to applications for licensure as an agent, adjuster, sales representative, or other licensure as an individual under the Florida Insurance Code. This rule part does not apply to the licensure of bail bondsmen, runners, or limited surety agents under Chapter 648, Florida Statutes.

Specific Authority 624.308 FS. Law Implemented 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.211, 626.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641, 626.681, 626.691, 648.34, 648.37 FS. History—New _____.

4-211.041 Definitions.

For purposes of this rule part, the following definitions shall apply.

(1) "Application" refers to an application for licensure procedurally processed under Chapter 626, Florida Statutes.

(2) "Charge" or "charges" refer to the official document in any criminal proceeding, whether styled an "Information," "Indictment," or otherwise, which document specifies the charges against the defendant, and which document is filed in any court of Florida, another state or country, or the U.S. government.

(3) "Crime of Moral Turpitude" refers to each crime identified in subsection 4-211.042(23), F.A.C.

(4) "Criminal record," for purposes of this rule part, includes any felony charge filed against the applicant in the courts of any state or federal district or territory, or other country, on any subject matter whether related to insurance or not, concerning which charge the applicant was found guilty, or pled guilty, or pled no contest, regardless of whether or not there was an adjudication by the court, and regardless of whether the matter is under appeal by the applicant. The phrase includes such charges even where the crime was subsequently pardoned or civil rights have been restored. The phrase does not include criminal convictions which were finally reversed or vacated on appeal; nor does it include charges of which the applicant was found not guilty, or which were finally dismissed; nor does it include matters as to which at time of application an order of sealing or expungement has been issued by a court of competent jurisdiction.

(5) "Felony" means and includes any crime of any type, whether or not related to insurance, which crime is designated as a "felony" by statute in the state of prosecution, or designated as a "felony" in the charges, or which crime is punishable under the law of the prosecuting jurisdiction by imprisonment of more than one year regardless of how

classified in the charges or statutes. If a crime is a felony in the state of prosecution, it shall be treated as a felony under this rule part notwithstanding that it is not a felony in Florida. The term "felony" includes felonies of all degrees.

(6) "Insurance related misdemeanor" means and includes any misdemeanor charges which allege violation of any part of the insurance regulatory laws of Florida or any other state or the federal government; or which allege any criminal conduct involving any aspect of insurance, such as crimes in the nature of misapplication or theft of premium money or claims payment money, or dishonesty in any aspect of insurance claims practice.

(7) "Law enforcement record," for purposes of this rule part, includes:

(a) The applicant's criminal record as defined in this rule part;

(b) Any pre-trial intervention program the applicant is participating in at the time of application, or was participating in at any time in the 12 months next preceding the time of application; and

(c) All pending criminal charges against the applicant as of the time of application. The phrase "pending criminal charges" includes all criminal charges against the applicant, whether by information or other charging document filed in court, or by indictment, under the jurisdiction of any state or the federal government or any other country, concerning which charges there has at the time of application been no finding of guilty or not guilty, nor dismissal of charges, nor formal statement of nolle prosequere by the prosecuting authority; and

(d) All arrests on any misdemeanor or felony charge of any type whether or not related to insurance, which arrests were made by law enforcement authorities in any state or by federal authorities, or by law enforcement authorities in another country, and which arrest occurred within the 12 months next preceding the time of application, and regardless of whether there have been or will be any subsequent criminal proceedings connected therewith.

(8) "Misdemeanor" means and includes any crime of any type, whether or not related to insurance, which crime is designated as a "misdemeanor" by statute in the state of prosecution, or is so designated in the charges, or is punishable under the law of the prosecuting jurisdiction by imprisonment of one year or less. The term includes misdemeanors of all degrees.

(9) "Pre-trial Intervention" refers to a program operated under Section 948.08, Florida Statutes.

(10) "Time of application" is the date an application is deposited in the mail or otherwise actually and permanently leaves the applicant's control for forwarding to the Department.

(11) “Trigger Date” is the date on which an applicant was found guilty, or pled guilty, or pled no contest to a crime; or, where that date is not ascertainable, the date of the charges or indictment.

(12) “True Copy” or “Certified true copy” means a copy of a court or government agency paper which bears an original certification of the clerk or other official of the court or agency to the effect that the paper(s) are accurate copies of records of the court or agency.

Specific Authority 624.308 FS. Law Implemented 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.211, 626.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641 FS. History—New

4-211.042 Effect of Law Enforcement Records on Applications for Licensure.

(1) General Policy Regarding Conduct Prior to Licensure. The Department is concerned with the law enforcement record of applicants only for the purpose of ascertaining from those records whether the person would represent a significant threat to the public welfare if licensed under Chapter 626, Florida Statutes. It is no part of the Department’s responsibilities, and the Department does not attempt, to “penalize”, “discipline”, or “punish” any person concerning any conduct prior to licensure.

(2) Duty to Disclose Law Enforcement Record. Every applicant shall disclose in writing to the Department the applicant’s entire law enforcement record on every application for licensure, as required therein, whether for initial, additional, or reinstatement of licensure. This duty shall apply even though the material was disclosed to the Department on a previous application submitted by the applicant.

(3) Policy Specifically Concerning Effect of Criminal Records.

(a) The Department interprets Sections 626.611(14) and 626.621(8), Florida Statutes, which subsections relate to criminal records, as applying to license application proceedings. The Department interprets those statutes as not limiting consideration of criminal records to those crimes of a business-related nature or committed in a business context. More specifically, it is the Department’s interpretation that these statutes include crimes committed in a non-business setting, and that such crimes are not necessarily regarded as less serious in the license application context than are crimes related to business or committed in a business context.

(b) Fingerprint delays. The Department shall not delay licensure due to processing of fingerprint cards; provided, however, that the Department interprets Section 626.211(1), Florida Statutes, to mean that Department delays based on the applicant’s failure to supply the Department with a properly executed and readable fingerprint card are not delays such as are prohibited by that statute. The Department shall not process an application for which fingerprints are required, except upon receipt of a readable and properly executed fingerprint card.

(c) General Procedure. The applicant shall supply the Department with required documentation, as specified in this rule, as to all matters appearing on the law enforcement record. The application shall be addressed as set forth in Rule 4-211.0035, F.A.C. All documentation shall be completely legible. Required documentation includes:

1. For arrests, the police arrest affidavit or arrest report or similar document (need not be certified true copy).

2. The charges (certified true copy).

3. Plea, judgment, and sentence (certified true copy).

4. Order of entry into pre-trial intervention, and where applicable the order of termination of pre-trial intervention showing dismissal of charges (all certified true copies).

(4) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The Department finds that all matters that are part of an applicant’s law enforcement record are material elements of the application, and finds that the omission of any part of the law enforcement record required to be disclosed on the application is a material misrepresentation or material misstatement in and of itself. The applicant shall have violated Section 626.611(2) or 626.621(1), Florida Statutes, if the applicant fails to provide the Department with the documentation required by this rule.

(b) The Department finds failure to fully reveal the entire law enforcement record as called for by the application to reflect adversely on the character, fitness, or trustworthiness of the applicant, and the more recent the omitted element was, the more adversely it reflects on the applicant. Therefore, in instances where the applicant failed to fully and properly disclose the law enforcement record on the application, the Department finds it generally necessary to impose a waiting period, or to extend a waiting period otherwise specified in this rule, during which period licensure shall be denied, to provide some assurance that the applicant has overcome any weakness or tendency that led to the criminal conduct or that caused the omission. The waiting period specified herein runs from the later of time of application, or the end of any waiting period otherwise specified in this rule. The waiting period attributable to omissions is as set out below.

1. Class A or B crime omitted, where the trigger date was more than 10 years before time of application, add 1 year. If the trigger date was 10 years prior, or less than 10 years prior, to the time of application, add 2 years.

2. Class C crime omitted, where the trigger date was more than 5 years before time of application, add 6 months. If the trigger date was 5 years prior, or less than 5 years prior, to the time of application, add 1 year.

3. Omission of any arrest, pending criminal charges, pre-trial intervention, or other part of the law enforcement record required to be disclosed on the application, add or impose a six month waiting period.

(c) An applicant whose application is denied under this subsection shall resubmit another application and applicable fee as set forth in Section 624.501, Florida Statutes, on the application form respective to the type and class of license sought.

(d) After the waiting period has elapsed, the Department shall consider the application if it is resubmitted in good form with applicable fees, and licensure shall be granted if the licensee then meets all the requirements and criteria as set out in this rule and other applicable rules and statutes.

(e) Formal Record to Be Made. The Department finds that submission of an application that is inaccurate as to law enforcement history is a matter of such weight that a formal record of the application shall be made and preserved by Department order for reference and consideration should the applicant subsequently become licensed and violate any portion of the insurance code. To this end, applicants are required to execute a settlement acknowledging the inaccuracy as a prerequisite to becoming licensed after all waiting periods have elapsed and the applicant is otherwise eligible for licensure.

(5) Misdemeanor Crimes.

(a) Application for licensure shall not be denied or delayed based solely on the fact that an applicant was found guilty of, or pled guilty or no contest to, a misdemeanor, unless the misdemeanor is an insurance-related misdemeanor or a misdemeanor involving breach of trust or dishonesty; provided further, that repeated misdemeanors, or a misdemeanor in combination with other conduct shall merit denial of licensure if they reflect on an applicant's character, fitness, or trustworthiness to engage in the business of insurance.

(b) The Department finds that an insurance-related misdemeanor or a misdemeanor involving breach of trust or dishonesty demonstrates a lack of fitness or trustworthiness to be licensed to engage in the business of insurance and constitutes grounds for denial of licensure, pursuant to Section 626.611(7), Florida Statutes. The Department finds that the waiting period necessary to overcome the demonstrated lack of fitness and trustworthiness is equivalent to the waiting period imposed for a class "A" felony, and therefore, an applicant whose law enforcement record includes such a misdemeanor is subject to the same waiting period as a class "A" crime.

(c) The Department shall not impose any waiting period pursuant to this rule where the only crime in an applicant's law enforcement record is a single misdemeanor crime that results from the applicant's passing of a worthless check, or obtaining property in return for a worthless check, and the amount of the check or checks involved in the single misdemeanor crime is \$500 or less. However, this subparagraph shall not apply where a misdemeanor crime resulting from the applicant's passing of a worthless check, or obtaining property in return for a worthless check is not the only crime in an applicant's law enforcement record.

(6) Probation. The Department shall not grant licensure to any person who at the time of application or at any time during the pendency of the application is serving a probationary term on any felony crime, or any misdemeanor crime, except for those crimes specified in Chapter 316, Florida Statutes, which are not punishable by imprisonment. The Department shall not substantively consider an application for purposes of this subsection until the applicant has successfully completed his or her probationary term.

(7) Classification of Felony Crimes.

(a) The Department makes a general classification of felony crimes into three-classes: A, B, and C, as listed in subsections (23), (24), and (25) of this rule. The lists refer only to such crimes when they are felonies, since certain of the crimes could be misdemeanors in some jurisdictions and felonies in other jurisdictions.

(b) These classifications reflect the Department's evaluation of various crimes in terms of moral turpitude, and of the seriousness of the crime as such factors relate to the prospective threat to public welfare typically posed by someone who would commit such a crime.

(c) The names or descriptions of crimes, as set out in the classification of crimes, are intended to serve only as generic names or descriptions of crimes and shall not be read as legal titles of crimes, or as limiting the included crimes to crimes bearing the exact name or description stated.

(d) The lists are not all-inclusive. Where a particular crime involved in an application is not listed in this rule, the Department has the authority to analogize the crime to the most similar crime that is listed. No inference is to be drawn from the absence of any crime from this list, to the effect that said crime is not grounds for adverse action under this rule.

(e) In evaluating law enforcement records, the Department shall use the highest classification into which the crime fits, where "A" is the highest classification.

(f) A charge in the nature of attempt to commit a crime, or conspiracy to commit a crime, is classified the same as the crime itself.

(8) Required Waiting Periods For A Single Felony Crime. The Department construes Sections 626.611 and 626.621, Florida Statutes, to require that an applicant whose law enforcement record includes a single felony wait for a period of time before becoming eligible for licensure in order to assure that the criminal tendency or weakness has been overcome. The Department finds it necessary for an applicant whose law enforcement record includes a single felony crime to wait the time period specified below (subject to the mitigating factors set forth elsewhere in this rule) before licensure, so that licensure is granted without undue risk to the public good. All waiting periods run from the trigger date.

(a) Class A Crime. The applicant will not be granted licensure until 15 years have passed since the trigger date.

(b) Class B Crime. The applicant will not be granted licensure until 7 years have passed since the trigger date.

(c) Class C Crime. The applicant will not be granted licensure until 5 years have passed since the trigger date.

(d) The Department shall not impose any waiting period pursuant to this rule where the only crime in an applicant's law enforcement record is a single felony crime that results from the applicant's passing of a worthless check, or obtaining property in return for a worthless check, and the amount of the check or checks involved in the single felony crime is \$500 or less. However, this subparagraph shall not apply where a felony crime resulting from the applicant's passing of a worthless check, or obtaining property in return for a worthless check is not the only crime in an applicant's law enforcement record.

(9) Applicants With Multiple Crimes.

(a) The Department construes Sections 626.611 and 626.621, Florida Statutes, to require that an applicant whose law enforcement record includes multiple felony crimes wait longer than those whose law enforcement record includes only a single felony crime before becoming eligible for licensure in order to assure that such applicant's greater inability or unwillingness to abide by the law has been overcome. Therefore, the Department finds it necessary that a longer waiting period be utilized in such instances, before licensure can safely be granted. Accordingly, where the applicant has been found guilty or pled guilty or pled no contest to more than one felony or to a felony and one or more misdemeanors, or to a combination of misdemeanors and felonies, the Department shall add 5 years to the waiting period for each additional felony or insurance-related misdemeanor, or misdemeanor involving a breach of trust or dishonesty, and one year each for all other misdemeanors.

(b)1. The additional periods are added to the basic waiting period for the one most serious crime, and the combined total waiting period then runs from the trigger date of the most recent crime.

2. Example: In June 1953, the applicant was convicted of assault with a deadly weapon; and in 1985, of simple battery. The more serious crime is the assault, which is a class "A" crime, for which the waiting period is 15 years. Since there is one additional felony, an additional 5 years of waiting period is required. The combined 20 year waiting period runs from the most recent 1985 crime trigger date. The extended waiting period is subject to being shortened pursuant to the usual mitigating factor procedures set forth in this rule.

(d) Classification as "Single Crime" versus "Multiple Crimes." Multiple criminal charges arising out of the same act, or related acts performed over a relatively short period of time and in a concerted course of conduct, are treated by the Department as one crime for application of this rule. The Department will generally process the one most serious of the

charges as if it were the only crime. However, charges describing separate but similar acts are treated as multiple crimes.

1. Example 1: Applicant gets drunk in public (public drunkenness), and while drunk starts a fight (assault), breaks some private property (criminal mischief), and resists the arresting officer. This would be treated as one crime.

2. Example 2: Applicant assaults a civil rights demonstrator, and is prosecuted by state officials for assault, and by federal officials for deprivation of civil rights. This would be treated as one crime.

3. Example 3: Applicant has a history of getting drunk and starting fights, and has done this on 3 separate occasions, resulting in 3 separate criminal proceedings and convictions over the last 10 years. These would be treated as three separate crimes.

4. Example 4: In one criminal court proceeding applicant is charged and convicted of 6 separate counts of mail fraud. The applicant ran mail-order advertisements offering for sale goods that did not exist, and on 6 occasions upon receipt of orders with payment, the applicant kept the money and made no attempt to fill the order. These 6 orders were placed at various times over a 24-month period. These would be treated as multiple crimes.

5. Example 5: Over the course of several days, the applicant stole a credit card; the applicant altered a driver's license to assist in using the credit card; and the applicant used the credit card to obtain goods fraudulently. These are all prosecuted in a single proceeding alleging 3 counts of criminal conduct. The Department would treat these as one crime.

(10) Mitigating Factors.

(a) The usual waiting period specified above shall be shortened upon proof of one or more of the following as are pertinent. Where more than one factor is present the applicant is entitled to add together all the applicable amounts and deduct that total from the usual waiting period; provided that an applicant shall not be permitted an aggregate mitigation of more than 3 years for the following factors.

1. One year is deducted if the probation officer or prosecuting attorney in the most recent crime states in a signed writing that the prosecuting attorney believes the applicant would pose no significant threat to public welfare if licensed as an agent or other insurance representative.

2. One year is deducted if restitution or settlement has been made for all crimes wherein restitution or settlement was ordered by the court as shown in official court documents or as verified in a signed writing by the prosecuting attorney or probation officer.

3. One year is deducted if the applicant was under age 21 when the crime was committed, if there is only one crime on the applicant's law enforcement record, and if that single crime is not insurance-related and does not involve moral turpitude or a breach of trust or dishonesty.

4. One year is deducted if the applicant furnishes proof that the applicant was at the time of the crime addicted to drugs or suffering active alcoholism. The proof must be accompanied by a written letter from a properly licensed doctor, psychologist, or therapist licensed by a duly constituted state licensing body stating that the licensed person has examined or treated the applicant and that in his or her professional opinion the addiction or alcoholism is currently in remission and has been in remission for the previous 12 months. The professional opinion shall be dated within 45 days of the time of application.

(b) The burden is upon the applicant to establish these mitigating factors. Where the mitigating factor relates to or requires evidence of government agency or court action, it must be proved by a certified true copy of the agency or court document.

(11) Circumstances Not Constituting Mitigation.

(a) The Department finds that no mitigating weight exists in the provisions of Sections 626.611 and 626.621, Florida Statutes, and none will be given, for the following factors:

1. Type of Plea. The Department draws no distinction among types of pleas; i.e., found guilty; pled guilty; pled nolo contendere.

2. Collateral Attack on Criminal Proceedings. The Department will not allow or give any weight to an attempt to re-litigate, impeach, or collaterally attack judicial criminal proceedings or their results wherein the applicant was found guilty or pled guilty or no contest. Thus the Department will not hear or consider arguments such as: the criminal proceedings were unfair; the judge was biased; the witnesses or prosecutor lied or acted improperly; the defendant only pled guilty due to financial or mental stress; the defendant was temporarily insane at the time of the crime; or the defendant had ineffective counsel.

3. The Department finds that subjective factors involving state of mind, generally have no mitigating weight. Examples include such assertions that the crime was the result of the emotional stress of a divorce proceeding, or the financial stress of a failing business.

(12) Other Mitigating Factors. An applicant is permitted to submit any other factor which the applicant believes should decrease the waiting period before licensure is allowed. The Department will shorten the usual waiting period based on the other factors if those other factors evidence a significant diminution in the applicant's propensity to violate the law. The amount by which the usual waiting period will be reduced will be commensurate with the degree to which the factor or factors evidence the diminution in the applicant's propensity to violate the law. However, the Department finds, based on Department experience, that the mitigating factors specified and given weight in this rule are generally the only factors sufficiently verifiable, objective, and meaningful, as to merit a shortening of the usual waiting period.

(13) Effect of Pending Appeal in Criminal Proceedings: Reversal on Appeal.

(a) The Department interprets the statutory grounds for denial of licensure as arising immediately upon a finding of guilt, or a plea of guilty or no contest, regardless of whether an appeal is or is allowed to be taken. The Department will not wait for the outcome of an appeal to deny licensure, unless a Florida court specifically stays the Department's adverse action.

(b) If on appeal the conviction is reversed, the Department shall immediately drop the said crime as grounds for denial of license, but shall, if supported by clear and convincing evidence, notwithstanding the reversal, consider the acts alleged in the criminal proceeding as reflecting on an applicant's character, trustworthiness, and fitness for licensure. If the conviction is later reinstated, the Department shall again count the "crime" itself as grounds for denial of licensure.

(14) General Policy Regarding Law Enforcement Matters Not Resulting in a Finding or Plea of Guilt or No Contest.

(a) Fitness and Trustworthiness. The Department interprets Section 626.611(7), Florida Statutes, relating to demonstrated lack of fitness or trustworthiness, as being applicable to license application proceedings. Furthermore, the Department interprets said section as not limiting the evidence demonstrating the unfitness or untrustworthiness to evidence arising in an insurance context. For example, if an applicant is shown to have seriously abused the trust of customers in a former role as a securities broker, this evidence, if clear and convincing, might merit denial of an insurance agent license application.

(b) Character. The Department interprets Section 626.171(2)(f), Florida Statutes, as imposing upon the Department a duty to evaluate the "character" of an applicant, and to deny licensure to an applicant who has serious flaws as to such character. The Department interprets "character" to mean the applicant's demonstrated adherence to commonly accepted norms and standards of conduct in society.

(c) Charges Acquitted, Dismissed: General Policy. The Department finds that it is authorized by Section 626.611(7), Florida Statutes, to inquire into the facts underlying any criminal charge of which the applicant was acquitted or which was dismissed in appropriate cases, to deny licensure where such facts in context show a lack of fitness, trustworthiness, or character. A dismissal or acquittal might reflect true innocence, procedural problems peculiar to the criminal justice system, or the extremely high standard of proof in criminal proceedings. Evidence insufficient to support a finding of criminal guilt might be sufficient to support administrative action because of the differing burdens of proof and evidentiary and procedural rules for administrative proceedings versus criminal proceedings.

(d) Arrests, Pending Charges, and Pre-trial Interventions: General Policy.

1. The Department finds that information as to arrests and pre-trial interventions occurring within 12 months of time of application and all pending criminal charges as of time of application to be necessary and pertinent disclosures on the application, pursuant to Section 626.171(2)(f), Florida Statutes. The Department finds that such matters often supply particularly timely evidence of an applicant's current character, fitness, and trustworthiness, and in some instances reveal criminal court proceedings underway which have not yet reached final disposition in the criminal justice system.

2. The Department shall generally not draw any adverse inference against the applicant solely on the basis that the applicant was arrested, or is the subject of pending criminal charges. However, the Department is authorized to inquire into the facts underlying the arrest or pending criminal charges, and where there is clear and convincing evidence that a serious impropriety was committed by the applicant, the Department shall in appropriate cases deny licensure where such facts in context show a substantial lack of fitness, trustworthiness, or character.

(15) Pre-Trial Intervention: Specific Policy.

(a) It is the Department's interpretation of section 948.08, Florida Statutes, relating to Pre-trial Intervention, that same is a matter of legislative grace to save persons who are guilty of a non-violent, first-time felony from incurring a criminal record; and that entry into Pre-trial Intervention is conclusive evidence that the criminal charges involved were meritorious, even though ultimately dismissed after the successful conclusion of the pre-trial intervention.

(b) The Department will not grant licensure to any person who at time of application is participating in a pre-trial intervention program. The Department finds it necessary in the public interest to wait until the pre-trial intervention is successfully completed, before licensure will be considered.

(c) The Department shall generally not deny licensure to an applicant where the only law enforcement record consists of a successfully completed pre-trial intervention. However, where the law enforcement record includes matters in addition to the pre-trial intervention, whether previous or subsequent, the Department will consider adverse to the applicant the matters involved in the pre-trial intervention, because those matters reflect on the applicant's character, fitness, or trustworthiness.

(16) Effect of Sealing or Expunging of Criminal Record.

(a) An applicant is not required to disclose or acknowledge and is permitted in fact to affirmatively deny, any arrest or criminal proceeding, the record of which has been legally and properly expunged or sealed by order of a court of competent jurisdiction, and such denial or failure to disclose is not grounds for adverse action by the Department.

(b)1. The Department interprets the legislative intent in allowing a matter to be sealed or expunged to be that the matter thus sealed or expunged not be permitted to be held against the

subject as a "crime" per se, and that the matter not be permitted to be proved against the subject by reference to the court's findings or verdict.

2. However, the Department shall consider the facts underlying a sealed or expunged criminal record against the applicant as they reflect on fitness, character, or trustworthiness, if the facts are provable by the Department independent of use of the court record. The Department is permitted to use the same or different evidence as was used in the court proceeding. As a practical matter, due to Department resource limitations and the difficulty of establishing such matters independent of the court record, the Department does not generally attempt to pursue or follow-up on matters that are part of a sealed or expunged court record, except in unusual circumstances, which include:

a. There appears to be more than one sealed or expunged case involving the applicant.

b. The order of sealing or expungement appears to the Department to have been obtained by misleading the court.

c. The crime was particularly pertinent to the practice of insurance.

d. Any member of the public, including the victim of the crime, upon learning of the application for license, asks that the Department further consider the matter.

e. The applicant failed to reveal the matter in his or her application and the matter was not then sealed or expunged, having been sealed or expunged subsequent to the application's being submitted.

(c) Matters Sealed or Expunged Subsequent to Application. Occasionally an applicant will have a matter sealed or expunged after submitting his or her application. In such situations the Department policy is as follows:

1. If the applicant properly revealed the matter on the application, and thereafter has the record sealed or expunged, the Department will cease to consider the matter as a "crime" per se, and will further pursue the matter only under the unusual conditions described above.

2. If the applicant did not reveal the matter on the application, the Department will, if the Department finds that the applicant would pose an undue threat to the public welfare if licensed, take one of the following courses of action, depending on department resources available: petitioning the court to re-open the record in view of the false application; or denying the application or seeking revocation on the ground that the failure to reveal the matter shows deceit and reflects adversely on the character, fitness, or trustworthiness of the applicant.

(d) Sealing or Expunging Department Records.

1. It is the Department's interpretation of Florida statutes regarding sealing or expunging records that the Department is only required to expunge its records of references to the subject criminal proceedings upon receipt of a copy of the Court's Order of Sealing or Expunction of such records.

2. The Department generally interprets a Court's Order of Sealing or Expunction only to apply to references to the court proceedings and copies of court records relating to those proceedings in the Department's possession, and not to apply to references in the Department's records to the underlying matter where those references appear in the Department's records via evidence other than the court proceedings or record.

3. When required to seal or expunge its records, the Department interprets the law to allow the Department to require payment of a reasonable fee by the applicant or licensee to cover the estimated actual cost to the Department, to include staff time, supplies, and other necessary activities. Failure to pay the fee will be considered a disciplinary violation or cause to deny licensure.

4. Where the Department seals or expunges its records, the following procedures are used by the Department as to microfilm records. It is Department policy not to physically delete or mask documents from microfilm records. Instead, the Department deletes reference to the documents from the microfilm index, thus effectively eliminating the records. It is Department policy that this satisfies a sealing or expungement order unless otherwise expressly directed by a court. The Department's licensure records generally exist only on hundreds of rolls of microfilm, with thousands of documents covering thousands of licensees, per microfilm roll. The Department does not have the equipment to edit and splice the microfilm, and in any event splicing the film would shorten the life and dependability of the film, endangering the only records relating to thousands of licensees. It is not feasible to expunge certain documents on a roll, by printing all the documents on the roll, then deleting those to be expunged, and then re-microfilming the remainder; same is not feasible both because the quality of the re-microfilmed material would be so poor as to render much of it unreadable when subsequently printed out, and the Department does not have the resources to perform this task.

(17) Effect of a Pardon.

(a) Pardoned crimes must be reported on the application as part of the law enforcement record. However, the applicant shall clearly indicate that a pardon has been granted for the crime, and attach supporting paperwork. The burden of proof shall be on the applicant to prove the pardon by certified true copy of the pardon and related documents.

(b) A pardoned crime generally will not be considered against the applicant by the Department.

(c) However, this general policy is subject to the following exceptions, in which case the pardoned crime will not be ignored by the Department:

1. The applicant has subsequently been found guilty, or pled guilty or no contest, to any felony or misdemeanor; or

2. The pardoned crime directly involved the business of insurance.

(d) When any crime falls within either of these two exceptions, the Department shall apply the usual waiting periods and mitigating factors set out in this rule unless the Department finds that due to extraordinary reasons the applicant would still pose an undue threat to the public welfare if licensed.

(e) The Department will not withhold or stay denial of a license application pending action on requests for pardon.

(18) Effect of Restoration of Civil Rights.

(a) This subsection relates to restoration of civil rights under Section 112.011, Florida Statutes.

(b) A crime as to which civil rights have been restored remains part of the law enforcement record and must be revealed on the application.

(c) With regard to a crimes in an applicant's law enforcement record as to which civil rights have been restored, the Department finds that apart from their criminal nature, the acts underlying such crimes demonstrate a lack of fitness, or trustworthiness of an applicant to be licensed to engage in the business of insurance. The Department finds that the waiting period necessary to overcome the demonstrated lack of fitness or trustworthiness is equivalent to the waiting period imposed for the corresponding felony class. For example, a robbery as to which civil rights have been restored would require a 15 year waiting period which is equivalent to waiting period for the corresponding class A felony; i.e., robbery at paragraph (23)(ii) below. In such instances the Department does not deny licensure because of the crime, but because of the nature of the underlying acts.

(e) The Department will recognize restoration of civil rights by other states or the federal government when evidenced by a certified true copy of the court or administrative order restoring the rights.

(f) The burden is upon the applicant to prove restoration of civil rights by certified true copy of government or court records reflecting said action.

(19) Effect of Varying Terminology.

(a) The Department treats the phrases in each of the following subparagraphs as having the same effect:

1. Adjudicated guilty; convicted.

2. Found guilty; entered a finding of guilt.

3. Pled guilty; entered a plea of guilty; admitted guilt; admitted the charges.

4. Nolo contendere; no contest; did not contest; did not deny; no denial.

5. Adjudication of guilt withheld; Adjudication withheld; no adjudication entered; entry of findings withheld; no official record to be entered; judgment withheld; judgment not entered.

6. Nolle prosequere; nolle prosequi; charges withdrawn; charges dismissed; charges dropped.

(b) In all other instances the Department will look to the substantive meaning of the terminology used in the context in which it was used under the law of the jurisdiction where it was used.

(20) Application of 2-Year Re-Application Period; Moral Turpitude.

(a) The Department interprets Section 626.641, Florida Statutes, as setting a 2-year time period in which the Department is not required to consider or process an application for re-licensure after revocation. However, after the 2 years have elapsed, although the Department cannot refuse to process and in good faith consider an application, Section 626.641, Florida Statutes, does not establish any right to licensure or re-licensure after the expiration of 2 years, but rather ensures only the good-faith consideration of an application for licensure.

(b) Section 626.641, Florida Statutes, on its face applies only to revocations and suspensions. However, to the extent the section is by inference applicable to denial of applications, the Department interprets it as follows. The Department shall deny an application for licensure if the applicant's law enforcement record includes a crime of moral turpitude with a trigger date less than 2 years prior to the date of application, which is mandatory grounds for denial or revocation of license. After the passage of 2 years, such an applicant has a right to have the application received and considered in good faith by the Department. Any person whose crime was not one of moral turpitude has a right to apply for licensure and have the application considered in good faith even immediately following the crime.

(c) It is the Department's policy that this rule complies with and implements the intent of Section 626.641, Florida Statutes, in that there are listed and made available in this rule sufficient meaningful mitigating factors, such that any single crime, notwithstanding the "waiting periods" specified herein, can be overcome as a bar to licensure within a reasonable period of time after commission of the crime.

(d) The Department interprets Section 626.611(14), Florida Statutes, as literally requiring compulsory denial of an application for licensure of any applicant whose law enforcement record includes a crime of moral turpitude. However, the Department's interpretation of said subsection is that, notwithstanding its literal wording, it is not intended to be a permanent ban of licensure concerning such persons. The Department interprets said subsection to require denial until it is very clear that the person would no longer pose a threat to the public welfare if licensed. This rule, and the waiting periods and mitigating factors set out herein, comprise the Department's finding as to how long such a period should be.

(21) Imprisoned Persons. Notwithstanding any provision to the contrary in this rule, the Department shall not license any applicant under Chapter 626, Florida Statutes, while the applicant is imprisoned, under arrest, or serving a sentence for

any crime. Further, the Department shall not license any applicant who has been released from imprisonment until the later of the period otherwise set out in these rules or 1 year from release. The Department finds it necessary that the person be released from imprisonment and thereafter demonstrate an ability to abide by the law by passage of at least one year on good behavior, before licensure can safely be granted without undue risk to the public welfare.

(22) Effect of Waiting Periods. The waiting periods established in this rule do not give a licensee a right to licensure after any set period of time if the Department finds additional evidence that the applicant still possesses a criminal propensity which poses an undue threat to the public welfare.

(23) Class "A" Crimes include all those listed in this subsection, and all are of equal weight notwithstanding from which subparagraph they are drawn. The Department finds that each crime listed in this subsection is a crime moral turpitude.

(a) Submitting false insurance claims or applications.

(b) Crimes relating to workers' compensation insurance;

(c) Theft or other dishonest dealings with premiums or claims money;

(d) Making false reports to insurance regulatory officials;

(e) Theft or embezzlement from an insurance company or agency;

(f) Armed Robbery (face-to-face theft by threat of force or force).

(g) Extortion.

(h) Bribery.

(i) Misuse of public office.

(j) Obstructing justice.

(k) Treason.

(l) Abuse of elderly or disabled persons.

(m) Altering public documents.

(n) Forgery.

(o) Perjury.

(p) Racketeering.

(q) Witness tampering.

(r) Child abuse.

(s) Theft

(t) Larceny.

(u) Burglary.

(v) Breaking and entering.

(w) Fraud.

(x) Embezzlement.

(y) Tax evasion.

(z) Defrauding an innkeeper.

(aa) Passing worthless check(s).

(bb) Failure to pay tax.

(cc) Buying, receiving, concealing, or possessing stolen property.

- (dd) Fraudulent obtaining of food stamps or other welfare fraud.
- (ee) Shoplifting.
- (ff) Adulteration or poisoning of drugs or food.
- (gg) Illegal possession of a firearm.
- (hh) Impersonating or attempting to impersonate a law enforcement officer.
- (ii) Robbery
- (jj) Unlawful possession of a postal key
- (kk) Securities fraud
- (ll) Sale of unregistered securities
- (mm) Sale of securities by an unregistered dealer
- (nn) Postal fraud
- (oo) Obtaining controlled substance by fraud
- (pp) Not paying required tax as a transferee of a controlled substance
- (qq) Uttering a forged check
- (rr) Forgery of a deed
- (ss) Defrauding the government
- (tt) Criminal possession of a forged instrument
- (uu) Credit card fraud
- (vv) Conspiracy
- (ww) Carrying a concealed weapon /firearm
- (xx) Murder in all degrees.
- (yy) Aggravated Assault (e.g., as with a deadly weapon).
- (zz) Aggravated Battery (e.g., as with a deadly weapon).
- (aaa) Rape.
- (bbb) Sexually molesting any minor.
- (ccc) Sexual battery.
- (ddd) Arson.
- (eee) Aircraft piracy/hijacking.
- (fff) Sale, importation, or distribution of controlled substances (drugs); or possession for sale, importation or distribution.
- (ggg) Deriving income from another person's prostitution activities.
- (hhh) Running a gambling establishment.
- (iii) Unlawful placing, throwing, or discharging a bomb.
- (jjj) Battery of or threatening a law enforcement officer or public official in the performance of his/her duties.
- (kkk) Kidnapping.
- (24) Class "B" Crimes include:
 - (a) Manslaughter.
 - (b) Simple Assault.
 - (c) Simple Battery.
 - (d) Gambling.
 - (e) Possession of burglary tools.
 - (f) Resisting arrest with violence.
 - (g) Damage to Property.
 - (h) Criminal mischief.

- (25) Class "C" Crimes include the following:
 - (a) Public drunkenness.
 - (b) Driving while intoxicated.
 - (c) Trespassing.
 - (d) Resisting arrest without force.
 - (e) Disorderly conduct.
 - (f) Solicitation of prostitution.
 - (g) Prostitution.
 - (h) Obscenity.
 - (i) Bigamy.
 - (j) Sale of fireworks.
 - (k) Incest.
 - (l) Cruelty to animals.
 - (m) Personal use of controlled substances (illegal drugs).
 - (n) Possession of controlled substances (illegal drugs) for personal use.
 - (o) Possession of drug paraphernalia for personal use.
 - (p) Domestic disturbance not involving violence.
 - (q) Violation of fish and game laws.
 - (r) Crimes of civil disobedience relating to matters of conscience (e.g., burning of draft cards; nonviolent resisting of arrest at protests).
 - (s) Illegal possession of weapon.
 - (t) Fleeing arrest or fleeing a law enforcement officer.
 - (u) Escape.
 - (v) Criminal trespass.

(26) Foreign Law Enforcement Records. In the event that a law enforcement record includes convictions, charges, or arrests outside the United States, the Department shall consider the following factors to reduce, eliminate, or apply a waiting period:

- (a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;
- (b) The degree of penalty associated with the same or similar crimes in the United States; and
- (c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States.

Specific Authority 624.308 FS. Law Implemented 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.211, 626.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641 FS. History—New _____.

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Purpose	4-231.010
Scope	4-231.020
Definitions	4-231.030
Penalties for Violation of Section 626.611	4-231.080
Criminal Proceedings	4-231.150

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to implement the Department’s duty under Section 624.307(1), Florida Statutes, to enforce Sections 626.611, 626.621, 626.631, 626.641, 626.681, and 626.691, Florida Statutes, by establishing standards for penalties described in those statutory sections, and interpreting provisions in those sections as they relate to penalties imposed upon licensees.

SUBJECT AREA TO BE ADDRESSED: Insurance agent penalty standards.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 626.601, 626.611, 626.621, 626.631, 626.641, 626.681, 626.691 FS.

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

TIME AND DATE: 9:30 a.m., July 20, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Phil Fountain, Bureau Chief, Bureau of Agent and Agency Investigations, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399, (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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-231.010 Purpose.

The purpose of this rule chapter is to implement the Department’s duty under Section 624.307(1), Florida Statutes, to enforce Sections 626.611, 626.621, 626.631, 626.641, 626.681, and 626.691, Florida Statutes, by establishing standards for penalties described in those statutory sections, and interpreting provisions in those sections as they relate to penalties imposed upon licensees specified in Rule 4-231.020, F.A.C. give notice of the penalties which will normally be imposed against specified licensees for violation of particular provisions of the Insurance Code, and rules and orders of the Department.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.611, 626.621, 626.631, 626.641, 626.681, 626.691 FS. History–New 7-13-93, Amended _____.

4-231.020 Scope.

- (1) through (2) No change.

~~(3) This rule chapter does not apply to crimes described in section 18 U.S.C. 1033.~~

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.611, 626.621, 626.681, 626.691 FS. History–New 7-13-93, Amended 8-15-00, _____.

4-231.030 Definitions.

The following definitions shall apply for purposes of this rule chapter.

- (1) through (3) No change.

(4) “Crimes involving moral turpitude” means each crime identified in subsection 4-211.042(23), F.A.C.

- (4) through (8) renumbered (5) through (9) No change.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.611, 626.621, 626.681, 626.691 FS. History–New 7-13-93, Amended _____.

4-231.080 Penalties for Violation of Section 626.611.

If it is found that the licensee has violated any of the following subsections of Section 626.611, Florida Statutes, for which compulsory suspension or revocation is required, the following stated penalty shall apply:

- (1) No change.
- (2) s. 626.611(2), Florida Statutes.

(a) Suspension ~~12~~ 3 months if, had the application been accurate, the license application would have been granted, based on the Department licensing rule applicable to such application at the time the Department issued the license, and the documentation in the applicant’s file at the time the Department issued the license.

(b) Revocation if, had the application been accurate, the license application would have been denied, based on the Department licensing rule applicable to such application at the time the Department issued the license.

- (3) through (15) No change.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.611, 626.621, 626.681, 626.691 FS. History–New 7-13-93, Amended _____.

4-231.150 Criminal Proceedings.

(1) If it is found that a licensee has violated either Section 626.611(14) or 626.621(8), Florida Statutes, the following stated penalty shall apply:

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

(b)(2) If the licensee is not convicted of, but has been found guilty of or has pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of more than one ~~(1)~~ year ~~or more~~ under the law of the United States of America or of any state thereof or under the law of any other country, which involves moral turpitude or is a crime involving breach of trust or dishonesty, the penalty shall be revocation. ~~penalties are as follows:~~

(a) If the conduct directly relates to activities involving an insurance license, the penalty shall be a twenty four (24) month suspension.

(b) ~~If the conduct indirectly involves insurance or has a bearing on an agent's fitness or trustworthiness to hold an insurance license, the penalty shall be a twelve (12) month suspension.~~

(c) ~~If the conduct is not related to insurance license, the penalty shall be a six (6) month suspension.~~

~~(c)(3) If the licensee is not convicted of, but has been found guilty of or has pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of more than one (1) year or more under the laws of the United States of America or of any state thereof or under the law of any other country, which does not involve moral turpitude and is not a crime involving breach of trust or dishonesty, the penalties are as follows:~~

(a) through (c) renumbered 1. through 3. No change.

(2) Foreign Law Enforcement Records. In the event that a law enforcement record includes convictions, charges, or arrests outside the United States, the Department shall consider the following factors to reduce, eliminate, or apply a waiting period:

(a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;

(b) The degree of penalty associated with the same or similar crimes in the United States; and

(c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.601, 626.611, 626.621, 626.631, 626.631(1), 626.681, 626.691 FS. History—New 7-13-93, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Offender Travel RULE NO.: 33-302.106

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify procedures relating to offender travel. The effect is to add relevant forms, correct titles, update relevant forms, and to clarify procedures relating to recreational travel, inter-county travel, and transfer of supervision.

SUBJECT AREA TO BE ADDRESSED: Offender travel.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Giselle Lymen Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.106 Offender Travel.

(1) Officers are required to instruct each offender under the officer's supervision not to change his or her residence, or leave the county of residence, without first procuring the consent of the officer. In order for an offender to obtain permission to travel, the following conditions must exist:

(a) through (e) No change.

(f) ~~Monetary obligations are current when the travel requested is purely recreational in nature. However, T~~travel shall be denied for purely recreational purposes if the offender is not current with the court ordered or releasing authority imposed payment schedule or offender financial obligation agreement when there is any outstanding, court ordered victim restitution and the offender will expend monies in the course of travel.

(g) No change.

(2) An officer shall discuss transfer the supervision of an offender's routine travel needs during the initial interview to determine whether the offender must travel daily, weekly, or monthly between counties due to the location of her or his residence and her or his employment site, school, medical needs, program, or other approved need who is travelling to a single judicial circuit in the state of Florida for more than 30 consecutive days. If the offender must travel across county lines to get to her or his employment site, school, program, doctor, or routine shopping, the officer will document this specific information in the electronic case notes and give the offender a blanket approval for this travel, provided the travel is verified and is not prohibited by the supervision orders. If the offender's residence or purpose of travel out of county changes, the blanket approval will be suspended until the offender's travel needs are revisited, reviewed, and approved. Any other travel out of county must be approved in advance.

(3) Inter-county travel in Florida approved for a visit of thirty days or less does not require a "Travel Permit," DC3-220, unless the offender is a sex offender or requires specific or additional instructions that must be written on a travel permit. Sex offenders require a travel permit for all out of county travel. If the offender is granted permission to travel and visit another county and subsequently requests an extension of the visit out of county, which will exceed thirty days, the officer will transfer the offender's supervision to the other county. Form DC3-220, Travel Permit, is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(4) An officer shall transfer the supervision of an offender who is granted permission to travel and remain in another county outside of her or his county of residence in the State of Florida for more than thirty consecutive days.

~~(5)(3)~~ An officer shall transfer the supervision of an offender who is travelling to a single other state, the District of Columbia, the Commonwealth of Puerto Rico or the Virgin Islands of the United States, for more than ~~thirty~~ 30 consecutive days. The transfer of supervision involves the forwarding of all pertinent supervision documents via the Bureau of Interstate Compact to the receiving location and the formal assumption of supervision of the offender by a probation or ~~/~~ parole officer in the receiving location. The officer shall forward the following supervision documents, in triplicate, to the Bureau of Interstate Compact:

- (a) Out of State Investigation Request, Form DC3-110;
- (b) Application for Compact Services and Agreement to Return, Form DC3-122;
- (c) Supervision orders; and
- (d) Pre-sentence or Post-sentence investigation, or offense report and arrest history.
- (e) Form DC3-110, Out of State Investigation Request and Form DC3-122, Application for Compact Services and Agreement to Return, are hereby incorporated by reference. Copies of these forms can be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is _____.

~~(6)(a)~~ When interstate travel is for the sole purpose of transfer to another state, the District of Columbia, the Commonwealth of Puerto Rico or the Virgin Islands of the United States, the offender must meet the other state's requirements and receive consent to travel from the Bureau of Interstate Compact Office before proceeding to that state.

~~(7)(b)~~ In compact cases that meet emergency criteria, the officer must submit an Electronic Request for Emergency Reporting Instructions and Travel Permit, Form EF3-005 EF4-007, to the Bureau of Interstate Compact Office two days before the requested date of travel. This time frame does not apply to offenders who already reside in the receiving state and who must return immediately after sentencing. Form EF3-005 EF4-007 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed envelope. The effective date of this form is _____ ~~3-22-00~~.

~~(8)(4)~~ In high profile and sex offender cases, the officer must review the Interstate Compact File Cabinet computer database or seek guidance from the Bureau of Interstate Compact Office to ensure that the offender meets and follows travel requirements for the state of destination before granting travel permission. Once the officer has verified and instructed the offender as to the requirements of the state of destination, a copy of the travel permit providing the offender's itinerary must be transmitted to the Bureau of Interstate Compact Office.

(9) The officer will obtain permission from the sentencing or releasing authority prior to granting permission to the community control offender for the right to travel out of state. A DC3-220 will be approved with a copy forwarded to the Bureau of Interstate Compact.

~~(10)(5)~~ No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 3-21-00, Amended _____.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Division of Workers' Compensation

RULE TITLE: RULE NO.:

Florida Workers' Compensation Health Care Provider Fee for Service

Reimbursement Manual 38F-7.020

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt by reference the Florida Workers' Compensation Health Care Provider Fee for Service Reimbursement Manual, 2001 Edition, which contains reimbursement policies and maximum reimbursement allowances for physician services, non-physician services, pharmaceutical and medical supplies, as determined by the Three-Member Panel on November 29, 2000. The manual also provides basic instructions and information for providers and carriers in the preparation and reimbursement of bills for medical services. The Physician's Current Procedural Terminology (CPT™), 4th Edition, copyright 1999, American Medical Association; the Current Dental Terminology (CDT-3), 3rd Edition, copyright 1999, American Dental Association; and the 2000 HCPCS (HCPCS), 11th Edition, copyright 1999, Ingenix are adopted as part of this rule.

SUBJECT AREA TO BE ADDRESSED: The Florida Workers' Compensation Health Care Provider Fee for Service Reimbursement Manual.

SPECIFIC AUTHORITY: 440.13(8), (11)-(14), 440.591 FS.

LAW IMPLEMENTED: 440.13(6)-(8), (11)-(14) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Nancy M. Rice, Registered Nurse Consultant, Suite 101, Forrest Building, 2728 Centerview Drive, Tallahassee, Florida 32399-0664, (850)410-1093

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: RULE NO.:

Agreements 40C-3.035

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to incorporate by reference changes to the District’s water well permitting delegation agreements with the Florida Department of Health for Clay, Flagler, Nassau, and St. Johns Counties.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the permitting of the construction of water wells less than six inches in diameter by the Florida Department of Health for Clay, Flagler, Nassau, and St. Johns Counties.

SPECIFIC AUTHORITY: 344.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.046, 373.083, 373.309 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: No rule development workshop has been scheduled at this time.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4450 or Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-3.035 Agreements.

The Governing Board hereby incorporates by reference the following documents:

(1) through (4) No change.

(4) An agreement between Indian River County Health Department and St. Johns River Water Management District regarding water well permitting, dated November 8, 1995.

(5) An agreement between the Florida Department of Health, Clay County Health Department and the St. Johns River Water Management District entitled Amended Water Well Permitting Delegation Agreement regarding water well permitting dated November 8, 1995, amended December 22, 1996 (effective date) 2001.

(6) No change.

(7) An agreement between the Florida Department of Health, St. Johns County Health Department Unit and the St. Johns River Water Management District entitled Amended Water Well Permitting Delegation Agreement regarding water well permitting dated July 21, 1996 (effective date) 2001.

(8) An agreement between the Florida Department of Health, Nassau County Public Health Department Unit and the St. Johns River Water Management District entitled Amended Water Well Permitting Delegation Agreement regarding water well permitting dated July 21, 1996 (effective date) 2001.

(9) An agreement between the Florida Department of Health, Flagler County Public Health Department Unit and the St. Johns River Water Management District entitled Amended Water Well Permitting Delegation Agreement regarding water well permitting dated January 8, 1997 (effective date) 2001.

(10) through (11) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.046, 373.083, 373.309 FS. History–New 10-14-84, Amended 12- 5-85, Formerly 40C-3.035, 40C-3.0035, Amended 1-8-96, 4-21-96, 7-21-96, 12-22-96, 3-10-97, 1-2-00,_____.

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water

RULE TITLE: Personnel Rule Manual Incorporated by Reference
RULE NO.: 49B-2.038

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to incorporate by reference Tampa Bay Water’s revised Personnel Rule Manual dated July 15, 2001. The revised Manual contains the rules and regulations concerning the activities of personnel of Tampa Bay Water.

SUBJECT MATTER TO BE ADDRESSED: The rules and regulations concerning various activities of personnel and employees of Tampa Bay Water.

SPECIFIC AUTHORITY: 163.01(5)(g) FS.

LAW IMPLEMENTED: 120.54(1)(i), 163.01, 373.1962, 373.1963 FS.

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

TIME AND DATE: 9:00 a.m., July 13, 2001

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211, Clearwater, Florida 33761-3930

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Donald C. Conn, General Counsel, Tampa Bay Water, 2535 Landmark Drive, Suite 211, Clearwater, Florida 33761-3930

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

49B-2.038 Personnel Rule Manual Incorporated by Reference.

The “Tampa Bay Water “Personnel Rule Manual,” dated July 15, ~~2001~~ 1997, is hereby incorporated by reference into this Chapter and is available from Tampa Bay Water upon request.

Specific Authority 163.01(5)(g)(h) FS. Law Implemented 120.54(1)(i), 163.01, 373.1962, 373.1963 FS. History–New 7-29-97, Amended _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Visual Services
RULE NO.: 59G-4.340

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Visual Limitations Handbook, May 2001. The effect will be to incorporate by reference in the rule Services Coverage and the current Florida Medicaid Visual Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Visual Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

TIME AND DATE: 9:00 a.m., July 17, 2001

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building #3, Mailstop #20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Debra Marshall, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7354

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.340 Visual Services.

(1) No change.

(2) All visual services practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Visual Services Coverage and Limitations Handbook, May 2001 ~~January 2000~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Chapter 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 7-30-80, Formerly 10C-7.521, Amended 4-20-93, 8-25-93, Formerly 10C-7.0521, Amended 12-21-97, 10-13-98, 6-10-99, 4-23-00, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Requirement for Instruction on Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases
RULE NO.: 61G8-32.007

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Requirement for Instruction on Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases.

SPECIFIC AUTHORITY: 470.005, 455.2226(7), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

LAW IMPLEMENTED: 455.2226, 455.219(2), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

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: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Provisional Certificates
RULE NO.: 61G19-6.012

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

SUBJECT AREA TO BE ADDRESSED: Provisional Certificates.

SPECIFIC AUTHORITY: 468.606, 468.609(7) FS.

LAW IMPLEMENTED: 468.609(7) 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 IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-6.012 Provisional Certificates.

(1) through (3) No change.

(4) Provisional certification as a building code administrator is available only to a person ~~certificates shall only be issued to persons~~ employed by an agency of government.

(5) through (6) No change.

Specific Authority 468.606, 468.609(7) FS. Law Implemented 468.609(7) FS. History—New 5-23-94, Amended 5-21-95, 8-28-95, 12-6-95, 1-3-96, 2-23-99, 4-30-01, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Notice Requirements

RULE NO.: 61J2-10.032

PURPOSE AND EFFECT: The purpose of the proposed rule development is to amend provisions regarding the notice requirements placed on a real estate broker upon receiving conflicting demands for any trust funds being maintained in the broker’s escrow account to provide better clarity and to better implement the related statute.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rules regarding the notice requirements placed on a real estate broker upon receiving conflicting demands for any trust funds being maintained in the broker’s escrow account.

SPECIFIC AUTHORITY: 475.05, 475.25 FS.

LAW IMPLEMENTED: 475.25, 83.49(3)(d) FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, July 18, 2001

PLACE: Division of Real Estate, Hurston Building, Commission Meeting Room (Room 301 – North Tower), 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Florida Real Estate Commission, Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Disciplinary Guidelines

RULE NO.: 61J2-24.001

PURPOSE AND EFFECT: The Commission is considering amending the above referenced rule containing disciplinary guidelines for violations of provisions relating to the regulation

of real estate brokers and salespersons. The purpose is to revise guidelines for obtaining a license by fraud, misrepresentation, or concealment.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development will affect disciplinary guidelines for violations of provisions relating obtaining a license by fraud, misrepresentation, or concealment.

SPECIFIC AUTHORITY: 455.2273, 475.05 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 475.22, 475.24, 475.25, 475.42, 475.421, 475.422, 475.452, 475.453, 475.455, 475.482 FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, July 18, 2001

PLACE: Division of Real Estate, Hurston Building, Commission Meeting Room (Room 301 – North Tower), 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, FL 32801

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Fluoride Containing Products

RULE NO.: 64B15-18.004

PURPOSE AND EFFECT: The Board proposes to update the rule text with regard to the dosage schedule for oral usage of fluoride.

SUBJECT AREA TO BE ADDRESSED: Fluoride dosage schedule.

SPECIFIC AUTHORITY: 465.186(2) FS.

LAW IMPLEMENTED: 465.186 FS.

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

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, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-18.004 Fluoride Containing Products.

Oral medicinal drug products containing fluoride may be ordered by pharmacists for their patients who do not have fluoride supplement in their drinking water, pursuant to the following limitations:

- (1) through (2) No change.
- (3) If the fluoride content is less than 0.5 ppm then the following dosage schedule for oral usage shall be followed:-

- (a) 1. For ages 0 – 6 months
 - a. less than 0.3 ppm in water – no supplementation
 - b. 0.3 – 0.6 ppm in water – no supplementation
 - c. 0.6 ppm in water – no supplementation
- 2. For ages 6 months – 3 years
 - a. less than 0.3 ppm in water – supplement with 0.25 mg.

F/day

- b. 0.3 – 0.6 ppm in water – no supplementation
- c. 0.6 ppm in water – no supplementation
- 3. For ages 3-6 years
 - a. less than 0.3 ppm in water – supplement with 0.5 mg.

F/day

- b. 0.3 – 0.6 ppm in water – supplement with 0.25 mg.

F/day

- c. 0.6 ppm in water – no supplementation
- 4. For ages 6-16 years
 - a. less than 0.3 ppm in water – supplement with 1.00 mg.

F/day

- b. 0.3 – 0.6 ppm in water – supplement with 0.5 mg. F/day
- c. 0.6 ppm in water – no supplementation

ppm-in	0.2-0.5 ppm-in	0.5 ppm-in	less than 0.2
Age-in years	water	water	water
0-2	0.25 mg F/day	0	No supplementation
2-3	0.5 mg F/day	0.25 mg F/day	No supplementation
3-13	1.00 mg F/day	0.5 mg F/day	No supplementation

- (b) through (c) No change.

Specific Authority 465.186(2) FS. Law Implemented 465.186 FS. History—New 5-1-86, Formerly 21R-18.004, 61F9-18.004, 59W-18.004, Amended _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: _____ RULE NO.: _____

Negative Drug Formulary 64B16-27.500

PURPOSE AND EFFECT: The purpose of the rule amendments is to effectuate the removal of Digoxin, Warfarin, Quinidine Gluconate, and Phenytoin from the negative drug formulary, as required by Ch. 2001-146, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Negative Drug Formulary.

SPECIFIC AUTHORITY: Ch. 2001-146, Laws of Florida, 465.005 FS.

LAW IMPLEMENTED: Ch. 2001-146, Laws of Florida, 456.036, 456.064, 465.008 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS :

64B16-27.500 Negative Drug Formulary.

The negative drug formulary is composed of medicinal drugs which have been specifically determined by the Board of Pharmacy and the Board of Medicine to demonstrate clinically significant biological or therapeutic inequivalence and which, if substituted, could produce adverse clinical effects, or could otherwise pose a threat to the health and safety of patients receiving such prescription medications. Except where certain dosage forms are included on the negative drug formulary as a class, all medicinal drugs are listed by their official United States Pharmacopoeia Non-Proprietary (generic) name. The generic name of a drug shall be applicable to and include all brand-name equivalents of such drug for which a prescriber may write a prescription. Substitution by a dispensing pharmacist on a prescription written for any brand name equivalent of a generic named drug product listed on the negative formulary or for a drug within the class of certain dosage forms as listed, is strictly prohibited. In cases where the prescription is written for a drug listed on the negative drug formulary but a brand name equivalent is not specified by the prescriber, the drug dispensed must be one obtained from a manufacturer or distributor holding an approved new drug application or abbreviated new drug application issued by the Food and Drug Administration, United States Department of Health and Welfare permitting that manufacturer or distributor to market those medicinal drugs or when the former is non-applicable, those manufacturers or distributors supplying such medicinal drugs must show compliance with other applicable Federal Food and Drug Administration marketing requirements. The following are included on the negative drug formulary:

- ~~(1) Digoxin~~
- ~~(1)(2) Digitoxin~~
- ~~(3) Warfarin~~

- ~~(2)~~(4) Conjugated Estrogen
- ~~(5)~~ Quinidine Gluconate
- ~~(3)~~(6) Dicumarol
- ~~(7)~~ Phenytoin
- (8) through (11) renumbered (4) through (7) No change.

Specific Authority Ch. 2001-146, Laws of Florida, 465.005, 465.025(6) FS. Law Implemented Ch. 2001-146, Laws of Florida, 465.025(6) FS. History--New 12-14-76, Amended 3-17-77, 7-2-79, 4-9-81, 9-14-82, 9-26-84, Formerly 21S-5.01, Amended 3-30-89, 7-1-90, Formerly 21S-5.001, Amended 12-25-90, 10-1-92, Formerly 21S-27.500, Amended 2-21-94, Formerly 61F10-27.500, 59X-27.500, Amended _____.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Denial of Licensure
 RULE NO.: 64B19-11.009
 PURPOSE AND EFFECT: The Board proposes to update the above rule.

SUBJECT AREA TO BE ADDRESSED: Denial of Licensure.
 SPECIFIC AUTHORITY: 490.004(4) FS.
 LAW IMPLEMENTED: 490.009, 490.0111 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Fee for Provisional Licensure
 RULE NO.: 64B19-12.012
 PURPOSE AND EFFECT: The Board proposes to update the above rule.

SUBJECT AREA TO BE ADDRESSED: Fee for Provisional Licensure.
 SPECIFIC AUTHORITY: 456.013, 490.003(6), 490.004(4), 490.0051 FS.
 LAW IMPLEMENTED: 456.013, 490.003(6), 490.004(4), 490.0051 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Disciplinary Guidelines
 RULE NO.: 64B19-17.002
 PURPOSE AND EFFECT: The Board proposes to update the above rule.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.
 SPECIFIC AUTHORITY: 456.079, 490.004(4) FS.
 LAW IMPLEMENTED: 456.079, 456.072, 490.009 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-44.001
Notice of Funds Availability (“NOFA”)	67-44.002
General Program Restrictions	67-44.003
Application Procedures	67-44.004
Application and Selection Procedures	67-44.005
Administrative Appeal Procedures	67-44.006
Credit Underwriting Procedures and Loan Origination	67-44.007
Construction Disbursements and Loan Servicing	67-44.008
Terms and Conditions of Loans	67-44.009
Compliance and Monitoring Provisions	67-44.010
Fees	67-44.011

PURPOSE AND EFFECT: This rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the HAP Construction Loan Program, which provides below market interest rate construction loans to eligible nonprofit developers and sponsors for the construction or substantial rehabilitation of very low- and low-income home ownership housing. Revisions to the Rule are required to

implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of program service and will provide greater clarification of the program.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-44, Florida Administrative Code.

SPECIFIC AUTHORITY: 420.507(12),(23) FS.

LAW IMPLEMENTED: 420.5088 FS.

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

TIME AND DATE: 11:00 a.m., Tuesday, July 17, 2001

PLACE: Florida Housing Finance Corporation, Sixth Floor Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Bridget E. Warring, HAP Construction Loan Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

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

Any person requiring special accommodation at this hearing because of a disability or physical impairment should contact Linda Hawthorne at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system, which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

Section II Proposed Rules

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Firefighter Standards and Trainin	4A-37
RULE TITLES:	RULE NOS.:
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
Termination of Employee	4A-37.0385
Prescribed Forms for Training	
and Certification	4A-37.039
Types of Training Certificates Issued	4A-37.050
Upgrading Certificates or Letters	
of Completion	4A-37.0515
Retention of Certification	4A-37.0527

Out of State Training – Certificate of Compliance; Special Certificate of Compliance	4A-37.054
Minimum Curriculum Requirements for Training Firefighter Recruits or Firefighters	4A-37.055
Specifications for Certifiable Training	4A-37.056
Verification of Prescribed Training Hours	4A-37.058
Types of Instructor Certificates Issued	4A-37.059
Certification as an Approved Firefighter	
Recruit Training Facility	4A-37.060
Prescribed Forms for Training and Certification	4A-37.061
Procedures for State Firefighter	
Certification Examination Day	4A-37.062
Cheating	4A-37.063
Florida State Fire College	4A-37.064
Programs of Study and Vocational Course	4A-37.065

PURPOSE AND EFFECT: The changes have the following purposes and effects:

1. Update, adopt, and repeal forms;
2. Update, adopt, and repeal NFPA and other standards;
3. 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;
4. Make technical changes updating outdated words and phrases;
5. Repeal unnecessary and/or outdated rule sections, subsections, and paragraphs;
6. Update Florida State Fire College Curricula, courses, courses of study, and programs of study;
7. Change “Minimum Standards Course” to “Firefighter I and Firefighter II courses”;
8. Update Instructor requirements and eligibility, and provide for use of field experts;
9. Update facility requirements for certified training centers to allow modern construction techniques and materials;
10. Provide specificity for certificates of competencies in several areas.

SUMMARY: These rules update the Florida State Fire College forms, adopt NFPA and other Standards, update Florida State Fire College courses and examinations, repeal outdated rules and standards, update Florida State Fire college curricula, courses of study and programs of study, provide for the creation of the Firefighter I and Firefighter II courses which is an upgrade from the former Minimum Standards Course, update Florida State Fire College instructor requirements and eligibility, provide for use of field experts at the Florida State Fire College, update facility requirements for certified training centers to allow modern construction techniques and materials, update Florida State Fire College specificity for certificates of competence.

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

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

SPECIFIC AUTHORITY: 633.45(2) FS.

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

IF REQUESTED A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. IF A HEARING IS NOT REQUESTED, NO HEARING WILL BE HELD.

TIME AND DATE: 10:00 a.m., July 26, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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 FULL TEXT OF THE PROPOSED RULES 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) 633.351(3)~~, Florida Statutes. This form shall be forwarded within ~~10 ten~~ (10) business working days after the first day of employment. Form ~~DI4-1032 FST-1A~~ is incorporated by reference in ~~subsection Rule~~ 4A-37.039(2), F.A.C. and can be obtained where indicated in ~~subsection 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 Section 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 month~~ 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 subsection ~~Rule~~ 4A-37.039(2), F.A.C., and can be obtained where indicated in subsection ~~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 and 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~~ ~~ten~~ ~~(10)~~ business working days after date of termination. Form DI4-1033 FST-3 is incorporated by reference in ~~Rule~~ subsection 4A-37.039(2), F.A.C., and can be obtained where indicated in ~~Rule~~ subsection 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 may 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" DI4-1022 form effective 6-91 entitled Medical Examination

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

(d) DI4-1022 rev. 08/98, (formerly FST-2) form effective 6-91 entitled "Medical Examination;" FST-50 form effective 10-90 entitled "Tobacco Affidavit,"

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

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

(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) 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) DI4-1463 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 Section 633.34(5), Florida Statutes, as provided in Section 633.35(2) ~~or section 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 subsection 4A-37.039(2), and can be obtained where indicated in subsection 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 subsection 4A-37.039(2), and can be obtained where indicated in subsection 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 Rule 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 _____.

(Substantial rewording of Rule 4A-37.054 follows. See Florida Administrative Code for present text.)

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 to any person who successfully passes the written and practical examination as required by

Rule 4A-37.056. This examination is given during February, May, September, and November and is administered only at the Florida State Fire College in Lowell.

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

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

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

c. 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 Rule 4A-37.039, and can be obtained where indicated in subsection 4A-37.039(1).

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

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

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

2. 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 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. Passes the examination;

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

3. Submits the forms required by these rules.

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

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

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

(2) SPECIAL CERTIFICATE OF COMPLIANCE.

(a) The Bureau of Fire Standards and Training shall issue a 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, and who meets all the requirements of this subsection. The Administrative and Command Head of a fire/rescue/emergency services organization is permitted to hold the title of director, fire chief, or other title. This individual is permitted to 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 Administrative and Command Head of an organization must meet all the requirements of this subsection, as well as successfully passing the written examination and submitting all the documents and meeting all the requirements of this subsection, with the exception of the completion of the practical portion of the examination required in this section. The applicant shall also:

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

2. Attend a 6 hour seminar as determined by the Bureau of Fire Standards and Training outlining:

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

b. Chapter 447, Florida Statutes, "Labor Organizations", and the applicable rules.

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

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

(c) The 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 is permitted to 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 holder with the new organization.

(e) The 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 choose to obtain the 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 DI4-1028 FST-5 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 subsection rule 4A-37.039(2) 4A-37.061(2), and can be obtained where indicated in subsection 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 subsection 4A-37.039(2), and can be obtained where indicated in subsection 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.(4) 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, and 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) 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 16 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 ~~10~~ 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 10 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.

~~(13) 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 (34 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)(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 course or a Firefighter II course, or both, courses ~~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 is permitted ~~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 10 ~~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 6 ~~six~~ ~~(6)~~ months of the initial examination date.

(f) Failing the retake of the Firefighter II Minimum Standards Certification Examination within the prescribed 6 ~~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 subsection rule 4A-37.039(2), and can be obtained where indicated in subsection 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 subsection 4A-37.039(2) Rule 4A-37.061(2) and can be

obtained where indicated in subsection 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 ~~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 40 ~~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 subsection 4A-37.039(2) Rule 4A-37.061(2) and can be obtained where indicated in subsection 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 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.

(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. 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 (Form DI4-1025), which is incorporated by reference in subsection 4A-37.039(2) and can be obtained where indicated in subsection 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training. 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) A minimum of 6 years experience as a regular member of an organized fire department. 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) A bachelor's degree or higher. 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) Physical ability to perform the tasks associated with the training. A valid Firesafety Inspector Certificate.

(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. 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.

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 subsection 4A-37.039(2) and can be obtained where indicated in subsection 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.

(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 ~~10 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 ~~10 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 ~~3 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 ~~30 thirty~~ (30) days prior to the expiration of the Instructor Certification.

~~(d)(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 improvement certification.

a. This course shall ~~must~~ be 40 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 40 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 or ~~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 (d) through (u) of this subsection below.

~~(d)(a) Have a fixed~~ A structure not less than 2 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. All floors shall be provided with window openings with sill height at least 42 forty-two (42) inches above the top of the finished floor.

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

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

c. 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. The structure shall have an interior enclosed stairway connecting all floors and roof. Double handrails on stairways and guard rails around stair wells shall be provided.

3. An exterior stairway of metal or masonry construction shall be provided, extending from first floor level, connecting all floors above the first floor. 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. 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. 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 42 forty-two (42) inches high measured vertically to the top of the wall or rail from the finished roof surface.

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

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

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

(e)(b) ~~Have a classroom~~ Classroom with adequate lighting, heating, cooling and ventilation.

(f)(e) ~~Have the~~ All 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.

(g)(d) ~~Have~~ pumper 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:

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

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

3. 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.

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

5. All ladders used for training shall conform to the requirements of NFPA Standard 1931, 1994 1989 edition and NFPA Standard 1932, 1994 1989 edition. ~~All referenced parts of the NFPA publications mentioned in this subsection are hereby adopted and incorporated by reference. Copies of the NFPA publications may be obtained by writing to the association, whose address is: National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.~~

(h)(e) ~~Have forcible~~ Forcible entry and ventilation drill facilities, which shall include ~~including~~ a means of practice on:

1. Doors,

2. Windows,

3. Roofs,

4. Floors, and

5. Partitions.

(i) 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.

(j) The following forcible entry and ventilation tools are the minimum required:

1. Pick head axe,

2. Flat headed axe,

3. Pike poles,

4. Prying tools,

5. Haligan type tool,

6. Fire service claw tool,

7. Sledge hammer,

8. Bolt cutter,

9. Hand and power saws.

(k)(f) ~~Have salvage~~ Salvage equipment to include:

1. Salvage covers and various sprinkler heads ~~kit~~,

2. Scoops,

3. Squeegees,

4. Mops, and

5. Carryalls.

(l)(g) ~~Have two~~ Two Class II life safety harnesses which includes,

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

2. ~~Two~~ and rescue carabiners that meet the requirements of NFPA Standard 1983, 1997 1990 edition, as adopted in Rule 4A-37.037, Florida Administrative Code, for use in rope rescue training and in tying rescue knots,- and

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

(m)(h) ~~Have representative~~ 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 refill capabilities, or both, to enable at least 20 minutes of protective breathing apparatus training per student.

(n)(i) ~~Have facilities~~ Facilities for live fire training in:

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

2. Flammable liquid fire facility, minimum of 50 ~~fifty (50)~~ square feet, using at least 1 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.

(o) Have the following reference and training materials:

1. ~~(f)~~ International Fire Service Training Association (IFSTA) Manual Essentials of Firefighting, current edition, and

2. 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.

3. A complete set of the IFSTA Manuals,

4. NFPA Fire Protection Handbook, current edition,

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

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

(p)~~(k)~~ Have the standard ~~Standard~~ first aid supplies as required in First Aid Manual (American National Red Cross), and

1. One Resusci-Anne or equivalent,-

2. 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.

(q)~~(t)~~ Have audio ~~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

(r)~~(m)~~ Have a water ~~Water~~ supply. A minimum of ~~1 one~~ ~~(t)~~ operational hydrant suitably located as to provide safe hose evolution practices.

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

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

(v)~~(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.~~

(v) All referenced parts of the NFPA publications mentioned in this subsection 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.

(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 Rule 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, this rule chapter, or Rule Chapter 4A-39, Florida Administrative Code, 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 DI4-1457), which is incorporated by reference in paragraphs 4A-37.039(2)(bb), (cc), and (dd) and can be obtained where indicated in subsection 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 DI4-1447), which is incorporated by reference in subsection 4A-37.039(2) and can be obtained where indicated in subsection 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 DI4-1448), which is incorporated by reference in subsection 4A-37.039(2) and can be obtained where indicated in subsection 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 subsection 4A-37.039(2) and can be obtained where indicated in subsection 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. Submission of the required application (Form DI4-1446), which is incorporated by reference in subsection 4A-37.039(2) and can be obtained where indicated in subsection 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 DI4-1438), which is incorporated by reference in subsection 4A-37.039(2) and can be obtained where indicated in subsection 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. Holding a certificate of competency as a Fire Investigator I

c. Submission of the required application (Form DI4-1439), which is incorporated by reference in subsection 4A-37.039(2) and can be obtained where indicated in subsection 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 DI4-1459), which is incorporated by reference in subsection 4A-37.039(2) and can be obtained where indicated in subsection 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 64 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 DI4-1456), which is incorporated by reference in subsection 4A-37.039(2) and can be obtained where indicated in subsection 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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Randall Napoli, Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2001

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Firesafety Inspector Certification

RULE CHAPTER NO.: 4A-39

RULE TITLES: 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.

SUMMARY: Updates Florida State Fire College codes and standards, updates Florida State Fire College elective courses, updates procedures relating to examinations.

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

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

SPECIFIC AUTHORITY: 633.01 FS.

LAW IMPLEMENTED: 633.081 FS.

IF REQUESTED, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. IF A HEARING IS NOT REQUESTED, NO HEARING WILL BE HELD.

TIME AND DATE: 10:00 a.m., July 26, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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 FULL TEXT OF THE PROPOSED RULES 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 Rule 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) DI4-1459 A-38 Form – “Application for Special Firesafety Inspector Request for Certification Examination.”

~~(3)(2) DI4-1463 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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Randall Napoli, Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2001

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLES: Standards
 RULE NOS.: 5F-2.001

Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44 5F-2.014

PURPOSE AND EFFECT: The purpose of Rule 5F-2.001, F.A.C. is to adopt the 2001 edition of the chemical and physical standards set forth in the American Society for Testing and Materials. These standards will be used for quality testing of regulated petroleum products. The effect will be that the Department will use the most recent nationally recognized standards for petroleum products developed by a consensus organization. The purpose of Rule 5F-2.014, F.A.C., is to adopt the 2001 edition of NIST Handbook 44 which contains specifications and testing criteria for liquid and vapor measuring devices. The effect will be the incorporation of the most recent specifications and testing criteria of measuring devices developed by a consensus organization.

SUMMARY: Proposed Rules 5F-2.001 and 5F-2.014, F.A.C. will specify that the 2001 Annual Book of ASTM Standards and 2001 edition of NIST Handbook 44, respectively, are the accepted standards for implementation of Chapter 525, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide informaiton 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: 525.14, 525.037, 531.40, 531.41(3) FS.

LAW IMPLEMENTED: 525.01, 525.037, 525.07, 525.14, 531.40 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., July 24, 2001

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, Phone (850)488-9740

THE FULL TEXT OF THE PROPOSED RULES IS:

5F-2.001 Standards.

(1) Gasoline. The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions may be made by the Department of Agriculture and Consumer Services for gasoline designed for special equipment or service.

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in the American Society for Testing and Materials designation D 4814-00a ~~D 4814-99~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 4814-00a ~~D 4814-99~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(3) Diesel Fuel Oils No. 1-D and No. 2-D. The following specifications apply to diesel fuel oils No. 1-D and No. 2-D sold or offered for sale in Florida.

(a) Standards. All diesel fuel oils No. 1-D and No. 2-D shall conform to the chemical and physical standards for diesel fuel oils No. 1-D and No. 2-D as set forth in the American Society for Testing and Materials designation D 975-00 ~~D 975-98a~~ "Standard Specification for Diesel Fuel Oils."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 975-00 ~~D 975-98a~~, "Standard Specification for Diesel Fuel Oils."

(6) Materials. The following materials are hereby incorporated by reference. Copies of these publications may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org>.

(a) American Society for Testing and Materials D 4814-00a ~~D 4814-99~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel," (approved December 10, 2000 ~~June 1999~~);

(c) American Society for Testing and Materials D 975-00 ~~D 975-98b~~, "Standard Specification for Diesel Fuel Oils" (approved December 10, 2000 ~~December 1999~~);

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History—Amended 1-15-68, 7-1-71, 7-1-73, 12-1-73, 11-16-74, 2-13-80, 5-3-83, Formerly 5F-2.01, Amended 5-3-90, 8-13-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00,_____.

5F-2.014 Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44.

The general code and the codes of liquid-measuring devices, liquefied petroleum gas and anhydrous ammonia liquid-measuring devices, hydrocarbon gas vapor-measuring devices, vehicle-tank meters, and vehicle tanks used as measures relating to specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, contained in National Institute of Standards and Technology Handbook 44, 2001 ~~2000~~ Edition issued November 2000 ~~1999~~, published by U.S. Department of Commerce are hereby adopted by reference as rules of the Department of Agriculture and Consumer Services. Copies may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402 or at <http://ts.nist.gov/ts/htdocs/230/235/h442001.htm>.

Specific Authority 525.14, 531.40, 531.41(3) FS. Law Implemented 525.07, 531.40 FS. History—New 1-1-74, Amended 7-1-74, Repromulgated 12-31-74, Amended 4-18-75, 1-25-76, 1-17-77, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-2.14, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Eric Hamilton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2001

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE: Comprehensive Shellfish

RULE CHAPTER NO.:

Control Code 5L-1

RULE TITLE: Shellfish Harvesting Area Standards

RULE NO.:

PURPOSE AND EFFECT: This amendment proposes to reclassify the Choctawhatchee Bay shellfish harvesting area, Okaloosa and Walton Counties. A sanitary survey has been conducted that evaluates current information on pollution sources and bacteriological water quality, and recommends reclassification of the shellfish harvesting area.

SUMMARY: The proposed reclassification of the Choctawhatchee Bay shellfish harvesting area will decrease the size of conditionally approved Central Section by 273 acres, from 38,308 acres to 38,035 acres, increase the size of

the conditionally approved Eastern Section by 639 acres, from 13,398 acres to 14,037 acres, and decrease the size of the prohibited area by 366 acres, from 21,275 acres to 20,909 acres.

Current and proposed management of the conditionally approved areas is based on local rainfall. The average closure frequency of the 0622 conditionally approved Central Section is expected to decrease by 0.3 days per month, from 4.2 to 3.9 days per month. The average closure frequency of the 0632 conditionally approved Eastern Section is expected to increase by 3.6 days per month, from 12.9 to 16.5 days per month.

These amendments place descriptions, references to shellfish harvesting area map numbers, and operating criteria for the Choctawhatchee Bay shellfish harvesting area (#06) in the document Shellfish Harvesting Area Classification Boundaries and Management Plans. This document is hereby incorporated by reference in subsection 5L-1.003(1), F.A.C. Additionally, these amendments provide an illustration of the Choctawhatchee Bay shellfish harvesting area classification boundaries in shellfish harvesting area map #06. This map is hereby incorporated by reference in subsection 5L-1.003(1), F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There is no anticipated regulatory cost.

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: 597.020 FS.

LAW IMPLEMENTED: 597.020 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., Monday, July 23, 2001

PLACE: 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel Mangement, (850)921-6262, at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John McDowell, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301, Phone (850)488-5471

THE FULL TEXT OF THE PROPOSED RULE IS:

5L-1.003 Shellfish Harvesting Area Standards.

(1) The Department shall describe and/or illustrate harvesting areas and provide harvesting area classifications as approved, conditionally approved, restricted, conditionally restricted, prohibited, or unclassified as defined herein,

including criteria for opening and closing shellfish harvesting areas in accordance with Chapters II and IV of the National Shellfish Sanitation Program Model Ordinance. Copies of the document Shellfish Harvesting Area Classification Maps, revised _____ August 9, 2000, and the document Shellfish Harvesting Area Classification Boundaries and Management Plans, revised _____ August 9, 2000, containing shellfish harvesting area descriptions, references to shellfish harvesting area map numbers, and operating criteria herein incorporated by reference may be obtained by writing to the Department at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301.

(2) through (10) No change.

Specific Authority 597.020 FS. Law Implemented 597.020 FS. History—New 1-4-87, Amended 8-10-88, 7-9-89, 12-23-91, Formerly 16R-7.004, Amended 7-3-95, 6-18-97, 7-1-97, 7-22-97, 10-12-97, 12-16-97, 12-28-97, 2-12-98, 2-25-98, 7-1-98, 7-20-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.004, Amended 6-19-00, 8-9-00, _____.

INDEX OF SHELLFISH HARVESTING AREA CLASSIFICATION MAPS, BOUNDARIES AND MANAGEMENT PLANS

Revised _____ August 9, 2000			
Shellfish Harvesting Area			
Name	Area Number	Map Number(s)	Effective date
Apalachicola Bay System	16	16A, 16B	August 9, 2000
Boca Ciega Bay	42	42	June 18, 1997
Body A	80	80	December 28, 1997
Body B	78	78	February 7, 1996
Body C	77	77A, 77B	January 1, 1994
Body D	76	76	August 1, 1996
Body E	75	75	January 1, 1994
Body F	74	74	August 9, 2000
Cedar Key	30	30	November 5, 1992
Choctawhatchee Bay	06	06	July 17, 1989
Citrus County	37	37	May 6, 1996
Duval County	96	96	January 31, 1996
East Bay	12	12	January 1, 1995
Gasparilla Sound	58	58	January 25, 1996
Horseshoe Beach	25	25A, 25B	March 18, 1999
Indian Lagoon	15	15A, 15B	November 5, 1992
Indian River/St. Lucie Counties	70	70	June 18, 1997
Lemon Bay	56	56	July 20, 1998
Lower Tampa Bay	48	48	June 18, 1997
Myakka River	60	60	October 28, 1998
North Bay	10	10	January 1, 1995
North Indian River	72	72	June 18, 1997
North St. Johns	92	92	January 1, 1995
Ochlockonee Bay	20	20	November 3, 1998
Pensacola Bay System	02	02A, 02B	January 31, 1996
Pine Island Sound	62	62	December 28, 1998
Sarasota Bay	54	54	May 6, 1993
South Banana River	79	79	July 22, 1997
South St. Johns	88	88	December 16, 1997
South Volusia	82	82A, 82B	August 9, 2000
St. Joseph Bay	14	14	November 1986
Suwannee Sound	28	28	February 25, 1998
Ten Thousand Islands	66	66	June 18, 1997
Waccasassa Bay	32	32	November 5, 1992
Wakulla County	22	22	January 1, 1995
West Bay	08	08A, 08B	December 28, 1998
Withlacoochee Bay	34	34	November 5, 1992

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert Thompson
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sherman Wilhelm, Director, Division of Aquaculture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE: Comprehensive Shellfish Control Code
RULE CHAPTER NO.: 5L-1

RULE TITLES: Shellfish Harvesting Area Standards
Container Identification, Terminal Sale Date; Prohibitions
RULE NOS.: 5L-1.003
5L-1.007

PURPOSE AND EFFECT: This amendment proposes to reestablish the Alligator Harbor shellfish harvesting area, Franklin County. A sanitary survey has been conducted that evaluates current information on pollution sources and bacteriological water quality, and recommends reclassification of the shellfish harvesting area. If a high density aquaculture lease site is not established in the Harbor for the culture of hard clams, the area will remain unclassified and closed for shellfish harvesting.

The four-digit harvest area codes are proposed to be updated to reflect the proposed classifications. These codes or the name of the harvest area must be recorded on harvester tags. This information provides for tracing shellfish that are implicated in illness outbreaks back to the harvest area.

SUMMARY: Currently, Alligator Harbor is entirely unclassified and closed for the harvest of shellfish. The proposed reclassification will establish a 3,273 acre conditionally approved area and a 554 acre prohibited area.

Proposed management of the conditionally approved area is based on local rainfall. The average closure frequency of conditionally approved area is expected to be 0.2 days per month.

These amendments place descriptions, references to shellfish harvesting area map numbers, and operating criteria for the Alligator Harbor shellfish harvesting area (#18) in the document Shellfish Harvesting Area Classification Boundaries and Management Plans. This document is hereby incorporated by reference in subsection 5L-1.003(1), F.A.C. Additionally, these amendments provide an illustration of the Alligator Harbor shellfish harvesting area classification boundaries in shellfish harvesting area map #18. This map is hereby incorporated by reference in subsection 5L-1.003(1), F.A.C.

Additionally, these amendments propose updating the four-digit harvest area codes defined in subsection 5L-1.007(3)(e), F.A.C. for the area. These codes will be used on harvester tags to identify the locations where shellfish are harvested.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There is no anticipated regulatory cost.

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: 597.020 FS.

LAW IMPLEMENTED: 597.020 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: 1:00 p.m. – 3:00 p.m., Monday, July 23, 2001

PLACE: 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel Management, (850)921-6262, at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John McDowell, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301, Phone (850)488-5471

THE FULL TEXT OF THE PROPOSED RULES IS:

5L-1.003 Shellfish Harvesting Area Standards.

(1) The Department shall describe and/or illustrate harvesting areas and provide harvesting area classifications as approved, conditionally approved, restricted, conditionally restricted, prohibited, or unclassified as defined herein, including criteria for opening and closing shellfish harvesting areas in accordance with Chapters II and IV of the National Shellfish Sanitation Program Model Ordinance. Copies of the document Shellfish Harvesting Area Classification Maps, revised August 9, 2000, and the document Shellfish Harvesting Area Classification Boundaries and Management Plans, revised August 9, 2000, containing shellfish harvesting area descriptions, references to shellfish harvesting area map numbers, and operating criteria herein incorporated by reference may be obtained by writing to the Department at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301.

(2) through (10) No change.

Specific Authority 597.020 570.07(23) FS. Law Implemented 597.020 370.074 FS. History—New 1-4-87, Amended 8-10-88, 7-9-89, 12-23-91, Formerly 16R-7.004, Amended 7-3-95, _____.

5L-1.007 Container Identification, Terminal Sale Date; Prohibitions.

(1) through (2) No change.

(3) The harvester’s tag’s shall contain legible waterproof information arranged in the specific order as follows:

(a) The harvester’s saltwater product license number or aquaculture certificate number;

(b) The date of harvesting;

(c) The time of harvest;

(d) The time of refrigeration, if applicable;

(e) The identification of the harvest area using the four digit area number or name of the harvest area listed in Table 2, which is incorporated herein and appears at the end of this chapter, as well as the most precise identification within that area as practicable;

(f) Common name of shellfish and quantity of shellfish;

(g) The following statement will appear in bold capitalized type **“THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS.”**

(4) through (12) No change.

Specific Authority 597.020 570.07(23) FS. Law Implemented 597.020 370.074 FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, 8-30-89, 5-6-93, 9-14-93, 8-21-94, Formerly 16R-7.010, Amended 9-1-95, 5-8-96, 2-6-97, 10-12-97, 2-12-98, 2-25-98, 7-1-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.010, Amended 6-19-00, 8-9-00, _____.

AREA NUMBER	HARVEST AREA NAME
0222	Pensacola Bay Conditionally Approved Escambia Bay Winter Nov – Mar
0232	Pensacola Bay Conditionally Approved East Bay Winter Nov – Feb
0242	Pensacola Bay Conditionally Approved Escambia Bay Spring/Fall Apr – Jun, Oct
0252	Pensacola Bay Conditionally Approved East Bay Spring/Fall Mar – Jun, Oct
0215	Pensacola Bay Restricted Escambia Bay Spring/Fall Apr – Jun, Oct
0216	Pensacola Bay Conditionally Restricted Escambia Bay Winter Nov – Mar
0226	Pensacola Bay Conditionally Restricted East Bay Winter Nov – Feb
0622	Choctawhatchee Bay Conditionally Approved Central
0632	Choctawhatchee Bay Conditionally Approved Eastern
0806	West Bay Conditionally Restricted Spring/Fall Apr – Jun, Oct – Nov
0812	West Bay Conditionally Approved Winter Dec – Mar
0822	West Bay Conditionally Approved Spring/Fall Apr – Jun, Oct – Nov
1012	North Bay Conditionally Approved Western
1022	North Bay Conditionally Approved Eastern
1206	East Bay Conditionally Restricted

1212	East Bay Conditionally Approved Section 1	3406	Withlacoochee Bay Conditionally Restricted
1222	East Bay Conditionally Approved Section 2	3702	Citrus County Conditionally Approved
1401	St. Joe Bay Approved	3706	Citrus County Conditionally Restricted
1506	Indian Lagoon Conditionally Restricted	4202	Boca Ciega Bay Conditionally Approved
1512	Indian Lagoon Conditionally Approved Zone X Spring/Fall Apr – Jun, Oct – Dec	4802	Lower Tampa Bay Conditionally Approved
1522	Indian Lagoon Conditionally Approved Zone Y Spring/Fall Apr – Jun, Oct – Dec	4806	Lower Tampa Bay Conditionally Restricted
1532	Indian Lagoon Conditionally Approved Zone Z Spring/Fall Apr – Jun, Oct – Dec	5402	Sarasota Bay Conditionally Approved
1542	Indian Lagoon Conditionally Approved Zone A Winter Jan – Mar	5406	Sarasota Bay Conditionally Restricted
1552	Indian Lagoon Conditionally Approved Zone B Winter Jan – Mar	5602	Lemon Bay Conditionally Approved
1611	Apalachicola Bay Approved Winter Jan – Jun, Oct – Dec	5802	Gasparilla Sound Conditionally Approved
1621	Apalachicola Bay Approved Summer Jul – Sep	6002	Myakka River Conditionally Approved
1631	Apalachicola Bay Approved, Shellfish lease numbers 525, 551, 551B, 580, 582, 609, 672, and 981 Summer Jul – Sep	6006	Myakka River Conditionally Restricted
1612	Apalachicola Bay Conditionally Approved West 1 Winter Jan – Jun, Oct – Dec	6212	Pine Island Sound Conditionally Approved Western Section
1622	Apalachicola Bay Conditionally Approved West 2 Winter Jan – Jun, Oct – Dec	6222	Pine Island Sound Conditionally Approved Eastern Section
1632	Apalachicola Bay Conditionally Approved West 3 Winter Jan – Jun, Oct – Dec	6602	Ten Thousand Islands Conditionally Approved
1642	Apalachicola Bay Conditionally Approved East Winter Jan – Jun, Oct – Dec or Apalachicola Bay Approved East Hole Summer Jul – Sep	7001	Indian River/St. Lucie Approved
1652	Apalachicola Bay Conditionally Approved North Summer Jul – Sep	7006	Indian River/St. Lucie Restricted
1662	Apalachicola Bay Conditionally Approved South Summer Jul – Sep	7202	North Indian River Conditionally Approved
1606	Apalachicola Bay Conditionally Restricted	7206	North Indian River Conditionally Restricted
<u>1802</u>	<u>Alligator Harbor Conditionally Approved</u>	7412	Body F Conditionally Approved
2002	Ochlockonee Bay Conditionally Approved	7416	Body F Conditionally Restricted
2006	Ochlockonee Bay Conditionally Restricted	7506	Body E Conditionally Restricted
2206	Wakulla County Conditionally Restricted	7602	Body D Conditionally Approved
2212	Wakulla County Conditionally Approved Zone 1	7606	Body D Conditionally Restricted
2222	Wakulla County Conditionally Approved Zone 2	7712	Body C Conditionally Approved Zone 1 Spring/Summer/Fall Mar – Nov
2501	Horseshoe Beach Approved Summer	7722	Body C Conditionally Approved Zone 2 Spring/Summer/Fall Mar – Nov
2502	Horseshoe Beach Conditionally Approved Winter	7732	Body C Conditionally Approved Winter Dec – Feb
2506	Horseshoe Beach Conditionally Restricted Winter	7716	Body C Conditionally Restricted Winter Dec – Feb
2802	Suwannee Sound Conditionally Approved	7726	Body C Conditionally Restricted Spring/Summer/Fall Mar – Nov
2806	Suwannee Sound Conditionally Restricted	7802	Body B Conditionally Approved
3012	Cedar Key Conditionally Approved Zone A	7902	South Banana River Conditionally Approved
3022	Cedar Key Conditionally Approved Zone B	7906	South Banana River Conditionally Restricted
3006	Cedar Key Conditionally Restricted	8001	Body A Approved
3202	Waccasassa Bay Conditionally Approved	8005	Body A Restricted
3206	Waccasassa Bay Conditionally Restricted	8201	South Volusia Approved
3402	Withlacoochee Bay Conditionally Approved	8212	South Volusia Conditionally Approved Zone 1
		8222	South Volusia Conditionally Approved Zone 2
		8206	South Volusia Conditionally Restricted
		8802	St. Johns South Conditionally Approved
		8806	St. Johns South Conditionally Restricted
		9202	St. Johns North Conditionally Approved
		9206	St. Johns North Conditionally Restricted

INDEX OF SHELLFISH HARVESTING AREA CLASSIFICATION
MAPS, BOUNDARIES AND MANAGEMENT PLANS

Revised August 9, 2000

Shellfish Harvesting Area			
Name	Area Number	Map Number(s)	Effective date
Alligator Harbor	18	18	August 9, 2000
Apalachicola Bay System	16	16A, 16B	August 9, 2000
Boca Ciega Bay	42	42	June 18, 1997
Body A	80	80	December 28, 1997
Body B	78	78	February 7, 1996
Body C	77	77A, 77B	January 1, 1994
Body D	76	76	August 1, 1996
Body E	75	75	January 1, 1994
Body F	74	74	April 5, 2000
Cedar Key	30	30	November 5, 1992
Choctawhatchee Bay	06	06	July 17, 1989
Citrus County	37	37	May 6, 1996
Duval County	96	96	January 31, 1996
East Bay	12	12	January 1, 1995
Gasparilla Sound	58	58	January 25, 1996
Horseshoe Beach	25	25A, 25B	March 18, 1999
Indian Lagoon	15	15A, 15B	November 5, 1992
Indian River/St. Lucie Counties	70	70	June 18, 1997
Lemon Bay	56	56	July 20, 1998
Lower Tampa Bay	48	48	June 18, 1997
Myakka River	60	60	October 28, 1998
North Bay	10	10	January 1, 1995
North Indian River	72	72	June 18, 1997
North St. Johns	92	92	January 1, 1995
Ochlocknee Bay	20	20	November 3, 1998
Pensacola Bay System	02	02A, 02B	January 31, 1996
Pine Island Sound	62	62	December 28, 1998
Sarasota Bay	54	54	May 6, 1993
South Banana River	79	79	July 22, 1997
South St. Johns	88	88	December 16, 1997
South Volusia	82	82A, 82B	August 9, 2000
St. Joseph Bay	14	14	November 1986
Suwannee Sound	28	28	February 25, 1998
Ten Thousand Islands	66	66	June 18, 1997
Waccasassa Bay	32	32	November 5, 1992
Wakulla County	22	22	January 1, 1995
West Bay	08	08A, 08B	December 28, 1998
Withlacoochee Bay	34	34	November 5, 1992

SUMMARY: Rule 14-57.003, F.A.C., is being amended.

SPECIFIC AUTHORITY: 351.35(1) FS.

LAW IMPLEMENTED: 341.302(7),(8), 351.35(1),(2) FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-57.003 Railroad Safety Standards and Clearance Requirements ~~Standards~~.

(1) This rule adopts the federal minimum safety standards for track, freight car, and locomotive inspections prescribed by 49 C.F.R. Parts 213, 214, 215, 216, 217, 218, 219, 220, 221, 223, 225, 228, 229, 230, 231, 232, ~~233, 234, 236, 238, 239,~~ and 240, and the federal minimum safety standards for the transportation of hazardous material by rail as prescribed by 49 C.F.R. Parts 171, 172, 173, 174, 178, 179, and 180 as ~~part of~~ the rules of the Florida Department of Transportation; and prescribes reasonable requirements governing clearances above, beside, and between railroad tracks in the State of Florida.

(2) Definitions. In this rule, the words or terms are defined as follows:

(a) "Department" means the Florida Department of Transportation.

(b) "Height of a Conventional Railroad Freight Car" is the distance between the top of the rail and the highest part or appurtenance of a car.

(c) "Overhead Clearance" is the vertical distance from the level of the top of the highest rail to a structure or obstruction above.

(d) "Railroad" is as defined in Section 341.301, Florida Statutes.

(e) "Side Clearance" is the shortest distance from the center line of track to a structure or obstruction at the side of the track.

(f) "Side of a Conventional Railroad Freight Car" is that part or appurtenance of a car at the maximum distance measured at right angles from the center line of the car.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Robert Thompson

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Sherman Wilhelm, Director, Division of Aquaculture

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: May 16, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:

RULE CHAPTER NO.:

Railroad Safety Standards and

Clearance Requirements

14-57

RULE TITLE:

RULE NO.:

Railroad Safety Standards and

Clearance Requirements

14-57.003

PURPOSE AND EFFECT: Rule 14-57.003, F.A.C., is being amended for clarification and updating. The title of the rule also is being amended. Additional federal standards are being incorporated by reference.

(g) “Standard Gage” is the established distance of four feet, eight and a half inches between the heads of the two rails of a railroad track measured at right angles to the rails in a plane five-eighths of an inch below the top of the rail head. “Width of a Freight Car” is twice the distance from the center line to the side of a car as defined herein.

(3) The following federal minimum safety standards for inspections of track, conventional railroad freight and passenger cars, locomotives, and train operations inspections are incorporated by reference and made ~~part of the~~ rules of the Department:

- (a) Track Safety Standards. 49 C.F.R. Part 213.
- (b) Railroad Workplace Safety. 49 C.F.R. Part 214.
- (c) Railroad Freight Car Safety Standards. 49 C.F.R. Part 215.
- (d) Special Notice and Emergency Order Procedures: Railroad Track, Locomotive and Equipment. 49 C.F.R. Part 216.
- (e) Railroad Operating Rules. 49 C.F.R. Part 217.
- (f) Railroad Operating Practices. 49 C.F.R. Part 218.
- (g) Control of Alcohol and Drug Use. 49 C.F.R. Part 219.
- (h) Radio Standards and Procedures. 49 C.F.R. Part 220.
- (i) Rear End Marking Device – Passenger, Commuter and Freight Trains. 49 C.F.R. Part 221.
- (j) Safety Glazing Standards – Locomotives, Passenger Cars, and Caboose. Title 49 C.F.R. Part 223.
- (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 Warning 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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert Hines

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLE: Academic Education Program Services RULE NO.: 33-501.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement the provisions of s. 944.801, F.S., to provide for screening and assessment of inmates' educational needs, and to mandate participation in educational programs for inmates with particular identified needs.

SUMMARY: The proposed rule provides for assessment of inmate educational needs and for mandatory education programs for inmates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 944.801 FS.

LAW IMPLEMENTED: 944.09, 944.801 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-501.101 Academic Education Program Services.

(1) Upon arrival at a Department of Corrections' reception center for initial processing, each inmate shall be screened and assessed to determine if the inmate meets the department's criteria for mandated academic education program services participation.

(2) Criteria for mandated academic education program services shall be based upon:

(a) Lack of a verified high school diploma, G.E.D. or college degree;

(b) Other classification or program criteria as determined by the department to ensure security and optimal program placement.

(3) When, in accordance with criteria established in (2), it is determined that an inmate is in need of academic education program services, he or she shall be assigned a priority ranking for services based upon these criteria and shall be placed into available programs or placed on a waiting list for future assignment to a program.

(4) Priority ranking for assignment shall be maintained for all inmates and updated at least monthly. Prioritization ranking shall also be based upon length of sentence remaining to be served and readiness for program services.

(5) If an inmate refuses to participate in mandatory academic education program services, the classification officer shall ensure that this refusal is documented on Form DC6-119, Inmate Refusal to Participate in Mandatory Program. Form DC6-119 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____. Inmates who refuse to participate in mandated academic education program services shall be subject to disciplinary action.

(6) Inmates discharged from the academic education program services due to program rule violations, violation of institutional rules, or behavior management problems shall be subject to disciplinary action.

(7) Inmates who refuse to participate in mandated academic education program services shall be removed from the priority listing until such time as the inmate agrees to participate in the academic education program mandated.

(8) Inmates shall only be subject to disciplinary action when a program slot is available and the inmate refuses to enter or participate in the program.

(a) If an inmate recants an earlier refusal to participate in a mandatory program, he or she shall be returned to the priority listing and the priority ranking shall be recalculated.

(b) When a program slot becomes available, the inmate shall be considered for placement into the academic education program. Inmates entering an academic education program after refusal or who are re-admitted to a program after administrative discharge per (6) of this rule shall be eligible at the time of program entry to request restoration of incentive gain time in accordance with rule 33-601.105.

(9) Inmates shall not be denied access to academic education program services on the basis of race, gender, ethnicity, age, sexual preference, human immunodeficiency virus status, prior program departure against professional advice, or disability.

Specific Authority 944.09, 944.801 FS. Law Implemented 944.09, 944.801 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard Nimer
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLE: Law Libraries
RULE NO.: 33-501.301

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise the Department’s law library policy to ensure consistency with the access to courts plan approved by the U.S. District Court in litigation involving the Florida Department of Corrections’ provision of law library services.

SUMMARY: The proposed rule corrects titles of persons involved with law library services, and clarifies and streamlines information concerning access to law libraries consistent with decisions rendered in recent litigation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.09, 944.11 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-501.301 Law Libraries.

(1) through (2)(a) No change.

(b) Inmates at work camps, road prisons, forestry camps, vocational centers and drug treatment centers attached to institutions with major or minor law collections shall be provided access to the law library and research aides by means

of correspondence, except as otherwise provided in (2)(d), (2)(e) and (2)(f) an opportunity to visit with a certified inmate law clerk or visit the law library within 1 week of submitting a written request to facility staff. The institution shall either transport the inmate law clerk to the work camp or transport the inmates to the law library at the main unit. Priority shall be given to inmates who must meet deadlines imposed by law, rule or order of court. However, the inmate shall be responsible for notifying the facility staff of his or her deadline in a timely manner. Facility staff shall respond to a request for special access to meet a deadline within 48 hours of the request. This period shall not be shortened due to the failure of the inmate to give timely notice of the deadline.

(c) Youthful offenders shall be provided access to law libraries and certified inmate law clerks. A minimum of 2 adult inmates, who have been certified by the law library services attorney as inmate law clerks, shall be assigned to work in law libraries at youthful offender institutions. The adult inmate law clerks shall be housed at nearby adult correctional institutions or community correctional centers, and shall be transported to the youthful offender institution to work in the law library at least 3 days per week. For security reasons, all contact between the adult inmate law clerks and youthful offender inmates shall be supervised by departmental staff.

(c)(d) Inmates who are temporarily transferred to correctional or medical facilities outside the department may secure legal assistance and/or access to legal research materials by submitting a written request to the law library services administrator attorney in the central office, or the librarian or law library supervisor at the institution from which they were transferred. Inmates who are serving sentences imposed by the Florida courts by virtue of the Interstate Corrections Compact may secure legal assistance and/or access to legal research materials by writing the law library services administrator attorney in the central office. Correspondence should be directed to the Florida Department of Corrections, ATTN: Library Services Office of Programs, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The time limits established in section (9) of this rule shall apply to the processing of these inmate requests for assistance.

(d)(e) Law libraries shall provide interpreters for any language, other than English, native to five percent or more of the statewide inmate population. Such inmates at work camps and satellite correctional facilities shall be provided an opportunity to visit the law library within one week of submitting an oral or written request for legal assistance to the law library supervisor or other facility staff. When language barriers prevent inmates from accessing the legal collection or effectively communicating with the librarian or inmate law clerks, the institution shall provide access to an interpreter. Each institution shall maintain a current list of staff, inmates, citizen volunteers, or persons from community resource agencies and organizations who are available to provide

~~foreign language assistance. All time limits for service established in this rule in (2)(d)1., 2., (f), (9)(a), (b), (c), and (d) shall be extended by 24 hours if assistance by an interpreter is required, and shall be extended by 48 hours if the services of interpreters located outside the institution must be secured.~~

(e) Inmates who are functionally illiterate, mentally disordered, or have other disabilities that hinder their ability to research the law and prepare legal documents and legal mail, and need research assistance, shall be provided access to the law library and to research aides. These inmates may request legal assistance by making an oral request for same to the correctional staff working in their housing or confinement units, classification staff, work supervisors, mental health staff, or to the law library supervisor. Staff shall relay oral requests for legal assistance to the law library supervisor. Upon receipt of an oral or written request, the law library supervisor shall schedule the inmate for a visit to the law library or a visit with a research aide.

~~(f) Priority in the use of the law library, legal research materials or services shall be given to inmates who must meet deadlines imposed by law, rule or order of court in legal proceedings challenging convictions, sentences or prison conditions shall be given priority in the use of the law library and related legal services. However, the inmate shall be responsible for notifying the department of the his deadline in a timely manner. Department staff shall respond to a request for special access to meet a deadline within 3 working days of receipt 48 hours of the request, not including the day of receipt. For purposes of this rule, "working day" shall mean any weekday not including holidays or weekends. This period shall not be shortened due to the failure of the inmate to give timely notice of the deadline. A court deadline is any requirement imposed by law, rule or order of court that establishes a maximum time limit on the filing of legal documents with a court. For purposes of this rule, priority access shall only be granted if the maximum time limit is 20 or fewer days. No inmate shall be excused from work, or excused from work and transported from a work camp, road prison, or forestry camp, for more than two days per work week. Upon confirmation of the deadline, the law library supervisor shall contact the classification department and schedule an appointment by call-out to enable excusing an inmate from work, and, where necessary, transportation from the work camp, forestry camp, or road prison, when:~~

1. The inmate needs to secure access to law library services, such as copying or interlibrary loan services. In such instances, the inmate shall only be excused for as long as is necessary to request or receive the necessary assistance; or,

2. The inmate needs access to legal research materials only available in the law library collection, and the time available to the inmate to use the law library during off-duty hours is determined to be less than six hours per week.

(g) No inmate shall be excused from work solely for the purpose of drafting legal documents and legal mail; such activities shall be performed during off-duty hours. Inmates in open population who do not have court deadlines as described above shall be expected to use the law library or access law library services during off-duty hours.

~~(h)(g) Inmates who mutilate, deface or pilfer law library materials shall be subject to formal disciplinary action as provided in 33-601.301-601.314, and penalties for infraction may include a temporary suspension of the inmate's privilege of on-site use of the law library of up to 30 days. The disciplinary team which presides over the disciplinary hearing shall determine the length of the suspension after considering the inmate's past record of rule infractions while in the law library, assessing the material damage to the legal research collection, and determining whether the damage to the collection was intentional or inadvertent. Inmates who have been suspended from the law library shall conduct business through correspondence or through research aides inmate law clerks rather than through personal visits to the law library. However, steps shall be taken to ensure that the inmate is not denied access to legal material during this suspension.~~

(3) Law Library Access for Inmates in Administrative Confinement, Disciplinary Confinement, Close Management, Protective Management, on Death Row, and in Medical or Mental Health Units.

~~(a) Inmates in administrative confinement shall have access to the law library. Inmates in administrative confinement, disciplinary confinement, and close management shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library deliver legal materials to their the inmate's cells, and, as provided in sections (2)(e) and (f), to visit with research aides certified inmate law clerks. Efforts shall be made to accommodate the research needs of inmates who have filing deadlines imposed by law, rule or order of court in legal proceedings challenging convictions, sentences or prison conditions in administrative confinement who demonstrate that they need to meet a deadline imposed by law, rule or order of court. Inmates in administrative confinement, disciplinary confinement and close management at Florida State Prison shall be permitted to visit the law library if security requirements permit it. If security requirements prevent a personal visit to the law library, the inmate shall be required to secure legal assistance through visits with research aides or by means of correspondence.~~

(b) Inmates in mental health units shall be provided access to the law library and provided opportunities to visit with research aides. These inmates shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, and to have the law library deliver legal materials to their cells. These inmates may request legal assistance by making an oral request for same to the security or

mental health staff working in the unit. Security and mental health staff shall relay oral requests for legal assistance to the law library supervisor. Upon receipt of a request, the law library supervisor shall arrange for a research aide to visit the inmate. Efforts shall be made to accommodate the research needs of inmates who have filing deadlines imposed by law, rule or order of court in legal proceedings challenging convictions, sentences or prison conditions. Written inmate requests for legal assistance shall be directed to the librarian and shall be responded to within 2 working days of receipt, not including the day of receipt. For purposes of this rule, "working day" shall mean any weekday not including holidays or weekends. Specific requests for cases, statutes or other reference materials, or requests for legal supplies or forms, shall be responded to by means of correspondence. However, written inmate requests for legal assistance that are broad in scope, contain incorrect references to research materials, or where the styling or content of the request indicates that the inmate lacks an understanding of the law or legal research, that the inmate is functionally illiterate, or that the inmate may be impaired, shall be responded to by personal interview with an inmate law clerk or the librarian.

(c) Inmates in protective management shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, and to have the law library deliver legal materials to their cells. Inmates in protective management shall have access to the law library, to include access to at least one research aide, during evening or other hours when general population inmates are not present. If security reasons prevent a visit to the law library, access shall be provided through visits with research aides or by means of correspondence. Efforts shall be made to accommodate the research needs of inmates who have filing deadlines imposed by law, rule or order of court in legal proceedings challenging convictions, sentences or prison conditions.

(d) Inmates on death row shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library deliver legal materials to the inmate's cell, and to visit with research aides. Inmates on death row who have filing deadlines imposed by law, rule or order of court, in legal proceedings challenging convictions, sentences, or prison conditions, shall be permitted to visit the unit's law library at least once per week for up to two hours if security requirements permit it. If security requirements prevent a personal visit to the law library, the inmate shall be required to secure legal assistance through visits with research aides or by means of correspondence.

(e) Inmates who are temporarily housed in institutional infirmaries or hospitals, or who are on medical or dental lay-in, and who are unable to visit the law library due to medical or treatment reasons, shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library materials delivered to them,

and to visit with research aides unless medical reasons prevent it. These inmates may secure legal assistance by contacting the law library supervisor. Upon receipt of an oral or written request for legal assistance, or a referral from medical or dormitory staff, the law library supervisor shall assign a research aide to provide legal assistance to the inmate.

(f)(e) Inmates shall be limited to possession the receipt of no more than 15 research items from the law library at any one time. Research items are defined as photocopies of cases, statutes and other reference materials provided by the law library and do not include the inmate's personal legal papers, pleadings, or transcripts. Institutions shall require that inmates return all research materials supplied previously by the law library, or explain why some or all research materials issued previously must be retained, in order to receive additional materials. Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.

(d) Each institution shall establish a regular schedule for visits by inmate law clerks to the confinement area to provide assistance to inmates. The regular schedule shall require visits on at least 3 days each week. If security requirements prevent permitting a law clerk visit at the scheduled time, then the law clerk visit shall be rescheduled. Not less than 3 visits shall be conducted within any 7 day period.

(e) Illiterate or impaired inmates shall be permitted to request a visit with an inmate law clerk by making an oral request for same to the correctional staff working in the confinement unit. Upon receipt of an oral request, the correctional staff shall permit the inmate to visit with an inmate law clerk at the next scheduled law clerk visit.

(4) Law Library Access for Inmates in Protective Management.

(a) Inmates in protective management shall have access to the law library, to include access to at least one certified inmate law clerk, during evening or other hours when general population inmates are not present. If security reasons prevent a visit, access shall be provided through correspondence or visits from inmate law clerks. Steps shall be taken to ensure the inmate is not denied needed legal access while in protective management.

(b) Written inmate requests for legal assistance shall be directed to the librarian and shall be responded to within 2 working days of receipt not including the day of receipt. Specific requests for cases, statutes or other reference materials, or requests for legal supplies or forms, shall be responded to by means of correspondence. However, written inmate requests for legal assistance that are broad in scope, contain incorrect references to research materials, or where the styling or content of the request indicates that the inmate lacks an understanding of the law or legal research, that the inmate is

functionally illiterate, or that the inmate may be impaired, shall be responded to by personal interview with an inmate law clerk or the librarian.

(c) Inmates shall be limited to the receipt of no more than 15 research items from the law library at any one time. Research items are defined as photocopies of cases, statutes and other reference materials provided by the law library and do not include the inmate's personal legal papers, pleadings, or transcripts. Institutions shall require that inmates return all research materials supplied previously, or explain why some or all research materials issued previously must be retained, in order to receive additional materials. Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.

(d) Each institution shall establish a regular schedule for visits by inmate law clerks to the protective management unit to provide assistance to inmates. The regular schedule shall require a visit on at least one day each week other than the day that protective management inmates are scheduled to visit the law library. If security requirements prevent a law clerk visit at the scheduled time, then the law clerk visit shall be rescheduled.

(e) Illiterate or impaired inmates shall be permitted to request a visit with an inmate law clerk by making an oral request for same to the correctional staff working in the confinement unit. Upon receipt of an oral request, the correctional staff shall permit the inmate to visit with an inmate law clerk at the next scheduled law clerk visit.

(5) Law Library Access for Inmates in Close Management.

(a) Inmates in close management shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library deliver legal research materials to their cells, and to visit with certified inmate law clerks. Efforts shall be made to accommodate the research needs of inmates in close management who demonstrate that they need to meet a deadline imposed by law, rule or order of court.

(b) At Florida State Prison, inmates in close management shall be taken to the law library unless security requirements prevent a personal visit. If security requirements prevent a personal visit to the law library, the inmate shall be required to secure legal assistance by means of correspondence with the law library, by using legal materials brought to the inmate's cell, and through visits with certified inmate law clerks. However, steps shall be taken to ensure that the inmate is not denied access while in close management.

(c) At all institutions except Florida State Prison, inmates in close management, levels I and II, shall not be taken to the law library. An inmate in close management, levels I and II, shall be required to secure legal assistance by means of correspondence with the law library, by using legal materials

brought to the inmate's cell, and through visits with certified inmate law clerks, rather than a personal visit to the law library. However, steps shall be taken to ensure that the inmate is not denied needed access while in close management, levels I and II.

(d) Inmates in close management, level III, who need to prepare legal documents to meet a deadline imposed by law, rule, or order of court, shall be permitted to visit the law library once each week, for up to 2 hours in duration, after completing 60 days after the first month in this status with a clear disciplinary record and satisfactory adjustment (as defined in rule 33-603.401) since being in close management, unless security and safety concerns preclude law library visits.

(e) Inmates in close management, level III, who have not completed 60 days after the first month in this status with a clear disciplinary record and satisfactory adjustment (as defined in rule 33-603.401) since being in close management shall secure the needed legal assistance by means of correspondence with the law library, by using legal materials brought to the inmate's cell, and by securing assistance through visits with certified inmate law clerks, rather than a personal visit to the law library. However, steps shall be taken to ensure that the inmate is not denied needed access while in close management.

(f) Written inmate requests for legal assistance shall be directed to the librarian and shall be responded to within 2 working days of receipt, not including the day of receipt. For purposes of this rule, "working day" shall mean any weekday, not including holidays or weekends. Specific requests for cases, statutes or other reference materials, or requests for legal supplies or forms, shall be responded to by means of correspondence. However, written inmate requests for legal assistance that are broad in scope, contain incorrect references to research materials, or where the styling or content of the request indicates that the inmate lacks an understanding of the law or legal research, that the inmate is functionally illiterate, or that the inmate may be impaired, shall be responded to by personal interview with an inmate law clerk or the librarian.

(g) Inmates shall be limited to the receipt of no more than 15 research items from the law library at any one time. Research items are defined as photocopies of cases, statutes and other reference materials provided by the law library, and do not include the inmate's personal legal papers, pleadings, or transcripts. Institutions shall require that inmates return all research materials supplied previously by the law library, or explain why some or all research materials issued previously must be retained, in order to receive additional materials. Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.

(h) Each institution shall establish a regular schedule for visits by inmate law clerks to the close management unit to provide assistance to inmates. The regular schedule shall

require visits on at least 3 days each week. If security requirements prevent permitting a law clerk visit at the scheduled time, then the law clerk visit shall be rescheduled. Not less than 3 visits shall be conducted within any 7 day period.

(i) Illiterate or impaired inmates shall be permitted to request a visit with an inmate law clerk by making an oral request for same to the correctional staff working in the confinement unit. Upon receipt of an oral request, the correctional staff shall permit the inmate to visit with an inmate law clerk at the next scheduled law clerk visit.

~~(6) Law Library Access for Inmates in Disciplinary Confinement.~~

~~(a) Inmates in disciplinary confinement shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library deliver research materials to their cells, and to visit with certified inmate law clerks. Steps shall be taken to ensure that inmates are not denied needed access while in disciplinary confinement.~~

~~(b) Written inmate requests for legal assistance shall be directed to the librarian and shall be responded to within 2 working days of receipt, not including the day of receipt. For purposes of this rule, "working day" shall mean any weekday not including holidays or weekends. Specific requests for cases, statutes or other reference materials, or requests for legal supplies or forms shall be responded to by means of correspondence. However, written inmate requests for legal assistance that are broad in scope, contain incorrect references to research materials, or where the styling or content of the request indicates that the inmate lacks an understanding of the law or legal research, that the inmate is functionally illiterate, or that the inmate may be impaired, shall be responded to by personal interview with an inmate law clerk or the librarian.~~

~~(c) Inmates shall be limited to the receipt of no more than 15 research items from the law library at any one time. Research items are defined as photocopies of cases, statutes and other reference materials provided by the law library and do not include the inmate's personal legal papers, pleadings, or transcripts. Institutions shall require that inmates return all research materials supplied previously by the law library, or explain why some or all research materials issued previously must be retained, in order to receive additional materials. Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.~~

~~(d) Each institution shall establish a regular schedule for visits by inmate law clerks to the confinement area to provide assistance to inmates. The regular schedule shall require visits on at least 3 days each week. If security requirements prevent permitting a law clerk visit at the scheduled time, then the law clerk visit shall be rescheduled. Not less than 3 visits shall be conducted within any 7 day period.~~

~~(e) Illiterate and impaired inmates shall be permitted to request a visit with an inmate law clerk by making an oral request for same to the correctional staff working in the confinement unit. Upon receipt of an oral request, the correctional staff shall permit the inmate to visit with an inmate law clerk at the next scheduled law clerk visit.~~

~~(7) Law Library Access for Inmates on Death Row.~~

~~(a) Inmates on death row shall be permitted to have access to their personal legal files and law books, to correspond with the law library, to have the law library deliver legal materials to the inmate's cell, and to visit with certified inmate law clerks. Efforts shall be made to accommodate the research needs of inmates on death row who demonstrate that they need to meet a deadline imposed by law, rule or order of court.~~

~~(b) Inmates on death row who have court deadlines imposed by law, rule or order of court shall be provided opportunities to visit the law library in their unit or the main unit law library at least once per week for up to two hours in duration.~~

~~(c) Written inmate requests for legal assistance shall be directed to the librarian and shall be responded to within 2 working days of receipt, not including the day of receipt. For purposes of this rule, "working day" shall mean any weekday, not including holidays or weekends. Specific requests for cases, statutes or other reference materials, or requests for legal supplies or forms, shall be responded to by means of correspondence. However, written inmate requests for legal assistance that are broad in scope, contain incorrect references to research materials, or where the styling or content of the request indicates that the inmate lacks an understanding of the law or legal research, that the inmate is functionally illiterate, or that the inmate may be impaired, shall be responded to by personal interview with an inmate law clerk or the librarian.~~

~~(d) Inmates shall be limited to the receipt of no more than 15 research items from the law library at any one time. Research items are defined as photocopies of cases, statutes, and other reference materials provided by the law library, and do not include the inmate's personal legal papers, pleadings, or transcripts. Institutions shall require that inmates return all research materials supplied previously by the law library, or explain why some or all research materials issued previously must be retained, in order to receive additional materials. Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.~~

~~(e) Each institution shall establish a regular schedule for visits by inmate law clerks to the confinement area to provide assistance to inmates. The regular schedule shall require visits on at least 3 days each week. If security requirements prevent permitting a law clerk visit at the scheduled time, then the law clerk visit shall be rescheduled. Not less than 3 visits shall be conducted within any 7 day period.~~

(f) Illiterate and impaired inmates shall be permitted to request a visit with an inmate law clerk by making an oral request for same to the correctional staff working in the confinement unit. Upon receipt of an oral request, the correctional staff shall permit the inmate to visit with an inmate law clerk at the next scheduled law clerk visit.

~~(4)(8) Major, Minor and Starter Collection Types, Locations, and Contents of Law Libraries. Major or minor collection law libraries shall be established at all institutions, annexes, work camps and forestry camps housing more than 400 inmates. Starter collection law libraries shall be established at institutions, work camps, forestry camps and road prisons housing less than 400 inmates and located 50 or more miles from the main unit of the institution or other institutions with major or minor law library collections.~~

~~(a) A major collection law library contains: an annotated edition of the Florida Statutes; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner's rights; Florida and federal case reporters; Florida and federal Shepard's citation indexes; Florida and federal practice digests; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post-conviction and post-sentence remedies, and prisoner's rights is a reference collection containing legal research titles recommended for inclusion in prison law libraries by the American Association of Law Libraries, as published in Recommended Collections for Prison and Other Institution Law Libraries (revised June, 1990). See Appendix One for a list of titles to be maintained in a major collection law library. In determining whether a major collection shall be established at an institution, consideration shall be given to the following factors:~~

- ~~1. Population level;~~
- ~~2. Age of the inmate population Utilization needs;~~
- ~~3. The transitory nature of the institution's inmate population;~~
- ~~4. The institution's proximity to other facilities with major collections;~~
- ~~5. Whether the institution has one or more of the following housing categories:~~
 - ~~a. Protective management;~~
 - ~~b. Close management; or~~
 - ~~c. Death row.~~

~~(b) Major collections shall be located at the following institutions:~~

- ~~1. Apalachee Correctional Institution~~
- ~~2. Avon Park Correctional Institution~~
- ~~3. Baker Correctional Institution~~
- ~~4. Broward Correctional Institution~~
- ~~5. Calhoun Correctional Institution~~
- ~~6. Central Florida Reception Center~~
- ~~7. Century Correctional Institution~~

- ~~8. Charlotte Correctional Institution~~
- ~~9. Columbia Correctional Institution~~
- ~~10. Cross City Correctional Institution~~
- ~~11. Dade Correctional Institution~~
- ~~12. DeSoto Correctional Institution~~
- ~~13. Everglades Correctional Institution~~
- ~~14. Florida Correctional Institution~~
- ~~15. Florida State Prison Main Unit~~
- ~~16. Glades Correctional Institution~~
- ~~17. Gulf Correctional Institution~~
- ~~18. Hamilton Correctional Institution~~
- ~~19. Hardee Correctional Institution~~
- ~~20. Hendry Correctional Institution~~
- ~~21. Holmes Correctional Institution~~
- ~~22. Jackson Correctional Institution~~
- ~~23. Jefferson Correctional Institution~~
- ~~24. Lake Correctional Institution~~
- ~~25. Liberty Correctional Institution~~
- ~~26. Madison Correctional Institution~~
- ~~27. Marion Correctional Institution~~
- ~~28. Martin Correctional Institution~~
- ~~29. Mayo Correctional Institution~~
- ~~30. New River Correctional Institution~~
- ~~31. North Florida Reception Center~~
- ~~32. Okaloosa Correctional Institution~~
- ~~33. Okeechobee Correctional Institution~~
- ~~34. Polk Correctional Institution~~
- ~~35. Santa Rosa Correctional Institution~~
- ~~36. South Florida Reception Center~~
- ~~37. Sumter Correctional Institution~~
- ~~38. Taylor Correctional Institution~~
- ~~39. Tomoka Correctional Institution~~
- ~~40. Union Correctional Institution~~
- ~~41. Wakulla Correctional Institution~~
- ~~42. Walton Correctional Institution~~
- ~~43. Washington Correctional Institution~~
- ~~44. Zephyrhills Correctional Institution~~

~~(b)(e) A minor collection law library contains: an annotated edition of the Florida Statutes; Florida case reporters; Shepards Florida Citations; Florida and federal practice digests; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner's rights; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post-conviction and post-sentence remedies, and prisoner's rights is a reference collection containing the Florida statutes, case law, citation indexes, practice digests, federal practice digests, an abridged set of the federal statutes and a variety of secondary source materials recommended for inclusion in prison law libraries by the American Association of Law Libraries. See Appendix Two for a list of all titles to be~~

~~maintained at all minor collection law libraries. A minor collection law library shall be established at all institutions, annexes, and community facilities with lawful inmate capacities of more than 400 which do not have major collection law libraries.~~

~~(c)(d) A starter collection law library contains: an annotated edition of the Florida Statutes; an annotated edition of the Title 42, United States Code, Section 1983; the Florida and federal rules of court; and a legal dictionary is a basic reference collection for research in Florida law. See Appendix Three for a list of all titles to be maintained at all starter collection law libraries. A starter collection law library shall be established at institutions, work camps, forestry camps, road prisons, vocational centers, and drug treatment centers, with maximum inmate capacities up to 400 and located 50 or more miles from the main unit of the institution or other institutions with major or minor law library collections. Starter collections shall be located in the following institutions and facilities:~~

- ~~1. Big Pine Key Road Prison~~
- ~~2. Franklin Work Camp~~

~~(e) Attachments:~~

- ~~1. Appendix One: Title list for major collection law libraries.~~
- ~~2. Appendix Two: Title list for minor collection law libraries.~~
- ~~3. Appendix Three: Title list for starter collection law libraries.~~

~~(d)(f) Major and minor collection law libraries shall also maintain current copies of the following departmental rules and regulations:~~

- ~~1. Rules of the Florida Department of Corrections;~~
- ~~2. Department of Corrections Procedures and Policy and Procedure Directives, except those that the Office of the Secretary has directed be withheld from inspection by inmates for security reasons;~~
- ~~3. Institutional operating procedures, except those that the Office of the Secretary or the regional director has directed be withheld from inspection by inmates for security reasons. No law library collection shall include departmental Department of Corrections or institutional emergency plans, security post orders, or departmental operations manuals.~~

~~(e)(g) No change.~~

~~(h) A law collection shall not be established at Corrections Mental Health Institution. Inmates at that institution shall secure legal assistance from the law library located at River Junction Correctional Institution. The law library at River Junction Correctional Institution shall include additional legal research materials that address the unique legal needs of forensic inmates, and the inmate law clerks at River Junction Correctional Institution shall visit Corrections Mental Health Institution at least 3 times per week to provide inmates with legal assistance.~~

~~(f)(i) Law collections shall not be established at work release community correctional centers or other community-based facilities. Inmates at those facilities shall secure legal assistance by means of correspondence with a major or minor law collection, by visits with attorneys, legal aid organizations or law libraries in the community, or by transportation or temporary transfer to an institution with a major or minor law collection.~~

~~(g)(j) The contents of legal collections shall be reviewed annually by the library services administrator to ensure continued compliance with applicable federal and state laws and American Correctional Association standards that major collection law libraries continue to comply with the recommendations of the American Association of Law Libraries and to determine whether additional titles should be added to minor or starter collection law libraries. When the library services administrator believes that titles need to be added or deleted from the collections, he or she shall make such recommendation to the director of program services. If the director of program services approves the request, the material shall be ordered and placed in the appropriate law library collections. The location of legal collections shall be reviewed to determine whether new collections should be established, or whether existing major, minor, or starter legal collections should be upgraded, downgraded, moved, or disbanded. Reviews shall be conducted using the criteria established in sections (8)(a), (8)(b), (8)(c), (8)(d), and (8)(k) of this rule.~~

~~(k) On the recommendation of the library services administrator, the assistant secretary for education and job training may authorize exceptions to the criteria establishing the type of law library that an institution shall receive, as provided in (8)(a), (8)(b), (8)(c) and (8)(d). Exceptions shall be approved based on a review of the following factors:~~

- ~~1. Characteristics of the institution's inmate population that evidences a need for unique legal research materials;~~
- ~~2. The transitory nature of the institution's inmate population;~~
- ~~3. The institution's mission;~~
- ~~4. The institution's proximity to other facilities with legal collections;~~
- ~~5. A continuing pattern of heavy or light usage of the law library or interlibrary loan services as evidenced through analyses of monthly law library reports.~~

~~(h)(t) Requests for the addition or deletion of titles in major, minor, and starter law library collections shall be submitted in writing to the law library services administrator in the central office. The law library services administrator shall review all requests and make a recommendation to the director of program services assistant secretary for education and job training. Requests shall be reviewed according to the material's primary research value and whether it supplements what is currently in the collection or substantively provides additional~~

information, or merely duplicates what is in the current collection. If the request is approved, the attachments referenced in section (8)(e) shall be amended and copies distributed to all institutions and facilities of the department and to all law libraries, and the materials shall be ordered and placed in the appropriate law library collections.

(m) Institutions are permitted to purchase supplemental materials for inclusion in their legal collections. However, all requests to purchase legal materials, except for replacement volumes, shall be submitted by the warden or his designee in advance to the law library services administrator for review and approval. Requests shall be reviewed according to the criteria established in subsection (8)(l).

(i)(n) Each minor and major collection law library shall maintain a list of all titles in the law library collection at the law library's circulation counter and shall make it available to inmates upon request. Inmates shall also be provided copies of this list upon request at no charge. Law libraries may distribute copies of Appendix One or Two of this section, as appropriate, to satisfy this requirement.

(5)(9) Interlibrary Loan Services for Law Libraries.

(a) Institutions without legal collections shall be served by an institution with a major law collection. Inmates located at these institutions shall submit a written request for legal assistance to the chief, officer in charge, or other designated staff member. Written inmate requests for legal assistance that contain incorrect references to research materials, or contain styling or content that indicates that the inmate lacks an understanding of the law or legal research or is functionally illiterate or impaired, that involves complex or multiple legal issues or a need for ongoing access to legal materials, shall be responded to by personal interview to include telephonic consultation with the librarian at the major collection. Within 2 working days of receipt of a written request or the conducting of a personal interview, not including the day of receipt or interview, the appropriate staff member shall request that the librarian or law library supervisor at a major collection law library assign an inmate law clerk to assist the inmate. When a personal interview with the inmate and consultation with the librarian at the major collection indicates that the inmate's request can not be resolved by means of correspondence then the inmate shall be transported to an institution with a major law collection or shall be temporarily transferred to that institution in order to secure assistance from inmate law clerks or research the legal collection. If circumstances preclude transfer of an individual inmate, other measures shall be taken to ensure that the inmate's need for legal assistance is met.

(b) If information is not available to inmates located at facilities with minor and starter collections, then they shall request research assistance from a major collection law library. Inmates located at these institutions shall submit a written request for legal assistance to the librarian or other designated staff member. Written inmate requests for legal assistance that

contain incorrect references to research materials, or contain styling or content that indicates that the inmate lacks an understanding of the law or legal research or is functionally illiterate or impaired, that involves complex or multiple legal issues or a need for ongoing access to legal materials, shall be responded to by personal interview to include telephonic consultation with the librarian at the major collection. Within 2 working days of receipt of a written request or the conducting of a personal interview, not including the day of receipt or interview, the librarian shall request that the librarian or law library supervisor at the nearest major collection law library assign an inmate law clerk to assist the inmate. When a personal interview with the inmate and consultation with the librarian at the major collection indicates that the inmate's request can not be resolved by means of correspondence then the inmate shall be transported to an institution with a major law collection or shall be temporarily transferred to that institution in order to secure assistance from inmate law clerks or research the legal collection. If circumstances preclude transfer of an individual inmate, other measures shall be taken to ensure that the inmate's need for legal assistance is met.

(a)(e) Institutions with Mmajor collection law libraries shall provide research assistance to inmates at institutions with minor and starter collections libraries and to inmates housed at community correctional centers and other community based facilities without law libraries. On receipt of a written request for legal assistance, the law library supervisor ~~librarian~~ shall immediately assign a research aide ~~an inmate law clerk~~ to provide assistance. All assistance that can be provided through use of that institution's major collection shall be completed within 3 working days of receipt, not including the day of receipt, except where the request requires the researching of complex or multiple legal issues or is so broad in scope that work can not be initiated without further information from the requesting inmate, in which case the requesting inmate shall be advised and given an estimated time of completion. If the major collection does not have the information in its collection, then within 3 working days of receipt it shall forward the request to the institution law libraries designated by the law library services administrator to process interlibrary loan requests to law libraries outside the department, and shall advise the inmate that the request has been so forwarded. If the information is not available at these law libraries, then within 2 working days of receipt, not including the day of receipt, the law library supervisors at those facilities shall request such information through interlibrary loan from the Florida State University law library or other law libraries outside the department and shall advise the inmate that such a request has been made. Completed work received from these law libraries shall be placed in return mail to the librarian, law library supervisor, or other designated staff within 24 hours of receipt.

(b) Minor and starter collection law libraries and inmates at correctional facilities without law libraries shall be provided research assistance by major collection law libraries. Inmates located at these facilities who need access to legal research materials only available in major collection law libraries, or who need research assistance, shall submit a written request for the material or assistance to the law library supervisor or to the chief correctional officer. Within two working days of receipt of a written request, not including the day of receipt, the law library supervisor or chief correctional officer shall forward the request to the law library supervisor at a major collection law library for completion.

(c) Inmate requests to secure law materials not in the department's major collection libraries shall be submitted to the library services administrator for review and approval. Only requests for primary source materials, such as statutes, rules, and court decisions, that relate to Florida criminal law, Florida post-conviction and post-sentence remedies, federal habeas corpus, or the rights of prisoners, shall be approved.

1. Inmates needing such materials are to submit a written request to the institution's law library supervisor. The written request is to include the full and complete citation of the material needed, and a written justification on why the material is needed to litigate any of the above types of actions. If any deadlines apply, the date of the deadline is to be noted on the written request. The law library supervisor is then to forward the request to the library services administrator in the central office. The correct mailing address is: Department of Corrections, ATTN: Library Services, 2601 Blair Stone Road, Tallahassee, FL 32399-2500.

2. When requests are received, they shall be reviewed by the department's library services administrator. If the request is disapproved, the reason for disapproval will be noted on the request and the request shall be returned to the requesting law library. If the request is approved, the request shall be forwarded to the Florida State University law library for completion. When the completed work is received from Florida State University, it shall be mailed to the requesting law library.

(d) Librarians and other designated staff persons supervising law libraries shall maintain a tracking file for all interlibrary loan requests submitted to other law libraries. Whenever a response has not been received from a lending law library within 7 calendar days, the librarian or other designated staff person shall contact the librarian or law library supervisor at the lending facility to ascertain the status of the request.

(d)(e) Inmates with deadlines imposed by law, rule or order of court in legal proceedings challenging convictions and sentences or prison conditions shall be given priority in the handling of interlibrary loan requests, and such requests shall be submitted separately from requests not involving deadlines. Requests for interlibrary loan service involving inmates with deadlines shall be submitted to other law libraries by DC

electronic mail, fax, or by telephone. The interlibrary loan request shall include a reference to the court deadline and provide the date of the deadline.

(e)(f) Materials received pursuant to an interlibrary loan request is ~~are~~ the property of the law library and not the personal property of the inmate who requested ~~it~~ the materials. The materials shall not be removed from the law library without the written approval of the law library supervisor.

(f)(g) No limits shall be placed on the number of requests for interlibrary loan service submitted by inmates. However, inmates in confinement shall be limited to possession ~~receipt~~ of no more than 15 items at any one time.

(6)(10) Use of Inmates as Research Aides law clerks.

(a) Major and minor collection law libraries shall be assigned inmates as library clerks to perform work of a clerical nature and for training as research aides.

1. Duties of library clerks include circulating legal materials, maintaining law library files, keeping the law library clean and orderly, and assisting the law library supervisor in collecting statistics, typing reports and correspondence, and other job tasks related to program operations. Library clerks who are assigned only such work shall not be required to complete the research aide training program.

2. Inmates who have no formal training in legal research and who wish to work as research aides shall be assigned to the law library as library clerks and shall be required to attend and successfully complete the research aide training program.

3. Inmates assigned as library clerks shall not assist inmates in the preparation of legal documents and legal mail, nor shall they be used in conducting confinement visits unless they are accompanied by a research aide.

(a) Major and minor collection law libraries shall be assigned inmates as clerks to assist the librarian or law library supervisor in the operation of the law library program, to assist the inmate population in the research and use of the law library collection, and to assist inmates in the drafting of legal documents, legal mail and grievances. Inmates assigned to work in law libraries shall be classed as follows: library clerk, law clerk trainee, and law clerk-certified.

1. Library clerk: When assigned to work in a law library, a library clerk's primary duty is to perform work of a clerical nature, such as circulating legal materials, typing or photocopying inmate legal documents, maintaining law library files, keeping the law library clean and orderly, and assisting the librarian or law library supervisor in collecting statistics, typing reports and other job related activities as requested. Inmates assigned to the law library as library clerks shall not be required to complete the law clerk training program.

2. Law clerk trainee: A law clerk trainee's primary duty is to secure knowledge in the techniques of legal research and writing, use of specific legal research materials, the law and rules of criminal law and post conviction remedies, civil rights, and other subject matter identified by the law library services

attorney as necessary for an inmate law clerk to provide meaningful assistance to inmates. The law clerk trainee may be assigned work of a purely clerical nature and may assist inmates in research of the legal collection, provided that such does not interfere with the training process. Inmates assigned as law clerk trainees shall not assist inmates in the preparation of legal documents and legal mail, nor shall they be used in conducting confinement visits unless they are accompanied by a law clerk certified.

3. Law clerk certified: Inmates assigned to this position must have successfully completed the Department of Corrections' law clerk training program. The primary work responsibility of a law clerk certified is to assist inmates in conducting legal research and preparing legal documents and legal mail associated with the filing of post conviction petitions filed in the state or federal courts, civil rights actions filed in the state or federal courts, administrative actions filed with the Florida Parole Commission or the Florida Bar, and inmate grievances filed with the Department of Corrections. A law clerk certified shall be permitted to assist inmates in open population, in confinement, at work camps, or at institutions without law libraries in legal research and the preparation of the aforesaid legal documents. Only a law clerk certified shall assist inmates in preparing legal documents and legal mail, in researching or responding to interlibrary loan requests, or in making visits to inmates in confinement.

(b) Major and minor collection law libraries shall be assigned one or more inmates as research aides to assist to inmates in open population, in confinement, at work camps, or at institutions without law libraries, in research and use of the law library collection, and in the drafting of legal documents, and legal mail associated with the filing of post-conviction petitions or civil rights actions filed in the state or federal courts, administrative actions filed with the Florida Parole Commission, the Florida Bar and other administrative bodies, and inmate grievances filed with the Department of Corrections. A minimum of two research aides shall be assigned to major and minor collection law libraries in adult institutions, and a minimum of 1 research aide shall be assigned to minor collection law libraries in youthful offender institutions. Institutions shall assign additional research aides to the law library as needed to ensure that illiterate and impaired inmates are provided research assistance. ~~Inmate Staffing Requirements—Adult Institutions:~~

1. Library Clerk: shall be assigned to the law library as needed to perform work of a clerical nature.

2. Law Clerk Trainee (L03) and Law Clerk Certified (L04):

a. A minimum of 2 certified law clerks shall be assigned to the law library. Additional certified law clerks and law clerk trainees shall be assigned at the rate of 1 for every 300 inmates in open population and protective management, to include

inmates housed in annexes, work camps and other satellite facilities if major or minor collection law libraries are not located at those sites;

b. A minimum of 1 additional clerk shall be assigned if the institution has an administrative and disciplinary confinement, close management, or death row unit housing 50 or more inmates. If the population of these units exceeds 50 inmates, then additional inmate law clerks shall be assigned at the rate of 1 for every 100 inmates;

~~e. At least 1 additional clerk shall be assigned if the institution's law library has been designated as a regional resource center, or if it provides interlibrary loan services to an institution, annex, or community facility with a minor collection law library.~~

~~At reception centers, inmates in "reception and orientation" status shall not be counted in the institution's population for purposes of computing clerk staffing.~~

~~d. Institutions shall assign additional clerks to the law library as needed, to ensure that requests for assistance are responded to within the time frames established in this chapter.~~

~~(c) Inmate Staffing Requirements—Youthful Offender Institutions. A minimum of 2 adult inmates, who have been certified as inmate law clerks by the law library services attorney, shall be assigned to work in the law library at least 3 days per week to provide research assistance to youthful offenders.~~

~~(c)(d) Qualifications. Research aides In order to be assigned as a law clerk trainee or law clerk certified, an inmates shall:~~

1. Have a high school diploma or general equivalency diploma (GED), or TABE (Test of Adult Basic Education) total battery scores in reading and language of grade 9.0 or higher or otherwise demonstrate successfully complete a performance based evaluation instrument that demonstrates that he or she the inmate possesses the reading and language skills necessary to read, and understand, and research the law, to conduct legal research, and to assist other inmates in legal research and the preparation of legal documents.

2. Have a release date that indicates that he or she has sufficient time remaining on his or her sentence to complete the research aide law clerk training program and to perform work in the law library;

3. Have a satisfactory good record of institutional adjustment as evidenced by having no more than 2 disciplinary reports within the previous 12 months;

4. Display good character without abusing the authority of the position, a willingness to work and cooperate with others; and the ability to perform the general duties of a research aide law clerk, including good oral and written communication skills, good comprehension and intelligence.

~~(d)(e) Research Aide Law Clerk Training Program. The A legal research training curriculum shall be developed by the law office of library services shall develop a training program~~

to provide inmates who work in law libraries with attorney to assist inmate law clerks in acquiring a basic knowledge in the techniques of legal research and writing, use of specific legal research materials, the law and rules of criminal law and post-conviction remedies, prisoners' civil rights, and other subject matter identified as necessary for a research aide an inmate law clerk to provide meaningful assistance to inmates. The legal research training program shall consist of:

1. A seminar taught by legal practitioners that provides law clerk trainees instruction in legal research and writing, use of specific legal research materials, the law and rules of criminal law and post conviction remedies, civil rights, and other subject matter identified by the law library services attorney as necessary for an inmate law clerk to provide meaningful assistance to inmates. The seminar shall include live instruction by legal practitioners, practice exercises, writing assignments, and a final examination;

2. A research guide developed under the direction of the law library services attorney;

3. Videotaped presentations on legal research, Shepardizing, post conviction remedies, prisoners' rights, and other areas designated by the law library services attorney;

4. Other research tools as developed by the law library services attorney.

(f) Training Requirements:

1. Library clerks All law clerk trainees who have no formal training in legal research and who wish to work as research aides shall be required to successfully complete the legal research aide training program. Immediately upon assignment to the law library, the inmate shall be provided a copy of the research guide and shall be required to review it and the videotape program presentations. Unless authorized by the law library services attorney, an inmate assigned as a law clerk trainee shall not attend the law clerk training seminar until after he or she has worked in a law library a minimum of 90 days.

2. Successful completion of the research aide law clerk training program shall be evidenced by verification by the institution librarian that the inmate has reviewed the research guide and viewed the videotaped program presentations, attendance at the research aide law clerk training seminar, completion of all writing assignments and practice exercises included as part of the research aide law clerk training seminar, and receipt of a passing score (80%) on the research aide law clerk training seminar's final examination.

3. Inmates who successfully complete the research aide law clerk training seminar shall be given a certificate by the office of law library services attorney documenting successful completion of the program, and a notation shall be recorded in the department's offender database. Any inmate who fails to pass the final examination, who does not demonstrate possession of good written communication skills, or who

demonstrates incompetence as defined in section (10)(i)7. of this rule, shall be immediately removed from his work assignment in the law library.

4.3. Inmates who have been awarded an associate degree or certificates of completion in paralegal research, a bachelors degree in pre-law, or a juris doctorate degree, shall not have to attend the research training program to be certified as a research aide. The office of library services shall certify any such inmate upon verification of educational achievements and a determination that he or she possesses current knowledge of the law, knowledge of legal research materials and how to use them, and can communicate effectively in writing who were certified through use of previous Department of Corrections certification procedures, or who were licensed to practice law in any state or in the federal courts shall be certified by the law library services attorney if they present proof of their educational attainments, licensure, or work experience, and if they possesses good written communication skills.

(e)(g) Law clerk training seminars shall be conducted as often as needed to ensure that all major and minor collection law libraries comply with the minimum staffing requirements established in sections (10)(b) and (10)(c) of this rule. The office of law library services attorney shall be responsible for the scheduling of research aide law clerk training programs seminars. When training programs seminars are scheduled, institutions shall be notified of the upcoming training, and requested to identify inmates in need of training. The law library services administrator attorney shall review the requests and verify that the inmates satisfy the minimum qualifications established in section (6)(c)(4)(d); only inmates who meet the minimum qualifications shall be accepted for training. No inmate shall attend the research aide training program unless his or her participation has been approved by the library services administrator. The office of law library services attorney shall arrange for the then forward the names of those inmates to the Office of Population Management for temporary transfer of the approved inmate participants to the institution where the seminar is to be conducted.

(f)(h) At the time of an inmate's assignment to work in the law library, the librarian or law library supervisor shall advise the inmate that he or she is not to disclose any information about an inmate's legal case to other inmates. The inmate shall also be advised that violation of this policy shall be cause for removal from his or her work assignment in the law library.

(g) The Law Library Supervisor shall immediately remove a research aide from his or her work assignment in the law library upon demonstration that the research aide is incompetent. Central Office Library Services shall also have the authority to order the removal of a research aide from his or her work assignment in the law library for incompetence. For purposes of this rule, incompetence is defined as a demonstrated inability to research and use the law library

collection, to provide inmates with accurate information on the law and civil or criminal procedure, or to assist inmates in the preparation of legal documents or legal mail.

~~(h)(4) Prohibited Conduct: Research Aides Inmate Law Clerks. Violation of any of the provisions of this section shall result in the immediate removal of the research aide from his or her work assignment in the law library, and disciplinary action pursuant to Rules 33-601.301-601.314. The library services administrator will be informed whenever an institution removes a research aide from the law library for any of the following reasons.~~

1. ~~Research aides Inmate law clerks shall not act as legal representatives or in any way appear to be engaged in the unauthorized practice of law, to include participation in judicial and administrative hearings or telephonic hearings conducted for other inmates;~~

2. ~~Research aides Inmate law clerks shall not sign or include their names, work assignment title, or a reference to certification as a research aide law clerk or trained paralegal in any legal document, legal mail, privileged mail, routine mail, or grievance prepared on behalf of an inmate;~~

3. ~~Research aides Inmate law clerks shall not include their work assignment title or a reference to certification as a research aide law clerk or trained paralegal in the return address of their outgoing correspondence, or in legal documents, legal mail, privileged mail, routine mail and grievances;~~

4. ~~Research aides Inmate law clerks shall not use department or institution letterhead stationary or memoranda to prepare letters or legal documents;~~

5. ~~Research aides Inmate law clerks shall not charge nor shall they receive payment of any kind for providing legal assistance to inmates;~~

6. ~~Research aides Inmate law clerks shall not disclose information about an inmate's legal work to other inmates;~~

7. ~~Research aides shall not conduct legal research or prepare legal documents for staff; Demonstrated incompetence: the inmate law clerk has demonstrated that he or she lacks the knowledge, skills and ability to function as a law clerk, as evidenced by a demonstrated inability to research and use the law library collection, to assist inmates in the preparation of legal documents, legal mail or grievances, or to provide inmates with accurate information on the law and civil or criminal procedure.~~

~~Violation of any of the provisions of this section shall result in the immediate removal of the inmate law clerk from his or her work assignment in the law library, and disciplinary action pursuant to rules 33-601.301-601.314. The law library services attorney will be informed whenever an institution removes a Law Clerk-Certified from the law library for any of the above reasons.~~

~~(i)(j) Upon receipt of notice that a research aide Law Clerk-Certified has been found guilty of charged with a disciplinary infraction concerning for violation of any of the provisions of section (h)(4), and has been found guilty of same, the law library services administrator attorney will review the matter to determine whether the inmate's research aide law clerk-training certificate should be revoked. The determination as to whether the inmate's certificate shall be revoked shall be based on a consideration of the following factors: the findings of the disciplinary report; discussions with institution staff about the infraction; a record of prior counseling or disciplinary action for violation of the provisions of section (h)(4); a record of multiple violations of the provisions of section (h)(4); and a determination that the violations of section (h)(4) were intentional rather than inadvertent. If the law library services administrator attorney determines that revocation is warranted, the certificate entry will be deleted from the offender database, and a notice that the inmate's law clerk certificate has been revoked shall be placed in the inmate's central office and institution file.~~

~~(j)(k) No action shall be taken against a research aide an inmate law clerk for assisting, preparing, or submitting legal documents to the courts or administrative bodies, to include grievances and civil rights complaints against the department or staff. Good faith use or good faith participation in the administrative or judicial process shall not result in formal or informal reprisal against the research aide inmate law clerk.~~

~~(k)(l) A research aide An inmate law clerk who wishes to correspond in writing with research aides law clerks at other institutions regarding legal matters shall be required to obtain prior approval from the warden at his or her institution. The approved correspondence shall be mailed through institution mail from one librarian or law library supervisor to another librarian or law library supervisor. Law clerks shall communicate with each other over the telephone only under the direct supervision and monitoring of the librarian or law library supervisor when all other methods of communication have failed, or when necessary to expedite interlibrary loan service.~~

~~(l)(m) Research aides Inmate law clerks shall give all work files to inmates who are being transferred or released. If the research aide law clerk is unable to give the inmate the file prior to transfer, he or she shall give it to the librarian or law library supervisor. As soon as the inmate's destination is known, the librarian or law library supervisor shall forward the file to the librarian, law library supervisor, or other designated employee at the inmate's new location for forwarding to the inmate. If the inmate has been released from the custody of the Department of Corrections, then the librarian or law library supervisor shall give the file to the institution's inmate property officer for return to the released inmate.~~

~~(m)(n)~~ The ~~librarian or~~ law library supervisor at the institution from which an inmate is transferred may authorize a research aide ~~an inmate law clerk~~ at that institution to continue assistance to the transferred inmate on a pending matter if the inmate's new institution or facility does not have a major or minor collection law library ~~when the inmate law clerk has already done a substantial amount of research on the matter, and the amount of assistance that remains is minimal, and the inmate requests continued receiving assistance in writing signs an authorization to that effect.~~

(n) The office of library services shall suspend the research aide certificate of an inmate when two years have passed since he or she worked in a law library as a research aide. Whenever a research aide certificate is suspended, the office of library services shall remove the certificate entry from the offender database. Provided that no more than five years have passed since an inmate has worked as a research aide, a law library supervisor may request that an inmate's suspended research aide certificate be reinstated. In such cases, the office of library services shall require that the inmate demonstrate, through successful completion of a written examination, that he or she still possesses current knowledge of the law, knowledge of legal research materials and how to use them, and can communicate effectively in writing. If the inmate demonstrates to the office of library services that he or she still has the requisite knowledge and skills to work as a research aide, the suspension shall be lifted and the research aide certificate shall be re-entered in the offender database.

(o) The office of library services shall revoke the research aide certificate of an inmate who demonstrates that he or she is incompetent, or when five or more years have passed since he or she has worked in a law library as a research aide. Whenever a research aide certificate is revoked, the office of library services shall remove the certificate entry from the offender database. Such action is not deemed to be judgemental or prejudicial. However, the inmate shall be required to attend and successfully complete the research aide training program to be re-certified as a research aide.

~~(7)(11)~~ Circulation and control of legal materials.

(a) No part of the law library collection may be removed from the law library without the written approval of the law library supervisor ~~librarian or~~. Inmates who remove legal materials from the law library without written authorization shall be subject to disciplinary action.

(b) The law library's shelves shall be closed to direct access by inmates not assigned as library clerks or research aides ~~inmate law clerks~~. Inmates needing access to legal materials shall direct a request to a library ~~an inmate law clerk or research aide~~ who shall then retrieve the material and issue it to him or her. Inmates shall sign for all legal research materials issued to them for use in the law library or library. At a minimum, inmates shall be permitted to sign out at least 1 case reporter and 1 other volume at any one time.

(c) No change.

~~(8)(12)~~ Grievance and Court Forms Supply Services.

(a) Major and minor collection ~~All~~ law libraries shall provide inmates access to Form DC6-236, Inmate Request, and Form DC1-303, Request for Administrative Remedy or Appeal ~~Department of Corrections grievance forms and forms needed to prepare Rule 3.800 and Rule 3.850, Florida Rules of Criminal Procedure, post-conviction relief petitions.~~ Forms DC6-236 and DC1-303 are incorporated by reference in Rule 33-103.019, F.A.C.

(b) Major and minor collection law libraries shall provide inmates access to court-approved forms needed to prepare Rule 3.800 and Rule 3.850, Florida Rules of Criminal Procedure, post-conviction relief petitions. Federal habeas corpus, affidavits of insolvency, and civil rights complaint forms shall only also be supplied if copies of same are provided to the law library by the federal courts. In all instances, law libraries are obligated to provide only one copy of the form. If additional copies are required for submission to the courts, the inmate shall secure them using the procedures established in section 33-602.405. ~~Institutions shall provide white paper and pens to prepare and submit legal documents and legal mail for those inmates without necessary funds to purchase their own paper and pen.~~

~~(13)~~ Copying Services.

(a) ~~All institutions and facilities shall provide photographic copying services to inmates submitting legal documents and accompanying evidentiary materials to courts and administrative bodies. Rules regulating the provision of copying services to inmates are established in section 33-602.405.~~

(b) ~~Copying machines shall be in the law library or in close proximity to the law library in institutions having major law collections. Minor collection law libraries shall be allowed access to a photocopy machine to provide photographic copying services to inmates, as established in section 33-602.405, and to provide research assistance to inmates in confinement.~~

~~(14) Notary Service. Institutions shall provide notary service to inmates who have legal material that requires notarization. Rules regulating the provision of notary service to inmates are established in section 33-210.102.~~

~~(9)(15) Reports.~~ All institutions having major and minor law libraries shall prepare a monthly law library report detailing at a minimum the days and hours that the law library was open to inmate use, the circulation of law library materials, the volume of legal services provided to inmates, the number of research aides ~~inmate law clerks~~ on staff, and legal materials added to the law library collection during the month. This report shall be submitted to the library services administrator by the tenth day of each calendar month for the previous month's activities. The library services administrator shall be

responsible for developing the report and for disseminating instructions to all institutions for accurately completing the report.

~~(16) Monitoring and Evaluation of Law Library Programs.~~

~~(a) The warden of the institution shall be responsible for day-to-day monitoring of the law library program and other institution programs or departments that provide legal services to inmates and ensuring that all requirements of this rule are adhered to.~~

~~(b) The library services administrator and the law library services attorney in the Office of the Assistant Secretary for Education and Job Training shall be responsible for the statewide coordination and monitoring of institutional law libraries and related legal services. The library services administrator and the law library services attorney share responsibility for the review of department policy and procedure as it relates to the operation of law library programs and the monitoring and evaluation of law library programs and services.~~

~~(c) The library services administrator shall be responsible for:~~

- ~~1. Managing the statewide purchase of all legal research materials required by this rule for all law libraries;~~
- ~~2. Monitoring of law library acquisitions and inventories to ensure that they are current and complete;~~
- ~~3. Providing guidance and in-service training to librarians on issues related to management of law library programs and services;~~
- ~~4. Collecting data on the operation of law library programs and the provision of law library services;~~
- ~~5. Investigating and responding to inmate grievances and correspondence involving the operation of law library programs;~~
- ~~6. Reviewing the contents of the department's law library collections at least annually and making recommendations regarding same to the assistant secretary for education and job training;~~
- ~~7. Reviewing requests from institutions to add supplemental legal materials to their law library collections.~~

~~(d) The law library services attorney is responsible for:~~

- ~~1. Managing all activities related to the training of inmate law clerks, to include development of a training curriculum for the training program, monitoring of training activities, and reviewing the training program at least annually to ensure that it remains current and appropriate to the needs of inmates;~~
- ~~2. Monitoring the performance of inmate law clerks to assess the appropriateness of training topics included in the law clerk training program;~~
- ~~3. Investigating and responding to inmate grievances and correspondence involving law clerk assistance to inmates;~~

~~4. Developing and ensuring the conduct of in-service training programs for librarians, law library supervisors, and other staff on legal research and the inmate law clerk training program;~~

~~5. Reviewing department rules, operating procedures and operations manuals relating to the training of inmate law clerks at least annually and recommending revisions as required;~~

~~(e) The library services administrator, law library services attorney, or library services assistant administrator shall periodically visit each law library program to ensure that the legal collections are current and complete, to ensure that all required services to inmates are being provided in a timely manner, and to ensure that all inmate law clerks are qualified to provide research assistance to inmates.~~

~~(f) The library services administrator and library services assistant administrator shall be professional librarians with experience in managing institutional library and law library programs, and the law library services attorney shall have a Juris Doctorate degree from an accredited college of law and shall be a member of the Florida Bar.~~

~~(17) Operating Procedures.~~

~~(a) Every institution with a major or minor collection law library shall develop an institutional operating procedure regulating the operation of the law library and inmate access to the law library in accordance with the requirements of this rule. At a minimum the operating procedure shall detail:~~

- ~~1. The location of the law library;~~
- ~~2. The type of law collection at the institution;~~
- ~~3. The hours of operation of the law library;~~
- ~~4. The procedure for circulating law library materials to inmates while in the law library;~~
- ~~5. The procedure for handling inmate requests for access to the law library collection and appropriate law library services based upon court deadlines;~~
- ~~6. The procedure to secure inmates interlibrary loan service, to include procedures to be followed by institution staff to ensure that materials requested by interlibrary loan to meet deadlines are secured for the inmate within the required time;~~
- ~~7. The procedure to provide inmates in confinement with access the law library and law library services, to include the schedule for visits by inmate law clerks to the confinement areas;~~
- ~~8. The procedure to provide inmates at work camps attached to institutions with access to the law library, law library services, and inmate law clerks, to include the schedule for visits by inmate law clerks to the work camp or visits by inmates at the work camp to the law library in the main unit;~~
- ~~9. The procedure to provide inmates with access to interpreters when language barriers hinder access to the legal collection or communication with inmate law clerks;~~

~~10. The procedure to provide inmates with copying services;~~

~~11. The procedure to provide inmates with access to grievance and court forms;~~

~~12. The procedure to provide insolvent inmates needing to prepare legal documents and legal mail with access to white paper and pens;~~

~~13. The procedure to provide inmates with access to notary service.~~

~~(b) The operating procedure shall be approved by the at each institution and reviewed at least annually. Whenever the operating procedure on the law library is revised a copy shall be submitted to the library services administrator in the central office for review and approval to ensure that the institutional policy and procedure is in compliance with the requirements of this rule.~~

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 4-6-93, Amended 7-3-94, 11-2-94, 4-28-96, 9-30-96, 12-7-97, Formerly 33-3.0055, Amended 2-15-01, _____.

APPENDIX ONE

TITLE LIST FOR MAJOR COLLECTION LAW LIBRARIES

~~1. Prisoners and the Law, by Robbins. (Clark Boardman).~~

~~2. Jailhouse Lawyer's Manual. (Columbia Human Rights Law Review).~~

~~3. Florida Criminal Sentencing Law, by Davidson. (D & S Publishing).~~

~~4. Volume 12: Chapter 23, Florida Parole commission. Florida Administrative Code Annotated. (Darby Publishing).~~

~~5. Guide to Florida Legal Research, by Stupski. (Florida Bar Association).~~

~~6. Legal Forms and Worksheets. (Florida Bar Association).~~

~~7. Florida Criminal Law and Procedure, by Adkins. (Harrison).~~

~~8. Uniform System of Citation. (Harvard Law Review Association).~~

~~9. Florida Law Weekly — Federal. (Judicial & Admin. Research Assoc.).~~

~~10. Florida Law Weekly. (Judicial & Admin. Research Assoc.).~~

~~11. Florida Jurisprudence, 2nd. (Lawyer's Cooperative).~~

~~12. Florida Pleading and Practice Forms, 2nd. (Lawyer's Cooperative).~~

~~13. Florida Bar Journal.~~

~~14. Federal Habeas Corpus, by Liebman. (Michie).~~

~~15. Legal Research: How to Find and Understand the Law, by Elias. (Nolo Press).~~

~~16. Post-Conviction Remedies: A Self-Help Manual, by Manville. (Oceana).~~

~~17. Prisoners' Self-Help Litigation Manual, by Manville. (Oceana).~~

~~18. Spanish — English Legal Terminology, by Vanson. (Scott Forsman).~~

~~19. Shepard's Federal Citations. (Shepard's).~~

~~20. Shepard's Florida Citations. (Shepard's).~~

~~21. Shepard's U.S. Citations. (Shepard's).~~

~~22. Florida Statutes. (State of Florida).~~

~~23. Black's Law Dictionary. (West).~~

~~24. Federal Civil Judicial Procedure and Rules. (West).~~

~~25. Federal Criminal Code and Rules. (West).~~

~~26. Federal Reporter 2nd. Previous 20 years to date. (West).~~

~~27. Federal Supplement. Previous 20 years to date. (West).~~

~~28. Florida Cases, 1941 to Date. (West).~~

~~29. Florida Criminal Law and Rules. (West).~~

~~30. Florida Digest 2nd. (West).~~

~~31. Florida Evidence, by Ehrhardt. (West).~~

~~32. Florida Rules of Court — State & Federal. (West).~~

~~33. Florida Session Laws. (West).~~

~~34. Florida Statutes Annotated. (West).~~

~~35. How to Find the Law, by Cohen. (West).~~

~~36. Law of Corrections and Prisoners' Rights, by Krantz. (West).~~

~~37. Legal Research in a Nutshell, by Cohen. (West).~~

~~38. Supreme Court Reporter. Previous 20 years to date. (West).~~

~~39. U.S. Code Annotated, in part: Constitution and Amendments; Title 28, Section 2254; Title 42, Section 1983. (West).~~

~~40. West's Federal Practice Digest, 4th. and 3rd. (West).~~

~~41. West — Spanish-English/English-Spanish — Law Dictionary. (West).~~

~~42. Florida Appellant Practice, by Padovano. (West).~~

~~43. Florida Criminal Law and Practice, by Crawford. (West).~~

~~44. Florida Post-Sentencing, by Daley. (Capital Legal Publishers).~~

~~45. Rights of Prisoners. (Clark Boardman).~~

APPENDIX TWO

TITLE LIST FOR MINOR COLLECTION LAW LIBRARIES

~~1. Prisoners and the Law, by Robbins. (Clark Boardman).~~

~~2. Jailhouse Lawyer's Manual. (Columbia Human Rights Law Review).~~

~~3. Florida Criminal Sentencing Law, by Davidson. (D & S Publishing).~~

~~4. Guide to Florida Legal Research, by Stupski. (Florida Bar Association).~~

~~5. Legal Forms and Worksheets. (Florida Bar Association).~~

~~6. Florida Criminal Law and Procedure, by Adkins. (Harrison).~~

- 7. Uniform System of Citation. (Harvard Law Review Association):
- 8. Florida Law Weekly—Federal. (Judicial & Admin. Research Assoc.):
- 9. Florida Law Weekly. (Judicial & Admin. Research Assoc.):
- 10. Florida Jurisprudence, 2nd. (Lawyer’s Cooperative):
- 11. Florida Pleading and Practice Forms, 2nd. (Lawyer’s Cooperative):
- 12. Federal Habeas Corpus, by Liebman. (Michie):
- 13. Legal Research: How to Find and Understand the Law, by Elias. (Nolo Press):
- 14. Post Conviction Remedies: A Self Help Manual, by Manville. (Oceana):
- 15. Prisoners’ Self-Help Litigation Manual, by Manville. (Oceana):
- 16. Spanish—English Legal Terminology, by Vanson. (Scott Forsman):
- 17. Shepard’s Florida Citations. (Shepard’s):
- 18. Florida Statutes. (State of Florida):
- 19. Black’s Law Dictionary. (West):
- 20. Federal Civil Judicial Procedure and Rules. (West):
- 21. Federal Criminal Code and Rules. (West):
- 22. Florida Cases. 1941 to Date. (West):
- 23. Florida Criminal Law and Rules. (West):
- 24. Florida Digest 2nd. (West):
- 25. Florida Evidence, by Ehrhardt. (West):
- 26. Florida Rules of Court—State & Federal. (West):
- 27. Florida Session Laws. (West):
- 28. Florida Statutes Annotated. (West):
- 29. How to Find the Law, by Cohen. (West):
- 30. Law of Corrections and Prisoners’ Rights, by Krantz. (West):
- 31. Legal Research in a Nutshell, by Cohen. (West):
- 32. U.S. Code Annotated, in part: Constitution and Amendments; Title 28; Title 42, Sections 1983-2000d-6. (West):
- 33. West’s Federal Practice Digest, 4th and 3rd. (West):
- 34. West—Spanish-English/English-Spanish—Law Dictionary. (West):
- 35. Florida Appellant Practice, by Padovano. (West):
- 36. Florida Criminal Law and Practice, by Crawford. (West):
- 37. Florida Post-Sentencing, by Daley. (Capital Legal Publishers):
- 38. Volume 12 (Chapter 23, Florida Parole Commission), Florida Administrative Code Annotated. (Darby):
- 39. Rights of Prisoners. (Clark Boardman):
- 40. Florida Bar Journal. (Florida Bar Association):

**APPENDIX THREE
TITLE LIST FOR STARTER COLLECTION
LAW LIBRARIES**

- 1. Florida Statutes Annotated, including: Uniform Commercial Code, Florida Session Law Service, Florida Rules of Court, State and Federal. (West):
- 2. United States Code Annotated, in part: Title 42, Sections 1983-2000d. (West):
- 3. Black’s Law Dictionary, current edition. (West):

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard Nimer
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2001

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District	
RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Surface Water Management for Mining Materials Other Than Phosphate	40D-45
RULE TITLES:	RULE NOS.:
Policy and Purpose	40D-45.011
Definitions	40D-45.021
Implementation, Effective Date and Applicability	40D-45.031
Permits Required	40D-45.041
Exemptions	40D-45.051
Conditions for Exemption	40D-45.053
Alteration of Exempt Projects	40D-45.054
Publications and Agreements Incorporated by Reference	40D-45.091
Content of Application	40D-45.101
Conditions for Issuance	40D-45.301
Duration of Permits	40D-45.321
Modification of Permits	40D-45.331
Transfer of Permits	40D-45.351
Limiting Conditions	40D-45.381
Inspection	40D-45.461
Abatement	40D-45.471
Remedial and Emergency Measures	40D-45.481
PURPOSE AND EFFECT: The purpose of the proposed rule is to repeal Chapter 40D-45, Florida Administrative Code (F.A.C.) in compliance with the requirements of Section 120.536, Florida Statutes (F.S.). The effect of the proposed rule will be to eliminate from the District’s rules permitting criteria and thresholds unique to mining activities regulated by the District.	

SUMMARY: The Governing Board initiated repeal of Chapter 40D-45, F.A.C. in January of 1996. The majority of Chapter 40D-45, F.A.C., regarding Surface Water Management for Mining Materials Other Than Phosphate, was identified as obsolete as a result of the adoption of the Environmental Resource Permitting rules in Chapter 40D-4, F.A.C., and the current Operating Agreement with the Department of Environmental Protection. In October 1999 the District listed Chapter 40D-45, in its entirety, as exceeding the District's rulemaking authority pursuant to Section 120.536, F.S. No authorizing legislation was passed by the 2000 Legislature and pursuant to Section 120.536, F.S. the District was required to begin proceedings to repeal Chapter 40D-45, F.A.C. by January 1, 2001. At its December 2000 meeting, the Governing Board again authorized repeal of Chapter 40D-45, F.A.C. The proposed rulemaking will repeal Chapter 40D-45, F.A.C. in its entirety.

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-45, 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: 120.54(8), 373.044, 373.046, 373.113, 373.133, 373.149, 373.171, 373.414 FS.

LAW IMPLEMENTED: 120.54(8), 373.042, 373.046, 373.403, 373.409, 373.413, 373.414, 373.416, 373.416(1), 373.416(2), 373.423, 373.426, 373.429, 373.433, 373.436, 373.439 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: 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 RULES IS:

40D-45.011 Policy and Purpose.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.414, 373.416, 373.426 FS. History--New 4-1-90, Repealed _____.

40D-45.021 Definitions.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.403, 373.423 FS. History--New 4-1-90, Amended 10-3-95, Repealed _____.

40D-45.031 Implementation, Effective Date and Applicability.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.416, 373.426 FS., Ch. 76-243, Laws of Florida. History--New 4-1-90, Repealed _____.

40D-45.041 Permits Required.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented, 373.413, 373.416, 373.426 FS. History--New 4-1-90, Amended 1-30-94, Repealed _____.

40D-45.051 Exemptions.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413 FS. History--New 4-1-90, Amended 1-30-94, Repealed _____.

40D-45.053 Conditions for Exemption.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413 FS. History--New 4-1-90, Amended 1-30-94, Repealed _____.

40D-45.054 Alteration of Exempt Projects.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413 FS. History--New 4-1-90, Amended 1-30-94, Repealed _____.

40D-45.091 Publications and Agreements Incorporated by Reference.

Specific Authority 120.54(8), 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 120.54(8), 373.046, 373.403, 373.413, 373.414, 373.416, 373.429 FS. History--New 4-1-90, Amended 2-1-91, 11-16-92, 10-3-95, Repealed _____.

40D-45.101 Content of Application.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.413 FS. History--New 4-1-90, Repealed _____.

40D-45.301 Conditions for Issuance.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.403, 373.413, 373.414, 373.416, 373.426 FS. History--New 4-1-90, Amended 1-30-94, Repealed _____.

40D-45.321 Duration of Permits.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History--New 4-1-90, Amended 1-30-94, Repealed _____.

40D-45.331 Modification of Permits.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.416(1), 373.429 FS. History--New 4-1-90, Amended 1-30-94, Repealed _____.

40D-45.351 Transfer of Permits.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416(2) FS. History--New 4-1-90, Amended 1-30-94, Repealed _____.

40D-45.381 Limiting Conditions.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.403, 373.409, 373.413, 373.414, 373.416, 373.426 FS. History--New 4-1-90, Amended 1-30-94, Repealed _____.

40D-45.461 Inspection.

Specific Authority 373.044, 373.133, 373.171 FS. Law Implemented 373.423 FS. History--New 4-1-90, Repealed _____.

40D-45.471 Abatement.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.433 FS. History—New 4-1-90, Repealed _____.

40D-45.481 Remedial and Emergency Measures.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.436, 373.439 FS. History—New 4-1-90, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
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

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: January 1996 [December 2000]

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Permits Required

RULE NO.: 40E-2.041

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend Chapter 40E-2, F.A.C. to clarify that the drawdown of lakes for environmental, recreational, and flood control purposes is not regulated by Chapters 40E-2 and 40E-20, F.A.C.

SUMMARY: Language is added to Rule 40E-2.041, F.A.C., specifically stating that the drawdown of lakes for environmental, recreational, and flood control purposes is not regulated by Chapters 40E-2 or 40E-20, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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 within 21 days of this notice.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.103(1), 373.219, 373.244 FS.

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

TIME AND DATE: 8:30 a.m., August 9, 2001

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: For technical issues contact: Scott Burns (internet: sburns@sfwmd.gov), or Doug MacLaughlin (internet: dmsclaug@sfwmd.gov), telephone number 1(800)432-2045. For procedural issues contact: Julie Jennison

(internet: jjenniso@sfwmd.gov), 1(800)432-2045, Ext. 6294 or (561)682-6294, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680

Although Governing Board meetings, hearings and workshops 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 testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-2.041 Permits Required.

(1) Unless expressly exempt by law or District rule, a water use permit must be obtained from the District prior to any use or withdrawal of water. The drawdown of lakes for environmental, recreational, or flood control purposes is not regulated by Chapters 40E-2 or 40E-20, F.A.C.

(2) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.103(1), 373.219, 373.244 FS. History—New 9-3-81, Formerly 16K-2.03(1),(2), Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wm. Scott Burns, Director, Water Use Regulation Department

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 5, 2001, February 16, 2001

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Environmental Resource Permits

RULE CHAPTER NO.: 40E-4

RULE TITLE: Exemptions from Permitting

RULE NO.: 40E-4.051

PURPOSE AND EFFECT: The purpose of the proposed amendments is to repeal or amend District rules which were listed by the District pursuant to Section 120.536, F.S. The effect will be to amend subsections 40E-4.051(4)(b) and (c), F.A.C., which are exemptions from environmental resource permitting that involve the construction or restoration of seawalls, and to repeal subsection 40E-4.051(8), F.A.C., in its entirety.

SUMMARY: The proposed amendment of subsection 40E-4.051(4)(b), F.A.C., will delete language that was listed by the District as unauthorized and for which no authorizing legislation was passed by the 2000 Legislature. The

amendment will also add language clarifying the activities covered by the exemption. The proposed amendment to subsection 40E-4.051(4)(c), F.A.C., will delete redundant language, add the construction of riprap as an activity covered by the exemption, and clarify the requirements for construction of seawalls and ripraps in estuaries and lagoons. The repeal of subsection 40E-4.051(8) will remove an exemption for the use of rotenone by the Florida Fish and Wildlife Conservation Commission.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.406, 373.413, 373.416, 403.813(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jan Sluth, Associate Legal Research Assistant, Office of Counsel, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (561)682-6299, 1(800)432-2045, Suncom 229-6299

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.051 Exemptions From Permitting.

(1) through (3) No change.

(4)(a) No change.

(b) The restoration of a seawall or riprap at its previous location or upland of or within 18 inches ~~one foot~~ waterward of its previous location, as measured from the face of the existing seawall slab to the face of restored seawall slab or from the front slope of the existing riprap to the front slope of the restored riprap. No filling can be performed except in the actual restoration of the seawall or riprap. No construction shall be undertaken without the necessary title or leasehold interest, especially where private and public ownership boundaries have changed as a result of natural occurrences such as accretion, reliction and natural erosion. ~~Restoration and repair shall be performed using the criteria set forth in Section 373.414(5), F.S.~~ This exemption shall be limited to functioning seawalls or riprap. This exemption shall not affect the permitting requirements of Chapter 161, F.S.

(c) The construction of ~~private vertical~~ seawalls or riprap in wetlands or other surface waters, ~~other than in an estuary or lagoon, and the construction of riprap revetments,~~ where such construction is between and adjoins at both ends existing

seawalls or riprap, follows a continuous and uniform construction line with the existing seawalls or riprap, is no more than 150 feet in length, does not violate state water quality standards, impede navigation, or adversely affect flood control. However, this exemption shall not affect the permitting requirements of Chapter 161, F.S. In estuaries and lagoons, c~~Construction of vertical seawalls is limited to the circumstances and purposes stated in~~ shall be in accordance with subsection 373.414(5)(b)1.-4., F.S.

(5) through (7) No change.

~~(8) The Use of Rotenone by the Florida Game and Fresh Water Fish Commission. The use of rotenone, by the Florida Game and Fresh Water Fish Commission, in conducting tests related to its responsibility regarding fish management. The chemical selected shall be used at no more than the strength approved by the United States Environmental Protection Agency (EPA) label specifications. In addition, the chemical shall be used only under the direct on-site supervision of a staff member of the Florida Game and Fresh Water Fish Commission.~~

(9) through (11) renumbered (8) through (10) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.406, 373.413, 373.416, 403.813(2) FS. History-New 9-3-81, Amended 1-31-82, 3-9-83, Formerly 16K-4.02, Amended 4-20-94, 10-3-95, 5-28-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Robbins, Director, Natural Resources Management Department, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (561)682-6951, 1(800)432-2045 Ext. 6951, or Suncom 229-6951

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2001

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Licensing

RULE NOS.:

1C-3.134

1C-3.138

1C-3.140

RULE TITLES:

Licensed Firearms Instructors;
Schools or Training facilities;
License Application

School Staff; Licensing

Requirements; Standards

School Curriculum; Examinations;
Retention of Records

NOTICE OF WITHDRAWAL

Notice is given that the above rules, as noticed in Vol. 27, No. 3 (January 19, 2001) edition of the Florida Administrative Weekly is being withdrawn.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.: 4A-3 RULE CHAPTER TITLE: Fire Prevention – General Provisions

RULE NO.: 4A-3.012 RULE TITLE: Standards of the National Fire Protection Association Adopted

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. 12, March 23, 2001, edition of the Florida Administrative Weekly.

4A-3.012 Standards of the National Fire Protection Association Adopted.

(1) No change except:

After NFPA 17A-1998, Standard on Wet Chemical Extinguishing Systems, replace

NFPA 20-1999, Standard for the Installation of Centrifugal Fire Pumps, with

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

After NFPA 481-1995, Standard for the Production, Processing, Handling and Storage of Titanium, replace

NFPA 482-1996, Standard for the production, Processing, Handling, and Storage of Zirconium, with

NFPA 482-1996, Standard for the Production production, Processing, Handling, and Storage of Zirconium

After NFPA 501-1999, Standard on Manufactured Housing, replace:

NFPA 501A-1999, Standard for Firesafety Criteria for Mobile Home Installations, Sites, and Communities, with:

NFPA 501A-1999, Standard for Firesafety Criteria for Manufactured Mobile Home Installations, Sites, and Communities

and add the following documents after NFPA 8503-1997, Standard for Pulverized Fuel Systems:

49 Code of Federal Regulations, Parts 100-177

29 Code of Federal Regulations, Parts 1900-1910

CGA, C-1, C-6, C-6.1, C-6.3

(5) The Code of Federal Regulations and the CGA incorporated by reference in this rule are available for public inspection during regular business hours at the Division currently located on the third floor (Room 326) of the Atrium Building, 325 John Knox Road, Tallahassee, Florida.

Specific Authority 633.01(1), 633.022 FS. Law Implemented 633.01, 633.022 FS. History—New 5-14-86, Amended 2-12-87, 4-8-90, 10-30-91, 4-3-95,

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.: 4A-21 RULE CHAPTER TITLE: Fire Extinguishers and Pre-Engineered Systems

RULE NOS.: 4A-21.102 RULE TITLES: Dealer License 4A-21.103 Permit 4A-21.104 Prescribed Training Course for Portable Fire Extinguisher Licenses and Permits

4A-21.113 Required Continuing Education 4A-21.241 Standard Service Tags, Specifications

4A-21.242 Hydrostatic Tests 4A-21.245 Hydrostatic Tests; Record Tag 4A-21.249 Leak Tests; Tamper Indicators or Seals to be Replaced

4A-21.251 Invoices

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. 14, April 6, 2001, edition of the Florida Administrative Weekly.

4A-21.102 Dealer License.

(3) A non-refundable fee as prescribed in Section 633.061(3)(c)6.5, Florida Statutes, shall accompany each application requiring an examination.

(6) Upon successful completion of the prescribed certification training course, the applicant will be administered an examination testing his or her competency and knowledge of the tasks to be performed pursuant to the class license requested.

(8) When the applicant has completed the requirements in subsections (1) through (7), above, a pre-license inspection will be conducted at the facility of the applicant to determine that the equipment is functional and meets the requirements have been met pursuant to the provisions of subsection (11), below. The Regulatory Licensing Section shall inspect vehicles, equipment, buildings, devices, premises or any area to be used in performing the activities allowed by the license. Vehicles will be inspected annually or as deemed necessary to insure minimum equipment requirements are met based on the services performed from each vehicle. At the time of inspection, the dealer shall provide to the Regulatory Licensing Section a list identifying the vehicle, by tag number, and the services performed from such vehicle. After issuance of a license, such facilities shall be inspected annually thereafter or as frequently as deemed necessary to ensure that the equipment requirements continue to be met.

(12) Equipment requirements.

(a) Each licensed business location shall be required to possess, at a minimum, the required equipment listed below, the equipment shall be demonstrated at the time of any inspection, to be functional to perform service as indicated by the license. All facilities must be in possession of a retester's identification number and certification in compliance with the Code of Federal Regulation Pamphlet 49, Part 173, as adopted in Rule Chapter 4A-3, Florida Administrative Code.

(b) Minimum Equipment and Facilities Requirements.

16. Regulator and indicator in accordance with NFPA standards and manufacturer's specifications. Pressure gauges Gauges shall be calibrated in accordance with Section 4-5.4.2, NFPA 10, as adopted in Rule Chapter 4A-3, Florida Administrative Code.	A	B	C	D
28. Closed recovery system for removal and recharge of halon as required in NFPA 10, as adopted in Rule Chapter 4A-3, Florida Administrative Code, or an exemption from the State Fire Marshal, as provided in Section 633.061(3), Florida Statutes.				
29. Printed invoices properly completed in compliance with Section 4A-21.251, Florida Administrative Code.	A	B	C	D

MINIMUM EQUIPMENT AND FACILITIES REQUIRED PER CLASS OF LICENSE

Specific Authority 633.01 FS. Law Implemented 633.061 FS. History--New 2-7-89, Amended 10-20-93, 10-2-96, 6-8-98, _____.

1. Hydrostatic test equipment for high pressure testing and calibrated cylinder maintained in compliance with the requirements of <u>Compressed Gas Association, Inc., publication CGA C-1, the edition as adopted in Rule Chapter 4A-3, Florida Administrative Code.</u> DOT certification letter posted on or near the test apparatus identifying a current retester identification number issued to the facility.	A			
2. Equipment for test dating United States Department of Transportation specification and nonspecification cylinders. Die stamps for Class A and D facilities must be a minimum of 1/4 inch and include the retester identification number issued to the facility.	A	B	C	D
4. CO2 receiver – bulk, liquid, or cascade system for proper filling of CO2 extinguishers cascade system CO2 for proper filling of CO2 extinguishers.	A	B		
6. Drying method <u>which</u> with does not exceed 150 degrees Fahrenheit for high and low pressure cylinders in accordance with NFPA 10, as adopted in Rule Chapter 4A-3, Florida Administrative Code and the manufacturer's specifications.	A	B	C	D
9. Low pressure test apparatus for the licenses held, with gauges certified accurate in compliance with the requirements of <u>Compressed Gas Association, Inc., publication CGA-C1, the edition as adopted in Rule Chapter 4A-3, Florida Administrative Code,</u> and maintained in accordance with the requirements of <u>the said CGA-C1.</u> United States Department of Transportation certification letter posted on or near <u>the test apparatus</u> identifying <u>the</u> a current retester identification number issued to the facility.	A	B	C	D
10. All record tags, service, hydrotest, 6 year maintenance, as required by Rule 4A-21, as adopted in Rule Chapter 4A-3, Florida Administrative Code and 49 CFR Parts 100-177 49, as adopted in Section 4A-3.012, Florida Administrative Code.	A	B	C	D

4A-21.103 Permit.

(9) A permit shall be valid solely for use by the holder thereof in his or her employment by the licensee under whose license the permit was issued. A permittee changing his or her place of employment shall obtain a new permit under the license of the licenseholder at the new place of employment. The licensee shall notify the Regulatory Licensing Section, in writing, of an individual leaving his or her employment within fifteen days of the termination. The Regulatory Licensing Section will then change the records to reflect the status of the permit. A permit and photo identification card of an individual leaving the employment of a licensee becomes void and inoperative the date of termination, pursuant to Section 633.061(3)(b), Florida Statutes ~~departure.~~

Specific Authority 633.01 FS. Law Implemented 633.061 FS. History--New 2-7-89, Amended 10-20-93, _____.

4A-21.104 Prescribed Certification Training Course for Portable Fire Extinguisher Licenses and Permits.

(2) The procedures regarding the certification course at the Florida State Fire College or at another approved facility ~~is~~ as follows:

(a) All applicants for licenses and permits shall apply to the Regulatory Licensing ~~and Statistics~~ Section, Bureau of Fire Prevention in Tallahassee.

(b) Both the application fee and the exam fee shall be submitted to the Regulatory Licensing Section.

(c) Once an application is complete and acceptable, the Regulatory Licensing Section will issue a letter to the applicant authorizing attendance to the prescribed certification training course. A list of approved training centers and required study material will be included ~~applicant will be scheduled for the next available course at the Florida State Fire College.~~ The Regulatory Licensing Section ~~Bureau~~ will send a roster to the

~~Florida State Fire College notifying telling the Florida State Fire College of the identity of the persons who to expect for each offering of the course.~~

~~(d) No person will be registered to attend a certification course without first having received a letter of authorization from the Regulatory Licensing Section. No person shall be registered to attend the certification course for purposes of obtaining continuing education hours. No applications for licensure shall be sent to the Florida State Fire College. No one whose name is not on the roster prepared by the Regulatory Licensing Section Bureau in Tallahassee will be admitted to the course at the Florida State Fire College.~~

~~(e) The charge for the course is \$150.00 and is a nonrefundable fee. This fee must be paid directly to the Florida State Fire College 15 calendar days prior to the date of the scheduled course. An authorized applicant attending a certification course at another approved training facility shall pay the fees set by the approved facility.~~

~~(h) Applicants will be tested daily on course materials. Each applicant must receive an average score of 70% on daily examinations to be qualified to sit for the certification examination. A passing score will be 70%.~~

~~(i) At the conclusion of the 40 hour certification course of instruction at the Florida State Fire College, those applicants who have successfully completed the course, receiving an average score of 70% on the daily examinations, will be given the State Certification Examination for the license or permit for which she or he has applied. Those individuals taking the certification course at an approved training facility will be scheduled for testing at regional testing sites on regularly scheduled testing dates by the Regulatory Licensing Section after the individual has met and complied with the requirements set forth in Section 633.061, Florida Statutes. Those persons attending a certification course for purposes of continuing education shall receive 20 hours of continuing education credit upon successful completion of the course, regardless of the location the course was taken.~~

~~(j) A passing score for the state certification exam is 70%. Scores on the examination test will be mailed by the Florida State Fire College to the Regulatory Licensing Section Bureau in Tallahassee. The Regulatory Licensing Section will then notify each applicant of examination scores the score by mail within five working days from the date of receipt in the Regulatory Licensing Section. No results will be given by telephone, facsimile transmission, or electronic mail (e-mail).~~

(3) The 40 hour certification training course may be offered at a community college, a vocational technical center, or at any of the training centers certified by the Bureau of Fire Standards and Training. The certification course must be equivalent to that offered by the Florida State Fire College (Course Number FSFC-708).

(a) The certification course must be approved in advance by the Chief of the Bureau of Fire Standards and Training or his designee. A copy of the course outline, lesson plan or plans, instructor or instructors, and proposed facility with appropriate props for performing extinguisher training evolutions must be submitted.

Specific Authority 633.01 FS. Law Implemented 633.061 FS. History—New 2-7-89, Amended 10-20-93, _____.

4A-21.113 Required Continuing Education.

(1) Licenseholders and permitholders shall complete a continuing education course or combination of courses in compliance with Section 633.061, Florida Statutes for each license or permit held.

(2) The continuing education course or combination of courses shall be related to the scope of each license and each ~~or~~ permit held. All licensed fire equipment dealers are required to complete at least one hour of a workplace safety class, one hour of a business practices class, and one hour of a workers' compensation class as part of the ~~32 hours~~ or required continuing education for ~~of~~ license renewal each four year ~~year~~ period.

(3) The course or combination of courses shall be conducted by persons approved by the Regulatory Licensing Section. Approval of such persons shall be based on the person's training, experience, and expertise in the subject of the course. The instructor must be qualified, by education or experience, to teach the course, or parts of a course to which the instructor is assigned. Any person with a four year college or graduate degree is qualified to teach any course in their field of study. Any equipment manufacturer or state certified fire equipment dealer with at least ~~five~~ five years' experience may teach any technical course within the scope of the dealer's license; however, no dealer whose license is suspended or revoked as a result of administrative action shall teach any course or serve as a continuing education course instructor. The Regulatory Licensing Section is not permitted to reject a course based upon the proposed instructor, but is permitted to approve a course contingent on certification that all instructors meet those minimum requirements before conducting the course and before advertising that the course is approved for continuing education credit.

(4) The course or combination of courses shall be approved in advance by the Regulatory Licensing Section. The number of contact hours assigned to any course shall be determined by the Regulatory Licensing Section based on course content and length.

(6) The Regulatory Licensing Section shall approve continuing education courses in compliance with the time limitations specified for licensing in Chapter 120, Florida Statutes within 90 days from the date of receipt. Such approval shall be based upon the submission of coursework which

relates to the technical fire protection skills of fire equipment dealers and permittees which contain educational content to improve the quality of work being performed.

Specific Authority 633.01 FS. Law Implemented 633.061 FS. History--New 2-7-89, Amended 10-20-93, _____.

4A-21.241 Standard Service Tags, Specifications.
(2) 6-year Maintenance, Record Tags.

A verification of service collar meeting the requirements of Section 4-4.4.2, of NFPA 10, the edition as adopted in Rule Chapter 4A-3, Florida Administrative Code shall be provided each time an extinguisher is opened for any type of service or for any purpose. A new verification service collar shall be provided for an extinguisher each time an extinguisher is opened for any type of internal service or for any other purpose. No advertisement or any other information shall be included on the verification service collar. ~~The following types of extinguishers are exempted from this requirement: carbon dioxide extinguishers; halogenated vaporizing liquid fire extinguishers; external cartridge operated extinguishers; and extinguishers containing water.~~

Specific Authority 633.01 FS. Law Implemented 633.01, 633.071, 633.081 FS. History--New 10-18-67, Amended 12-30-70, 8-15-85, Formerly 4A-21.41, 4A-21.041, Amended 2-7-89, 10-20-93, _____.

4A-21.242 Hydrostatic Tests.

(1) Hydrostatic tests shall be conducted in accordance with the procedures in NFPA 10, as adopted in Rule Chapter 4A-3, Florida Administrative Code and 49 CFR 49, Parts 100-177, and Compressed Gas Association, Inc., publications CGA C-1, C-6, C-6.1 and C-6.3, all as adopted in Rule Chapter 4A-3, Florida Administrative Code.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.071, 633.081 FS. History--New 10-18-67, Amended 8-15-85, Formerly 4A-21.42, 4A-21.042, Amended 2-7-89, 10-20-93, _____.

4A-21.245 Hydrostatic Tests; Record Tag.

The hydrostatic test record tag shall comply with the requirements of NFPA 10 as adopted in Rule Chapter 4A-3, Florida Administrative Code and 49 CFR 49, Parts 100-177, and Compressed Gas Association, Inc., publications CGA C-1, C-6, C-6.1 and C-6.3, all adopted in Rule Chapter 4A-3, Florida Administrative Code. It shall remain adhered to the extinguisher for the required period of time. It shall not corrode. It shall remain legible for the duration of the performed hydrotest interval.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.071, 633.081 FS. History--New 10-18-67, Formerly 4A-21.45, 4A-21.045, Amended 2-7-89, 10-20-93, _____.

4A-21.249 Leak Tests; Tamper Indicators or Seals to Be Replaced.

The leak test shall be performed by following the manufacturer's recommendations. Any tamper indicators or seals shall be replaced each year and ~~or~~ after each recharge of recharging a portable fire extinguisher. Tamper indicator pull pressure or break pressure shall not exceed 15 pounds.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.061, 633.071, 633.081 FS. History--New 10-18-67, Formerly 4A-21.49, 4A-21.049, Amended 2-7-89, 10-20-93, _____.

4A-21.251 Invoices.

Invoices shall include the business name, physical business address and license number of the fire equipment dealer. The license number on the invoice shall coincide with the permit number on the tags which are attached to the extinguishers being invoiced for service. Invoices for servicing fire extinguishers shall include serial numbers of each extinguisher and identify, per serial number, the services performed and any parts replaced for each extinguisher. This information is permitted to be on a separate ~~equable~~ sheet attached to the invoice.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.061, 633.065, 633.071 FS. History--New 2-7-89, Amended 10-20-93, _____.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-46	Fire Protection System Contractors and Systems
RULE NOS.:	RULE TITLES:
4A-46.016	Insurance Requirements
4A-46.017	Required Continuing Education
4A-46.035	Standards of the National Fire Protection Association to be Complied With
4A-46.040	Installation Requirements for Automatic Sprinkler Systems Employing Water as the Extinguishing Agent

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. 14, April 6, 2001, edition of the Florida Administrative Weekly.

4A-46.016 Insurance Requirements.

(3) Failure to provide evidence of insurance coverage within 30 days of the expiration date of the policy or within 30 days of a notice to provide evidence of coverage shall result in administrative proceedings pursuant to Section 624.4211 633.547, Florida Statutes, as provided in subsection (4) of Section 633.521, Florida Statutes.

Specific Authority 633.01, 633.517(1) FS. Law Implemented 633.521, 633.521(4) FS. History--New 10-20-93, Amended _____.

4A-46.017 Required Continuing Education.

(6) ~~The course or combination of courses shall be approved by the Regulatory Licensing Section.~~ The number of contact hours assigned to any course shall be determined by the Regulatory Licensing Section based on the course content and length of the course.

(h) Each approved course will be assigned a course number and the course will be identified by course title as submitted and the number of continuing education hours awarded. A listing of approved courses will be available from the Regulatory Licensing Section. ~~The Section, the~~ course list will include the course number, the course title, the course submitter and the type course.

(8) Prior to the annual expiration of the Certificate of Competency, the certificateholder shall submit proof of completion of the required course or courses to the Regulatory Licensing Section. Submissions shall be submitted on a "Fire Protection System Contractor Continuing Education Coursework" form, DI4-1240 (03/00) ~~(8/96)~~ as adopted and incorporated herein by reference. Forms are available from and submissions shall be sent to: Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0342. Each certificateholder will be notified by the Regulatory Licensing Section, in writing, if the coursework does not satisfy the continuing education requirement in Section 633.537, Florida Statutes. No notification will be given over the telephone.

Specific Authority 633.01, 633.517(1) FS. Law Implemented 633.521, 633.537 FS. History--New 10-2-96, Amended 6-18-97, 6-8-98, _____.

4A-46.035 Standards of the National Fire Protection Association to be Complied With.

Specific Authority 633.01 FS. Law Implemented 633.01, ~~633.051~~, 633.065, 633.082 FS. History--New 12-21-88, Amended 7-19-89, 8-1-90, 10-20-93, 10-2-96, 6-8-98, _____.

4A-46.040 Installation Requirements for Automatic Sprinkler Systems Employing Water as the Extinguishing Agent.

Specific Authority 633.01 FS. Law Implemented ~~471.025~~, 553.79(6), 633.065, 633.547(2)(e), 633.539 FS. History--New 12-21-88, Amended 8-1-90, 10-20-93, _____.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-60	The Florida Fire Prevention Code
RULE NOS.:	RULE TITLES:
4A-60.003	Standards of the National Fire Protection Association, NFPA 1, the Fire Prevention Code, Adopted

4A-60.004	Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Adopted
4A-60.005	Publications added to NFPA 1 and NFPA 101
4A-60.006	Manufactured Buildings
4A-60.008	Exceptions Applicable to Broward County

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. 6, February 9, 2001, edition of the Florida Administrative Weekly.

4A-60.003 Standards of the National Fire Protection Association, NFPA 1, the Fire Prevention Code, Adopted.

(2) NFPA 1 is hereby modified in the following respects:

(b) The following language is added to Subdivision 1-16.16:

1. Subdivision 1-16.16 The ~~fire official authority having jurisdiction~~ shall have the authority to issue permits for the following operations within the jurisdiction:

~~(c) Subdivision 1-17 of NFPA 1, Certificate of Fitness, is null, void, and of no effect. No local fire official is permitted to require a certificate of fitness.~~

~~(d)(e)~~ The following language is added to Subdivision 3-5.2: At least one elevation of each building shall be accessible to the fire department. Required fire lanes shall be provided with the inner edge of the roadway no closer than 10 feet and no further than 30 feet from the building. Such lanes shall have a surface designed to accommodate fire apparatus with a minimum weight of 32 tons.

~~(e)(f)~~ The following language is added to Subdivision 3-5.3: Buildings having ramps or other elevated roadways shall have posted weight limit signs.

~~(f)(g)~~ Subdivision 3-5.4 is changed to read: 3-5.4 Fire lanes shall be marked with freestanding signs with the wording, "NO PARKING FIRE LANE BY ORDER OF THE FIRE DEPARTMENT." Such signs shall be 12 inches by 18 inches with a white background and red letters and shall be a maximum of seven feet in height from the roadway to the bottom part of the sign. The signs shall be within sight of the traffic flow and be a maximum of 60 feet apart.

~~(g)(h)~~ New Subdivision 3-5.5.1 is created to read: 3-5.5.1 The fire official may require gated subdivisions or developments to provide the fire department access through the use of remote transmitters, specific codes, key system, or other appropriate devices as determined by the fire official.

~~(h)(i)~~ New Subdivision 3-5.6 is created to read:
1. through 4. No change.
5. Exception: These dimensions may be reduced by approval of the ~~fire official authority having jurisdiction~~.

6. No change.

7. Exception: Existing signs when approved by the fire official authority having jurisdiction.

~~(i)(4)~~ The following paragraph is added to Subdivision 3-7.1:

1. Numerals shall be not less than three inches in height for residential buildings, structures, or portions thereof, and at least six inches in height for all other buildings, structures, or portions thereof. Where address identification is required by the fire official authority having jurisdiction on other elevations of buildings, structures, or portions thereof, such numerals shall be not less than three inches in height for residential and at least six inches in height for all other buildings, structures, or portions thereof.

2. Exception: Existing numbers when approved by the fire official authority having jurisdiction.

~~(j)(4)~~ New Subdivision 4-9.1.1 is created to read: 4-9.1.1 There shall be no storage above any component of the means of egress unless it is on a separate floor or mezzanine constructed in accordance with the Florida Building Code.

~~(k)(4)~~ Subdivision 7-3.2.21.2.2 is changed to read: 7-3.2.21.2.2 Each existing high rise building shall be required to be protected by an approved, automatic sprinkler system or equipped with an engineered life safety system, approved by the fire official authority having jurisdiction, not later than 12 years after the adoption of the Florida Fire Prevention Code.

~~(l)(4)~~ The following language is added to Subdivision 7-7.3.1.4: When not connected to a fire alarm system, fire alarm notification appliances shall not be used as duct detector visual or audible signal devices.

~~(m)(4)~~ Subdivision 13-3.3.3 of NFPA 1 applies prospectively only. Existing installations may remain in place subject to the approval of the fire official authority having jurisdiction.

~~(n)(4)~~ The following language is added to Subdivision 16-10.7.3:

1. through 3. No change.

4. Exception No. 3: In buildings or structures where novelties and trick noisemakers as defined in Section 791.01(4)(c) ~~791.101(4)(e)~~, Florida Statutes, are offered for retail sale.

~~(o)(4)~~ The following language is added to Subdivision 16-10.7.5:

1. 16-10.7.5 Consumer fireworks, except for sparklers, novelties, and trick noisemakers as defined in Section 791.01(4)(b) and (c) ~~791.101(4)(b) and (e)~~, Florida Statutes, stored in a building that is also used for other purposes shall be stored in a room or area used exclusively for the storage of consumer fireworks. Interior walls of such room shall have a minimum fire-resistance rating of 1-hour with doors having a 45-minute fire-resistance rating.

2. No change.

~~(p)(6)~~ New Subdivision 16-10.7.5.1 is created to read: 16-10.7.5.1 Sparklers shall be stored or kept for sale in accordance with Section Chapter 791.055, Florida Statutes FS.

~~(q)(4)~~ Subdivision 29-2.3.2 is changed to read:

1. through 2. No change.

2. Exception: Completion of the water mains and hydrants may be on an alternate schedule established by the fire official authority having jurisdiction.

Law Implemented 633.01, 633.0215, 633.025 FS.

4A-60.004 Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Adopted.

(2) NFPA 101 is hereby modified in the following respects:

(f) No change.

1. through 4. No change.

5. No change.

a. through b. No change.

c. Subdivision (5) The door assembly complies with the fire protection rating and, where rated, is self-closing or automatic closing by means of smoke detection in accordance with 7.2.1.8, and is installed in accordance with NFPA 80, Standard for Fire Doors and Fire Windows, as adopted in Section 4A-60.005, Florida Administrative Code.

d. through f. No change.

(m) The following portions of 8.3, SMOKE BARRIERS, are changed to read as follows:

1. through 2. No change.

3. Subdivision 8.3.7.2 Fireblocking shall not be covered or concealed until inspected ~~by the fire inspector~~.

(o) The following portions of Section 12.2, MEANS OF EGRESS REQUIREMENTS, are changed to read as follows:

1. through 2. No change.

3. Exception No. 3 to subdivision 12.2.2.2.3 is deleted.

4. Subdivision 12.2.2.2.5 is deleted.

~~5.3.~~ Subdivision 12.2.2.3 Stairs.

~~6.4.~~ Subdivision 12.2.2.3.1 Stairs complying with 7.2.2 shall be permitted.

~~7.5.~~ Exception No. 3: In assembly occupancies, flights of less than three risers shall not be used in interior or exterior stairways, exit passageways, aisles, at entrances or elsewhere in connection with required exits. To overcome lesser differences in level, ramps on accordance with 7.2.5 shall be used.

~~8.6.~~ Subdivision 12.2.3 Capacity of Means of Egress.

~~9.7.~~ Subdivision 12.2.3.6 Foyer.

~~10.8.~~ Subdivision 12.2.3.6.1 In assembly occupancies with an occupant load of 1000 or greater or with a legitimate stage and an occupant load of 700 or greater, a foyer consisting of a space at a main entrance/exit of the auditorium or place of assembly shall be provided. Such foyer, if not directly

connected to a public street by all the main entrance/exits, shall have a straight and unobstructed corridor or passage to every such main entrance/exit.

~~11.9.~~ Subdivision 12.2.3.6.2 The width of a foyer at any point shall be not less than the combined width of aisles, stairways, and passageways tributary thereto.

~~12.40.~~ Subdivision 12.2.5.6 Aisles Serving Seating Not at Tables.

~~13.44.~~ Subdivision 12.2.5.6.1 Aisles shall be provided so that the number of seats served by the nearest aisle is in accordance with 12.2.5.5.2 through 12.2.5.5.4.

~~14.42.~~ Exception No. 1: Aisles shall not be required in bleachers, providing that all of the following conditions are met:

a. through f. No change.

(p) through (v) No change.

(w) The following changes are made to Subdivision 31.3.5.6, to read as follows: 31.3.5.6 All high-rise buildings shall be protected throughout by an approved, supervised automatic sprinkler system or an engineered life safety system approved by the fire official authority having jurisdiction in accordance with 31.3.5.1. Existing high-rise buildings shall be protected within 12 years of the adoption of the Florida Fire Prevention Code.

(x) through (dd) No change.

(ee) Section 42.9, SPECIAL PROVISIONS FOR HELIPORTS, is added to read as follows:

1. Subdivision 42.9.1 Buildings with roof-top heliports shall be protected in accordance with NFPA 418, Standard for Heliports, as adopted in Section 4A-60.005, Florida Administrative Code.

(3) No change.

Law Implemented 633.01, 633.0215, 633.025 FS.

4A-60.005 Publications Added to NFPA 1 and NFPA 101.

(1) For purposes of this rule chapter, the following definitions apply:

(a) ANSI means the American National Standards Institute.

(b) ASME means the American Society of Mechanical Engineers.

(c) ASTM means the American Society for Testing and Materials.

(d) BHMA means the Builders Hardware Manufacturers Association.

(e) ICC means the International Code Counsel, American National Standard Accessible and Usable Buildings and Facilities.

(f) UL means Underwriters Laboratories, Inc.

~~(2)(4)~~ The following publications are hereby adopted and incorporated by reference herein and added to NFPA 1, 2000 edition, and NFPA 101, 2000 edition, respectively, and shall take effect on the effective date of this rule:

NFPA 10, 1998 edition Standard for Portable Fire Extinguishers

NFPA 11, 1998 edition Standard for Low-Expansion Foam

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

NFPA 12, 2000 edition Standard on Carbon Dioxide Extinguishing Systems

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

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

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

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

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

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

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

NFPA 17, 1998 edition Standard for Dry Chemical Extinguishing Systems

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

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

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

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

<u>NFPA 30, 1996 edition</u>	<u>Flammable and Combustible Liquids Code</u>	<u>NFPA 59, 1998 edition</u>	<u>Standard for the Storage, and Handling of Liquefied Petroleum Gases at Utility Gas Plants</u>
<u>NFPA 30A, 1996 edition</u>	<u>Automotive and Marine Service Station Code</u>	<u>NFPA 59A, 1996 edition</u>	<u>Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG)</u>
<u>NFPA 30B, 1998 edition</u>	<u>Code for the Manufacture and Storage of Aerosol Products</u>	<u>NFPA 61, 1999 edition</u>	<u>Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Products Facilities</u>
<u>NFPA 31, 1997 edition</u>	<u>Standard for the Installation of Oil-Burning Equipment</u>	<u>NFPA 69, 1997 edition</u>	<u>Standard on Explosion Prevention Systems</u>
<u>NFPA 32, 1996 edition</u>	<u>Standard for Dry Cleaning Plants</u>	<u>NFPA 70, 1999 edition</u>	<u>National Electrical Code®</u>
<u>NFPA 33, 1995 edition</u>	<u>Standard for Spray Application Using Flammable and Combustible Materials</u>	<u>NFPA 72, 1999 edition</u>	<u>National Fire Alarm Code®</u>
<u>NFPA 34, 1995 edition</u>	<u>Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids</u>	(e) <u>NFPA-75, 1999 edition</u>	<u>Electronic Computing Equipment</u>
(a) <u>NFPA-35, 1999 edition</u>	<u>Organic Coatings</u>	<u>NFPA 80, 1999 edition</u>	<u>Standard for Fire Doors and Fire Windows</u>
<u>NFPA 36, 1997 edition</u>	<u>Standard for Solvent Extraction Plants</u>	(f) <u>NFPA-80A, 1996 edition</u>	<u>Protection from Exterior Fire Exposures</u>
(b) <u>NFPA-37, 1998 edition</u>	<u>Combustion Engines and Gas Turbines</u>	<u>NFPA 82, 1999 edition</u>	<u>Standard on Incinerators and Waste and Linen Handling Systems and Equipment</u>
<u>NFPA 40, 1997 edition</u>	<u>Standard for the Storage and Handling of Cellulose Nitrate Motion Picture Film</u>	<u>NFPA 86, 1999 edition</u>	<u>Standard for Oven and Furnaces</u>
<u>NFPA 45, 1996 edition</u>	<u>Standard on Fire Protection for Laboratories Using Chemicals</u>	<u>NFPA 86C, 1999 edition</u>	<u>Standard for Industrial Furnaces Using a Special Processing Atmosphere</u>
<u>NFPA 50B, 1999 edition</u>	<u>Standard for Liquefied Hydrogen Systems at Consumer Sites</u>	<u>NFPA 86D, 1999 edition</u>	<u>Standard for Industrial Furnaces Using Vacuum as an Atmosphere</u>
<u>NFPA 51, 1997 edition</u>	<u>Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting and Allied Processes</u>	<u>NFPA 88A, 1998 edition</u>	<u>Standard for Parking Structures</u>
<u>NFPA 51A, 1996 edition</u>	<u>Standard for Acetylene Cylinder Charging Plants</u>	<u>NFPA 88B, 1997 edition</u>	<u>Standard for Repair Garages</u>
<u>NFPA 51B, 1999 edition</u>	<u>Standard for Fire Prevention During Welding, Cutting and Other Hot Work</u>	<u>NFPA 90A, 1999 edition</u>	<u>Standard for the Installation of Air-Conditioning and Ventilating Systems</u>
<u>NFPA 52, 1998 edition</u>	<u>Compressed Natural Gas (CNG) Vehicular Fuel Systems Code</u>	<u>NFPA 90B, 1999 edition</u>	<u>Standard for the Installation of Warm Air Heating and Air-Conditioning Systems</u>
(c) <u>NFPA-53, 1999 edition</u>	<u>Fires in Oxygen Atmospheres</u>	<u>NFPA 91, 1999 edition</u>	<u>Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids</u>
<u>NFPA 54, 1999 edition</u>	<u>National Fuel Gas Code</u>	<u>NFPA 96, 1998 edition</u>	<u>Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations</u>
(d) <u>NFPA-55, 1998 edition</u>	<u>Compresses and Liquefied Gases in Portable Cylinders</u>		
<u>NFPA 57, 1999 edition</u>	<u>Liquefied Natural Gas (LNG) Vehicular Fuel Systems Code</u>		
<u>NFPA 58, 1999 edition</u>	<u>Liquefied Petroleum Gas Code</u>		

<u>NFPA 99, 1999 edition</u>	<u>Standard for Health Care Facilities</u>	<u>NFPA 253, 2000 edition</u>	<u>Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source</u>
(g) NFPA-99B, 1999 edition	Hypobaric Facilities		
<u>NFPA 101A, 1998 edition</u>	<u>Guide on Alternative Approaches to Life Safety</u>	<u>NFPA 255, 2000 edition</u>	<u>Standard Method of Test of Surface Burning Characteristics of Building Materials</u>
<u>NFPA 110, 1999 edition</u>	<u>Standard for Emergency and Standby Power Systems</u>	<u>NFPA 256, 1998 edition</u>	<u>Standard Methods of Fire Tests of Roof Coverings</u>
<u>NFPA 111, 1996 edition</u>	<u>Standard on Stored Electrical Energy Emergency and Standby Power Systems</u>	<u>NFPA 257, 2000 edition</u>	<u>Standard on Fire Test for Window and Glass Block Assemblies</u>
(h) NFPA-115, 1999 edition	Laser Fire	<u>NFPA 259, 1998 edition</u>	<u>Standard Test Method for Potential Heat of Building Materials</u>
<u>NFPA 120, 1999 edition</u>	<u>Standard for Coal Preparation Plants</u>	<u>NFPA 260, 1998 edition</u>	<u>Standard Methods of Tests and Classification System for Cigarette Ignition Resistance of Components of Upholstered Furniture</u>
(i) NFPA-130, 2000 edition	Fixed Guideway Transit System	<u>NFPA 261, 1998 edition</u>	<u>Standard Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes</u>
<u>NFPA 140, 1999 edition</u>	<u>Standard on Motion Picture and Television Production Studio Soundstages and Approved Production Facilities</u>	<u>NFPA 265, 1998 edition</u>	<u>Standard Methods of Fire Tests for Evaluating Room Fire Growth Contribution of Textile Wall Coverings</u>
(j) NFPA-150, 1995 edition	Racetrack Stables	<u>NFPA 266, 1998 edition</u>	<u>Standard Method of Test for Fire Characteristics of Upholstered Furniture Exposed to Flaming Ignition Source</u>
<u>NFPA 160, 1998 edition</u>	<u>Standard for Flame Effects Before an Audience</u>	<u>NFPA 267, 1998 edition</u>	<u>Standard Method of Test for Fire Characteristics of Mattresses and Bedding Assemblies Exposed to Flaming Ignition Source</u>
<u>NFPA 211, 2000 edition</u>	<u>Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances</u>		<u>Standard Methods of Fire Tests for Evaluating Contribution of Wall and Ceiling Interior Finish to Room Fire Growth</u>
(k) NFPA-214, 1996 edition	Water Cooling Towers	(l) NFPA-291, 1995 edition	Fire Hydrants
<u>NFPA 220, 1999 edition</u>	<u>Standard on Types of Building Construction</u>	(m) NFPA-299, 1997 edition	Protection of Life and Property from Wildfires
<u>NFPA 221, 1997 edition</u>	<u>Standard for Fire Walls and Fire Barrier Walls</u>		
<u>NFPA 230, 1999 edition</u>	<u>Standard for the Fire Protection of Storage</u>		
<u>NFPA 231D, 1998 edition</u>	<u>Standard for Storage of Rubber Tires</u>		
<u>NFPA 232, 1995 edition</u>	<u>Standard for the Protection of Records</u>		
<u>NFPA 241, 1996 edition</u>	<u>Standard for Safeguarding Construction, Alteration, and Demolition Operations</u>		
<u>NFPA 251, 1999 edition</u>	<u>Standard Methods of Tests of Fire Endurance of Building Construction and Materials</u>		
<u>NFPA 252, 1999 edition</u>	<u>Standard Methods of Fire Tests of Door Assemblies</u>		

<u>NFPA 303, 1995 edition</u>	<u>Fire Protection Standard for Marinas and Boatyards</u>	<u>NFPA 490, 1998 edition</u>	<u>Code for the Storage of Ammonium Nitrate</u>
<u>(n) NFPA-306, 1997 edition</u>	<u>Marine Terminals, Piers, Wharves</u>	<u>NFPA 495, 1996 edition</u>	<u>Explosive Materials Code</u>
<u>NFPA 307, 1995 edition</u>	<u>Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves</u>	<u>NFPA 498, 1996 edition</u>	<u>Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives</u>
<u>NFPA 312, 1995 edition</u>	<u>Standard for Fire Protection of Vessels During Construction, Repair, and Lay-Up</u>	<u>NFPA 501, 1999 edition</u>	<u>Standard on Manufactured Housing</u>
<u>NFPA 318, 1998 edition</u>	<u>Standard for the Protection of Cleanrooms</u>	<u>NFPA 501A, 1999 edition</u>	<u>Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities</u>
<u>NFPA 385, 2000 edition</u>	<u>Standard for Tank Vehicles for Flammable and Combustible Liquids</u>	<u>NFPA 505, 1999 edition</u>	<u>Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance and Operation</u>
<u>(o) NFPA-395, 1993 edition</u>	<u>Farms, Storage of Flammable Liquids</u>	<u>NFPA 650, 1998 edition</u>	<u>Standard for Pneumatic Conveying Systems for Handling Combustible Particulate Solids</u>
<u>NFPA 407, 1996 edition</u>	<u>Standard for Aircraft Fuel Servicing</u>	<u>NFPA 651, 1998 edition</u>	<u>Standard for the Machining and Finishing of Aluminum and the Production and Handling of Aluminum Powders</u>
<u>NFPA 409, 1995 edition</u>	<u>Standard on Aircraft Hangers</u>	<u>NFPA 654, 1997 edition</u>	<u>Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids</u>
<u>NFPA 410, 1999 edition</u>	<u>Standard on Aircraft Maintenance</u>	<u>NFPA 655, 1993 edition</u>	<u>Standard for Prevention of Sulfur Fires and Explosions</u>
<u>NFPA 415, 1997 edition</u>	<u>Standard on Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways</u>	<u>NFPA 664, 1998 edition</u>	<u>Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities</u>
<u>NFPA 418, 1995 edition</u>	<u>Standard for Heliports</u>	<u>NFPA 701, 1999 edition</u>	<u>Standard Methods of Fire Tests for Flame Propagation of Textiles and Films</u>
<u>NFPA 430, 2000 edition</u>	<u>Code for the Storage of Liquid and Solid Oxidizers</u>	<u>NFPA 703, 1995 edition</u>	<u>Standard for Fire Retardant Impregnated Wood and Fire Retardant Coatings for Building Materials</u>
<u>NFPA 432, 1997 edition</u>	<u>Code for the Storage of Organic Peroxide Formulations</u>	<u>NFPA 704, 1996 edition</u>	<u>Standard System for Identification of the Hazards of Materials for Emergency Response</u>
<u>NFPA 434, 1998 edition</u>	<u>Code for the Storage of Pesticides</u>		
<u>NFPA 480, 1998 edition</u>	<u>Standard for the Storage, Handling, and Processing of Magnesium Solids and Powders</u>		
<u>NFPA 481, 1995 edition</u>	<u>Standard for the Production, Processing, Handling, and Storage of Titanium</u>		
<u>NFPA 482, 1996 edition</u>	<u>Standard for the Production, Processing, Handling and Storage of Zirconium</u>		
<u>NFPA 485, 1999 edition</u>	<u>Standard for the Storage, Handling, Processing, and Use of Lithium Metal</u>		

<p>(⊕) NFPA-750, 2000 edition</p>	<p>Water Mist Fire Protection Systems</p>	<p><u>ANSI A14.3-1984, Safety Code for Fixed Ladders, which may be obtained at American National Standards Institute, 11 West 42nd Street, New York, NY 10036.</u></p>
<p>(⊕) NFPA-820, 1999 edition</p>	<p>Wastewater Facilities</p>	<p><u>ICC/ANSI A117.1-1998, which may be obtained at American National Standard for Accessible and Usable Buildings and Facilities, American National Standards Institute, 11 West 42nd Street, New York, NY 10036.</u></p>
<p>(⊕) NFPA-850, 2000 edition <u>NFPA 909, 1997 edition</u></p>	<p>Electric Generating Plants <u>Standard for the Protection of Cultural Resources, Including Museums, Libraries, Places of Worship, and Historic Properties</u></p>	<p><u>ANSI A1264.1-1989, Safety Requirements for Workplace Floor and Wall Openings, Stairs and Railing Systems, which may be obtained at American National Standards Institute, 11 West 42nd Street, New York, NY 10036.</u></p>
<p><u>NFPA 1122, 1997 edition</u></p>	<p><u>Code for Model Rocketry</u></p>	<p><u>ANSI/UL 2079, Test of Fire Resistance of Building Joint Systems, which may be obtained at Underwriters Laboratories Inc., 333 Pfingsten Rd., Northbrook, IL 60062.</u></p>
<p><u>NFPA 1123, 1995 edition</u></p>	<p><u>Code for Fireworks Display</u></p>	<p><u>ASME/ANSI A17.1-1993, Safety Code for Elevators and Escalators, including Addenda A17.1a-1994 and A17.1b-1995, which may be obtained at American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990.</u></p>
<p><u>NFPA 1124, 1998 edition</u></p>	<p><u>Code for the Manufacture, Transportation, and Storage of Fireworks, and Pyrotechnic Articles</u></p>	<p><u>ASME/ANSI A17.3-1993, Safety Code for Existing Elevators and Escalators, including Addenda A17.3a-1994 and A17.3b-1995, which may be obtained at American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990.</u></p>
<p><u>NFPA 1125, 1995 edition</u></p>	<p><u>Code for the Manufacture of Model Rocket and High Power Rocket Motors</u></p>	<p><u>ASTM D 2898, Test Method for Accelerated Weathering of Fire Retardant-Treated Wood for Fire Testing, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</u></p>
<p><u>NFPA 1126, 1996 edition</u></p>	<p><u>Standard for the Use of Pyrotechnics before a Proximate Audience</u></p>	<p><u>ASTM E 136-1982, Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750°C, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</u></p>
<p><u>NFPA 1127, 1998 edition</u></p>	<p><u>Code for High Powered Rocketry</u></p>	<p><u>ASTM E 1537, Standard Method for Fire Testing of Real Scale Upholstered Furniture Items, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</u></p>
<p><u>NFPA 1142, 1999 edition</u></p>	<p><u>Standard on Water Supplies for Suburban and Rural Fire Fighting</u></p>	<p><u>ASTM E 1590-1994, Standard Method for Fire Testing of Real Scale Mattresses, American Society for Testing and Materials, which may be obtained at 100 Barr Harbor Drive, West Conshohocken, PA, 19428-2959.</u></p>
<p><u>NFPA 1194, 1999 edition</u></p>	<p><u>Standard for Recreational Vehicle Parks and Campgrounds</u></p>	<p><u>ASTM E 1591-1994, Standard Guide for Data for Fire Models, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</u></p>
<p><u>NFPA 1561, 2000 edition</u></p>	<p><u>Standard on Emergency Services Incident Management System</u></p>	<p><u>ASTM F 851-1983, Standard Test Method for Self-Rising Seat Mechanisms, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA, 19428-2959.</u></p>
<p><u>NFPA 1963, 1998 edition</u></p>	<p><u>Standard for Fire Hose Connections</u></p>	<p><u>ASTM G 155, Practice for Operating Light/Exposure Apparatus (Zenon-Arc Type) With and Without Water for Exposure of Non-Metallic Materials, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</u></p>
<p><u>NFPA 2001, 2000 edition</u></p>	<p><u>Standard on Clean Agent Fire Extinguishing Systems</u></p>	
<p><u>NFPA 8503, 1997 edition</u></p>	<p><u>Standard for Pulverized Fuel Systems</u></p>	
<p>(⊕) Standard Fire Prevention Code, Chapter 22, 1997 edition.</p>		
<p>(⊕) The United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.</p>		
<p>(⊕) SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings, Society of Fire Protection Engineers, Bethesda, Maryland 1998 edition.</p>		

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

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

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

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

(2) through (4) renumbered (3) through (5) No change.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New

4A-60.006 Manufactured and Prototype Buildings.

(1) No change.

(2) With respect to inspections of manufactured buildings, each manufacturer of manufactured buildings is permitted to, at its option:

(a) No change.

(b) Provide for one or more of its employees to become certified under Chapter 4A-39, Florida Administrative Code complete the 200 hour curriculum, pass the examination, and obtain certification as a certified firesafety inspector pursuant to Section 633.081, Florida Statutes. Upon certification, such employee shall then be permitted to perform each firesafety inspection of each manufactured building; or

~~(c) Provide for one or more of its employees to apply to the Bureau of Fire Standards and Training to be granted equivalency credit for some or all of the courses required to take the examination to become a certified firesafety inspector, in accord with and subject to the following:~~

~~1. If equivalency credit is given for a portion of the credits needed to complete the firesafety inspector course of study by the Bureau of Fire Standards and Training, the person may then complete the remaining credits needed and take the examination to become a certified firesafety inspector under Section 633.081, Florida Statutes.~~

~~2. If equivalency credit is given by the Bureau of Fire Standards and Training for all of the credits needed to complete the firesafety inspector course of study, the person may then take the examination to become a certified firesafety inspector under Section 633.081, Florida Statutes.~~

(3) No change.

(4)(a) No change.

(b) If the Manufacturer’s Modular Data Plate indicates that the building is in compliance with Chapter 633, Florida Statutes, and the rules of the Department, the local fire official ~~safety authority~~ shall recognize and approve such

manufactured building. Nothing in this section prevents or prohibits a fire official from conducting performance tests of life safety systems.

(c) No change.

(d) Nothing contained herein shall restrict the local fire official ~~safety authority~~ from approving the site conditions for such matters as fire department access, water supplies, and the exit discharge from the manufactured building; however, this section relating to manufactured buildings is not subject to any local amendment.

(5) No change.

Law Implemented 633.01, 633.0215, 633.025 FS.

4A-60.008 Exceptions Applicable to Broward County.

(1) The following exceptions to NFPA 1 and NFPA 101 are applicable to Broward County, only, and have no force or effect throughout the remainder of the state.

(a) through (e) No change.

~~(f) Subdivision 1-19.5 of NFPA 1 is created to read:~~

~~1. COMPLIANCE WITH ORDERS AND NOTICES:~~

~~2. Subdivision 1-19.5 UNLAWFUL CONTINUANCE OF FIRE/LIFE SAFETY HAZARD: Any person or persons operating or maintaining any occupancy, premises, or vehicle subject to this code, who shall permit any fire and/or life safety hazard to exist on premises or property under their control, and who shall fail to take immediate action to abate such hazards, when ordered or notified to do so by the Fire Chief or designee, shall be guilty of a second degree misdemeanor. Criminal enforcement of this code shall remain with local law enforcement departments and officials charged with enforcement of the criminal laws of the state.~~

3. through 5. No change.

~~(f)(g)~~ The following language is added to Chapter 16 of NFPA 1 as 16-10.9, and supersedes any existing conflicting portion of Chapter 16 of NFPA 1: GENERAL REQUIREMENTS.

1. through 11. No change.

~~(g)(h)~~ The following language is added to Chapter 16 of NFPA 1, as 16-10.10 of NFPA 1, and supersedes any existing conflicting portion of Chapter 16 of NFPA 1: Requirements for the Sales, Display, Merchandising, Storage and Handling of Approved Sparklers and Novelty Items within Buildings, Structures, Canopies and Outdoor Sites.

1. through 5. No change.

6. Subdivision (a) In addition to the permit requirements specified within Section 5238.4, South Florida Fire Prevention Code which is hereby adopted and incorporated herein by reference, and may be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, ~~(local ordinance),~~ written approval from the property owners located adjacent the proposed display site property is required prior to approval of a permit for outdoor fireworks display.

7. through 13. No change.

(h)(4) The following language is added to Chapter 16 of NFPA 1, as 16-10.11 of NFPA 1, and supersedes any existing conflicting portion of Chapter 16 of NFPA 1:

6. Subdivision (F) Buildings or structures used in whole or in part for sales (retail or wholesale), display, merchandising, handling, or storage of sparklers and/or novelty items shall be fully protected throughout with an automatic sprinkler system in accordance with NFPA 13, the edition as adopted in Section 4A-60.005, Florida Administrative Code.

(i) No change.

1. through 5. No change.

e. No change.

(I) Subdivision (1) All electrical equipment and associated wiring shall comply with NFPA-70, the edition as adopted in Section 4A-60.005, Florida Administrative Code. Provide copy of permit for electrical service and equipment.

Law Implemented 633.01, 633.0215, 633.025 FS.

DEPARTMENT OF EDUCATION

Board of Regents

RULE NO.: RULE TITLE:
6C-7.001 Tuition, Fee Schedule and Percentage of Cost

NOTICE OF CHANGE

Notice is hereby given that additional changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 17, April 27, 2001, issue of the Florida Administrative Weekly. The rule has been further amended to reflect legislative action in the 2001 Session adopting a 7.5 percent across-the-board tuition increase, signed into law by the Governor. The notice presented a five percent tuition increase. The rule is also further amended in paragraphs (4)(c) and (4)(d) to show the calculations of the charges assessed students enrolled in the same undergraduate course more than twice, and to FAMU students enrolled in the same college-preparatory class more than twice, as prescribed by law. Rule 6C-7.001 is revised to read, as follows:

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	\$53.02	\$53.02	\$127.58	\$127.58	\$144.99	\$144.99
Matriculation 5% Maximum Differential	\$2.65	\$2.65	\$6.37	\$6.37	\$7.24	\$7.24
Non-Resident		\$238.49		\$369.32		\$384.88
Non-Resident 5 % Maximum Differential		\$11.92		\$18.46		\$19.23
Student Financial Aid	\$2.65	\$2.65	\$6.37	\$6.37	\$7.24	\$7.24
Student Financial Aid 5% Maximum Differential	\$0.13	\$0.13	\$0.31	\$0.31	\$0.36	\$0.36
Non-Resident Student Financial Aid 5% Maximum Differential		\$11.92		\$18.46		\$19.23
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 ^a	\$60.43	\$310.84	\$138.71	\$526.49	\$156.99	\$560.90
Total ^{ab}	\$63.21	\$326.13	\$145.39	\$552.55	\$164.59	\$588.69

^a Excludes fees that vary by university per Rule 6C-7.003.

^b 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		\$221.86		\$343.56		\$357.85
Non-Resident 5 % Maximum Differential		\$11.09		\$17.17		\$17.89
Student Financial Aid	\$2.46	\$2.46	\$5.93	\$5.93	\$6.74	\$6.74
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	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 ^a	\$56.55	\$289.50	\$129.37	\$490.10	\$146.38	\$522.12
Total ^{ab}	\$59.13	\$303.72	\$135.60	\$514.36	\$153.46	\$547.98

^a Excludes fees that vary by university per Rule 6C-7.003.

^b 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 Capital Improvement Trust Fund Building	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44
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 ^a	\$56.55	\$289.50	\$129.37	\$490.10	\$146.38	\$522.12

~~^a 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	Medical		Dental		Veterinary	
	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident
Matriculation	\$10,410.26	\$10,410.26	\$9,052.42	\$9,052.42	\$7,603.98	\$7,603.98
Matriculation 5% Maximum Differential	\$520.50	\$520.50	\$452.62	\$452.62	\$380.18	\$380.18
Non-Resident 5% Maximum Differential	\$18,974.86		\$16,499.86		\$13,859.90	
Student Financial Aid	\$520.50	\$520.50	\$452.62	\$452.62	\$380.18	\$380.18
Student Financial Aid 5% Maximum Differential	\$26.02	\$26.02	\$22.62	\$22.62	\$19.00	\$19.00

Non-Resident Student Financial Aid	\$948.74	\$824.98	\$692.98
Non-Resident Student Financial Aid 5% Maximum Differential	\$47.42	\$41.24	\$34.64
Capital Improvement Trust Fund Building	\$97.60	\$97.60	\$97.60
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 ^a	\$11,121.16	\$31,044.76	\$9,695.44
Total ^{ab}	\$11,667.68	\$32,587.14	\$10,170.68

^a Excludes fees that vary by university.

^b 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 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 Building	\$97.60	\$97.60	\$97.60	\$97.60	\$97.60	\$97.60
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 ^a	\$10,358.56	\$28,892.14	\$9,032.30	\$25,148.44	\$7,617.54	\$21,155.12
Total ^{ab}	\$10,866.95	\$30,327.20	\$9,474.38	\$26,396.32	\$7,988.88	\$22,203.32

^a Excludes fees that vary by university.

^b 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 Student		\$17,651.04		\$15,348.72		\$12,892.94
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		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*	\$10,358.5	\$28,892.14	\$9,032.30	\$25,148.44	\$7,617.54	\$21,155.12

* Excludes fees that vary by university per Rule 6C-7.003

(c) Pursuant to Section 240.124, F.S., each student enrolled in the same undergraduate course more than twice, shall be assessed an additional ~~\$186.26~~ \$185.34 per credit hour charge in addition to the fees outlined above in Rule 6C-7.001(4)(a) for each such course.

(d) Pursuant to Section 240.117, F.S., each FAMU student enrolled in the same college-preparatory class, more than twice shall be assessed an additional ~~\$188.51~~ \$191.55 per credit hour charge in addition to the fees outlined above in Rule 6C-7.001(4)(a) for each such class.

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, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-302.107
 RULE TITLE: Offender Classification System
 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. 21, May 25, 2001, issue of the Florida Administrative Weekly:

33-302.107 Offender Classification System.
 (1) through (4) No change.

(5) Reassessments will be conducted by the correctional probation officer six months after the initial assessment, and every six months thereafter. The reassessment is conducted to evaluate the offender's adjustment in each area since the previous assessment.

(a) The same criteria used to evaluate the offender's needs is utilized in the reassessment.

(b) Criteria used to evaluate an offender's risk of re-offending or violating supervision in the reassessment include:

1. Employment;
2. Financial status;
3. Alcohol usage;
4. Other drug usage;
5. Interpersonal relationships;
6. Living arrangements;
7. Address change since last reassessment;
8. Officer's assessment; and
9. Use of community resources.

(6) No change.

(7) The following offenders are not included in the Offender Classification System's minimum, medium, and maximum levels of supervision due to their unique supervision requirements:

- (a) Sex offenders and sexual predators;
- (b) through (e) No change.
- (f) Offenders on "Mail in" status; and
- (g) ~~(f)~~ No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 948.015, 948.12 FS. History—New _____.

DEPARTMENT OF CORRECTIONS
 RULE NO.: 33-603.201
 RULE TITLE: Transfer of Inmates
 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., F.S., published in Vol. 27, No. 15, April 13, 2001 and Vol. 27, No. 21, May 25, 2001, issues of the Florida Administrative Weekly:

33-603.201 Transfer of Inmates.
 (1) through (10)(e) No change.

(f) The reception centers shall be authorized to transport close management I, II, and III inmates in the secure caged area within a specially designed secure transfer bus without the necessity of a trailing escort vehicle. ~~The restraint requirements for these inmates shall be as outlined in (14)(c).~~

(g) through (13) No change.
 (14) No change.

(a) When inmates are transferred within the state from one secure perimeter to another secure perimeter and a specially designed secure transfer bus is used, inmates may be restrained with leg irons only. Death row, close management, and high-risk inmates will require restraints as noted in (10) above during any transport.

(b) through (19) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 7-12-86, Amended 5-21-92, 1-6-94, 2-12-97, 11-8-98, Formerly 33-7.009, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Code Administrators and Inspectors Board

RULE NO.: 61G19-7.004
RULE TITLE: Approval of Training Programs

NOTICE OF ADDITIONAL PUBLIC HEARING

The Building Code Administrators and Inspectors Board hereby gives notice of an additional public hearing on the above-referenced rule to be held on August 2, 2001 at 9:00 a.m., or shortly thereafter, at Biltmore Hotel Coral Gables, 1200 Anasiasia Avenue, Coral Gables, Florida, (305)445-8066. The rule was originally published in Vol. 26, No. 41, of the October 13, 2000, Florida Administrative Weekly, and a Notice of Change was published in Vol. 27, No. 18, May 4, 2001 F.A.W.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, 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 HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-6.001
RULE TITLE: Manner of Application

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 17, April 27, 2001 issue of the Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THIS 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 Nursing

RULE NO.: 64B9-3.009
RULE TITLE: Practice of Nursing by Applicants for Licensure by Endorsement

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No.16, of the April 20, 2001, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board at its meeting of June 12-15th, voted to reword subsection (2) of the proposed rule to read as follows:

“(2) If a license by endorsement has not been issued within the 60-day limit, the applicant shall make a written or verbal request of the Board to continue working. The permit shall be extended for 60 days when verification of licensure from the other state has not been received by the Board within the 60-day period, and otherwise, until acted upon by the Board.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207

**Section IV
Emergency Rules**

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Sales of Clothing and School Supplies During
the Period July 28 through August 5, 2001

RULE NO.: 12AER01-1

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized promulgation of an emergency rule to administer the provisions of the Florida Residents’ Tax Relief Act. Additionally, an emergency rule is the most expedient and appropriate means of notifying dealers and taxpayers of the Florida Residents’ Tax Relief Act.

SUMMARY OF THE RULE: This emergency rule notifies the general public and retailers of the Florida Residents’ Tax Relief Act (Chapter 2001-148, Laws of Florida) granting a nine day exemption from sales tax on the sales of clothing, and certain accessories, that have a sales price of \$50.00 or less, and on certain school supplies that have a sales price of \$10.00 or less. The nine day exemption begins at 12:01 a.m. on July 28, 2001, and expires at midnight on August 5, 2001. The exemption does not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), F.S., or within a public lodging establishment as defined in s. 509.013(4), F.S., or within an airport as defined in s. 330.27(2), F.S. The rule defines “clothing,” “school supplies,” “theme park or entertainment complex,” “public lodging establishment,” “airport,” and “mail order sales”; describes the items that are included in the exemption; and explains how various transactions are to be handled for purposes of the

exemption, including returns, refunds, exchanges, layaways, reporting requirements, documentation to be maintained, and merchant's license fees.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Sara D. Faulkenberry, Tax Law Specialist, Technical Assistance and Dispute Resolution, Office of the General Counsel, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443

THE FULL TEXT OF THE EMERGENCY RULE IS:

12AER01-1 Sales of Clothing and School Supplies During the Period July 28 through August 5, 2001.

(1) Exempt clothing sales.

(a) Beginning 12:01 a.m. July 28, 2001, and ending midnight August 5, 2001 (the exemption period), no tax is due on the sale or purchase of any article of clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, with a selling price of \$50.00 or less. This exemption does not apply to sales of clothing, wallets, or bags within a theme park, entertainment complex, public lodging establishment, or airport.

(b)1. The sales tax exemption applies to each eligible item of clothing, wallets, or bags, selling for \$50.00 or less. The exemption applies regardless of how many items are sold on the same invoice to a customer.

2. Example: A customer purchases two shirts for \$40.00 each. Both items will qualify for the exemption, even though the customer's total purchase price (\$80.00) exceeds \$50.00.

(c)1. The exemption does not apply to the first \$50.00 of price of an eligible item of clothing, wallets, or bags, selling for more than \$50.00.

2. Example: A customer purchases a pair of pants costing \$70.00. Tax is due on the entire \$70.00.

(2) Exempt sales of school supplies.

(a) Beginning 12:01 a.m. July 28, 2001, and ending midnight August 5, 2001 (the exemption period), no tax is due on the sale or purchase of any item of school supplies with a selling price of \$10.00 or less. This exemption does not apply to sales of school supplies within a theme park, entertainment complex, public lodging establishment, or airport.

(b)1. The sales tax exemption applies to each eligible item of school supplies selling for \$10.00 or less. The exemption applies regardless of how many items are sold on the same invoice to a customer.

2. Example: A customer purchases five composition books for \$2.50 each. All five items will qualify for the exemption, even though the customer's total purchase price (\$12.50) exceeds \$10.00.

(c)1. The exemption does not apply to the first \$10.00 of price of an eligible item of school supplies selling for more than \$10.00.

2. Example: A customer purchases a calculator costing \$18.00. Tax is due on the entire \$18.00.

(3) Definitions.

(a) "Clothing" means any article of wearing apparel, including all footwear, except skis, swim fins, in-line skates, and other skates, intended to be worn on or about the human body. "Clothing" does not include watches, watchbands, jewelry, umbrellas, or handkerchiefs.

(b) "School supplies" means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, protractors, compasses, and calculators.

(c) "Theme park or entertainment complex" means a complex comprised of at least 25 contiguous acres owned and controlled by the same business entity and which contains permanent exhibitions and a variety of recreational activities and has a minimum of 1 million visitors annually.

(d)1. "Public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. License classifications of public lodging establishments, and the definitions therefor, are set out in s. 509.242, F.S. For the purpose of licensure, the term does not include condominium common elements as defined in s. 718.103, F.S.

2. The following are excluded from the definition in subparagraph 1.:

a. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors;

b. Any hospital, nursing home, sanitarium, assisted living facility, or other similar place;

c. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;

d. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent;

e. Any migrant labor camp or residential migrant housing permitted by the Department of Health, under ss. 381.008-381.00895, F.S.; and

f. Any establishment inspected by the Department of Health and regulated by chapter 513, F.S.

(e) “Airport” means any area of land or water, or any man-made object or facility located thereon, which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(f) “Mail order sale” is a sale of tangible personal property, ordered by mail or other means of communication, from a dealer who receives the order in another state of the United States, or in a commonwealth, territory, or other area under the jurisdiction of the United States, and transports the property or causes the property to be transported, whether or not by mail, from any jurisdiction of the United States, including this state, to a person in this state, including the person who ordered the property.

(4) Sales of sets containing both exempt and taxable items.

(a) When exempt items are normally sold together with taxable merchandise as a set or single unit, the full price is subject to sales tax.

(b) Example: A gift set consisting of a wallet and key chain is sold for a single price of \$35.00. Although the wallet would otherwise be exempt during the exemption period, the full price of the gift set is taxable because the key chain is taxable.

(c) Example: A desk set consisting of a stapler and a pair of scissors is sold for a single price of \$9.95. Although the scissors would otherwise be exempt during the exemption period, the full price of the desk set is taxable because the stapler is taxable.

(5) Articles normally sold as a unit.

(a) Articles that are normally sold as a unit must continue to be sold in that manner; they cannot be separately stated and sold as individual items in order to obtain the exemption.

(b) Example: A pair of shoes normally sells for \$80.00. The pair cannot be split in order to sell each shoe for \$40.00 to qualify for the exemption.

(c) Example: A suit is normally priced at \$125.00 on a single price tag. The suit cannot be split into separate articles so that any of the components may be sold for \$50.00 or less in order to qualify for the exemption. However, components that are normally priced as separate articles may continue to be sold as separate articles and qualify for the exemption if the price of an article is \$50.00 or less.

(d) Example: A pen and pencil set is normally priced at \$18.00 on a single price tag. The set cannot be split into separate articles so that either of the components may be sold for \$10.00 or less in order to qualify for the exemption.

(6) Buy one, get one free or for a reduced price.

(a) The total price of items advertised as “buy one, get one free,” or “buy one, get one for a reduced price,” cannot be averaged in order for both items to qualify for the exemption.

(b) Example: A retailer advertises pants as “buy one, get one free.” The first pair of pants is priced at \$70.00; the second pair of pants is free. Tax is due on \$70.00. The store cannot sell each pair of pants for \$35.00 in order for the items to qualify for the exemption. However, the retailer may advertise and sell the items for 50% off, selling each pair of \$70.00 pants for \$35.00, making each pair eligible for the exemption.

(c) Example: A retailer advertises shoes as “buy one pair at the regular price, get a second pair for half price.” The first pair of shoes is sold for \$60.00; the second pair is sold for \$30.00 (half price). Tax is due on the \$60.00 shoes, but not on the \$30.00 shoes. The store cannot sell each pair of shoes for \$45.00 in order for the items to qualify for the exemption. However, a retailer may advertise the pair for 25% off, thereby selling each pair of \$60.00 shoes for \$45.00, making each pair eligible for the exemption.

(7) Mail order sales.

(a) For purposes of this exemption, eligible items purchased by mail order, including sales transactions over the Internet, will receive the exemption if the order is accepted by the mail order company during the exemption period for immediate shipment. When the acceptance of the order by the mail order company occurs during the exemption period, the exemption will apply even if delivery is made after the exemption period.

(b) An order is accepted by the mail order company when it has taken an action to fill the order for immediate shipment. Actions to fill an order include, but are not limited to, placing an “in date” stamp on a mail order or assigning an “order number” to a telephone order.

(c) An order is for immediate shipment when delayed shipment is not requested by the customer. An order is for immediate shipment notwithstanding that the shipment may be delayed because of a backlog of orders or because stock is currently unavailable to, or on back order by, the company.

(8) Shipping and handling charges.

(a) Shipping and handling charges are included as part of the sales price of the eligible item, whether or not separately stated. If multiple items are shipped on a single invoice, the shipping and handling charge must be proportionately allocated to each item ordered, and separately identified on the invoice, to determine if any items qualify for the exemption.

(b) Example 1: A customer orders a jacket for \$50.00. The shipping charge to deliver the jacket to the customer is \$5.00. The selling price of the jacket is \$55.00. Tax is due on the full selling price.

(c) Example 2. A customer orders a suit for \$300.00 and a shirt for \$40.00. The transportation charge to deliver the items is \$15.00. The \$15.00 transportation charge must be proportionately and separately allocated between the items: $\$300 / \$340 = 88\%$, therefore, 88% of the \$15.00 shipping charge, or \$13.20, must be allocated to the suit, and separately identified on the invoice as such. The remaining 12% of the

\$15.00 shipping charge, or \$1.80, must be allocated to the shirt, and separately identified on the invoice as such. The selling price of the shirt is \$40.00 plus \$1.80, totaling \$41.80, and therefore qualifying for the exemption.

Suit	\$300.00
Shipping for suit	13.20
Shirt	40.00
Shipping For shirt	1.80

(d) Example 3. A customer orders a suit for \$300.00 and a shirt for \$45.00. The transportation charge to deliver the items is \$50.00. The \$50.00 transportation charge must be proportionately and separately allocated between the items: $\$300 / \$345 = 87\%$. Therefore, 87% of the \$50.00 shipping charge, or \$43.50, must be allocated to the suit, and separately identified on the invoice as such. The remaining 13% of the \$50.00 shipping charge, or \$6.50, must be allocated to the shirt, and separately identified on the invoice as such. The selling price of the shirt is \$45.00 plus \$6.50, totaling \$51.50; since the selling price of the shirt exceeds \$50.00, the purchase of the shirt is taxable.

Suit	\$300.00
Shipping for suit	43.50
Shirt	45.00
Shipping For shirt	6.50

(9) Layaway sales. A layaway sale is a transaction in which merchandise is set aside for future delivery to a customer who makes a deposit, agrees to pay the balance of the purchase price over a period of time, and, at the end of the payment period, receives the merchandise. For purposes of this exemption, eligible items will qualify for the exemption if a retailer and a customer enter into a contract for a layaway sale during the exemption period, the customer makes the usual deposit in accordance with the retailer's layaway policy, and the merchandise is segregated from the retailer's inventory. Also, if final payment on a layaway order is made by, and the merchandise is given to, the customer during the exemption period, that sale of eligible items will qualify for the exemption.

(10) Rain checks. Eligible items purchased during the exemption period using a rain check will qualify for the exemption regardless of when the rain check was issued. However, issuance of a rain check during the exemption period will not qualify eligible items for the exemption if the item is actually purchased after the exemption period.

(11) Exchanges.

(a) If a customer purchases an eligible item during the exemption period, then later exchanges the item for the same item (different size, different color, etc.), no additional tax will be due even if the exchange is made after the exemption period.

(b) If a customer purchases an eligible item during the exemption period, then later returns the item and receives credit on the purchase of a different item, the appropriate sales tax will apply to the sale of the newly purchased item.

(c) Examples:

1. During the exemption period, a customer purchases a \$50.00 dress that qualifies for the exemption. Later, during the exemption period, the customer exchanges the \$50.00 dress for a \$75.00 dress. Tax is due on the \$75.00 dress. The \$50.00 credit from the returned item cannot be used to reduce the sales price of the \$75.00 item to \$25.00 for exemption purposes.

2. A customer purchases a \$35.00 shirt during the exemption period. After the exemption period, the customer exchanges the shirt for a \$35.00 jacket. Since the jacket was not purchased during the exemption period, tax is due on the \$35.00 price of the jacket.

3. A customer purchases notebook filler paper for \$3.95 during the exemption period. Later during the exemption period, the customer exchanges the notebook filler paper for note pads costing the same amount. Tax is due on the note pads, because they are not eligible for the exemption.

(12) Refunds.

(a) A customer who pays tax to a dealer on an eligible item when no tax is due must secure a refund of the tax from the dealer and not from the Department of Revenue.

(b) For the period July 28, 2001, through September 30, 2001, when a customer returns an item that would qualify for the exemption, no refund of tax shall be given unless the customer provides a receipt or invoice showing tax was paid, or the retailer has sufficient documentation to show that tax was paid on the specific item.

(13) Coupons, Rebates, and Discounts.

(a)1. Manufacturer's coupons. Manufacturer's coupons do not reduce the sales price of an item. Therefore, a manufacturer's coupon cannot be used to reduce the selling price of an item of clothing to \$50.00 or less, or a school supply item to \$10.00 or less in order to qualify for the exemption.

2. Example: A jacket sells for \$55.00. The customer has a \$10.00 manufacturer's coupon good for the purchase of the jacket. The manufacturer's coupon does not reduce the sales price of the jacket. Tax is due on \$55.00 even though the customer only pays the retailer \$45.00 for the jacket.

(b)1. Store coupons and discounts. Store coupons and discounts reduce the sales price of an item. Therefore, a store coupon or discount can be used to reduce the sales price of an item of clothing to \$50.00 or less, or a school supply item to \$10.00 or less, in order to qualify for the exemption.

2. Example: A customer buys a \$400.00 suit and a \$55.00 shirt. The retailer is offering a 10 percent discount. After applying the 10 percent discount, the final sales price of the

suit is \$360.00, and the sales price of the shirt is \$49.50. The suit is taxable (it is over \$50.00) and the shirt is exempt (it is less than \$50.00).

(c)1. Rebates. Rebates occur after the sale and do not affect the sales price of an item purchased.

2. Example: A jacket sells for \$55.00. The customer receives a \$10.00 rebate from the manufacturer. The rebate occurs after the sale, so it does not reduce the sales price of the jacket. Tax is due on \$55.00.

(14) Repairs and alterations to eligible items.

(a) Repairs to eligible items do not qualify for the exemption.

(b)1. Alterations to clothing or footwear do not qualify for the exemption, even though alterations may be sold, invoiced, and paid for at the same time as the item to be altered.

2. Example: A customer purchases a pair of pants for \$49.00, and pays \$5.00 to the retailer to have the pants cuffed. The \$49.00 charge for the pants is exempt; however, tax is due on the \$5.00 alterations charge.

(15) Gift certificates. Eligible items purchased during the exemption period using a gift certificate will qualify for the exemption, regardless of when the gift certificate was purchased. Eligible items purchased after the exemption period using a gift certificate are taxable even if the gift certificate was purchased during the exemption period. A gift certificate cannot be used to reduce the selling price of an item of clothing to \$50.00 or less, or a school supply item to \$10.00 or less, in order for the item to qualify for the exemption.

(16) Rentals of clothing. Rentals of clothing or footwear do not qualify for the exemption.

(17) Reporting. No special reporting procedures are necessary to report exempt sales made during the exemption period. Sales should be reported as currently required by law.

(18) Record retention and documentation. No special record keeping requirements are necessary. Records should be maintained as currently required by law.

(19) License fees or other fees imposed by Panama City and Panama City Beach.

(a) The cities of Panama City and Panama City Beach impose upon retailers a Merchant's License Tax or similar gross receipts tax or fee, which may be passed on to the customer. The Merchant's License Tax is included in the sales price of each item whether or not the tax is separately stated on the invoice.

(b) Example: A jacket sells for \$49.95. The separately stated 1% gross receipts fee for this item is \$0.50. Since the gross receipts fee is part of the sales price of the item (\$50.45), the shirt will not qualify for the exemption.

(20) List of items of clothing and their taxable status during the exemption period. The following is a list of items of clothing and their taxable status during the exemption period if they are sold for \$50.00 or less. This is not an inclusive list. T = Taxable, E = Exempt.

A

- T Accessories (generally)
- E Barrettes and bobby pins
- E Belt buckles
- E Bow ties
- E Hair bows, clips, and bands
- E Handbags
- T Handkerchiefs
- T Jewelry
- E Neckwear
- T Key cases
- E Ponytail holders
- E Scarves
- E Ties
- E Wallets
- T Watch bands
- T Watches
- E Aerobic clothing
- E Antique clothing
- E Aprons/Clothing shields
- T Athletic gloves
- T Athletic pads
- E Athletic supporters

B

- E Baby clothes
- E Backpacks
- E Bandanas
- E Baseball cleats
- E Bathing suits, caps and coverups
- E Belt buckles
- E Belts
- T Belts for weightlifting
- E Bibs
- E Blouses
- E Book bags
- E Boots (except ski boots)
- E Bowling shoes (sold)
- T Bowling shoes (rented)
- E Bow ties
- E *Braces and supports worn to correct or alleviate a physical incapacity or injury
- E Bras
- T Briefcases

C

- E Caps and hats
- T Checkbook covers (separate from wallets)
- T Chest protectors
- E *Choir and altar clothing
- E Cleated or spiked shoes
- E *Clerical vestments

T Cloth and lace, knitting yarns, and other fabrics
 T Clothing repair items, such as thread, buttons, tapes, iron-on patches, zippers
 E Coats and wraps
 E Coin purses
 T Corsages and boutonnieres
 E Corsets and corset laces
 T Cosmetic bags
 E Costumes
 E Coveralls
 T Crib blankets

D

E Diaper bags
 E Diapers, diaper inserts (adult and baby, cloth or disposable)
 E Dresses
 T Duffel bags

E

T Elbow pads
 E Employee uniforms

F

E Fanny packs
 T Fins
 T Fishing boots (waders)
 E Fishing vests (nonflotation)
 T Football pads
 E Formal clothing (unless rented)

G

T Garment bags
 E Garters and garter belts
 E Girdles, bras, and corsets
 E Gloves (generally)
 T Baseball
 T Batting
 T Bicycle
 E Dress (unless rented)
 E Garden
 T Golf
 T Hockey
 E Leather
 T Rubber
 T Surgical
 T Tennis
 E Work
 T Goggles (except *prescription)
 E Graduation caps and gowns
 E Gym suits and uniforms

H

E Hair nets, bows, clips, and bands
 E Handbags and purses
 T Handkerchiefs
 T Hard hats
 E Hats
 T Helmets (bike, baseball, football, hockey, motorcycle, sports)
 E Hosiery, including support hosiery
 E Hunting vests

I-J

T Ice skates
 T In-line skates
 E Insoles
 E Jackets
 E Jeans
 T Jewelry

K

T Key chains
 T Knee pads

L

E Lab coats
 E Leg warmers
 E Leotards and tights
 T Life jackets and vests
 E Lingerie
 T Luggage

M-N

T Make-up bags
 E Martial arts attire
 E Neckwear and ties

O-P

E Overshoes and rubber shoes
 T Pads (football, hockey, soccer, elbow, knee, shoulder)
 T Paint or dust masks
 E Pants
 E Panty hose
 T Patterns
 T Protective masks (athletic)

R

E Raincoats, rainhats, and ponchos
 E Receiving blankets
 E *Religious clothing
 T Rented clothing (including uniforms, formal wear, and costumes)
 T Repair of wearing apparel

- E Robes
 - T Roller blades
 - T Roller skates
- S
- E Safety clothing
 - T Safety glasses (except *prescription)
 - E Safety shoes
 - E Scarves
 - E Scout uniforms
 - T Shaving kits/bags
 - E Shawls and wraps
 - T Shin guards and padding
 - E Shirts
 - E Shoe inserts
 - E Shoes (including athletic)
 - E Shoulder pads (for dresses, jackets, etc.)
 - T Shoulder pads (football, hockey, sports)
 - E Shorts
 - T Skates (ice, in-line, roller)
 - T Ski boots (snow)
 - T Ski vests (water)
 - E Ski suits (snow)
 - T Skin diving suits
 - E Skirts
 - E Sleepwear, nightgowns, pajamas
 - E Slippers
 - E Slips
 - E Socks
 - T Sports helmets
 - T Sports pads (football, hockey, soccer, knee, elbow, shoulder)
 - E Sports uniforms (except pads, helmets)
 - T Suitcases
 - E Suits, slacks, and jackets
 - T Sunglasses (except *prescription)
 - E Suspenders
 - E Sweatbands
 - E Sweaters
 - T Swimming masks
 - E Swim suits and trunks

T

- E Ties (neckties – all)
- E Tights
- E Tuxedos, excluding cufflinks and rentals

U

- T Umbrellas
- E Underclothes
- E Uniforms (work, school, and athletic – excluding pads)

V-W

- E Vests
- E Wallets
- T Watchbands
- T Water ski vests
- T Weight lifting belts
- T Wet and dry diving suits
- T Wigs, toupees, and chignons
- E Work clothes and uniforms

* These items are always exempt as prosthetic or orthopedic appliances, or due to another specific exemption.

(21) List of school supplies and their taxable status during the exemption period. The following is a list of school supplies and their taxable status during the exemption period if they are sold for \$10.00 or less. This is not an inclusive list. T = Taxable, E = Exempt.

- T Binders
- E Calculators
- E Cellophane (transparent) tape
- E Colored pencils
- E Compasses
- E Composition books
- T Computer paper
- T Construction paper
- T Correction tape, fluid, or pens
- E Crayons
- E Erasers
- E Glue (stick & liquid)
- T Highlighters
- E Legal pads
- T Markers
- T Masking tape
- E Notebook filler paper
- E Notebooks
- E Paste
- E Pencils, including mechanical and refills
- E Pens, including felt, ballpoint, and fountain, and refills, but not highlighters or markers
- T Poster board
- E Poster paper
- T Printer paper
- E Protractors
- E Rulers
- E Scissors
- T Staplers
- T Staples

Specific Authority 212.17(6), 212.18(2), 213.06(1),(2) FS., Section 2, Chapter 2001-148, L.O.F. Law Implemented 95.091, 212.02(16), 212.05, 212.0596, 212.06, 212.13, 213.35, 215.26(1), 330.27(2), 509.013(4),(9) FS., Chapter 2001-148, L.O.F. History–New 7-3-01.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

PROPOSED EFFECTIVE DATE: July 3, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 355, TOP-FLITE®
 GOLF & CASH

RULE NO.: 53ER01-37

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 355, "TOP-FLITE® GOLF & CASH" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners, and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-37 Instant Game Number 355, "TOP-FLITE® GOLF & CASH."

(1) Name of Game. Instant Game Number 355, "TOP-FLITE® GOLF & CASH."

(2) Price. TOP-FLITE® GOLF & CASH tickets sell for \$2.00 per ticket.

(3) TOP-FLITE® GOLF & CASH 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 TOP-FLITE® GOLF & CASH 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 TOP-FLITE® GOLF & CASH 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 symbol captions are as follows:

INSERT SYMBOLS

(7) The "BONUS" symbols and "BONUS" symbol captions are as follows:

INSERT SYMBOLS

(8) The legends are as follows:

INSERT SYMBOLS

(9) Determination of Prize Winners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to ten matching sets of numbers. The prizes are: TICKET, \$2.00, \$3.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$1,000, and \$10,000. A claimant who is entitled 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 TOP-FLITE® GOLF & CASH lottery ticket which entitles the claimant 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) A ticket having a "golf balls" symbol in the "Bonus spot" play area shall entitle the claimant to a prize of one dozen Top-Flite® XL 2000® Extra Long™ golf balls.

(c) A ticket having a "golf bag and clubs" symbol in the "Bonus spot" play area shall entitle the claimant to a prize of one Top-Flite® XL 2000® Pro Tour Staff golf bag and a set of standard Top-Flite® XL 2000® steel shaft irons (3 through pitching wedge).

(10) Procedures for Claiming a Merchandise Prize.

(a) A person who has won a merchandise prize in accordance with the instant play features of Instant Game Number 355 described in paragraphs (9)(b) and (9)(c) above, shall claim his or her prize as follows. The claimant should complete the information section on the back of a winning TOP-FLITE® GOLF & CASH instant ticket and either submit it to any Florida Lottery office or mail it to Golf Merchandise Redemption, Tallahassee, Florida 32395-4653. Golf Merchandise Redemption envelopes are available at official Lottery retailers and Lottery offices. Envelopes submitted by mail must be postmarked on or before the 60th day after the

official end of Instant Game Number 355. The risk of loss or late delivery of a claim submitted by mail remains with the claimant.

(b) A person who has won a merchandise prize in accordance with the instant play features of Instant Game Number 355 described in paragraphs (9)(b) and (9)(c) above, and who presents the winning ticket to a retailer for validation shall retain the original ticket and the two claim tickets produced by the retailer terminal to submit for prize redemption in accordance with the claim procedures set forth in paragraph (10)(a) above.

(c) Winners of merchandise prizes should receive their prizes within approximately four to six weeks. Winners of the golf bag and clubs prize will first receive a questionnaire requesting the winner's golf information. This questionnaire must be completed and returned as directed before the prize will be shipped.

(11) Special Range Ball Offer. A person may present one non-winning TOP-FLITE® GOLF & CASH instant ticket at a participating golf course or range, buy one large bucket of range balls, and get one small bucket of range balls free. This offer expires May 30, 2002, and cannot be combined with any other offer. The large bucket of range balls must be purchased at the regular price and the small bucket of range balls must be redeemed during the same visit in which the large bucket of range balls is purchased. A list of participating golf courses and ranges is available on the Florida Lottery's website at www.flalottery.com.

(12) Number and Size of Prizes. The value, number of prizes, and odds of winning in Instant Game Number 355 are as follows:

GAME PLAY TICKET	WIN \$2 TICKET	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL	ODDS
\$2	\$2	1,008,000	1 in 7.50
(\$2 x 2)	\$4	302,400	1 in 25.00
\$2 + \$3	\$5	252,000	1 in 30.00
\$5	\$5	201,600	1 in 37.50
(\$2 x 3) + (\$2 x 2)	\$10	151,200	1 in 50.00
(\$5 x 2)	\$10	50,400	1 in 150.00
\$10	\$10	50,400	1 in 150.00
"Golf Balls" symbol	Golf Balls	35,952	1 in 210.28
(\$2 x 5) + (\$5 x 3)	\$25	50,400	1 in 150.00
(\$5 x 10)	\$50	4,200	1 in 1,800.00
\$10 + \$10 + \$10 +	\$50	3,990	1 in 1,894.74
\$10 + \$10	\$50	3,780	1 in 2,000.00
(\$25 x 2)	\$50	3,612	1 in 2,093.02
\$50	\$100	546	1 in 13,846.15
(\$10 x 10)	\$100	504	1 in 15,000.00
\$25 + \$25 + \$25 + \$25	\$100	420	1 in 18,000.00
(\$50 x 2)	\$250	84	1 in 90,000.00
(\$25 x 10)	\$250	84	1 in 90,000.00
"Golf Bag & Clubs" symbol	Golf Bag & Clubs	126	1 in 60,000.00
(\$100 x 10)	\$1,000	15	1 in 504,000.00
\$1,000	\$1,000	15	1 in 504,000.00
(\$1,000 x 10)	\$10,000	2	1 in 3,780,000.00
\$10,000	\$10,000	2	1 in 3,780,000.00

(13) The overall odds of winning any prize in Instant Game Number 355 are 1 in 3.48.

(14) For reorders of Instant Game Number 355, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(15) By purchasing a TOP-FLITE® GOLF & CASH 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), 24.115(1) FS. Law Implemented 24.105(10)(a),(b),(c), 24.115(1) FS. History—New 6-18-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 18, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 375, LUCKY 7'S
 RULE NO.: 53ER01-41

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 375, "LUCKY 7'S," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners 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:

53ER01-41 Instant Game Number 375, LUCKY 7'S.

(1) Name of Game. Instant Game Number 375, "LUCKY 7'S."

(2) Price. LUCKY 7'S tickets sell for \$1.00 per ticket.

(3) LUCKY 7'S lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning LUCKY 7'S 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 LUCKY 7'S lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) Determination of Prize Winners.

The holder of a ticket having three "7's" in the play area in any one row, column or diagonal shall be entitled to the prize shown. The prizes are: FREE TICKET, \$2, \$3, \$7, \$27, \$77, and \$777. The holder of a ticket which entitles the player to a prize of a "FREE TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a LUCKY 7'S lottery ticket which entitles the holder to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(6) The value, number of prizes, and odds of winning in Instant Game Number 375 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS IN 84 POOLS OF 180,000 TICKETS	
		PER POOL	ODDS
RIGHT COLUMN	\$1 TICKET	1,814,400	1 in 8.33
MIDDLE COLUMN	\$2	957,600	1 in 15.79
LEFT COLUMN	\$3	453,600	1 in 33.33
TOP ROW	\$7	302,400	1 in 50.00
CENTER ROW	\$27	54,348	1 in 278.21
BOTTOM ROW	\$77	3,360	1 in 4,500.00
DIAGONAL	\$777	84	1 in 180,000.00

(7) The overall odds of winning any prize in Instant Game Number 375 are 1 in 4.22.

(8) For reorders of Instant Game Number 375, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(9) By purchasing a LUCKY 7'S 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), 24.115(1) FS. Law Implemented 24.105(10)(a),(b),(c), 24.115(1) FS. History—New 6-15-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 15, 2001

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Florida Power & Light Company's petition for waiver of Rule 25-6.0436(8)(a), Florida Administrative Code, filed February 23, 2001, in Docket No. 010261-EI, was approved by the Commission at its May 1, 2001, Agenda Conference. Order No. PSC-01-1144-PAA-EI, issued May 21, 2001, memorialized the decision. The rule addresses the deadline for the filing of periodic depreciation studies by investor-owned electric utilities. The petition was approved on

the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on March 23, 2001.

A copy of the Order can be obtained from either the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's Homepage at <http://www.floridapsc.com>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, State of Florida, has issued an Order Denying a Petition for Variance or Waiver from Rule 61D-6.006(2), Florida Administrative Code, pursuant to Section 120.542, Florida Statutes, and filed with the Agency Clerk on June 5, 2001. The Petition was filed on behalf of Christophe Clement by his Qualified Representative, with the Agency Clerk on March 8, 2001. Rule 61D-6.006(2), Florida Administrative Code, requires a split sample analysis of a urine sample that has tested positive for an impermissible substance be performed by a laboratory from the approved list of independent confirmatory laboratories required by Section 550.2415(5)(a), Florida Statutes.

A copy of the Order, No. BPR-2001-02516, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

The Florida Real Estate Commission hereby gives notice that it has granted a Petition for Rule Waiver. The Petition was filed on March 23, 2001, by Christopher C. Skambis, on behalf of Dianne Marie Schoenthaler. Receipt of the Petition was first published on April 6, 2001. The Petitioner was granted a waiver from of Rule 61J2-3.020, F.A.C., relating to post-licensing for real estate brokers, by the Commission on May 23, 2001.

The Final Order granting the Petition is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Florida Real Estate Commission, 400 West Robinson Street, Hurston Building – North Tower, Suite N308, Orlando, Florida, 32801. Requests for inspection or copies should be made to the above address.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice is hereby given that the Department of Environmental Protection has received a petition pursuant to Section 120.542, Florida Statutes, from Steve Lewis, P. A., of Lewis, Longman & Walker, P.A., on behalf of CBRF Properties, DEP File No., CO-732, for a variance from subsection 62B-33.007(3)(c),

Florida Administrative Code, which requires a proposed single-family dwelling and swimming pool, to be elevated on, and securely anchored to, an adequate pile foundation in such a manner as to locate the building support structure above the design breaking wave crests or wave approach as superimposed on the storm surge with dynamic wave setup of a one-hundred-year storm. The petitioner proposes to remove an existing single-family dwelling and pool and construct another single-family dwelling and pool farther landward with the first habitable floor at +14.8 feet, which is below the design wave associated with a one-hundred-year storm, as cited above.

A copy of the petition can be obtained by contacting Rosaline Beckham, (850)487-1262, Extension 186. The petition for variance is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 5050 West Tennessee Street, Bldg. B, Suite 160, Tallahassee, Florida 32304. Any comments should be filed in writing with the Department at this address and should be submitted within 14 days of the date of this publication.

DEPARTMENT OF HEALTH

The Board of Dentistry hereby gives notice that a Petition for Waiver and Variance filed by Steven D. Baxter, DDS, was published in Vol. 27, No. 23, June 8, 2001, issue of the Florida Administrative Weekly.

The purpose of this amended notice is to notify individuals that if they wish to obtain a copy of the petition, they may contact: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 or telephone (850)245-4444.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that the Florida Housing Finance Corporation has received a petition pursuant to Section 120.542, Florida Statutes, from Little Haiti Gateway, Inc., for a variance and/or waiver from Rule 67-48.012(3), Florida Administrative Code, which contains the requirement that certain items on the credit underwriting report be submitted within 35 calendar days of the date of the preliminary SAIL commitment.

A copy of the Petition can be obtained from Deanne Coughlin, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.,

Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs** announces the following public meeting to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: Friday, July 13, 2001, 8:30 a.m.

PLACE: Sarasota County Administration Building, 1st Floor, Training Room, 1660 Ringling Boulevard, Sarasota, FL 34236, (941)953-7123

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review meeting to select artwork for Art in State Buildings Project No. DOH 9858/7050, Sarasota County Health Department, Sarasota, 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 Don Blancett, (850)487-2980, Ext 131. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs** announces a meeting of the Florida New Motor Vehicle Arbitration Board to which all persons are invited:

DATES AND TIME: July 12-13, 2001, 9:00 a.m.

PLACE: Belleview Biltmore Resort & Spa, Amphitheater, 25 Belleview Boulevard, Clearwater, Florida 33757

GENERAL SUBJECT MATTER TO BE CONSIDERED: Arbitrator Training.

A copy of the agenda may be obtained by writing: Department of Legal Affairs, Lemon Law Arbitration Program, Room PL-01, The Capitol, Tallahassee, FL 32399-1050 or by telephoning (850)414-3300, Ext. 4494 seven days before the meeting.

Any person requiring a special accommodation to attend this meeting because of a disability or physical impairment should contact Ms. Carol Howell of the Lemon Law Arbitration Program at the number above, or if hearing or speech impaired, via the Florida Dual Relay System at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), seven days before the meeting.

DEPARTMENT OF INSURANCE

The Florida **Department of Insurance** announces a public meeting of the Blue Ribbon Panel on Bail Bond Reform to which all interested parties are invited.

DATES AND TIMES: July 23-24, 2001, 10:00 a.m.; August 16-17, 2001, 10:00 a.m.; August 27-28, 2001, 10:00 a.m.; September 10-11, 2001, 10:00 a.m.

PLACE: Room 116, The Larson Building, 200 East Gaines Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address regulatory issues related to Chapter 648, Florida Statutes, with the intent to make recommended legislative changes to the laws regarding bail bonds.

Anyone requiring further information should contact: Sally Burt, Bail Bond Coordinator, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0320, (850)413-5660, or e-mail at burts@doi.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate at these meetings should contact Sally Burt, (850)413-5660, at least five (5) days prior to the meeting.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Steering Committee of the **Turfgrass Best Management Practices Working Group** announces a meeting to which all interested persons are invited.

DATE AND TIME: July 16, 2001, 9:00 a.m.

PLACE: Hurston South Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To work on developing Best Management Practices for Turfgrass. Those desiring more information may contact: Erica Santella, (407)678-0972, Extension 232, E-mail address emsantella@aol.com.

The **Florida Department of Agriculture and Consumer Services** announces a public meeting of the Pesticide Review Council to which all persons are invited.

DATE AND TIME: Tuesday, July 17, 2001, 9:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, Eyster Auditorium, Doyle Conner Building, 3125 Conner Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Council during which there will be a review of pertinent pesticide issues impacting on human health and environment.

A copy of agenda may be obtained by contacting: Bureau of Pesticides, 3125 Conner Boulevard, Mail L-29, Tallahassee, Florida 32399-1650.

DEPARTMENT OF EDUCATION

The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting as follows.

DATE AND TIME: July 12, 2001, 10:00 a.m. (CDT)

PLACE: Gardner Seminar Room

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting.

Contact person for the meeting: Dr. Robert L. McSpadden, President.

The **Florida Rehabilitation Council** announces the following meeting:

MEETING: Florida Rehabilitation Council Quarterly Meeting

DATES AND TIME: July 26-27, 2001, 8:00 a.m. – 5:00 p.m.

PLACE: Tampa Airport Marriot, Tampa International Airport, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a quarterly meeting of the Florida Rehabilitation Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)488-6210.

Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Shawnee Sumpter, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation 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 meeting may request to be put on mailing list for such notices by writing to Shawnee T. Sumpter at the Council address.

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 advise 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)

The **Department of Education** announces the following Committee Meetings of the Occupational Access and Opportunity Commission to which all persons are invited and to which all interested individuals are encouraged to attend.

Nominating Committee

DATE AND TIME: July 2, 2001, 10:30 a.m. – 5:00 p.m.

PLACE: Division of Vocational Rehabilitation Services' Headquarters, 2002 Old Saint Augustine Road, Building A, Room 360, Tallahassee, Florida 32301, (850)488-0059

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Nominating Committee.

Nominating Committee

DATE AND TIME: July 10, 2001, 10:30 a.m. – 5:00 p.m.

PLACE: Division of Vocational Rehabilitation Services' Headquarters, 2002 Old Saint Augustine Road, Building A, Room 214, Tallahassee, Florida 32301, (850)488-0059

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Nominating Committee.

NOTE: This meeting originally scheduled for July 9th was rescheduled to July 10th.

Budget, Policy, and Planning Committee

DATE AND TIME: July 10, 2001, 1:00 p.m. – 5:00 p.m.

PLACE: Division of Vocational Rehabilitation Services' Headquarters, 2002 Old Saint Augustine Road, Building A, Room 360, Tallahassee, Florida 32301, (850)488-0059

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Budget, Policy and Planning Committee.

Field Services Committee

DATE AND TIME: July 11, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Doubletree Hotel, 101 South Adams, Tallahassee, Florida 32301, (850)488-0059

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Field Services Committee.

Compliance & Oversight Committee

DATE AND TIME: July 11, 2001, 9:00 a.m. – 11:00 a.m.

PLACE: Doubletree Hotel, 101 South Adams, Tallahassee, Florida 32301, (850)488-0059

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Compliance & Oversight Committee.

Government and Customer Relations Committee

DATE AND TIME: July 11, 2001, 1:00 p.m. – 4:00 p.m.

PLACE: Doubletree Hotel, 101 South Adams, Tallahassee, Florida 32301, (850)488-0059

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Government and Customer Relations Committee.

Executive Committee

DATE AND TIME: July 11, 2001, 4:00 p.m. – 6:30 p.m.

PLACE: Doubletree Hotel, 101 South Adams, Tallahassee, Florida 32301, (850)488-0059

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact V. Virginia Rhoden, (850)488-0059, Ext. 207, seven days before the meeting.

The **Department of Education** announces a meeting of the Occupational Access and Opportunity Commission to which all persons are invited and to which all interested individuals are encouraged to attend.

DATE AND TIME: July 12, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Doubletree Hotel, 101 South Adams, Tallahassee, Florida 32301, (850)224-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the regular business of the Occupational Access and Opportunity Commission.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact V. Virginia Rhoden, (850)488-0059, Ext. 207, seven days before the meeting.

DEPARTMENT OF COMMUNITY AFFAIRS

The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting of the Training Task Force to which all persons are invited.

DATE AND TIME: July 12, 2001, 10:00 a.m.

PLACE: Department of Community Affairs, 2555 Shumard Oak Boulevard, Kelley Training Center, Room 305, Tallahassee, Florida 32399-2100.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the ongoing work of the District Response Teams Subcommittee to the Training Task Force and other hazardous materials training issues.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Education and Training Section, (850)413-9899, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Education and Training Section using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you 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.

Additional information may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or by telephoning (850)413-9899.

The **State Emergency Response Commission for Hazardous Materials** announces a meeting of all Local Emergency Planning Committee chairpersons and staff contacts to which all persons are invited.

DATE AND TIME: July 12, 2001, 1:30 p.m.

PLACE: Department of Community Affairs, 2555 Shumard Oak Boulevard, Kelley Training Center, Room 305, Tallahassee, Florida 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Local Emergency Planning Committees in implementing the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Compliance Planning Section, (850)410-1271, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you 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.

A copy of the agenda may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or by telephoning (850)413-9970.

The **State Emergency Response Commission for Hazardous Materials** announces a meeting to which all persons are invited.

DATE AND TIME: July 13, 2001, 10:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Room 301A, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the requirements of the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Compliance Planning Section, (850)410-1271, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision, with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you 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.

A copy of the agenda may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or by telephoning (850)413-9970.

DEPARTMENT OF LAW ENFORCEMENT

The **Division of Criminal Justice Standards and Training** announces a public meeting for a Probable Cause Determination to which all persons are invited to attend.

DATE AND TIME: Tuesday, July 10, 2001, 1:00 p.m. – Open

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To determine if probable cause exists to proceed with possible disciplinary action.

A copy of the Probable Cause Case agenda can be obtained by calling: Brenda S. Presnell, (850)410-8648, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Post Office Box 1489, Tallahassee, Florida 32302-1489.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (850)410-8615, at least 2 weeks prior to the meeting.

The Criminal Justice Professionalism Program announces the following meeting dates and times for the **Criminal Justice Standards and Training Commission** and Commission-related meetings: The Quarterly Criminal Justice Standards and Training Commission meeting, Training Center Directors' Committee and Business meetings, Probable Cause Determination Hearings, Commission Workshop, and presentation of Officer Discipline Cases for final disposition. These meetings are held to discuss issues relating to standards, training, certification, de-certification, record management for law enforcement, correctional, and correctional probation

officers, and issues concerning certification and recertification of Commission-certified criminal justice training schools. All parties are invited to attend.

Training Center Directors' Committee Meetings

DATE AND TIME: Tuesday, August 7, 2001, 4:00 p.m.

Training Center Directors' Business Meeting

DATE AND TIME: Wednesday, August 8, 2001, 8:30 a.m.

Probable Cause Determination Hearings

DATE AND TIME: Wednesday, August 8, 2001, 8:30 a.m.

Commission Workshop

DATE AND TIME: Wednesday, August 8, 2001, 2:00 p.m.

C J S & T Commission meeting business agenda

DATE AND TIME: Thursday, August 9, 2001, 8:30 a.m. – 1:00 p.m.

Officer Discipline Case Proceedings

DATE AND TIME: Thursday, August 9, 2001, 1:00 p.m. – Open

PLACE: Marriott at Sawgrass, 1000 TPC Boulevard, Ponte Vedra Beach, Florida 32082 (Telephone number for Hotel Reservations (904)285-7777, Fax (904)285-0906)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss standards and training for criminal justice officers, certification and decertification of criminal justice officers, final agency action on officer discipline cases, and certification and re-certification of Commission-certified criminal justice training schools. The Commission Workshop will include an overview of the July 2001 Final Filed Rules approved by the Commission at the December 6, 2000 Commission meeting conference call.

COMMISSION MEETING AGENDAS: A copy of the August 2001 Commission Meeting agenda may be obtained by contacting Donna Hunt, (850)410-8615, and a copy of the Officer Discipline Agenda may be obtained by contacting Brenda Presnell, (850)410-8648. If you wish to write the Commission for a copy of the above agendas, please write: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Donna Hunt or Brenda Presnell. If you wish to call or write for a copy of the Training Center Directors' Association agenda, please write or call Training Center Director Association Chairman Ray Newman, (863)297-1030, Polk Community College, 999 Avenue H, Northeast, Winter Haven, FL 33881-4299.

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact Donna Hunt, (904)410-8615, at least two (2) weeks prior to the meeting.

The **Department of Law Enforcement, Medical Examiners Commission** announces a Medical Examiners Commission Meeting.

DATE AND TIME: Tuesday, August 7, 2001, 1:00 p.m.

PLACE: University of Florida, Doubletree Hotel and Conference Center, 1714 S. W. 34th Street, Gainesville, Florida 32607, (352)371-3600

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medical Examiners Commission Meeting.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Medical Examiners Commission Office, (850)410-8600, at least five (5) working days prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person is responsible for ensuring that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information or a copy of the agenda may be obtained by contacting: Mr. Dale H. Heidman, Forensic Coordinator, Criminal Justice Professionalism Services, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600.

DEPARTMENT OF TRANSPORTATION

The **Florida High Speed Rail Authority** announces its first public meeting to which all persons are invited:

DATE AND TIME: July 16, 2001, 10:00 a.m. – conclusion

PLACE: Florida Department of Transportation, Auditorium, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Meeting of the newly established Florida High Speed Rail Authority.

Information may be obtained by contacting: Nazih Haddad, 605 Suwannee, Street, Tallahassee, Florida 32399-0450, (850)414-4500).

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Authority at least 48 hours before the meetings by contacting: Betty Sizemore, (850)414-5244.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of five public meetings of the Florida Commission on Hurricane Loss Projection Methodology to which all persons are invited.

DATES AND TIME: Monday and Tuesday, July 30-31, 2001, 9:00 a.m. – 5:00 p.m.

DATE AND TIME: Wednesday, August 1, 2001, 9:00 a.m. – 1:00 p.m.

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida (The conference call number for each of the three meetings listed above, for those persons who cannot be physically present, is (850)488-5778.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are regular business meetings of the Commission at which the Commission plans to review one computer model under the standards and acceptability process for the year 2000, plans to discuss, in committee meetings, the standards and procedures for the year 2001 and plans to address other general business of the Commission.

DATES AND TIME: Tuesday and Wednesday, September 18-19, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida (The conference call number for the two September meetings, for those persons who cannot be physically present, is (850)487-8856.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The two September meetings are regular business meetings of the Commission in which the Commission plans to discuss and adopt standards for the year 2001 and to address other general business of the Commission.

INVITATION: The public is invited to all five meetings noticed herein. Anyone wishing to be placed on the Commission's mailing list to receive copies of notices and agendas by mail or wishing a copy of the agenda for the meeting noticed above, should contact Donna Sirmons, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend any of these meetings is requested to call Donna Sirmons, (850)413-1349, five days prior to the meeting so that appropriate arrangements can be made.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Sub-committee of the Blue Ribbon Committee to which all persons are invited.

DATE AND TIME: Tuesday, July 10, 2001, 10:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Sub-committee of the Blue Ribbon Committee will meet to evaluate the strategic planning proposals. The Sub-committee will also discuss any other issues that may properly come before the Sub-committee.

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.

The **Department of Citrus** announces a public meeting of the Citrus Abscission Registration Committee to which all persons are invited.

DATE AND TIME: Thursday, July 12, 2001, 8:30 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Update on abscission chemical registration planning, update on new abscission chemicals being used, new chemicals for next year discovered, on-going abscission research and other business that might come before the council for consideration. At 9:30 a.m. there will be a joint meeting with the Citrus Harvesting Research Advisory Council to discuss Citrus Research and Education Center research projects.

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.

The **Department of Citrus** announces a public meeting of the Citrus Harvesting Research Advisory Council to which all persons are invited.

DATE AND TIME: Thursday, July 12, 2001, 9:30 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: At 9:30 a.m. there will be a joint meeting with the Citrus Abscission Registration Committee to discuss Citrus Research and Education Center research projects. The council will then have its monthly meeting and will hear updates on budgets, mechanical harvesters, Dr. Roka's field studies 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.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 11, 2001, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C, Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980). A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than two working days prior to the proceeding at the address given on the notice, telephone (850)488-3417.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida **Public Service Commission** that a status conference has been scheduled by the prehearing officer in Docket No. 990649-TP, Investigation into Pricing of Unbundled Network Elements, for the following date and time:

DATE AND TIME: Monday, July 9, 2001, 1:30 p.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399.

For additional information, please contact: Beth Keating, Division of Legal Services, (850)413-6212, or Wayne Knight, (850)413-6232.

The Florida **Public Service Commission** announces a prehearing issue identification conference to be held in the following dockets, to which all interested persons are invited.

DOCKET NO. 000824-EI – Review of Florida Power Corporation’s earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light.

DOCKET NO. 001148-EI – Review of Florida Power & Light Company’s proposed merger with Entergy Corporation, the formation of a Florida transmission company (“Florida transco”), and their effect on FPL’s retail rates.

DOCKET NO. 010577-EI – Review of Tampa Electric Company and impact of its participation in GridFlorida, a Florida Transmission Company, on TECO’s retail ratepayers.

DATE AND TIME: Monday, July 9, 2001, 3:00 p.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To determine the appropriate issues to address for purposes of determining the prudence of Florida Power & Light Company,

Florida Power Corporation, and Tampa Electric Company’s formation of and participation in GridFlorida, a Florida transmission company.

Any person requiring some accommodation at the prehearing issue identification conference because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the prehearing conference. If you are hearing or speech impaired, please contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a Commission Workshop to be held on A T & T’s Petition for Structural Separation in Docket No. 010345-TP at the following time and place.

DATES AND TIME: July 30-31, 2001, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0862

A copy of the issues the Commission will be addressing and a copy of the agenda may be obtained from: Kim Logue, Division of Competitive Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6560.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the workshop. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Regional Hazardous Materials Response Team

DATE AND TIME: July 9, 2001, 1:30 p.m.

PLACE: North Central Florida Regional Planning Council Office, 2009 N. W. 67th Place, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Hazardous Materials Response Team.

Any persons deciding to appeal any decision of the Team with respect to any matter considered at the meetings may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting: Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, 2009 N. W. 67th Place, Suite A, Gainesville, FL 32653.

Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Withlacoochee Regional Planning Council** announces a meeting of its Budget Committee.

DATE AND TIME: Wednesday, July 11, 2001, 1:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To formulate the Council's Budget for Fiscal Year 2001-2002.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

P.O. #3851

The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting, to which all persons are invited:

DATE AND TIME: Wednesday, July 11, 2001, 9:30 a.m.

PLACE: Citrus & Chemical Bank Building, Third Floor, Conference Room, 600 North Broadway Avenue, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he 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.

The **Central Florida Regional Planning Council** announces a public meeting of the District 7, Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, Exercise Sub-Committee, and Risk Management Program Sub-Committee, to which all persons are invited.

DATE AND TIME: Wednesday, July 11, 2001, 10:00 a.m.

PLACE: Southwest Florida Water Management District, Conference Room, 170 Century Boulevard, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC, and Special Sub-Committees.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he 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.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, July 9, 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

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, July 9, 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

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, July 12, 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

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, July 23, 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

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, August 1, 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

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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.

METROPOLITAN PLANNING ORGANIZATIONS

The **Metropolitan Planning Organization** for the Orlando Urban Area announces the following public meeting of its Governing Board to which all persons are invited:

DATE AND TIME: Wednesday, July 11, 2001, 9:00 a.m.

PLACE: Metroplan Orlando Boardroom, 315 East Robinson Street, Suite 355, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Board Meeting.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to Order
2. Agenda Review
3. Approval of Minutes

4. Consent Items
5. Action Items
6. Presentations, if any.
7. Other Business
8. Chairman’s Report
9. Executive Director’s Report
10. Legislative Report

A copy of the detailed agenda may be obtained by contacting: Virginia Lewis-Whittington, Manager of Board Services, Metroplan Orlando, 315 East Robinson Street, Suite 355, Orlando, FL 32801, (407)481-5672, Extension 314.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Metroplan Orlando, (407)481-5672, at least 48 hours before the meeting.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: July 10, 2001, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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 Otter Sink Conservation Easement, 11,609 acres +/-, Dixie County, Florida, with funds from the Water Management Lands Trust Fund; the proposed acquisition of the Butler Walker Tract, 127 acres +/-, Jefferson County, Florida, with funds from the Water Management Lands Trust Fund, the proposed acquisition of the CSX Transportation Tract, 16.6 acres +/-, Suwannee County, Florida, with funds from the Water Management Lands Trust Fund; and the proposed acquisition of the Dykes/Allen Mill Pond Addition, 232 acres +/-, Lafayette County, Florida, with funds from the Water Management Lands Trust Fund; and the proposed exchange/acquisition of the Mincy Tract, 15.04 acres +/- owned by Jimmy Mincy and 2.73 acres owned by the District, both located in Taylor County, Florida, with funds from the Water Management Lands Trust Fund.

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, (904)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The Suwannee River Water Management District announces the following public meetings to which all interested persons are invited.

DATE AND TIME: July 10, 2001, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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 Otter Sink Conservation Easement, 11,609 acres +/-, Dixie County, Florida, with funds from the Water Management Lands Trust Fund; the proposed acquisition of the Butler Walker Tract, 127 acres +/-, Jefferson County, Florida, with funds from the Water Management Lands Trust Fund, the proposed acquisition of the CSX Transportation Tract, 16.6 acres +/-, Suwannee County, Florida, with funds from the Water Management Lands Trust Fund; and the proposed acquisition of the Dykes/Allen Mill Pond Addition, 232 acres +/-, Lafayette County, Florida, with funds from the Water Management Lands Trust Fund; and the proposed exchange/acquisition of the Mincy Tract, 15.04 acres +/- owned by Jimmy Mincy and 2.73 acres owned by the District, both located in Taylor County, Florida, with funds from the Water Management Lands Trust Fund.

DATE AND TIME: July 10, 2001, following the Board meeting

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Workshop.

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, (904)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, July 10, 2001, 8:30 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Personnel Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

INFORMATION TECHNOLOGY COMMITTEE

DATE AND TIME: Tuesday, July 10, 2001, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Personnel Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

BUDGET AND GOVERNING BOARD MEETING

DATE AND TIME: Tuesday, July 10, 2001, 10:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of budget information and acceptance of millage rate and budget for Fiscal Year October 1, 2001, through September 30, 2002 for advertising purposes; and discussion and consideration of other District business including regulatory and non-regulatory matters.

FINANCE COMMITTEE MEETING

DATE AND TIME: Wednesday, July 11, 2001, 8:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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, July 11, 2001, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

SIXTH PUBLIC HEARING ON ENVIRONMENTAL RESOURCE PERMIT STREAMLINING RULE AMENDMENTS

DATE AND TIME: Wednesday, July 11, 2001, following Governing Board meeting which begins at 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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, P. O. Box 1429, Palatka, Florida 32178-1429, Attention: Ann Freeman, Executive Office.

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).

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

The **Southwest Florida Water Management District** (SWFMWD) announces the following:

UPPER PEACE RIVER WALKING TOUR

DATE AND TIME: Wednesday, July 11, 2001, 9:00 a.m.

PLACE: Natural Resource Conservation Service/Stuart Center Parking Lot, 1700 U.S. Highway 17, South, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tour will include visits to a large sinkhole in the river bed, a series of fractures in the riverbed, the Kissengen Spring site and the sinks/fracture area of the river near the Bartow water reclamation plant to better acquaint Governing and Basin Board members with the Upper Peace River.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4604, TTD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces public meetings to which all interested persons are invited:

DATE AND TIME: July 5, 2001, 8:30 a.m.

PLACE: District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Water Resources Advisory Commission to conduct regular commission business.

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. 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.

The **South Florida Water Management District** announces a public workshop/meeting which may be conducted by means of or in conjunction with communications technology, to which all interested parties are invited:

DATE AND TIME: July 11, 2001, 9:00 a.m.

PLACE: District Headquarters, B-1 Building Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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, July 12, 2001 Governing Board Regular Meeting may be considered on this agenda. This meeting may also include the Human Resources Committee and/or Audit Committee as part of the meeting agenda.

NOTE: Due to extensive construction at the main complex for the next 16 months, parking will be severely impacted. Additional parking for the public will be available at the National Guard Armory just east of the main complex, or at Lake Lytel Park, located west of the main complex.

In the event of emergency conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference in order to take action on items listed on the Thursday, July 12, 2001 meeting agenda, including regulatory and non-regulatory items.

DATE AND TIME: July 11, 2001, time to be determined

PLACE: To be determined

GENERAL SUBJECT MATTER TO BE CONSIDERED: Possible off-site dinner with Governing Board members after workshop/meeting. No discussion of Governing Board's business or activities shall occur between or among board members at this dinner site.

DATE AND TIME: July 12, 2001, 7:00 a.m.

PLACE: To be determined.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Breakfast workshop with Governing Board members and senior staff.

DATE AND TIME: July 12, 2001, 8:30 a.m.

PLACE: District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board meeting for consideration for District business regulatory and non-regulatory matters, including public meetings. 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 agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680, or may be acquired via the SFWMD Web Site at <http://www.sfwmd.gov/agenda.html>.

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 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.

PLACE: District Headquarters, B-1 Building Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

The **South Florida Water Management District** announces a Breakfast workshop meeting with Governing Board members and senior staff will take place the morning of the Regular Governing Board meeting at 7:00 a.m. on the following dates:
DATES AND TIME: July 12, 2001; August 9, 2001; September 13, 2001; October 11, 2001; November 15, 2001; December 13, 2001, 7:00 a.m.

PLACE: To be determined

GENERAL SUBJECT MATTER TO BE CONSIDERED: Breakfast workshop with Governing Board members and senior staff.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: July 19, 2001, 6:30 p.m. – 8:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The second in a series of four public/interagency meetings is being held to solicit input on the Development of Alternatives – the second task of the Lake Okeechobee Sediment Management Feasibility Study. The District has developed a draft document that presents an array of technologies and sediment management alternatives that could be used to address the internal phosphorus loading in Lake Okeechobee. The meeting will focus on the District's selection of alternatives; the public is invited to participate.

PLACE: Glades Campus, Palm Beach Community College, Lecture Hall, Room 122, Belle Glade, FL

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

For more information, contact Karen Smith, Project Manager, (561)682-2731.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: July 25, 2001, 9:00 a.m.

PLACE: Fort Myers Service Center, 2301 McGregor Boulevard, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Southwest Florida Study Team for the Southwest Florida Feasibility Study

A copy of the agenda may be obtained by writing: South Florida Water Management District, 2301 McGregor Boulevard, Fort Myers, Florida 33919

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 may contact Janet Starnes, Fort Myers Service Center, 2301 McGregor Boulevard, Fort Myers, Florida, (941)338-2929.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: July 26, 2001, 9:00 a.m.

PLACE: Fort Myers Service Center, 2301 McGregor Boulevard, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Southwest Florida Resource Team for the Southwest Florida Feasibility Study.

A copy of the agenda may be obtained by writing: South Florida Water Management District, 2301 McGregor Boulevard, Fort Myers, Florida 33919.

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 may contact Janet Starnes, Fort Myers Service Center, 2301 McGregor Boulevard, Fort Myers, Florida, (941)338-2929.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a meeting of the Finance, Auditing and Program Performance (FAPP) Committee to which all persons are invited to participate.

DATE AND TIME: Monday, July 16, 2001, 10:00 a.m. – completion

PLACE: Conference call – to access call (850)488-5776 or Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the letters of interest received on the bonding issue.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Erin Schepers at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces the following public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, July 11, 2001, 10:00 a.m.

PLACE: Sarasota County Administration Center, 1660 Ringling Boulevard, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Organ Transplant Task Force in Tampa, Florida to which all persons are invited.

DATE AND TIME: July 10, 2001, 1:00 p.m. – 4:00 p.m.

PLACE: Tampa Public Library, 900 North Ashley Drive, Martin Luther King Room, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to bring newly appointed task force members together to elect a chairperson, discuss the current and future supply of organs in relation to the number of existing organ transplantation programs and the future necessity of the issuance of a certificate of need (CON) for proposed organ transplantation programs.

Note: If you need a special accommodation in order to attend this meeting because of a disability, please notify the Agency for Health Care Administration in writing at 2727 Mahan Drive, Hospital and Outpatient Services Unit, Tallahassee, FL 32308 or by phone call Mary Loepp, (850)487-2717.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 13, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Orlando Airport Hyatt, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Certificate of Need (CON) Workgroup as authorized by Chapter 2000-318, Laws of Florida.

A copy of the agenda may be obtained by writing: Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308. Agendas can also be requested via e-mail at colvinl@fdhc.state.fl.us.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice, telephone (850)922-0791.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation** announces a public meeting of the Regulatory Council of Community Association Managers to which all persons are invited.

DATE AND TIME: Friday, July 20, 2001, 10:30 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, Board Conference Room, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399-1040

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council.

A copy of the agenda may be obtained by writing: Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-1040, or by calling their office at (850)488-2141.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Regulatory Council of Community Association Managers, (850)488-2141. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771(TDD).

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Architecture and Interior Design** announces the following meetings to which all parties are invited to attend.

DATE AND TIME: July 31, 2001, 1:00 p.m.

PLACE: Renaissance Vinoy Resort and Golf Club, 501 5th Avenue, Northeast, St. Petersburg, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel and Probation Committee meeting, which portions may be closed to the public.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., 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)488-6685, 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 **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, July 11, 2001, 4:00 p.m.; Thursday, July 12, 2001, 8:00 a.m.; Friday, July 13, 2001, 8:00 a.m.

PLACE: Embassy Suites, Ft. Lauderdale, 1100 S. E. 17th Street, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings 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.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 N. Monroe Avenue, Tallahassee, Florida 32399-0754.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Jeff Ewaldt, (850)487-1395, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces an official telephone conference call regarding change of ownership applications.

DATE AND TIME: July 18, 2001, 10:00 a.m.

PLACE: Meet Me Telephone Number: (850)921-2583 or Suncom 291-2583

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board regarding Change of Ownership Applications and other business as directed by the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling Stacey Merchant, (850)921-7868.

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 Stacey Merchant, (850)921-7868. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is based.

For further information, contact the Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The Florida **Board of Professional Engineers** announces a public telephone conference call which all persons are invited:

DATE AND TIME: Friday, July 6, 2001, 2:00 p.m.

PLACE: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, FL 32301, Conference Call Number: 1(800)659-8292

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion on the Continuing Education Rule.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The **Florida Real Estate Appraisal Board** announces a meeting of its Probable Cause Panel.

DATE AND TIME: Monday, July 9, 2001, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, 400 W. Robinson Street, North Tower, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board Probable Cause Panel. Probable cause is not open to the public.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech

impaired, please call the Real Estate Appraisal Board 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 Real Estate Appraisal Board** announces a meeting of its Probable Cause Panel.

DATE AND TIME: Monday, August 6, 2001, 8:30 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, 400 W. Robinson Street, North Tower, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board Probable Cause Panel. Probable cause is not open to the public.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Appraisal Board 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 Real Estate Appraisal Board** announces a workshop to which everyone is invited.

DATE AND TIME: Monday, August 6, 2001, 1:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Public Meeting Room, 400 W. Robinson St., Room 301, North Tower, Orlando, Florida, (407)245-0800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop session to discuss rules and possible changes to rules for compliance with state and federal law as found in Florida Administrative Code, Chapter 61J1. Review Government in the Sunshine requirements. Establish guidelines for accepting disclosures from the Summary of Applicants. Review procedures for exceptions to a recommended order. Discuss the requirements of the Appraisal Qualifications Board for approving education courses.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Appraisal Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Appraisal Board, P. O. Box 1900, Orlando, Florida 32802-1900.

The **Florida Real Estate Appraisal Board** announces a meeting to which everyone is invited.

DATE AND TIME: Tuesday, August 7, 2001, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, 400 W. Robinson Street, North Tower, Orlando, FL 32801, (407)245-0800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board – Including but not limited to: Rule/statute amendments and Disciplinary actions.

Any person who decides to appeal a decision made by the Board with respect to any matter considered at this meeting or 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 testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Appraisal Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Appraisal Board, P. O. Box 1900, Orlando, Florida 32802-1900.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a public workshop to which all persons are invited:

DATE AND TIME: June 29, 2001, 9:30 a.m. – 4:30 p.m.

PLACE: Orange County Convention Center, Conference Rooms 311 A & B, 9800 International Drive, Orlando, Florida 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide information on the Florida Water Conservation Initiative that has been established pursuant to the state's Drought Action Plan, and to obtain public input on water conservation issues. The primary goal of the workshop is to begin gathering information in preparation for developing a November 1, 2001 draft Department report on ways to increase water use efficiency. Representatives from the Department, the five water management districts and the Department of Agriculture and Consumer Services will be present at the workshop and wish to encourage participation from the public and all water use sectors and other interested parties, including public and private water suppliers, agriculture, commercial users, industry, developers, commercial landscaping and grounds maintenance companies, golf course and hotel managers, environmental groups, local governments and state agencies. Participants at the meeting will be encouraged to join in "Work Groups" to identify strategies and incentives, and make recommendations later this summer to improve the conservation and efficient use of water (including reclaimed water) throughout the state. Water users, environmental

groups, and other parties are welcome to participate in more than one Work Group if they choose to do so. The following Work Groups are expected to be formed: Non-Agricultural Irrigation; Indoor and Aesthetic Water Use; Agriculture; Commercial/Industrial; Water Pricing to Promote Conservation; Reclaimed Water Use Efficiency.

The Work Groups can begin work on June 29, 2001, and continue separately after the workshop ends. A later public workshop in early August (date not yet selected) will allow all interested parties to continue discussions, with written recommendations from each Work Group requested by October 1, 2001. Each Work Group will be asked to develop priority recommendations that will result in significant savings of water over either the short term or long term. The recommendations from the public workshop and the Work Groups will be important to the Department in preparing its water conservation recommendations.

A copy of the agenda, workshop location and a description of the Florida Water Conservation Initiative may be obtained by contacting: Yvonne Zola, Florida Department of Environmental Protection, 2600 Blair Stone Road, Mail Station 46, Tallahassee, Florida 32399-2400, (850)488-0784, email Yvonne.Zola@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting 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 Florida **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: July 10, 2001, 8:00 a.m.

PLACE: Florida State Turnbull Conference Center, Room 110, 555 West Pensacola Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of state agencies in Florida to discuss the most effective way to develop a comprehensive plan that coordinates the responsibilities of the agencies to manage and prevent biological invasions.

A copy of the agenda may be obtained by writing: Bill Torres, Department of Environmental Protection, Division of State Lands, Bureau of Invasive Plant Management, 3900 Commonwealth Boulevard, M.S. #705, Tallahassee, FL 32399. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel

Services Specialist, 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 meeting to which all interested persons are invited.

DATE AND TIME: July 11, 2001, 9:00 a.m. – 4:00 p.m.
PLACE: Room 235 C, Twin Towers, 2600 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public meeting is the second meeting of the Technical Advisory Committee which was formed to provide technical assistance to the Department of Environmental Protection during development of proposed revisions to Rule 62-604, Florida Administrative Code (F.A.C.), Collection Systems and Transmission Facilities.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation to participate in the meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Services Specialist, Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD).

A copy of the agenda for the public meeting may be obtained by writing: Department of Environmental Protection, Domestic Wastewater Section, MS #3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or by calling Jesse Duncan (850)488-4524.

The Florida **Department of Environmental Protection**, Southeast District announces a public meeting to which all persons are invited:

DATE AND TIME: July 11, 2001, 2:00 p.m.
PLACE: Loxahatchee River District, 2500 Jupiter Park Drive, Jupiter, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the bi-monthly meeting of the Loxahatchee River Watershed Planning Committee. The purpose of the meeting is to discuss issues related to the management of the Loxahatchee River and its watershed.

A copy of the agenda may be obtained by contacting: Cheryl McKee, Florida Department of Environmental Protection, Southeast District, P. O. Box 15425, West Palm Beach, Florida 33416 or by calling (561)681-6708.

Any person needing special accommodations at this meeting because of a disability or physical impairment should contact Cheryl McKee, (561)681-6708, at least 48 hours before the meeting.

The **Department of Environmental Protection** announces a preapproval program meeting of the Bureau of Petroleum Storage Systems (BPSS) to which all persons are invited.

DATES AND TIMES: Tuesday, August 7, 2001, registration begins at 12:00 Noon through Wednesday, August 8, 2001, not later than 5:00 p.m.

PLACE: Adam’s Mark Hotel, 100 North Atlantic Avenue, Daytona Beach, FL 32118

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss BPSS future initiatives in petroleum preapproval cleanup.

For a copy of the agenda or more information contact: Roger W. Rook, Department of Environmental Protection, BPSS, 2600 Blair Stone Road, MS #4575, Tallahassee, FL 32399-2400, (850)921-0896, Fax (850)414-7797 or e-mail at roger.rook@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to contact Mr. Rook at the above address at least 48 hours before the meeting.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Tuesday, July 24, 2001, 7:00 p.m. (EDT)
PLACE: Kovens Conference Center, 3000 N. E. 151st Street, North Miami, Florida 33181

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive comments from the public regarding management and land uses for Oleta River State Park before the development of a new management plan for the park.

A copy of the agenda may be obtained by writing: Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Park Planning, 3900 Commonwealth Boulevard, Mail Station #525, Tallahassee, Florida 32399-3000.

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 calling Diane Dutcher, Assistant Park Manager, Oleta River State Park, (305)919-1846. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

DEPARTMENT OF HEALTH

Pursuant to Section 381.90, F.S., the **Florida Health Information Systems Council** will hold a telephone conference meeting to facilitate the identification, collection, standardization, sharing and coordination of health-related data among federal, state, local and private entities.

DATE AND TIME: July 9, 2001, 2:00 p.m. – 3:00 p.m.
PLACE: Telephone Number (850)921-6623, Suncom 291-6623

The **Board of Acupuncture** announces a meeting to be held by way of conference telephone hookup:

DATE AND TIME: July 6, 2001, 9:00 a.m.

PLACE: 4042 Bald Cypress Way, Room 345K, Tallahassee, Florida 32399, (850)488-5776, Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Ms. Karen Eaton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256 or you may call (850)245-4161.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Penny L. Perkins, (850)245-4588, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Penny L. Perkins using 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**, Division of Medical Quality Assurance, Florida **Board of Medicine** Probationers Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 20, 2001, 10:00 a.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Timothy Callaghan, Compliance Officer, Department of Health, Division of Medical Quality Assurance, Client Services Unit, 4052 Bald Cypress Way, BIN #C01, Tallahassee, FL 32399-3251.

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, he will need a record of the proceeding, and for such purpose, he may need to ensure that a verbatim 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 Timothy Callaghan, (850)245-4444, Ext. 3547, at least 10 calendar days prior to the meeting. If you are hearing or speech impaired, please call Mr. Callaghan 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: Saturday, July 21, 2001, 8:30 a.m. or soon thereafter

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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 ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

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 **Department of Health**, the Electrolysis Council, under the **Board of Medicine** announces a conference call to which all persons are invited.

DATE AND TIME: August 27, 2001, 9:00 a.m. or soon thereafter

PLACE: Number: Nonsuncom (850)921-5470, Suncom 291-5470

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Electrolysis Council, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the council office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the council office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the council with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure

that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Nursing Home Administrators** announces an Application Review Committee meeting to which all interested persons are invited.

DATE AND TIME: August 9, 2001, 3:00 p.m.

PLACE: Radisson Bay Harbor, 7700 Courtney Campbell Causeway, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review exam applications for the 10/11/2001 NHA exam.

A copy of the agenda may be obtained by writing: Board of Nursing Home Administrators, 4052 Bald Cypress Way, BIN #C-04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Daisy King, Board of Nursing Home Administrators, (850)245-4444, Ext 3602, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose, he 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 made.

The **Department of Health, Board of Nursing Home Administrators** announces a General Board Meeting to which all interested persons are invited.

DATE AND TIME: August 10, 2001, 9:00 a.m.

PLACE: Radisson Bay Harbor, 7700 Courtney Campbell Causeway, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approve applications, conduct disciplinary proceedings, review Rule 64B10-12, FAC., and general business of the Board.

A copy of the agenda may be obtained by writing: Board of Nursing Home Administrators, 4052 Bald Cypress Way, BIN #C-04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Daisy King, Board of Nursing Home Administrators, (850)245-4444, Ext 3602, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose, he 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 made.

The **Department of Health, Board of Occupational Therapy Practice** announces a conference call to which all persons are invited:

DATE AND TIME: August 14, 2001, 12:00 Noon (EST) or soon thereafter

PLACE: Number: (850) 921-5470, Suncom 291-5470

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the board office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE OF CORRECTION – The **Department of Health, Board of Physical Therapy Practice** announces a conference call meeting to which all persons are invited:

DATE AND TIMES: July 26, 2001, Education meeting, 8:30 a.m. or soon thereafter; Quorum Call, 10:30 a.m. or soon thereafter

PLACE: Number: Nonsuncom (850)487-8856, Suncom 277-8856

GENERAL SUBJECT MATTER TO BE CONSIDERED: Full Board Quorum Call and 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, Tallahassee, FL 32399-3255 or by calling (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the

workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE OF CORRECTION – The Department of Health, Board of Physical Therapy Practice, Probable Cause Panel announces a conference call to which all persons are invited:

DATE AND TIME: July 31, 2001, 11:30 a.m. or soon thereafter

PLACE: Number: The meet me number may be obtained by contacting Betsey Hines, Regulatory Supervisor, Medical Therapies/Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, FL 32399-3255, (850)245-4372

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reconsideration of cases previously heard by the Probable Cause Panel. Following the public portion of the meeting, the doors will be closed to the public.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Department of Health, Board of Physical Therapy Practice announces a conference call meeting to which all persons are invited:

DATE AND TIMES: August 23, 2001, Education meeting, 8:30 a.m. or soon thereafter; Quorum Call, 10:30 a.m. or soon thereafter

PLACE: Number: Nonsuncom (850)487-8856, Suncom 277-8856

GENERAL SUBJECT MATTER TO BE CONSIDERED: Full Board Quorum Call and 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, Tallahassee, FL 32399-3255 or by calling (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Department of Health, Board of Psychology, Credentials Committee announces a conference call of the committee to which all persons are invited:

DATE AND TIME: August 10, 2001, 8:00 a.m. or soon thereafter

PLACE: Numbers: Nonsuncom (850)487-8856, Suncom 277-8856

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the consideration and review of applications for examination and licensure.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the board office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Department of Health, Board of Psychology announces a conference call of the board to which all persons are invited:

DATE AND TIME: August 15, 2001, 8:00 a.m. or soon thereafter

PLACE: Numbers: Nonsuncom (850)487-8856, Suncom 277-8856

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quorum meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the board office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, District 15, Alcohol, Drug Abuse and Mental Health Program Office has set an emergency public hearing:

PUBLIC MEETINGS FOR REDESIGNATION

DATE AND TIME: June 14, 2001, 9:00 a.m.

PLACE: Benton Regional Service Center, 337 North 4th Street, Room 104, Fort Pierce, Florida 34950

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public input and information is requested regarding the redesignation of Lawnwood Pavilion as a public/private Baker Act Receiving Facility.

Anyone having information regarding this facility is invited to attend and provide comments, June 14, 2001, 9:00 a.m., Benton Regional Service Center, 337 North 4th Street, Room 104, Fort Pierce, Florida.

For further information, please contact: Carol Eldeen, 337 North 4th Street, Fort Pierce, Florida 34950, (561)595-1348

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800) 955-8771 (TDD).

The **Department of Children and Family Services**, District Ten, in conjunction with the community will conduct the following meetings during the month of July:

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: July 9, 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.

The Community Alliance Nominating Task Force announces a public meeting to which you are invited to attend:

DATE AND TIME: July 13, 2001, 7:45 a.m.

PLACE: Miller Construction, 614 S. Federal Highway, Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues related to Family Safety.

A copy of the agenda may be obtained by contacting: 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).

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, July 11, 2001, 9:00 a.m.

PLACE: Hernando County School Support Complex, 919 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 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 Marion County Community Alliance to which all persons are invited.

DATE AND TIME: Wednesday, July 11, 2001, 12:00 Noon

PLACE: Marion County Sheriff’s Office, 692 N. W. 30th Ave., Ocala, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 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, July 18, 2001, 12:00 Noon

PLACE: Lake Technical Center, 2001 Kurt St., Eustis, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 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, July 25, 2001, 12:00 Noon

PLACE: Wildwood City Hall, 100 N. Main St., Wildwood, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 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, July 26, 2001, 8:30 a.m.

PLACE: Citrus County School Board Office, 1007 W. Main Street, Inverness, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 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: July 11, 2001, 2:00 p.m.

PLACE: Counsel Square II, Conference Room 150, 7601 Little Road, New Port Richey, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss implementation of community alliances in the SunCoast Region.

Agendas can be obtained seven days in advance of each meeting at: Mary Grizzle, State Office Building, Suite 414, 11351 Ulmerton Road, Largo, FL.

Persons needing accommodation to participate in these meetings should call at least 3 days in advance of the meeting at (727)588-7061 or TDD (727)588-6662 to arrange accommodations.

The **Health and Human Services Task Force** will meet on:

DATE AND TIME: Monday, July 16, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Senate Office Building, Room S42, 404 South Monroe Street, Tallahassee, Florida

The following meeting dates have been cancelled:

DATES AND TIMES: Wednesday, July 18, 2001, 9:00 a.m. – 4:00 p.m.; Wednesday, August 15, 2001, 9:00 a.m. – 4:00 p.m.

Prior to the meeting, in accordance with the Americans with Disabilities Act, persons needing an accommodation to participate should contact Susan Moore, Department of Children and Family Services, 1317 Winewood Boulevard, Building 1, Room 202, Tallahassee, FL 32399-0700, (850)487-1111, Suncom 277-1111 or call via The Florida Relay Service, 1(800)955-8771 (TDD).

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting of the Corporation to which all persons are invited:

DATE AND TIME: Concurrent Wednesdays beginning July 11, 2001 and ending September 26, 2001, 2:00 p.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Corporation's State Housing Initiatives Partnership (SHIP) Program Review Committee. The purpose of these Review Committee Meetings is to consider SHIP related matters and approve New and Amended Local Housing Assistance Plans submitted by any of the 67 counties or 48 entitlement municipalities participating in the SHIP Program.

A copy of the weekly agenda may be obtained through the Corporation's SHIP Web Page at www.floridahousing.org. Any change to the agenda or the cancellation to the meeting will be posted on the SHIP web page five calendar days prior to the meeting.

Any person requiring a special accommodation at these meetings because of a disability or physical impairment should contact Amy Grissom, 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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he/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 be made, which record includes the testimony and evidence upon which the appeal is to be based.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a series of public workshops concerning Florida's west coast snook fishery regulations to which all interested persons are invited:

DATE AND TIME: July 9, 2001, 6:00 p.m. – 9:00 p.m.

PLACE: State of Florida Regional Service Center, Room 165 C & D (West Wing), 2295 Victoria Avenue, Ft. Myers, FL

DATE AND TIME: July 10, 2001, 6:00 p.m. – 8:30 p.m.

PLACE: Board Room, County Government Complex, 3301 Tamiami Trail, Naples, FL

DATE AND TIME: July 11, 2001, 6:00 p.m. – 9:00 p.m.

PLACE: FWC Marine Research Institute, Third Floor, 100 Eight Avenue, S. E., St. Petersburg, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding a series of workshops to gather public testimony regarding the fishery for snook, including new west coast management options that may reduce the bag limit, reduce the open seasons, or change the slot (size) limit.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Roy Crabtree, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

The **Fish and Wildlife Conservation Commission** announces a public meeting of the Stone Crab Advisory and Appeals Board to which all interested parties are invited:

DATES AND TIME: July 17-19, 2001, 8:00 a.m. – 5:00 p.m.

PLACE: State Regional Service Center, 2796 Overseas Highway, Room 104, Marathon, Florida 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting of the Stone Crab Advisory and Appeals Board is to hear scheduled appeals of initial stone crab trap certificate allocations.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact Wayne Southwell, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)922-4340.

The Florida **Fish and Wildlife Conservation Commission** announces two public meetings conducted by a Subcommittee of the Commission to which all interested persons are invited:

DATE AND TIME: July 19, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission, 2nd Floor, Conference Room, Bryant Building, 620 South Meridian Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Fish and Wildlife Conservation Commission budget proposals for the fiscal year 2002-2003 and make recommendations to the Commission.

DATE AND TIME: August 14, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission, 2nd Floor, Conference Room, Bryant Building, 620 South Meridian Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Fish and Wildlife Conservation Commission Legislative proposals for the 2002 Legislative Session and make recommendations to the Commission.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: James Antista, General Counsel, 620 South Meridian Street, Tallahassee, Florida, (850)487-1764.

CRIMINAL JUSTICE STANDARDS AND TRAINING REGIONAL COUNCIL

The **Criminal Justice Standards and Training Regional Council**, Region X announces a meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, July 10, 2001, 9:45 a.m.

PLACE: Smugglers Inn Restaurant, Fisherman's Village, 1200 W. Retta Esplanada, Punta Gorda, Florida 33950

AGENDA

- Review the minutes from the last meeting.
- Election of new Council Members.
- Review budget expenditures and classes offered.
- Review the Region's needs for future planning.
- Additional submissions for Training Council discussion.
- FDLE Report from Mr. Tim Day.
- Other items of interest.

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: July 11, 2001, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

FLORIDA LEAGUE OF CITIES

The **Florida Municipal Pension Trust Fund** announces a public meeting to which all persons are invited:

DATE AND TIME: July 13, 2001, 1:00 p.m.

PLACE: Florida League of Cities, 125 E. Colonial Drive, Orlando, Florida 32801, (407)835-3471

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Municipal Pension Trust Fund to discuss general business of the Trust.

A copy of the meeting agenda may be obtained by contacting: Jeannie Hagan, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 277.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has issued a declaratory statement disposing of the petition filed by Ryan Garrett, Esq., Collins & Truett, P. A., on

behalf of his client, petitioner, Albert M. Menduni, M.D. The following is a summary of the Departments' disposition of the petition.

Section 624.307(4), Florida Statutes, provides the Department of Insurance general authority to disseminate public information. The controlling statute is Section 627.912(1), Florida Statutes, which directs insurers to report to the Department of Insurance, payment for any action paid for damages for personal injury caused by a professional's services that results in a final judgement or settlement in any amount. Pursuant to Section 455.5651 (1999), Florida Statutes, the Department of Health can include in a practitioner's profile only claims that exceed \$5,000.

Each agency has been given clear direction and authority by the legislature which each can follow without conflict. The situation where guidance to two agencies causes information about Petitioner to be available on one agency's website and not another, is one that must be resolved by the legislature.

A copy of the declaratory statement may be obtained by writing: Wm. Fred Whitson, Senior Attorney, Division of Legal Services, Department of Insurance, Room 612, Larson Bldg., 200 East Gaines Street, Tallahassee, Florida 32399-0333.

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has received a petition for a declaratory statement from Leonard L. Zanello, Sr. of Financial Strategies & Insurance, Inc. The petition seeks the agency's opinion as to the legality and ethics of rewarding a gift for sales leads, seminar arrangements and referrals.

A copy of the petition may be obtained by contacting: Lisa S. Santucci, Esquire, Division of Legal Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-4126.

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has issued a Declaratory Statement in response to the Petition for Declaratory Statement filed by Core Capital Corporation on March 13, 2001. The Declaratory Statement provided, in summary, that the Petitioner's system has no connection to the insurance transaction, does not alter the premium payable by the cardholder to the co-branding insurer, and does not provide any consideration not specified in the insurance contract; therefore, it does not violate Section 626.9541(1)(j)1.a., Florida Statutes.

A copy of the Declaratory Statement can be obtained by writing: John L. Brennan III, Department of Insurance, 200 East Gaines Street, Suite 612, Tallahassee, FL 32399-0333.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a request for Declaratory Statement on June 19, 2001, from James L. Turner, with regards to the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes, requesting whether the exit alarm defined in Section 515.25, Florida Statutes, must be continuously armed. It has been assigned the number DCA01-DEC-101.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT the Board of Hearing Aid Specialists has received a Petition for Declaratory Statement with regard to s. 484.01(3),(4) and 484.056, Florida Statutes, and Rule 64B6-7.004, Florida Administrative Code, which was filed on May 22, 2001, by Steven L. Benton. Petitioner requests a declaratory statement from the Board with regard to Hearing Aid Specialist referrals through physicians. The Board will address this matter at its regularly scheduled board meeting which will be held August 17, 2001 at the Department of Health, 4052 Bald Cypress Way, Room 301, Tallahassee, Florida 32399, (850)245-4474.

A copy of the Petition for Declaratory Statement may be obtained by writing: Sue Foster, Board of Hearing Aid Specialists, Department of Health, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN THAT the Board of Physical Therapy Practice received a facsimile copy of a petition for declaratory statement from Sean L. Kimball, on June 18, 2001. The petition seeks the agency's opinion as to the applicability of Rule 64B17-6.007, F.A.C., specifically Section (6) paragraph (c) of this rule as it applies to the petitioner.

The Board will address this matter at its regularly scheduled meeting in Fort Lauderdale, Florida on June 29, 2001, and at the next scheduled meeting if additional public comments are received within 14 days following the June meeting.

A copy of the Petition for Declaratory Statement may be obtained by writing: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, Department of Health, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255.

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:

Save Our Bays, Air and Canals, Inc. vs. Department of Environmental Protection; Case No.: 01-2326RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

PFL Life Insurance Company vs. Department of Insurance; Case No.: 97-1909RP; Rule Nos.: 4-157.002(2), 4-157.004(2)(b),(4), 4-157.022(1)(b),(2),(3),(4),(5); Closed

PFL Life Insurance Company vs. Department of Insurance; Case No.: 97-5299RP; Rule Nos.: 4-157.022(1),(2)(c),(4), 4-157.023(1)(b); Closed

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

A/E ADVERTISEMENT – BR-609

College of Business Expansion/Remodeling

NOTICE TO PROFESSIONAL CONSULTANTS

The Florida Atlantic University, on behalf of the State of Florida, Board of Regents announces that Professional Services in the discipline of Architecture, will be required for the project listed below:

Project No. BR- 609

Project and Location: The project consists of site development and construction of approximately 59,000 gross square feet of new facility and remodeling of the existing Fleming Hall, Business East and Business West Buildings. The new building will consist of “high-tech” classrooms, teaching laboratories, offices and a 300-seat auditorium. The remodeling of the existing structures consists of renovation to both the interior and the exterior of Fleming Hall, Business East and Business West buildings. The new building will be located on the Boca Campus of Florida Atlantic University, adjacent to the existing Fleming Hall.

The total Construction Budget is approximately \$15,168,900. The selected firm will provide design development, construction documents and construction administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000, 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. A completed Board of Regents “Professional Qualifications Supplement” dated 9/99. 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 5 (five) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may 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 \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information and selection criteria may be obtained by contacting: Carla C. Capeletti, Office of the Associate Vice President to the University Architect, Florida Atlantic University, 777 Glades Road, Building T-10, Room 16, Boca Raton, Florida 33431, (561)297-2663, (561)297-0224, Fax.

Submittals must be received in the Office of the Associate Vice President, Attn: Mr. Tom Donaudy, at the above address, by 5:00 p.m. (Local Time), July 30, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

Florida International University, on behalf of the Board of Regents announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project and Location: North Campus Science/Classroom Building (Marine Biology) BR-888, Florida International University, Biscayne Bay Campus, Miami, Florida.

This Marine Biology Building will be situated on the north – east side of the Biscayne Bay Campus. The proposed site for this building is east of the Library Building. The building will be served by fresh and salt water. The following are the space categories with their respective NASF space allocations included in this program: Classrooms and Seminar Rooms 4,200, Teaching Laboratories 8,750, Study 825, Research Laboratories 14,500, Offices 4,530, Student Academic Support 2,000, and Campus Support Services 1,330. The total building construction cost is \$9,696,830, and other project components are budgeted at \$3,053,170. The total project cost is \$12,750,000.

The selected firm will provide design construction documents and administration for the referred project. Blanket professional liability insurance will be required in the amount of \$1,000,000, 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. A completed Board of Regents “Professional Qualifications Supplement (SUSPQS),” dated September 1999. 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 properly chartered by the Florida Department of State to operate in Florida.

Submit seven (7) copies of the above requested data bound in the order listed above. Applications that do not comply with the above instructions will not be considered. State of Florida Minority Business Enterprise certification is no longer requested. Application material will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms and the Project Fact Sheet may be obtained by written request: Facilities Management, Florida International University, Campus Support Complex, Room 236, University Park, Miami, Florida 33199, or by FAXING a request to (305)348-4010. Requests for meetings by individual firms will not be granted.

Submit qualifications to: Mary Varela Witham, Facilities Planner/Contract Administrator, Florida International University, Facilities Management, Campus Support Complex, University Park, Miami, Florida 33199, by 2:00 p.m. (Local Time), Friday, July 27, 2001. Late submittals shall be disqualified. Facsimile (FAX) submittals are not acceptable and will not be considered.

RFBP No. 54007217

Large Equipment Items for Jenkins Middle School

The Putnam County District School Board, Palatka, Florida is soliciting sealed bids from responsible vendors to supply large equipment items to the Food Service Department. Bid proposals will be received in the Putnam County Schools Food Service Department, 200 South 7th Street, Palatka, FL 32177 until 2:00 p.m. (Local Time), Thursday, June 28, 2001. Interested vendors may obtain a copy of the RFBP from the Purchasing Department, Putnam County School District, 1207 Washington St., Palatka, FL 32177, (904)329-0525.

INVITATION TO BID

The Purchasing Office will receive Competitive sealed bids until the time and date shown for the following:

Date and Time: Bid Opening Date: 3:00 p.m., July 10, 2001

Bid Number: Heartland Purchasing Consortium SBDC 0102-2

Bid Title "Bakery Products"

This bid is to serve DeSoto and Hardee, County Schools. Approximate Purchases \$33,000.00.

Bid blanks, conditions and specifications may be obtained from: School District of DeSoto County, Purchasing Office, 530 LaSolona Ave., Arcadia, Florida 34266, (863)494-4222, Ext. 122. We reserve the right to reject any and all bids. No facsimile or telegraphic submissions will be accepted. Please contact Margaret Henderson if you have any questions.

EXPRESSWAY AUTHORITIES

NOTICE TO PROFESSIONAL CONSULTANTS

The Orlando-Orange County Expressway Authority (Authority) requires the services of a consultant in connection with Construction Engineering and Inspection (CEI) services. Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as determined by the Authority, and who have been prequalified by FDOT to perform the indicated Types of Work.

TYPES OF WORK: Group 10.1, Roadway Construction Engineering and Inspection; Group 10.2, Major Bridge Construction Engineering Inspection; and Group 10.3, Construction Materials Inspection. Consultant must be prequalified in these work groups.

ADDITIONAL TYPES OF WORK THAT WILL BE REQUIRED: Group 9.3, Highway Materials Testing; and Group 14, Architect. These work group activities may be performed by subconsultants.

DESCRIPTION: The work consists of providing CEI services related to construction of Authority Project No. 109, S.R. 417 Widening and University Boulevard Mainline Express Toll Plaza. Construction activities will include, but are not necessarily limited to, widening approximately 3 miles of S.R. 417 roadway and associated bridges from 4 lanes to 6 lanes, interchange modifications, mainline toll plaza modifications, grading, demolition, drainage, utility coordination, signage, striping, lighting and other incidentals necessary for the proposed roadway and toll plaza improvements.

SUBMITTAL REQUIREMENTS: Interested consultants shall submit five (5) sets of a Letter of Interest package indicating their desire to be considered. The letter shall be no more than five pages exclusive of resumes and project experience list. It shall indicate the key resources available, including subconsultants for the project; a brief summary of similar projects completed by the firm; a copy of only those sections of the approved FDOT prequalification package that correspond to the Types of Work specified above. Resumes of the key personnel who will be assigned to this project shall also be submitted.

SELECTION/NEGOTIATIONS: Shortlisted firms will be evaluated and ranked by the Authority based on technical and oral presentations. Significant factors to be considered in the evaluation are as follows: ability of professional staff,

experience on similar projects, general knowledge, willingness to meet time and budget requirements, projected workload, performance rating on past Authority and FDOT work, location of consultant's office and utilization of Minority/Women Owned Businesses.

LETTER OF RESPONSE DEADLINE: July 12, 2001, 3:00 p.m. (Orlando Local Time)

AUTHORITY CONTACT PERSON: Ben Dreiling, P. E., Director of Construction and Maintenance

LETTER OF RESPONSE ADDRESS: Orlando-Orange County Expressway Authority, 525 S. Magnolia Avenue, Orlando, FL 32801, Re: CEI Services, Project No. 109

Orlando-Orange County Expressway Authority

Ben Dreiling, P. E.

Director of Construction and Maintenance

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

REQUEST FOR PROPOSAL – RFP #ESS-070101

Grant-In-Aid for Community Agencies and Organizations serving the Homeless in Seminole, Orange, Osceola and/or Brevard Counties

The State of Florida, Department of Children and Family Services, District 7, Economic Self Sufficiency Program Office is soliciting proposals for case management and other services for homeless families and/or individuals. Copies of the proposal package are available from: Cathleen E. Mark, 400 W. Robinson St., Suite 1009, Orlando, FL 32801, (407)245-0450.

- Pre-award Conference 10:00 a.m., July 10, 2001
- Proposal Submission Deadline 1:00 p.m., July 13, 2001
- Opening of Proposals 1:30 p.m., July 13, 2001

The conference, location for proposal submission and opening will take place at the same address listed above. Certified Minority Enterprises are encouraged to participate. The Department reserves the right to reject any and all proposals, or accept minor irregularities in the best interest of the State.

RFP# 04H01FP1– REQUEST FOR PROPOSALS FOR SECURE RESIDENTIAL SERVICES FOR JUVENILES INCOMPETENT TO PROCEED TO DELIQUENCY PROCEEDINGS MENTAL HEALTH PROGRAM OFFICE FORENSICS FOR FISCAL YEAR 2001-2002

The purpose of this program is to provide restoration of competency to proceed to juvenile justice for juveniles with mental illness or mental retardation who, pursuant to Section 985.223, F.S., are ordered by the courts into a secure residential setting. The successful offeror will provide a secure facility in Florida, within 100 miles of Tallahassee, Florida for 30 males and 5 females; design and implement an individualized program of care and supervision for each

juvenile, detailed in the juvenile's service and treatment plan, for the purpose of: restoring the juvenile's competency to proceed; and providing protection from the community from juveniles charged with delinquent acts or violations of law, which would be felonies if committed by adults.

Services must include the provision of mental health treatment and/or habilitation training, competency training and such other medical, vocational, social, educational, rehabilitative and habilitative services that the juvenile's condition requires to restore the juvenile's competency. Such treatments must address sexual reactive behaviors, severe aggressiveness, and mental retardation, which are barriers to competency. Services for non-English speaking juveniles will be provided in the juvenile's primary language. Services for juveniles who have a disability will be provided by means necessary to accommodate the disability. All juveniles will participate in behavioral programs under the supervision of a certified behavioral analyst.

The department must receive all proposals no later than 4:00 p.m. (EST), August 3, 2001. Notice of intent to Submit a Proposal to be received by the department no later than 4:00 p.m. (EST), July 13, 2001.

Copies for the Request for Proposals may be obtained by contacting:

Mary Dell McClaren, Florida Department of Children and Family Services

Mental Health Program Office – Forensics

1317 Winewood Blvd.

Building 6, Room 235

Tallahassee, FL 32399-0700

Phone (850)487-6268 or Fax (850)487-1307

Certified Minority Business Enterprises are encouraged to participate in any offeror's conferences or pre-solicitation or pre-bid meetings which are scheduled, and a statement that the department reserves the right to reject any and all bids or ignore or correct minor irregularities when it is in the best interest of the state.

The department reserves the right to reject any and all bids or ignore or correct minor irregularities when it is in the best interest of the state.

FLORIDA HOUSING FINANCE CORPORATION

Request for Proposals –2001/05

Technical Assistance Provider

for the Predevelopment Loan Program

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to act as Technical Assistance Provider for the Predevelopment Loan Program to submit proposals for consideration. Written, sealed proposals shall be accepted until 4:00 p.m. (Eastern Time), July 27, 2001, to the attention of Steve Auger, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street,

Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Steve Auger, (850)488-4197 or Steve.Auger@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Steve Auger, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/rfps.html>. Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

ESCAMBIA COUNTY UTILITIES AUTHORITY

REQUEST FOR QUALIFICATIONS

ECUA/IP EFFLUENT PIPELINE PROJECT

The Escambia County Utilities Authority (ECUA) and International Paper Company (IP) are seeking information on qualifications from engineering firms for assistance in the planning, design, and construction administration of a pipeline project in Escambia County, Florida. The ten-mile long pipeline is intended to carry combined treated domestic and industrial effluents from a site near Cantonment, Florida to a constructed wetlands area near Perdido Bay in southwestern Escambia County.

The initial scope of the engineering project involves a Preliminary Engineering Study including a review of flow projections, investigation of the pipeline route, analysis of design alternatives, and preparation of a detailed scope and cost estimate for final design and construction. The engineering firm that performs this preliminary engineering study may be considered for other related work.

Minimum qualifications include proven experience and expertise in the design of large diameter cross-country pipelines and in the preparation of high-quality construction cost estimates and schedules. Firms must be licensed to provide engineering services in the State of Florida.

Responses to this RFQ will be received at the Public Affairs Office of International Paper in Cantonment, Florida until 4:00 p.m. (CDT), Tuesday, July 17, 2001. Packages received after that time will be returned unopened. ECUA and IP reserve the right to reject any or all proposals and re-advertise.

Firms interested in submitting qualifications may obtain a copy of the RFQ Package and other pertinent information by contacting:

Sheila Lohbeck
Public Affairs
International Paper – Pensacola Mill
375 Muscogee Road
P. O. Box 87
Cantonment, Florida 32533-0087
(850)968-4227

**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., July 20, 2001):

APPLICATION FOR AN

INTERNATIONAL BANK AGENCY OFFICE

Application and Location: Caja de Ahorros y Monte de Piedad de Madrid, Caja Madrid, Plaza de Celenque No. 2, 28013-Madrid, Spain

Proposed Florida Location: 701 Brickell Avenue, Suite 2000, Miami, Florida 33131

Received: June 15, 2001

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Envision Credit Union, Post Office Box 5198, Tallahassee, Florida 32314-5198

Expansion Includes: Persons who live or work in Jefferson County.

Received: June 15, 2001

Name and Address of Applicant: Miami Postal Credit Union, P. O. Box 520622, Miami, Florida 33152-0622

Expansion Includes: Select Employee Group, Only Signs, Inc., 6991 N. W. 82 Ave., Miami, Florida and Select Employee Group, T & W Substantial Subs, 7902 N. W. 36 St., Miami, Florida.

Received: June 18, 2001

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No. DCA01-OR-095

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA, VILLAGE OF ISLANDS
ORDINANCE NO. 01-04

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat.

(2000), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. On May 7, 2001, the Department received for review Islamorada, Village of Islands Ordinance No. 01-04 which was adopted by the Village Council (“Ord. 01-04”). Ord. 01-04 is a flood damage prevention ordinance which regulates development within floodplains, and controls flood hazards.
2. Ord. 01-04 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000).
4. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2000), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
5. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 01-04 are land development regulations.
6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2000).
7. Ordinance 01-04 is consistent with Principle (k), “To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan,” and with Principle (l), “To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.”
8. Ordinance 01-04 is not inconsistent with the remaining Principles. Ord. 01-04 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 01-04 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ _____
 J. THOMAS BECK, DIRECTOR
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 19th day of June, 2001.

/s/ _____
Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Frank Kulisky, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
Carol Simpkins, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

John Herin, Esq.
Weiss, Serota, Helfman, Pastoriza & Guedes, P.A.
2665 South Bayshore Drive
Miami, FL 33133
By Hand Delivery or Interagency Mail:
Michael McDaniel, Growth Management Administrator, DCA
Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
David Jordan, Deputy General Counsel, DCA Tallahassee

DCA Final Order No. DCA01-OR-100
In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA, VILLAGE OF ISLANDS
ORDINANCE NO. 01-08

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

- 1. On June 15, 2001, the Department received for review Islamorada, Village of Islands Ordinance No. 01-08 which was adopted by the Village Council ("Ord. 01-08"). Ord. 01-08 allows the establishment of certain sexually oriented businesses within the Industrial Future Land Use category. Ord. 01-08 prohibits such businesses within 400 feet of residentially designated or zoned property, or within 100 feet of property used for places of worship, parks or schools.
- 2. Ord. 01-08 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

- 3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000).
- 4. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2000), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
- 5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 01-08 are land development regulations.
- 6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the

“Principles”). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2000).

- 7. Ordinance 01-08 is consistent with Principle (a), “To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation;” with a portion of Principle (f), “To . . . ensure that development is compatible with the unique historic character of the Florida Keys;” and with Principle (l), “To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.”
- 8. Ordinance 01-08 is not inconsistent with the remaining Principles. Ord. 01-08 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 01-08 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

/s/

 J. THOMAS BECK, DIRECTOR
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO

THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION. IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, “PETITION FOR ADMINISTRATIVE PROCEEDINGS” WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT’S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 19th day of June, 2001.

/s/ _____
Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Frank Kulisky, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
Carol Simpkins, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
John Herin, Esq.
Weiss, Serota, Helfman, Pastoriza & Guedes, P.A.
2665 South Bayshore Drive
Miami, FL 33133

By Hand Delivery or Interagency Mail:

Michael McDaniel, Growth Management Administrator, DCA
Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
David Jordan, Deputy General Counsel, DCA Tallahassee

NOTICE OF APPROVAL FOR PRESERVATION 2000 FUNDS

The Florida Communities Trust (Trust) reviewed and approved project plans for land acquisition projects submitted under the Trust Preservation 2000 Program P8A and P9A funding cycles. The project plans listed below were approved by the Executive Director under authority delegated from the governing body. The Executive Director is authorized to execute the agreements for acquisition of the project sites and all other documents necessary to close the projects and release funds as follows:

Project: 98-047-P8A/New Tampa Flatwoods Park (Collins parcel)
Grantee: City of Tampa
Amount of Approved Funds: the lesser of 40.00% of the final total project costs or \$1,254,810.00.

Project: 99-029-P9A/East Riverside Neighborhood Park (Reimbursement)

Grantee: City of Fort Myers

Amount of Approved Funds: the lesser of 49.99% of the final total project costs or \$508,406.00.

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

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 Buell American Motorcycles, intends to allow the establishment of Treasure Coast H-D of Stuart, Inc. d/b/a Treasure Coast Buell as a dealership for the sale of Buell motorcycles at 4260 S. E. Federal Highway, Stuart (Martin County), Florida 34997, on or after June 19, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Treasure Coast H-D of Stuart, Inc. d/b/a Treasure Coast Buell are: dealer operator(s) and principal investor(s): James LaBar, 40A Millertown Road, Bloomsburg, PA 17815.

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: Scott Manley, Manager, Dealer/Market Development, 3700 West Juneau Avenue, P. O. Box 653, Milwaukee, WI 53201-0653.

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.

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 Mitsubishi Motor Sales of America, Inc., intends to allow the establishment of Future Franchises, Inc., d/b/a Firkins Mitsubishi as a dealership for the sale of Mitsubishi vehicles, at 2600 First Street, Bradenton (Manatee County), Florida 34208, on or after July 15, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Future Franchises, Inc., d/b/a Firkins Mitsubishi are: dealer operator(s) and principal investor(s): Mr. Robert G. Firkins, 2409 87th Street, N. W., Bradenton, Florida 34209.

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: Jim Charles, Regional Business Management Manager, Mitsubishi Motor Sales of America, Inc.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED

DECISIONS ON EXPEDITED APPLICATIONS

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for expedited review:

County: Palm Beach	Service District: 9
CON #: 9468 Decision: D	Date: 6/15/2001
Facility/Project: Westport Holdings PBG, Limited Partnership	
Applicant: Westport Holdings PBG, Limited Partnership	
Project Description: Establish a 40-bed sheltered nursing home	
Project Costs: none approved	
County: Alachua	Service District: 3
CON #: 9469 Decision: D	Date: 6/12/2001
Facility/Project: Oak Hammock of the University of Florida, Inc.	
Applicant: Oak Hammock at the University of Florida, Inc.	
Project Description: Establish a 42-bed sheltered nursing home	
Project Costs: none approved	
AHCA Purchase Order Number S5900I0310.	

CERTIFICATE OF NEED

DECISIONS ON BATCHED APPLICATIONS

The Agency for Health Care Administration made the following decisions on 24 of the 45 accepted Certificate of Need applications for the hospital batching cycle with an application due date of March 14, 2001. The other 21 decisions were previously published:

County: Escambia Service District: 1
 CON #: 9418 Decision Date: 6/15/2001 Decision: D
 Facility/Project: Sacred Heart Hospital
 Applicant: Sacred Heart Hospital of Pensacola
 Project Description: Add four Level III NICU beds
 Approved Cost: \$0

County: Hernando Service District: 3
 CON #: 9419 Decision Date: 6/15/2001 Decision: D
 Facility/Project: Oak Hill Hospital
 Applicant: HCA Health Services of Florida, Inc.
 Project Description: Establish an adult open heart surgery program
 Approved Cost: \$0

County: Citrus Service District: 3
 CON #: 9420 Decision Date: 6/15/2001 Decision: D
 Facility/Project: Citrus Memorial Hospital
 Applicant: Citrus Memorial Health Foundation, Inc.
 Project Description: Establish an adult open heart surgery program
 Approved Cost: \$0

County: Hernando Service District: 3
 CON #: 9421 Decision Date: 6/15/2001 Decision: D
 Facility/Project: Brooksville Regional Hospital
 Applicant: Hernando HMA, Inc.
 Project Description: Establish an adult open heart surgery program
 Approved Cost: \$0

County: Marion Service District: 3
 CON #: 9422 Decision Date: 6/15/2001 Decision: D
 Facility/Project: Marion-Citrus Mental Health Centers
 Applicant: Marion-Citrus Mental Health Centers, Inc.
 Project Description: Establish 40 inpatient adult psychiatric beds
 Approved Cost: \$0

County: Duval Service District: 4
 CON #: 9426 Decision Date: 6/15/2001 Decision: A
 Facility/Project: Community Hospice of Northeast Florida, Inc.
 Applicant: Community Hospice of Northeast Florida, Inc.
 Project Description: Establish a 24-bed freestanding inpatient hospice facility
 Approved Cost: \$2,814,392

County: St. Johns Service District: 4

CON #: 9427 Decision Date: 6/15/2001 Decision: D
 Facility/Project: Continental Medical of Palm Beach, Inc.
 Applicant: Continental Medical of Palm Beach, Inc.
 Project Description: Establish a 40-bed comprehensive medical rehabilitation hospital
 Approved Cost: \$0
 County: St. Johns Service District: 4

CON #: 9428 Decision Date: 6/15/2001 Decision: D
 Facility/Project: Genesis Rehabilitation Hospital, Inc.
 Applicant: Genesis Rehabilitation Hospital, Inc.
 Project Description: Construct a new 60-bed comprehensive medical rehabilitation hospital
 Approved Cost: \$0
 County: Hillsborough Service District: 6

CON #: 9431 Decision Date: 6/15/2001 Decision: D
 Facility/Project: Continental Medical of Palm Beach, Inc.
 Applicant: Continental Medical of Palm Beach, Inc.
 Project Description: Establish a 40-bed comprehensive medical rehabilitation hospital
 Approved Cost: \$0
 County: Hillsborough Service District: 6

CON #: 9432 Decision Date: 6/15/2001 Decision: D
 Facility/Project: Genesis Rehabilitation Hospital, Inc.
 Applicant: Genesis Rehabilitation Hospital, Inc.
 Project Description: Construct a 60-bed comprehensive medical rehabilitation hospital
 Approved Cost: \$0
 County: Hillsborough Service District: 6

CON #: 9433 Decision Date: 6/15/2001 Decision: D
 Facility/Project: St. Joseph's Hospital
 Applicant: St. Joseph's Hospital, Inc.
 Project Description: Add six Level III NICU beds
 Approved Cost: \$0
 County: Polk Service District: 6

CON #: 9434 Decision Date: 6/15/2001 Decision: D
 Facility/Project: Heart of Florida Regional Medical Center
 Applicant: Haines City HMA
 Project Description: Add 30 acute care beds
 Approved Cost: \$0
 County: Polk Service District: 6

CON #: 9437 Decision Date: 6/15/2001 Decision: A
 Facility/Project: Good Shepherd Hospice of Mid-Florida, Inc.
 Applicant: Good Shepherd Hospice of Mid-Florida, Inc.
 Project Description: Establish 12 hospice inpatient beds in an existing residential facility
 Approved Cost: \$1,642,652
 County: Polk Service District: 6

CON #: 9438 Decision Date: 6/15/2001 Decision: D
 Facility/Project: Vitas of North Florida, Inc.
 Applicant: Vitas of North Florida, Inc.

Project Description: Establish a hospice program
 Approved Cost: \$0
 County: Polk Service District: 6
 CON #: 9439 Decision Date: 6/15/2001 Decision: A
 Facility/Project: Hospice of Lake and Sumter, Inc.
 Applicant: Hospice of Lake and Sumter, Inc.
 Project Description: Establish a hospice program
 Approved Cost: \$16,419
 County: Seminole Service District: 7
 CON #: 9440 Decision Date: 6/15/2001 Decision: A
 Facility/Project: Winter Park Pavilion
 Applicant: Adventist Health System/Sunbelt, Inc.
 Project Description: Add 20 adult psychiatric beds at Winter Park Pavilion through the delicensure and transfer of 20 adult psychiatric beds at the Altamonte campus
 Approved Cost: \$286,900
 County: Orange Service District: 7
 CON #: 9441 Decision Date: 6/15/2001 Decision: D
 Facility/Project: Orlando Regional Medical Center
 Applicant: Orlando Regional Healthcare System, Inc.
 Project Description: Add five Level II NICU beds
 Approved Cost: \$0
 County: Brevard Service District: 7
 CON #: 9444 Decision Date: 6/15/2001 Decision: A
 Facility/Project: Wuesthoff Brevard Hospice and Pallative Care
 Applicant: Wuesthoff Health Services, Inc.
 Project Description: Establish 12 inpatient hospice beds
 Approved Cost: \$3,992,300
 County: Brevard Service District: 7
 CON #: 9445 Decision Date: 6/15/2001 Decision: A
 Facility/Project: Hospice of Health First, Inc.
 Applicant: Hospice of Health First, Inc.
 Project Description: Establish an 8-bed freestanding inpatient hospice
 Approved Cost: \$2,411,040
 County: Sarasota Service District: 8
 CON #: 9449 Decision Date: 6/15/2001 Decision: A
 Facility/Project: HealthSouth Rehabilitation Hospital of Sarasota
 Applicant: HealthSouth of Sarasota Limited Partnership
 Project Description: Add 15 comprehensive medical rehabilitation beds
 Approved Cost: \$1,404,874
 County: Sarasota Service District: 8
 CON #: 9450 Decision Date: 6/15/2001 Decision: D
 Facility/Project: Genesis Rehabilitation Hospital, Inc.
 Applicant: Genesis Rehabilitation Hospital, Inc.
 Project Description: Construct a new 60-bed comprehensive medical rehabilitation hospital

Approved Cost: \$0
 County: Indian River Service District: 9
 CON #: 9457 Decision Date: 6/15/2001 Decision: A
 Facility/Project: VNA Hospice of Indian River County, Inc.
 Applicant: VNA Hospice of Indian River County, Inc.
 Project Description: Establish 12 inpatient hospice beds
 Approved Cost: \$3,850,890
 County: Dade Service District: 11
 CON #: 9460 Decision Date: 6/15/2001 Decision: A
 Facility/Project: Baptist Hospital of Miami
 Applicant: Baptist Hospital of Miami, Inc.
 Project Description: Add 10 Level II NICU beds
 Approved Cost: \$2,633,870
 County: Dade Service District: 11
 CON #: 9461 Decision Date: 6/15/2001 Decision: D
 Facility/Project: South Miami Hospital
 Applicant: South Miami Hospital, Inc.
 Project Description: Establish a six-bed Level III NICU through the conversion of six Level II NICU beds
 Approved Cost: \$0

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

AHCA Purchase Order Number S5900I00310.

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on June 15, 2001, concerning certificate of need decisions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine substantial interest of person. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 28-5.111 and 28-5.207, F.A.C. In deference to rights of substantially affected person, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

CON# INITIAL DECISION, PROJECT, CTY, APPLICANT, PARTY REQUEST HEARING (PRH)
 LOI N0104008, construct a freestanding nursing home of up to 149 beds, Hillsborough County, Life Care Health Resources, Inc., (PRH) same as applicant
 LOI N0104010, add up to 32 beds to CON 8813 and 8496, Pasco County, Life Care Health Resources, Inc., (PRH) same as applicant

- 9416 Denial, convert 24 inpatient substance abuse beds to 20 inpatient psychiatric beds, Dade County, Miami Beach Healthcare Group, Ltd. d/b/a Aventura Hospital and Medical Center, (PRH) same as applicant
- 9429 Denial, establish an adult open heart surgery program, Pasco County, East Pasco Medical Center, Inc., (PRH) same as applicant
- 9435 Denial establish an adult open heart surgery program, Polk County, Winter Haven Hospital, Inc., (PRH) same as applicant
- 9451 Denial, establish an adult open heart surgery program, Palm Beach County, Bethesda Healthcare System, Inc., (PRH) same as applicant
- 9452 Approval, establish an adult open heart surgery program, Palm Beach County, Boca Raton Community Hospital, Inc., (PRH) Bethesda Healthcare System, Inc.
- 9452 Approval, establish an adult open heart surgery program, Palm Beach County, Boca Raton Community Hospital, Inc., (PRH) Columbia/JFK Medical Center Limited Partnership d/b/a JFK Medical Center
- 9452 Approval, establish an adult open heart surgery program, Palm Beach County, Boca Raton Community Hospital, Inc., (PRH) Tenet Healthsystem Hospitals, Inc. d/b/a Delray Medical Center
- 9452 Approval, establish an adult open heart surgery program, Palm Beach County, Boca Raton Community Hospital, Inc., (PRH) Indian River Memorial Hospital
- 9454 Denial, establish an adult open heart surgery program, Indian River County, Indian River Memorial Hospital, Inc. d/b/a Indian River Memorial Hospital
- 9455 Approval, establish an adult open heart surgery program, Martin County, Martin Memorial Medical Center Inc., (PRH) Bethesda Healthcare System, Inc.
- 9455 Approval, establish an adult open heart surgery program, Martin County, Martin Memorial Medical Center, Inc., (PRH) Columbia/JFK Medical Center Limited Partnership d/b/a JFK Medical Center
- 9455 Approval, establish an adult open heart surgery program, Martin County, Martin Memorial Medical Center, Inc., (PRH) Lawnwood Medical Center, Inc. d/b/a Lawnwood Regional Medical Center
- 9455 Approval, establish an adult open heart surgery program, Martin County, Martin Memorial Medical Center, Inc., (PRH) Palm Beach Gardens Community Hospital, Inc. d/b/a Palm Beach Gardens Medical Center
- 9455 Approval, establish an adult open heart surgery program, Martin County, Martin Memorial Medical Center, Inc., (PHR) Indian River Memorial Hospital, Inc. d/b/a Indian River Memorial Hospital
- 9456 Denial, add up to 23 new acute care beds, Palm Beach County, Wellington Regional Medical Center, Inc. d/b/a Wellington Regional Medical Center, (PRH) same as applicant
- 9459 Approval, establish a 100 bed acute care hospital, Southwest Broward County, South Broward Hospital District d/b/a Memorial Healthcare System, (PRH) Tenet Healthsystem Hospitals, Inc. d/b/a Hollywood Medical Center
- 9459 Approval, establish a 100 bed acute care hospital, Southwest Broward County, South Broward Hospital District d/b/a Memorial Healthcare System, (PRH) Cleveland Clinic Florida Hospital (a non profit corporation) d/b/a Cleveland Clinic Hospital
- 9459 Approval, establish a 100 bed acute care hospital, Southwest Broward County, South Broward Hospital District d/b/a Memorial Healthcare System, (PRH) Columbia Hospital Corporation of South Broward d/b/a Westside Regional Medical Center
- 9462 Approval, establish a 29 bed long term care hospital, Dade County, Kindred Hospitals East, LLC d/b/a Kindred Hospital South Florida, (PRH) same as applicant
- 9467 Denial, construct 37 sheltered skilled nursing beds, Sarasota County, The Glenridge on Palmer Ranch, Inc., (PRH) same as applicant

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for Hospital Outpatient Services.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for Hospital Outpatient Services, the Agency is publishing the final rates, the methodologies underlying the establishment of such rates, and justifications for the final rates. The Agency is in the process of amending its Florida Title XIX Outpatient Hospital Reimbursement Plan (The Plan) with the Health Care Financing Administration (HCFA). The proposed amendment will revise the current plan to incorporate changes to the reimbursement methodology effective July 1, 2001.

FINAL RATES: The final rates, effective July 1, 2001, for hospital outpatient services will provide for the following:

1. Outpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent. The agency shall use the disproportionate share hospital 1997 audited data available as of March 1, 2001.

2. Outpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.
3. Hospital outpatient rates shall be reduced by 6% effective July 1, 2001 and restoring effective April 1, 2002.
4. Special Medicaid Payments will be made to outpatient hospitals providing enhanced services to low-income individuals.

METHODOLOGIES: The methodology underlying the establishment of the final rates for inpatient hospital services is based on the methodology currently being used for calculating rates, except that it will include:

1. Elimination of the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent. The agency shall use the disproportionate share hospital 1997 audited data available as of March 1, 2001.
2. Elimination of the outpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.
3. Reducing hospital outpatient rates by 6% effective July 1, 2001 and restoring effective April 1, 2002.
4. Special Medicaid Payments to outpatient hospitals providing enhanced services to low-income individuals.

JUSTIFICATION: The justification for the final rate changes is the legislative direction provided in Specific Appropriation 257, Senate Bill 2000, General Appropriations Act 2001-2002.

The Agency is proposing the above rates and changes in methodology to be effective July 1, 2001.

Copies of the final reimbursement plan incorporating the above changes may be obtained by contacting: Carol Shotwell, Medicaid Cost Reimbursement Section, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for Hospital Inpatient Services.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for Hospital Inpatient Services, the Agency is publishing the final rates, the methodologies underlying the establishment of such rates, and justifications for the final rates. The Agency is in the process of amending its Florida Title XIX Inpatient Hospital Reimbursement Plan (The Plan) with the Health Care Financing Administration (HCFA).

The proposed amendment will revise the current plan to incorporate changes to the reimbursement methodology effective July 1, 2001.

FINAL RATES: The final rates, effective July 1, 2001, for hospital inpatient services will provide for the following:

1. Special Medicaid payments will be made to statutory teaching hospitals, hospitals providing primary care to low-income individuals, hospitals which operate designated or provisional trauma centers and rural hospitals. Statutory teaching hospitals that qualify for Graduate Medical Education disproportionate share (DSH) hospital program shall be paid \$15,066,569 distributed in the same proportion as the Graduate Medical Education DSH payments. Hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program shall be paid \$15,066,569 distributed in the same proportion as the Primary Care DSH payments. Hospitals, which are designated or provisional trauma centers, shall be paid \$15,400,000. Of this amount, \$6,000,000 shall be distributed equally between the hospitals which are a Level I trauma center; \$6,000,000 shall be distributed equally between the hospitals which are either a Level II or Pediatric trauma center; \$3,400,000 shall be distributed equally between the hospitals which are both a Level II and Pediatric trauma center. Rural hospitals participating in the Rural Hospital DSH program shall be paid \$11,500,000 distributed in the same proportion as the DSH payments.
2. Inpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent. Hospitals that exceed the fifteen percent as described above and are a trauma center shall be paid \$2,000,000 if their variable cost rate is less than their variable cost target or county ceiling target. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.
3. Inpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.
4. Special Medicaid payments will be made to hospitals which serve as a safety net in providing emergency and inpatient care to low-income and indigent individuals. Payments will be made in the following manner: \$12,185,472 shall be paid to University Medical Center – Shands, \$6,999,743 shall be paid to All Children’s Hospital, \$2,769,180 shall be paid to Miami Children’s Hospital, \$2,487,882 shall be paid to Orlando Regional Medical Center, and \$3,596,914 shall be paid to Mt. Sinai Medical Center.

5. Special Medicaid payments of \$14,884,011 will be made to the statutory teaching hospitals. These funds shall be used by the statutory teaching hospitals in coordination with the Florida Department of Health and the Area Health Education Centers to enhance medical education programs.
6. The Medicaid inpatient per diem rate will be adjusted for Lake Wales Hospital, Winter Haven Hospital, Health Central Hospital and Larkin Community Hospital in accordance with s. 409.905(5)(c), Florida Statutes.
7. Hospital inpatient rates shall be reduced by 6 percent effective July 1, 2001 and restored effective April 1, 2002.
8. From the funds made available under the Medicare program, the Medicaid program, and the State Children's Health Insurance Program Benefits Improvement and Protection Act of 2000 for the 2001 federal fiscal year, disproportionate share program funds shall be distributed as follows: \$13,937,997 to Jackson Memorial; \$285,298 to Mount Sinai Medical Center; \$313,748 to Orlando Regional Medical Center; \$2,734,019 to Shands – Jacksonville; \$1,060,047 to Shands – University of Florida; \$1,683,415 to Tampa General Hospital; and \$2,231,910 to North Broward Hospital District.
9. Special Medicaid payments of \$394,015,569 will be made to inpatient hospitals providing enhanced services to low-income individuals.

METHODOLOGIES: The methodology underlying the establishment of the final rates for inpatient hospital services is based on the methodology currently being used for calculating rates, except that it will include:

1. Special Medicaid payments to statutory teaching hospitals, hospitals providing primary care to low-income individuals, hospitals which operate designated or provisional trauma centers and rural hospitals, and statutory teaching hospitals that qualify for Graduate Medical Education disproportionate share (DSH) hospital program.
2. Elimination of the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent. Hospitals that exceed the fifteen percent as described above and are a trauma center shall be paid \$2,000,000 if their variable cost rate is less than their variable cost target or county ceiling target. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.
3. Elimination of the inpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.
4. Special Medicaid payments to hospitals which serve as a safety net in providing emergency and inpatient care to low-income and indigent individuals.

5. Special Medicaid payments to the statutory teaching hospitals. These funds shall be used by the statutory teaching hospitals in coordination with the Florida Department of Health and the Area Health Education Centers to enhance medical education programs.
6. Adjust per diem rates for Lake Wales Hospital, Winter Haven Hospital, Health Central Hospital and Larkin Community Hospital in accordance with s. 409.905(5)(c), Florida Statutes.
7. Hospital inpatient rates shall be reduced by 6 percent effective July 1, 2001 and restored effective April 1, 2002.
8. Disproportionate share program funds shall be distributed as follows: \$13,937,997 to Jackson Memorial; \$285,298 to Mount Sinai Medical Center; \$313,748 to Orlando Regional Medical Center; \$2,734,019 to Shands – Jacksonville; \$1,060,047 to Shands – University of Florida; \$1,683,415 to Tampa General Hospital; and \$2,231,910 to North Broward Hospital District.
9. Special Medicaid payments of \$394,015,569 to inpatient hospitals providing enhanced services to low-income individuals.

JUSTIFICATION: The justification for the final rate changes is the legislative direction provided in Specific Appropriation 254, Senate Bill 2000, General Appropriations Act 2001-2002 and Sections 5 and 12 of Senate Bill 792.

The Agency is proposing the above rates and changes in methodology to be effective July 1, 2001.

Copies of the final reimbursement plan incorporating the above changes may be obtained by contacting: Carol Shotwell, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF AVAILABILITY

**FLORIDA CATEGORICAL EXCLUSION NOTIFICATION
STORMWATER MANAGEMENT FACILITIES**

The Florida Department of Environmental Protection has determined that the proposed Fort Pierce stormwater management facilities will not have a significant adverse affect on the environment. The potential amount of the loan is estimated at \$4,500,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds. A full copy of the Florida Categorical Exclusion Notification can be obtained by writing: Troy M. Mullis, P. E., Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

DEPARTMENT OF HEALTH

On June 14, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Scott Adair, CNA license number CNA 1094059645081. ADAIR's last known address is 3070 Tarrywood Terrace, Port Charlotte, FL 33952.

This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to 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.

On June 14, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Achamma K. Oommen George, RN license number RN 1500972. GEORGE's last known address is 8981 S. W. 122nd Place, Apt. 1021, Miami, FL 33186.

This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to 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.

On June 14, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Jeffrey Kayser, RN license number RN 3175852. KAYSER's last known address is 901 Kettering Way, Orange Park, FL 32073-2117.

This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to 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.

On June 14, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Cheryl Legon, LPN license number PN 1346971. LEGON's last known address is 1240 Claire Drive, Clearwater, FL 33755.

This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to 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.

On June 14, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Charles Walter McCoy, Jr., PN license number PN 5144875. MCCOY's last known address is Post Office Box 6346, Titusville, FL 32782.

This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to 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.

On June 14, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Laura Lee Morgan, LPN license number PN 1127161. MORGAN's last known address is 3206 West Azeele, Apt. 110, Tampa, FL 33609.

This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to 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.

On June 18, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Robin Marie Sherouse, RN license number RN 3322582. SHEROUSE's last known address is 16142 Murcott Boulevard, Loxahatchee, Florida. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to 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.

On June 18, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Karin Ombres, RN, license number RN 3388212. OMBRES' last known address is 1416 North M Street, Lake Worth, Florida 33460. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to 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.

On June 19, 2001 Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency SUSPENSION with regard to the license of Holly H. Harlan, license number RN 2097472. HARLAN's last known address is 9853 Bayside Court, Spring Hill, FL 34606. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.621(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

NOTICE OF AWARD FOR CALENDAR YEAR 2001
EMERGENCY MEDICAL SERVICES
MATCHING GRANT PROGRAM

AGENCY: Florida Department of Health, Bureau of Emergency Medical Services

GRANT TITLE: Florida Emergency Medical Services Matching Grant

The following is a list of applicant organizations for these grants and the state funds awarded. Questions may be directed to: Ed Wilson, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, BIN #C18, Tallahassee, Florida 32399-1738, (850)245-4440, Extension 2737.

Any party whose substantial interests have been affected by this decision can contest the determination by following the procedures outlined in Section 120.569 and 120.57, F.S. If a petition is filed it must meet the statutory requirements of the Florida Administrative Code Rule 28-106 or 28-106.301. Mediation pursuant to Section 120.573, F.S., is not available

for this action. Both formal and informal hearings may be initiated only by filing a written petition within twenty-one (21) days from publication of this advertisement. Failure to timely file a petition is cause of forfeiture of your rights to a hearing.

Original petitions must be filed with the Agency Clerk, Department of Health, 4052 Bald Cypress Way, BIN #A-02, Tallahassee, FL 32399-1703. If you have any questions regarding the procedure, contact an attorney.

Selected for Award

Broward County Sheriff's Office	\$76,644.00
Collier County Sheriff's Office	\$9,375.00
Coral Gables Fire Rescue Dept., City of	\$22,500.00
Dixie County EMS	\$98,212.00
East Naples Fire Control & Rescue Dist.	\$7,570.00
Emerg. Med. Foundation DBA EVAC	
Ambulance	\$113,270.00
Escambia County EMS	\$34,565.63
Immokalee Fire Control District	\$7,556.22
Islamorada Village of Islands Fire Rescue	\$15,375.00
Jacksonville Fire and Rescue Dept.	\$20,482.50
Lee County BCC	\$12,294.00
Lee County BCC	\$59,239.14
Lee County BCC	\$9,375.00
Lee County BCC	\$176,946.41
Melbourne, City of	\$5,400.00
Memorial Reg. Hosp., Div. Of Trauma	\$9,869.06
Port Orange, City of	\$4,143.75

Port Orange, City of	\$32,025.00
St. Johns County	\$5,276.25
Sumter County BCC	\$64,950.00
Tallahassee Memorial EMS	\$285,146.62
Tampa General Hospital	\$52,500.00
Volusia County Fire Services	\$25,852.50
Volusia County Fire Services	\$29,625.00
Walton County BCC	\$5,709.00
Total	\$1,183,902.08

Not Selected for Award

Alachua County Fire/Rescue	\$132,312.75
American Red Cross	\$7,546.50
Bayflite	\$112,500.00
Bradford County BCC	\$112,200.00
Cape Canaveral Volunteer Fire Dept.	\$15,510.00
Collier County BCC	\$113,466.00
Collier County BCC	\$90,000.00
Coral Gables Fire Rescue Dept., City of	\$74,999.93
Coral Springs Fire Dept., City of	\$41,257.50
Deerfield Beach Fire Rescue	\$25,631.25
Deerfield Beach Fire Rescue	\$191,048.96
Deltona Fire/Rescue	\$30,000.00
Deltona Fire/Rescue	\$30,000.00
Emergency Medical Services Group, Inc.	\$17,250.00
Emergency Medical Services Group, Inc.	\$4,500.00
Emergency Medical Services Group, Inc.	\$6,000.00
Fernandina Beach Fire Department	\$37,800.00

First Coast Technical Institute	\$64,398.00	Plant City Fire Department	\$24,889.50
Florida Emergency Medicine Foundation	\$120,000.00	Plant City Fire Department	\$144,081.00
Greenacres Public Safety, City of	\$279,498.00	Plant City Fire Department	\$174,000.00
Hendry County BCC	\$23,625.00	Ponce Inlet, Town of	\$73,571.25
Hialeah, City of	\$611,864.01	Rural Metro N. Florida	\$79,169.25
Hillsborough County Crisis Center, Inc.	\$29,055.00	Sacred Heart Health System	\$141,900.00
Hillsborough County Crisis Center, Inc.	\$10,333.50	Sacred Heart Health System	\$7,346.25
Hillsborough County Sheriff's Office	\$180,000.00	San Carlos Park Fire Protection	
Hollywood Fire-Rescue & Beach Safety	\$13,815.00	and Rescue Service Department	\$6,000.00
Holmes County BCC	\$85,500.00	Sanford Airport Authority Fire Dept.	\$10,702.50
Holmes Regional Med. Ctr./First Flight	\$57,513.75	South Daytona Fire Rescue	\$1,494.75
Holmes Regional Med. Ctr./First Flight	\$64,353.00	South Daytona Fire Rescue	\$8,336.24
Iona-Mcgregor Fire District	\$36,000.00	St. Cloud Fire Rescue Dept., City of	\$23,227.50
Lauderhill Fire-Rescue Dept., City of	\$17,726.24	St. Lucie County Fire District	\$105,000.00
Lee County BCC	\$15,182.06	Suwannee County BCC	\$267,525.00
Lee County BCC	\$26,250.00	Tallahassee Community College	\$236,250.00
Lighthouse Point Fire Rescue Dept.	\$9,225.00	Tallahassee Memorial EMS	\$242,658.00
Manatee County BCC	\$75,000.00	Tampa Fire Rescue	\$203,625.00
Melbourne, City of	\$8,100.00	Tequesta Fire Rescue	\$54,304.95
Miami-Dade County BCC	\$145,224.75	Tri-County Vol. Fire Dept., Inc.	\$41,250.00
Miramar Fire Rescue Dept., City of	\$8,361.00	Volusia County Fire Services	\$75,000.00
Miramar Fire Rescue Dept., City of	\$16,314.00	Wakulla County BCC	\$78,000.00
Nassau County BCC	\$23,709.88	Washington County BCC	\$69,000.00
Nature Coast EMS	\$34,340.44	Total	\$5,349,168.74
New Port Richey Fire Dept., City of	\$75,690.00	P.O. Number F00396	
Pensacola Junior College	\$148,736.03		
Pinellas Park Fire Dept., City of	\$60,000.00		

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN June 11, 2001
 and June 15, 2001**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BANKING AND FINANCE

Division of Banking

3C-100.970	6/12/01	7/2/01		27/17
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Board of Funeral and Cemetery Services

3F-8.006	6/15/01	7/5/01		27/19
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3F-11.003	6/15/01	7/5/01		27/19
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DEPARTMENT OF EDUCATION

State Board of Education

6A-1.0453	6/15/01	7/5/01		27/17
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University of Florida

6C1-5.076	6/13/01	7/3/01	Newspaper	
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6C1-5.0761	6/13/01	7/3/01	Newspaper	
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6C1-5.0763	6/13/01	7/3/01	Newspaper	
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DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Division of Workers' Compensation

38F-7.501	6/13/01	7/3/01		27/19
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WATER MANAGEMENT DISTRICTS

South Florida Water Management District

40E-63.011	6/13/01	7/3/01		27/2
40E-63.091	6/13/01	7/3/01		27/2
40E-63.101	6/13/01	7/3/01		27/2
40E-63.102	6/13/01	7/3/01		27/2
40E-63.104	6/13/01	7/3/01		27/2
40E-63.106	6/13/01	7/3/01		27/2
40E-63.108	6/13/01	7/3/01		27/2
40E-63.110	6/13/01	7/3/01		27/2
40E-63.120	6/13/01	7/3/01		27/2
40E-63.130	6/13/01	7/3/01		27/2
40E-63.134	6/13/01	7/3/01		27/2
40E-63.136	6/13/01	7/3/01		27/2
40E-63.138	6/13/01	7/3/01		27/2
40E-63.140	6/13/01	7/3/01		27/2
40E-63.141	6/13/01	7/3/01		27/2
40E-63.142	6/13/01	7/3/01		27/2
40E-63.143	6/13/01	7/3/01		27/2
40E-63.145	6/13/01	7/3/01		27/2
40E-63.150	6/13/01	7/3/01		27/2
40E-63.152	6/13/01	7/3/01		27/2

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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40E-63.154	6/13/01	7/3/01	27/2	
40E-63.156	6/13/01	7/3/01	27/2	
40E-63.158	6/13/01	7/3/01	27/2	
40E-63.160	6/13/01	7/3/01	27/2	
40E-63.161	6/13/01	7/3/01	27/2	
40E-63.162	6/13/01	7/3/01	27/2	
40E-63.163	6/13/01	7/3/01	27/2	
40E-63.165	6/13/01	7/3/01	27/2	
40E-63.302	6/13/01	7/3/01	27/2	
40E-63.310	6/13/01	7/3/01	27/2	27/17
40E-63.312	6/13/01	7/3/01	27/2	
40E-63.314	6/13/01	7/3/01	27/2	27/17

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid Program Office

59G-4.040	6/15/01	7/5/01	27/12	
59G-4.060	6/15/01	7/5/01	27/12	27/16
59G-4.110	6/15/01	7/5/01	27/12	27/16
59G-4.210	6/15/01	7/5/01	27/12	27/16
59G-4.220	6/15/01	7/5/01	27/12	
59G-4.270	6/15/01	7/5/01	27/12	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

61G4-12.019	6/11/01	7/1/01	27/8	27/18
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-699.311	6/15/01	7/5/01	27/18	
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Division of Beaches and Shores

62B-33.002	6/11/01	7/1/01	27/11	27/20
62B-33.0051	6/11/01	7/1/01	27/11	27/20

Division of Recreation and Parks

62D-5.054	6/15/01	7/5/01	27/15	
62D-5.055	6/15/01	7/5/01	27/15	
62D-5.056	6/15/01	7/5/01	27/15	
62D-5.057	6/15/01	7/5/01	27/15	
62D-5.058	6/15/01	7/5/01	27/15	

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

64B3-5.003	6/15/01	7/5/01	26/38	27/14
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Division of Environmental Health and Statewide Programs

64E-21.001	6/11/01	7/1/01	27/14	27/20
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

65C-19.001	6/14/01	7/4/01	26/40	26/52
65C-19.002	6/14/01	7/4/01	26/40	27/6
65C-19.003	6/14/01	7/4/01	26/40	27/18
65C-19.004	6/14/01	7/4/01	26/40	26/52
65C-19.005	6/14/01	7/4/01	26/40	26/52
65C-19.006	6/14/01	7/4/01	26/40	26/52
65C-19.007	6/14/01	7/4/01	26/40	27/18
65C-19.008	6/14/01	7/4/01	26/40	
65C-19.009	6/14/01	7/4/01	26/40	27/12
65C-19.010	6/14/01	7/4/01	26/40	

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

68A-13.004	6/11/01	7/1/01	27/16	
68A-13.008	6/11/01	7/1/01	27/16	
68A-15.005	6/11/01	8/1/01	27/16	

Marine Fisheries

68B-4.004	6/11/01	7/1/01	27/16	
68B-24.0055	6/11/01	7/1/01	27/16	
68B-24.006	6/11/01	7/1/01	27/16	
68B-24.009	6/11/01	7/1/01	27/16	

Marine Resources

68E-9.001	6/11/01	7/1/01	27/16	
68E-9.002	6/11/01	7/1/01	27/16	
68E-9.003	6/11/01	7/1/01	27/16	
68E-9.004	6/11/01	7/1/01	27/16	
68E-9.005	6/11/01	7/1/01	27/16	
68E-9.006	6/11/01	7/1/01	27/16	
68E-9.007	6/11/01	7/1/01	27/16	
68E-18.002	6/11/01	7/1/01	27/16	
68E-18.004	6/11/01	7/1/01	27/16	
68E-18.005	6/11/01	7/1/01	27/16	
68E-18.007	6/11/01	7/1/01	27/16	
68E-18.009	6/11/01	7/1/01	27/16	

NOTICE OF CORRECTION

The following list of rules filed was inadvertently omitted from the June 8, 2001, Vol. 27, No. 23, Florida Administrative Weekly.

RULES FILED BETWEEN May 21, 2001 and May 25, 2001

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF COMMUNITY AFFAIRS
Florida Coastal Management Program**

9M-1.002	5/21/01	6/10/01	27/10	
9M-1.003	5/21/01	6/10/01	27/10	
9M-1.004	5/21/01	6/10/01	27/10	
9M-1.0045	5/21/01	6/10/01	27/10	
9M-1.005	5/21/01	6/10/01	27/10	27/16
9M-1.007	5/21/01	6/10/01	27/10	
9M-1.009	5/21/01	6/10/01	27/10	

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

40D-4.091	5/23/01	6/12/01	24/36	24/53
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DEPARTMENT OF HEALTH

Board of Medicine

64B8-45.006	5/23/01	6/12/01	26/37	27/16
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Board of Opticianry

64B12-8.021	5/25/01	6/14/01	27/11	
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

65A-4.205	5/21/01	6/10/01	27/4	27/14
65A-4.212	5/21/01	6/10/01	27/2	27/14