

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Accounting and Auditing

RULE TITLES:	RULE NOS.:
Payroll Preparation Manual	3A-31.108
Wage Payments from Revolving Funds	3A-31.226
Retirement Code Use	3A-31.231

PURPOSE AND EFFECT: The purpose is to update the rules of the Bureau of State Payrolls and to implement the on demand payroll process.

SUBJECT AREA TO BE ADDRESSED: State payroll rules.

SPECIFIC AUTHORITY: 17.03, 17.14, 17.29, 216.271 FS.

LAW IMPLEMENTED: 17.03, 17.04, 17.06, 17.075, 17.08, 17.09, 17.14, 17.20, 17.27, 17.28, 110.116, 121.051, 121.061, 121.071, 121.081, 122.04, 216.271 FS.

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

TIME AND DATE: 10:00 a.m., October 22, 2001

PLACE: Room 364, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Cynthia Langley, Bureau of State Payrolls, Room 364, Fletcher Building, Tallahassee, Florida 32399-0350, (850)410-9416

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3A-31.108 Payroll Preparation Manual.

The Bureau of State Payrolls maintains a Payroll Preparation Manual for the use by State agencies. This manual contains general information, schedules, tables and codes used in the payroll system, and instructions for preparing and submitting payroll and employee data in accordance with these rules. In the absence of specific rules to the contrary, the procedures and instructions in the Payroll Manual are to be used by state agencies. Copies of the Manual can be obtained on-line at the Department's website on the Internet at http://www.dbf.state.fl.us/bosp/BOSP_MANUAL.pdf. Copies of the manual are available free of charge to personnel having payroll responsibilities for State agencies whose employees' wages are processed by the Bureau, upon written request to the Bureau of State Payrolls, Department of Banking and Finance, Room 364, Fletcher Building, Tallahassee, Florida 32399-0350.

Specific Authority 17.14, 17.29 FS. Law Implemented 17.03, 17.04, 17.06, 17.075, 17.08, 17.09, 17.14, 17.20, 17.27, 17.28, 110.116 FS. History--New 4-22-83, Amended 2-4-98, _____.

3A-31.226 Wage Payments from Revolving Funds.

(1) An agency may disburse wage payments from a revolving fund only after receipt of written approval from the Bureau. The written request must be accompanied by:

(a) A copy of the revolving fund approval document from the Bureau of Accounting, Office of the Comptroller.

(b) A copy of the agency's policy regarding wage payments from a revolving fund.

(2) Policy. The criteria applied by the Bureau in reviewing an agency's policy will be:

(a) That use of the revolving fund for wage payments is limited to emergencies caused by administrative error. Except in emergencies, caused by administrative error, the revolving fund should not be used to:

1. Pay overtime or other supplemental compensation.
2. Pay wages in advance of the regularly scheduled payroll date.
3. Pay an additional amount due an employee as part of a regular wage payment which has been made unless the amount is greater than twenty percent of the total wages which were due.
4. Pay an employee when a regular salary warrant has been issued but is in error because the employee was on leave without pay which caused the amount of the warrant to be in excess of the actual wages due.

~~(b) Balances owing the employee should be kept at a minimum, however, consideration of tax issues should be a factor when paying from revolving funds. Therefore, the amount which may be paid through the revolving fund shall not leave a balance owing to the employee of less than ten percent (up to fifty dollars) or ten dollars, whichever is greater.~~

~~(b)(e)~~ Revolving fund wage payments must not include Criminal Justice Incentive Pay.

~~(c)(d)~~ Revolving fund wage payments to an employee must not be recurring in nature.

~~(d)(e)~~ Each payroll record submitted for the purpose of recording the payment and reimbursing the revolving fund must be submitted through the On-Demand Payroll process as a separate record and must not be combined with other payments.

~~(f) The revolving fund reimbursement record must be submitted to the Bureau in time for the reimbursement warrant to be issued in the same calendar year as the payment to the employee from the revolving fund. For example: A revolving fund wage payment must not be made on December 27th of one year if the revolving fund reimbursement warrant is to be dated January 3rd of the next year.~~

(3) An agency may not change the purpose and uses of a revolving fund without the prior approval of the Office of the Comptroller.

(4) No fund may be established or increased in amount unless approved by the Bureau of Accounting.

(5) The agency should report revolving funds that are no longer needed to the Office of Comptroller.

Specific Authority 17.03, 17.14, 17.29, 216.271(5) FS. Law Implemented 216.271 FS. History–New 4-22-83, Amended 1-25-96, 6-1-97, 2-4-98, _____. Cf. Department of Banking and Finance Rule Chapter 3A-23, F.A.C.

3A-31.231 Retirement Code Use.

(1) The Bureau maintains the Retirement Code Table. The Table contains each authorized retirement contribution code. The Bureau and the Department of Management Services, Division of Retirement, are responsible for assignment of a code to each type of retirement contribution in the Table.

(2) Florida Statutes require that each State employee filling an authorized, established position be a member of one of the State retirement systems (generally the Florida Retirement System). The Bureau is authorized to deduct the employee’s retirement contribution, if any, from the employee’s gross wage and to disburse the employer’s retirement contribution according to the rates established by the appropriate retirement plan administrator. Employee and/or employer retirement contributions are computed for all wage payments except:

- (a) Acts of the legislature.
- (b) Rules of the Department of Management Services, Division of Retirement.

(3) Every employee must have a retirement contribution code which corresponds to the code assigned to the employee’s Department of Management Service, Division of Retirement, Form M-10 filed with the Division of Retirement. Codes indicating no membership are available in cases where the employee is ineligible to participate in a retirement plan.

(4) Refund of Erroneous Deductions. If an erroneous deduction has been made or an amount in excess of the required contribution has been disbursed, ~~either the appropriate agency Department of Management Services, Division of Retirement, or the Bureau~~ will make the necessary corrections and refunds utilizing the on-line Retirement System to the appropriate agency.

(5) Any change in the retirement contribution rate must be in the form of a written notification to the Bureau from the retirement plan administrator. The written notification must cite the administrator’s authority to make the rate change.

Specific Authority 17.14, 17.29 FS. Law Implemented 121.051, 121.061, 121.071, 121.081, 122.04, 123.02 FS. History–New 4-22-83, Amended 1-25-96,_____.

DEPARTMENT OF INSURANCE

RULE TITLE:	RULE NO.:
Notification of Insured’s Rights; Personal Injury Protection Benefits	4-176.013

PURPOSE AND EFFECT: The rule adopts updated form DI4-1149, “Notification of Personal Injury Protection Benefits”, which insurers are required to send to PIP claimants. SB 1092 revised the term, “medically necessary” and changed time frames for the submission of bills by medical providers, and made other minor revisions.

SUBJECT AREA TO BE ADDRESSED: Adoption of updated form.

SPECIFIC AUTHORITY: 624.308(1), 627.7401(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.736, 627.7401 FS.

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

TIME AND DATE: 10:00 a.m., Wednesday, October 24, 2001
PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Shirley Kerns, Chief, Bureau of Property and Casualty Forms and Rates, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5310

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-176.013 Notification of Insured’s Rights; Personal Injury Protection Benefits.

Each insurer issuing a policy in this state providing personal injury protection benefits shall mail or deliver form DI4-1149 10/01/01 (4/1/00) “Notification of Personal Injury Protection Benefits” which is hereby incorporated herein by reference, to an insured within 21 days after receiving from the insured notice of an automobile accident or claim involving personal injury to an insured who is covered under the policy. Form DI4-1149 is available from the Bureau of Property and Casualty Forms and Rates, 200 E. Gaines St., Tallahassee, FL 32399-0330.

Specific Authority 624.308(1), 627.7401(1) FS. Law Implemented 624.307(1), 627.736, 627.7401 FS. History–New 10-1-94, Amended 12-6-00,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services	
RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Entomology – Pest Control Regulations	5E-14

RULE TITLES:	RULE NOS.:
Fumigation Requirements – Final	
Post-fumigation Clearance Inspection	5E-14.113
Application for Examination for Pest Control Operator’s Certificate and Special Identification Card	5E-14.117
Examinations	5E-14.123
Certificate Issuance and Renewal Fees	5E-14.132
Special Identification Card Issuance, Renewal fees, Forms and Duties	5E-14.136
Responsibilities and Duties – Records, Reports, Advertising, Applications	5E-14.142

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend Chapter 5E-14, F.A.C., to increase fees paid by pest control operators in order to improve enforcement efforts by funding additional field inspector positions. Also, to make some technical corrections to the rule.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is increasing the fees for examinations, certificate issuance and renewal as well as business license issuance and renewal.

SPECIFIC AUTHORITY: 482.051, 482.071, 482.111, 482.141, 482.155, 482.156 FS.

LAW IMPLEMENTED: 482.051, 482.071, 482.111, 482.141, 482.151, 482.155, 482.156 FS.

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

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

PLACE: Training Room, 3125 Conner Blvd., Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT: Steven Rutz, Director, Department of Agriculture and Consumer Services, Room 130, 3125 Conner Blvd., Tallahassee, FL 32399-1650

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-14.113 Fumigation Requirements – Final Post-fumigation Clearance Inspection.

(1) The certified operator in charge ~~or~~ of his designated special fumigation identification card holder shall personally determine by using label-recommended gas-detecting or monitoring devices or materials that the entire structure or enclosed space fumigated, and also including beds and bedding therein, has been monitored and safely ventilated sufficiently to permit safe human entry and occupancy or re-occupancy. All warning agent containers shall be removed from the structure. In no instance shall ventilation or aeration time be less than that recommended by manufacturer of fumigant on the registered label.

Specific Authority 482.051 FS. Law Implemented 482.051(1), 482.152, 482.241 FS., ~~Section 1, Chapter 92-203, Laws of Florida: History–New 1-1-77, Formerly 10D-55.113, Amended~~.

5E-14.117 Application for Examination for Pest Control Operator’s Certificate and Special Identification Card.

- (1) through (8) No change.
- (9) Applicants may be examined for certification in one or more of the following ~~four~~ categories of pest control:
 - (a) Fumigation;
 - (b) General household pest control, which includes rodent control;
 - (c) Termite or other wood-infesting organism control; ~~and~~
 - (d) Lawn and ornamental pest control.

Specific Authority 482.051 FS. Law Implemented 482.111, 482.132, 482.141(2), ~~482.151~~, 482.155, 482.156 FS. History–New 1-1-77, Amended 6-27-79, 6-22-83, 10-25-90, Formerly 10D-55.117, Amended 8-11-93, 7-5-95, 5-28-98,_____.

5E-14.123 Examinations.

- (1) through (7) No change.
- (8) All examinations shall consist of theoretical sections, practical sections, and practical demonstrations. All applicants for examination for certification or special identification card will be examined on or required to demonstrate satisfactory knowledge of the following:
 - (a) Pest Control Act, Chapter 482, Florida Statutes.
 - (b) Rules of the Department, Chapter 5E-14, Pest Control Regulations, Parts No. 1 through 6.
 - (c) Precautions necessary and required by law, rules and good industry practice for the safeguard of life, health and property in the conduct of pest control.
 - (d) Pests, their habits, recognition of damage caused, and identification by accepted common names.
 - (e) Building construction terminology.
 - (f) Accepted good industry methods and practices founded upon recognized publications of the industry.
 - (9) through (10) No change.

(11) Any applicant who fails to pass one or more particular examination(s) shall be permitted to review such examination(s) upon making written application to the Department within fifteen (15) days from date of written notice of examination results.

Specific Authority 482.051 FS. Law Implemented 482.141(2), 482.151(4) FS. History–New 1-1-77, Formerly 10D-55.123, Amended 8-11-93, 7-5-95, 5-28-98,_____.

5E-14.132 Certificate Issuance and Renewal Fees.

(1) Each certified pest control operator shall be certified as provided by this rule. Application shall be made and the issuance fee paid to the ~~D~~Department for the original certificate within 60 days from the date of written notification of passing examination. During a period of 30 calendar days following expiration of the 60-day period, an original certificate may be issued; however, a late issuance charge of \$50 shall be

assessed and paid in addition to the issuance fee. No original certificate shall be issued after expiration of the 30-day period without reexamination.

(2) Each individual issued a pest control operator's certificate shall apply to the ~~D~~department for renewal of his certificate on or before June 1 of each year on Department of Agriculture and Consumer Services Form DACS 13638 ~~1290, Dec. 92~~, entitled "Renewal Notice", which is incorporated by reference, and mailed by the ~~D~~department. After a grace period of 30 calendar days following the anniversary date of each year, there shall be a late renewal charge of \$50 which shall be assessed and paid in addition to the renewal fee. Unless renewed as provided by this section, each certificate shall automatically expire 180 calendar days after the renewal date. Subsequent to such expiration, a certificate may be issued only upon successful reexamination and upon payment of examination and issuance fees due as provided by this rule.

(3) The fee for issuance of each original certificate, and the fee for renewal thereof, shall be \$150 ~~\$100~~.

(4) No change.

(5) On or before April 1 of each year the Department shall mail to each certified operator, at his last known address of record, a renewal form, DACS 13638 ~~No. 130638 12/92~~, incorporated by reference for use in applying for renewal of his certificate. Not less than 60 days prior to the expiration of a certificate a final renewal notice shall be mailed to each certified operator who has not renewed his certificate. Mailing of these forms shall be the only notice of renewal issued by the Department. Copies may be obtained from the Bureau of Entomology and Pest Control, 1203 Governor's Square Boulevard, Suite 300, Tallahassee, Florida 32301-2961 ~~644 Cesery Boulevard, Suite 200, Jacksonville, Florida 32211~~.

Specific Authority 482.051 FS. Law Implemented 482.051(1), 482.111(1),(3),(7),(10), 482.132(1) FS. History--New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, Formerly 10D-55.132, Amended 8-11-93, 7-5-95, 5-28-98,_____.

5E-14.136 Special Identification Card Issuance, Renewal Fees, Forms and Duties.

(1) No change.

(2) Application shall be made and the issuance fee paid to the ~~D~~department for the original special identification card within 60 days from the date of written notification of passing examination. During a period of 30 days following the expiration of the 60 ~~480~~ day period, an original special identification card may be issued, however, a late issuance charge of \$25 shall be assessed and paid in addition to the issuance fee. Further, no original special identification card shall be issued after expiration of the 30 day period without reexamination.

(3) Application to the Department for renewal of each special identification card shall be made on or before June 1 of each year. The issuance fee for each special identification card and for each renewal thereof shall be \$100 ~~\$75~~. After a grace

period of 30 calendar days following the anniversary date of each year, there shall be a late renewal charge of \$25, which shall be assessed and paid in addition to the renewal fee. Unless timely renewed, each special identification card shall automatically expire 180 ~~60~~ calendar days after the renewal date. Subsequent to such expiration, a special identification card may be issued ~~reinstated~~ only upon successful reexamination and upon payment of examination and issuance fees due, as provided by this rule.

(4) On or before April 1 of each year the Department shall mail to each special identification cardholder at his last known address of record, a renewal form, DACS 13641 ~~No. 130641 (12/92)~~, incorporated by reference, for use in applying for renewal of his special identification card. Copies may be obtained from the Bureau of Entomology and Pest Control, 1203 Governor's Square Boulevard, Suite 300, Tallahassee, Florida 32301-2961 ~~644 Cesery Boulevard, Suite 200, Jacksonville, Florida 32211~~.

Specific Authority 482.051(1) FS. Law Implemented 482.151 FS. History--New 1-1-77, Formerly 10D-55.136, Amended 7-5-95, 5-28-98,_____.

5E-14.142 Responsibilities and Duties – Records, Reports, Advertising, Applications.

(1) through (4) No change.

(5) Business license application: In accordance with Chapter 482.071(1), F.S., the following information shall be submitted on, attached to and made a part of the Department's pest control business license application form, Form DACS 13605 ~~130605 (606), effective July, 1992~~, incorporated by reference.

(a) through (g) No change.

(h) The issuance fee for each original license shall be \$300 ~~\$150~~. An applicant may request his application to be immediately expedited and processed by paying a specific handling fee in the amount of \$50.

(i) The renewal fee for each original license shall be \$300 ~~\$150~~.

Specific Authority 482.051(1) FS. Law Implemented 482.051(1), 482.061, 482.091, 482.111(5),(9), 482.161(1)(g),(h), 482.226(1),(6) FS. History--New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98,_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Florida Comprehensive Assessment 6A-1.09422
 Test Requirements

PURPOSE AND EFFECT: The purpose of this rule development will be to review existing achievement levels for the Florida Comprehensive Assessment Test and to consider achievement levels for the grades and subject areas for which no achievement levels currently exist.

SUBJECT AREA TO BE ADDRESSED: Achievement levels for the Florida Comprehensive Assessment Test.

SPECIFIC AUTHORITY: 229.053, 229.0535, 229.57 FS.
 LAW IMPLEMENTED: 229.57 FS.
 RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:
 TIME AND DATE: 4:00 p.m. – 6:00 p.m., EST, October 22, 2001
 PLACE: Broward County School District, School Board Meeting Room, 600 S. E. 3rd Avenue, Ft. Lauderdale, Florida
 TIME AND DATE: 4:00 p.m. – 6:00 p.m., EST, October 22, 2001
 PLACE: Duval County School District, School Board Meeting Room, 1701 Prudential Drive, Jacksonville, Florida
 TIME AND DATE: 4:00 p.m. – 6:00 p.m., CST, October 23, 2001
 PLACE: Bay County School District, School Board Meeting Room, 1311 Balboa Avenue, Panama City, Florida
 TIME AND DATE: 4:00 p.m. – 6:00 p.m., EST, October 23, 2001
 PLACE: Sarasota County School District, School Board Meeting Room, 1980 Landings Boulevard, Sarasota, Florida
 TIME AND DATE: 4:00 p.m. – 6:00 p.m., EST, October 24 2001
 PLACE: Orange County School District, School Board Meeting Room, 445 West Amelia Avenue, Orlando, Florida
 TIME AND DATE: 4:00 p.m. – 6:00 p.m., EST, October 24, 2001
 PLACE: Department of Education, 325 West Gaines Street, Room 1703/07, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education, 400 South Monroe Street, PL 08, Capitol, Tallahassee, Florida 32399-0400, (850)413-0555
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Implementation of Florida’s System of School Improvement and Accountability
 RULE NO.: 6A-1.09981
 PURPOSE AND EFFECT: The purpose of this rule development will be to review the current grading standards to determine what amendments should be made to ensure the rule continues to implement legislative intent.
 SUBJECT AREA TO BE ADDRESSED: School performance grades and implementing law.
 SPECIFIC AUTHORITY: 229.053, 229.0535, 229.582, 229.57 FS.
 LAW IMPLEMENTED: 228.0565, 229.053, 229.0535, 229.57, 229.591, 229.592, 230.23, 231.2905 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:
 TIME AND DATE: 4:00 p.m. – 6:00 p.m., EST, October 22, 2001
 PLACE: Broward County School District, School Board Meeting Room, 600 S. E. 3rd Avenue, Ft. Lauderdale, Florida
 TIME AND DATE: 4:00 p.m. – 6:00 p.m., EST, October 22, 2001
 PLACE: Duval County School District, School Board Meeting Room, 1701 Prudential Drive, Jacksonville, Florida
 TIME AND DATE: 4:00 p.m. – 6:00 p.m., CST, October 23, 2001
 PLACE: Bay County School District, School Board Meeting Room, 1311 Balboa Avenue, Panama City, Florida
 TIME AND DATE: 4:00 p.m. – 6:00 p.m., EST, October 23, 2001
 PLACE: Sarasota County School District, School Board Meeting Room, 1980 Landings Boulevard, Sarasota, Florida
 TIME AND DATE: 4:00 p.m. – 6:00 p.m., EST, October 24 2001
 PLACE: Orange County School District, School Board Meeting Room, 445 West Amelia Avenue, Orlando, Florida
 TIME AND DATE: 4:00 p.m. – 6:00 p.m., EST, October 24, 2001
 PLACE: Department of Education, 325 West Gaines Street, Room 1703/07, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education, 400 South Monroe Street, PL 08, Capitol, Tallahassee, Florida 32399-0400, (850)413-0555
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLES:	RULE NOS.:
Specialization Requirements for the Prekindergarten Disabilities Endorsement – Academic Class	6A-4.01792
Specialization Requirements for Endorsement in Severe or Profound Disabilities	6A-4.01793
Requirements for Certification in Exceptional Student Education (Grades K-12) – Academic Class	6A-4.01795
Specialization Requirements for Endorsement in Autism – Academic Class	6A-4.01796

PURPOSE AND EFFECT: The purpose of the rule development is to implement legislation which requires collapsing some certification coverages and addressing endorsement areas of specific need in exceptional student education. Specifically, a new rule is proposed to combine

current coverages of mentally handicapped, emotionally handicapped, physically impaired, specific learning disabilities, and varying exceptionalities into one coverage of exceptional student education K-12. An endorsement area of autism is new and endorsement areas of profoundly handicapped and prekindergarten disabilities address specific needs for teaching children with these exceptionalities.

SUBJECT AREA TO BE ADDRESSED: Teacher certification and endorsement to certification for teachers of exceptional student education.

SPECIFIC AUTHORITY: 229.053(1), 231.15(1), 231.17(1) FS.

LAW IMPLEMENTED: 229.053, 231.145, 231.15, 231.17 FS.
RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIMES AND DATE: 12:00 noon – 3:00 p.m. and 4:00 p.m. – 7:00 p.m. October 30, 2001

PLACE: Duval County School Board Meeting Room, 1701 Prudential Drive, Jacksonville, FL.

TIMES AND DATE: 12:00 noon – 3:00 p.m. and 4:00 p.m. – 7:00 p.m., October 30, 2001

PLACE: Professional Development Academy of Collier County, 615 3rd Ave, South, Naples, Florida

TIMES AND DATE: 12:00 noon – 3:00 p.m. and 4:00 p.m. – 7:00 p.m. November 5, 2001

PLACE: Nova Southeastern, East Campus, Alumni Hall, 3100 S.W. 9th Avenue, Ft. Lauderdale, Florida

TIMES AND DATE: 12:00 noon – 3:00 p.m. and 4:00 p.m. – 7:00 p.m., November 6, 2001

PLACE: Nova Southeastern, 9503 Princess Palm Ave., Classroom 112, Tampa, Florida

TIMES AND DATE: 12:00 noon – 3:00 p.m. and 4:00 p.m. – 7:00 p.m., November 9, 2001

PLACE: PAEC Conference Room, 753 West Boulevard, Chipley, FL

Any person requiring special accommodations to participate in any of the rule development workshops is asked to advise the Department of Education at least five working days prior to the workshop by contacting Shan Goff, Chief, Bureau of Instructional Support and Community Services, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1570.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Shan Goff, Chief, Bureau of Instructional Support and Community Services, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1570

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-4.01792 Specialization Requirements for the Prekindergarten ~~Disabilities Handicapped~~ Endorsement – Academic Class.

(1) A bachelor’s or higher degree with certification in any exceptional student education area, preschool education, primary education, prekindergarten students with disabilities/primary education, or early childhood education, and

(2) Twelve (12) semester hours in prekindergarten ~~disabilities handicapped~~ education (~~age three (3) through age five (5)~~) to include the areas specified below:

(a) Six (6) semester hours in the development and implementation of individualized educational programs for the prekindergarten child with ~~disabilities handicaps~~ to include formal and informal evaluation techniques; developmentally appropriate curriculum, methods, and intervention strategies; teaming approaches to facilitate inclusion in appropriate learning environments ~~mainstreaming~~; and multidisciplinary approaches and techniques for serving the child and the family;

(b) Three (3) semester hours in child development to include theories of the atypical child, the stages and sequences of development, and the impact of disabilities and biomedical risk factors on learning; and

(c) Three (3) semester hours in family collaboration and support to include family systems theory and interaction; community resources; service coordination; and transition.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 10-3-91, Amended

6A-4.01793 Specialization Requirements for Endorsement in Severe or Profound Disabilities ~~the Profoundly Handicapped Endorsement – Academic Class~~.

(1) A bachelor’s or higher degree with certification in any area of special eudcation ~~emotionally handicapped, hearing impaired, mentally handicapped, varying exceptionalities, or visually impaired~~; and

(2) Twelve (12) semester hours in the education of students with profound ~~disabilities handicaps~~ to include the areas specified below:

(a) Coursework ~~Three (3) semester hours~~ in a typical child development and assessment of students with profound ~~disabilities handicaps~~ to include use of student assessment for individual educational planning and program planning;

(b) Coursework ~~Three (3) semester hours~~ in interdisciplinary teaming to include available resources; the recognition of the role of parents, teachers, and other professionals; functional community-based curriculum; employability skills; and transition planning; and

(c) Completion of one of the areas as follows:

1. Six (6) semester hours to include:

a. Coursework ~~Three (3) semester hours~~ in nature of autism and intervention strategies for educating students who are autistic to include student characteristics, appropriate learning goals, teaching approaches, and environmental arrangements; and

b. Three (3) semester hours of supervised field-based experience with students who are autistic; or

2. Six (6) semester hours to include:

a. Coursework ~~Three (3) semester hours~~ in nature of profound mental disabilities handicaps and intervention strategies for educating students with profound mental disabilities handicaps to include student characteristics, appropriate learning goals, teaching approaches, and environmental arrangements, and

b. Three (3) semester hours of supervised field-based experience with students with profound mental disabilities handicaps; or

3. Six (6) semester hours to include:

a. Coursework ~~Three (3) semester hours~~ in nature of deaf-blindness dual sensory impairment and intervention strategies for educating students who are deaf-blind dual sensory impaired to include student characteristics, appropriate learning goals, teaching approaches, and environmental arrangements, and

b. Three (3) semester hours of supervised field-based experience with students who are deaf-blind dual sensory impaired.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History—New 10-3-91, Amended _____.

6A-4.01795 Requirements for Certification in Exceptional Student Education (Grades K-12) – Academic Class.

(1) Plan One. A bachelor’s or higher degree with a major in special education, mental disabilities, specific learning disabilities, emotional disabilities, physically impaired or varying exceptionalities; or

(2) Plan Two. A bachelor’s or higher degree with thirty (30) semester hours in exceptional student education to include:

(a) Foundations of special education to include educational practices and development and characteristics of children with disabilities;

(b) Assessment and evaluation to include interpretation, analysis, and application of assessment results and alternate assessment strategies;

(c) Evaluation of student progress in acquiring, generalizing, and maintaining skills related to participation in educational settings;

(d) Instructional practices in special education to include selection and implementation of instructional practices and strategies and identification of accommodations and modifications;

(e) Relevant general education and special skills curricula selection;

(f) Assessing, designing, and implementing positive behavioral supports;

(g) Language development and communication skills to include normal sequence of expressive and receptive language development and identification of communication deficits and appropriate interventions;

(h) Skills to teach interpersonal interactions to include criteria for selecting instructional procedures for teaching personal care, interpersonal skills, self-advocacy skills, and adaptive life skills;

(i) Transition process to include development of desired postschool outcomes; and

(j) Effective methods of communication, consultation, and collaboration with students, families, administrators, and other education professionals.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History—New _____.

6A-4.01796 Specialization Requirements for Endorsement in Autism – Academic Class.

(1) A bachelor’s or higher degree with certification in any exceptional student education area; and

(2) Twelve semester hours to include:

(a) Nature of autism (to include student characteristics, appropriate learning goals, teaching approaches, environmental arrangements, etc.);

(b) Use of assistive and instructional technology, alternative and augmentative communication systems for students with autism;

(c) Behavior management of students with autism;

(d) Assessment and diagnosis of autism, and

(e) Field-based experience with students with autism.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History—New _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLES:	RULE NOS.:
Development of Individual Educational Plans and Educational Plans for Students Who are Gifted	6A-6.030191
Specially Designed Instruction for Students Who are Homebound or Hospitalized	6A-6.03020
Development of Individual Educational Plans for Students with Disabilities	6A-6.03028

Development of Family Support Plans for Children with Disabilities Ages Birth Through Five Years	6A-6.03029
Procedural Safeguards for Children Ages Birth through Two Years with Disabilities	6A-6.03032
Identification and Determination of Eligibility of Exceptional Students for Specially Designed Instruction	6A-6.0331
Procedural Safeguards for Students with Disabilities	6A-6.03311
Discipline Procedures for Students with Disabilities	6A-6.03312
Procedural Safeguards for Students Who are Gifted	6A-6.03313
Policies for the Provision of Specially Designed Instruction and Related Services for Exceptional Students	6A-6.03411

PURPOSE AND EFFECT: The purpose of these revisions is to incorporate the revisions required for programs for students with disabilities by the amendments to the federal law, the Individuals with Disabilities Education Act, and its implementing regulations. The effect of these revisions will be consistency with the federal requirements in a more consumer-friendly manner.

SUBJECT AREA TO BE ADDRESSED: Federal requirements for programs for students with disabilities and state requirements for programs for students who are gifted, including procedures for identification, evaluation, determination of eligibility, development of individual plans, and reevaluation, and the accompanying procedural safeguards.

SPECIFIC AUTHORITY: 229.053(1), 230.23(4)(m)4. FS.

LAW IMPLEMENTED: 228.041(18),(19), 229.0537, 229.565(3)(b)(c), 230.23(4)(m)4., 236.081(1)(c) FS.

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

TIMES AND DATE: 12:00 Noon – 3:00 p.m. and 4:00 p.m. – 7:00 p.m., October 30, 2001

PLACE: Duval County School Board Meeting Room, 1701 Prudential Drive, Jacksonville, FL

TIMES AND DATE: 12:00 Noon – 3:00 p.m. and 4:00 p.m. – 7:00 p.m., October 30, 2001

PLACE: Professional Development Academy of Collier County, 615 3rd Ave., South, Naples, Florida

TIMES AND DATE: 12:00 Noon – 3:00 p.m. and 4:00 p.m. – 7:00 p.m., November 5, 2001

PLACE: Nova Southeastern, East Campus, Alumni Hall, 3100 S. W. 9th Avenue, Ft. Lauderdale, Florida

TIMES AND DATE: 12:00 Noon – 3:00 p.m. and 4:00 p.m. – 7:00 p.m., November 6, 2001

PLACE: Nova Southeastern, 9503 Princess Palm Ave., Classroom 112, Tampa, Florida

TIMES AND DATE: 12:00 Noon – 3:00 p.m. and 4:00 p.m. – 7:00 p.m., November 9, 2001

PLACE: PAEC Conference Room, 753 West Boulevard, Chipley, FL

Any person requiring special accommodations to participate in any of the rule development workshops is asked to advise the Department of Education at least five working days prior to the workshop by contacting Shan Goff, Chief, Bureau of Instructional Support and Community Services, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1570.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Shan Goff, Chief, Bureau of Instructional Support and Community Services, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1570

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.030191 Development of Individual Educational Plans and Educational Plans for Students Who are Gifted.

Parents are partners with schools and school district personnel in developing, reviewing, and revising the individual educational plan (IEP) or educational plan (EP) for their child. Procedures for the development of the IEPs and EPs for students who are gifted, including procedures for parental involvement, shall be set forth in each district's Procedures for the Provision of Specially Designed Instruction and Related Services to Exceptional Students document and shall be consistent with the following requirements.

(1) Role of parents. The role of parents in developing IEPs or EPs includes:

(a) Providing critical information regarding the strengths of their child;

(b) Expressing their concerns for enhancing the education of their child so that they receive a free appropriate public education;

(c) Participating in discussions about the child's need for specially designed instruction;

(d) Participating in deciding how the child will be involved and progress in the general curriculum; and

(e) Determining what services the school district will provide to the child and in what setting.

(2) Parent participation. Each school board shall establish procedures which shall provide for parents, guardians, or persons acting in loco parentis to participate in decisions concerning the individual educational plan (IEP) or educational plan (EP). Such procedures shall include the following:

(a) Each district shall take the following steps to ensure that one (1) or both of the parents of a student who is gifted is present at each meeting or is afforded the opportunity to participate at each meeting:

1. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

2. Scheduling the meeting at a mutually agreed on time and place.

(b) A written notice to the parent must indicate the purpose, time, location of the meeting, and who, by title and or position, will be attending. The notice must also include a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child.

(c) If neither parent can attend, the school district shall use other methods to ensure parent participation, including individual or conference telephone calls.

(d) A meeting may be conducted without a parent in attendance if the school district is unable to obtain the attendance of the parents. In this case, the district must have a record of its attempts to arrange a mutually agreed on time and place such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;

2. Copies of correspondence sent to the parents and any responses received; or

3. Detailed records of visits made to the parents' home or place of employment and the results of those visits.

(e) The district shall take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, which may include arranging for an interpreter for parents and students who are deaf or whose native language is a language other than English.

(f) The district shall give the parent a copy of the IEP or EP at no cost to the parent.

(3) Individual educational plan (IEP) or educational plan (EP) team participants. The IEP or EP team shall include the following participants:

(a) The parents of the student in accordance with subsection (2) of this rule;

(b) At least one regular education teacher of the student.

(c) At least one teacher of gifted program;

(d) A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students who are gifted, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the school district. At the discretion of the school district, one of the student's teacher may be designated to also serve as the representative of the school district;

(e) An individual who can interpret the instructional implications of evaluation results who may be a member of the team as described in paragraphs (3)(b)-(d) of this rule;

(f) At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student. The determination of knowledge or special expertise of any individual shall be made by the party who invites the individual to be a member of the IEP or EP team.

(4) Contents of individual educational plans (IEPs). The IEPs for students who are gifted must include:

(a) A statement of the student's present levels of performance which may include, but is not limited to, the student's strengths and interests, needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results;

(b) A statement of measurable annual goals, including benchmarks or short term objectives;

(c) A statement of the specially designed instruction to be provided to the student;

(d) An explanation of the extent, if any, to which the student will not participate with other students in the regular class;

(e) The projected date for the beginning of the services, and the anticipated frequency, location, and duration of those services;

(f) A statement of how the student's progress toward the annual goals will be measured and how the student's parents will be regularly informed of the student's progress.

(5) Timelines for individual educational plans (IEPs). Timelines for IEP meetings for students who are gifted shall include the following:

(a) An IEP which has been reviewed and, if appropriate, revised within the past year, must be in effect at the beginning of each school year for each eligible student who is gifted.

(b) An IEP must be developed within thirty (30) calendar days following the eligibility determination and must be in effect before specially designed instruction is provided.

(c) Meetings shall be held to develop, review and revise the IEP. A meeting shall be held at least once every twelve (12) months to review each IEP and, as appropriate, revise its provisions in accordance with all aspects of this rule.

(6) Contents of Educational Plans (EPs). EPs for students who are gifted shall include:

(a) A statement of the student's present levels of Performance which may include, but is not limited to, the student's strengths and interests, needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results;

(b) A statement of goals, including benchmarks or short term objectives;

(c) A statement of the specially designed instruction to be provided to the student;

(d) The projected date for the beginning of services and the anticipated frequency, location, and duration of those services; A statement of how the student's progress towards the goals will be regularly measured.

(7) Timelines for Educational Plans (EPs). EPs for students who are gifted shall be reviewed at least every three years or when the student transitions from elementary to middle school and middle to high school, or more frequently as needed. Timelines for review of EPs must be included in the districts Policies for Specially Designed Instruction and Related Services as required by Rule 6A-6.03411, FAC.

Specific Authority 229.053(1), 230.23(4)(m) FS. Law Implemented 228.041(18),(19), 230.23(4)(m)5., 236.081(1)(c), 229.565(2)(b) FS. History--New

6A-6.03020 Specially Designed Instruction for Special Programs for Students Who are Homebound or Hospitalized.

(1) Homebound or hospitalized. A homebound or hospitalized student is a student who has a medically diagnosed physical or mental condition which is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital, and restricts whose activities are restricted for an extended period of time. The medical diagnosis shall be made by a licensed physician.

(2) The term licensed physician, as used in this rule, is as defined in Chapters 458, 459, 460, 461, and 466, Florida Statutes, and Rule 6A-6.03020, FAC., is one who is qualified to assess the student's physical or mental condition.

(3) Criteria for eligibility. A student, who is homebound or hospitalized, is eligible for specially designed instruction special programs for homebound or hospitalized if the following criteria are met:

(a) A Certification by a licensed physician(s) must certify that the student: as specified in Rule 6A-6.03020(2), FAC.,

1. Is that the student is expected to be absent from school due to a physical or mental condition for at least fifteen (15) consecutive school days, or the equivalent on a block schedule or due to a chronic condition, for at least fifteen (15) school days or the equivalent on a block schedule which need not run consecutively;

2. Is confined to home or hospital; and

3. Will will be able to participate in and benefit from an instructional program; and

4.(b) Is Student is under medical care for illness or injury which is acute, or catastrophic, or chronic in nature; and

5. Can Certification by a licensed physician as specified in Rule 6A-6.03020(2), FAC., that the student can receive an instructional services program without endangering the health of the instructor or other students with whom the instructor may come in contact; and

(b) The student is five (5) years of age or older and Student is enrolled in a public school prior to the referral for the homebound or hospitalized services or program, unless the

student meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.03015, 6A-6.03016, 6A-6.03018, 6A-6.03019, 6A-6.03021, 6A-6.03022, 6A-6.03023, ~~6A-6.03024,~~ and ~~6A-6.03027, 6A-03025 FAC., and~~

(c)(e) A parent, guardian or primary caregiver signs parental agreement concerning homebound or hospitalized policies and parental cooperation.

(4) Procedures for student evaluation.

(a) The minimum evaluation for a student to determine eligibility shall be an annual medical statement from a licensed physician(s) as specified in Rule 6A-6.03020(2), FAC., including a description of the disabling handicapping condition or diagnosis with any medical implications for instruction. This report shall state the student is unable to attend school and give an estimated duration of condition or prognosis.

(b) A physical reexamination and a medical report by a licensed physician(s) as specified in Rule 6A-6.03020(2), FAC., may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than required in this rule Rule 6A-6.0331(1)(e), FAC., and may shall be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be at no cost to the parent.

(5) Procedures for determining eligibility. Procedures for determining eligibility shall be in accordance with Rule 6A-6.0331, FAC.

(a) For a student who is medically diagnosed as chronically ill or who has repeated intermittent illness due to a persisting medical problem, staffing as required in Rule 6A-6.0331(2) and (4)(b), (c), (d), and (e), FAC., shall be held annually to establish continuing eligibility for homebound or hospitalized services.

(b) A student may be alternately assigned to the homebound or hospitalized program and to a school-based program due to a severe, chronic or intermittent condition as certified by a licensed physician, as specified in Rule 6A-6.03020(2), FAC.

(6) Procedures for providing an individual educational plan.

(a) For the homebound or hospitalized student who meets the eligibility criteria for programs as listed in Rule 6A-6.03020(3)(d), FAC., the individual educational plan shall be developed or revised prior to assignment to the homebound or hospitalized program placement as required in Rule 6A-6.03028, FAC. A student may be alternately assigned to the homebound or hospitalized program and to a school-based program due to a severe chronic or intermittent condition as certified by a licensed physician, as specified in

subparagraph (3)(a)1. of this rule. This decision shall be made by the individual educational plan (IEP) team in accordance with the requirements of Rule 6A-6.03028, FAC.

(b) ~~For the homebound or hospitalized student who does not meet the eligibility criteria for programs as listed in Rule 6A-6.03020(3)(d), FAC., whose physician expects the placement in the homebound or hospitalized program to exceed thirty (30) consecutive school days, the individual educational plan shall be developed prior to assignment but may be developed without a formal meeting, as required in Rule 6A-6.0331, FAC.~~

(c) ~~For the homebound or hospitalized student who does not meet the eligibility criteria for programs as listed in Rule 6A-6.03020(3)(d), FAC., whose physician expects the placement in the homebound or hospitalized program not to exceed thirty (30) consecutive school days, the individual educational plan may be developed after assignment and without the formal meeting required in Rule 6A-6.0331, FAC.~~

(7) Instructional services program. The following settings and instructional modes, or combination thereof, are acceptable for this program appropriate methods for providing instruction to students determined eligible for these services:

(a) Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits which takes into account the student's medical condition and the requirements of the student's coursework.

(b) Instruction in a hospital. The hospital administrator shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.

(c) Instruction through telecommunications or computer devices. When instruction is by telecommunications or computer devices ~~telephone~~, the parent, guardian, or primary caregiver shall provide an open, uninterrupted telecommunication link at no additional cost to the parent, ~~telephone line~~ during the instructional period and shall ensure that the student is prepared to actively participate in learning.

(8) Funding. ~~Students shall be counted for the homebound or hospitalized cost factor when instruction is by any of the following methods: individual instruction on a one to one basis, group instruction when all students in the group are members of the same family, and instruction provided through telecommunications.~~

Specific Authority 229.053(1), 230.23(4)(m), 232.01(1)(e), 236.081(1)(e) FS. Law Implemented 228.041(18), (19), 229.565(3)(b)(e)(2)(b), 230.23(4)(m)5.4., 232.01(1)(e), 236.081(1)(c) FS., PL 105-17, (20 USC 1401, 1412, 1414, 1415). History—New 7-1-77, Amended 7-2-79, 4-27-82, Formerly 6A-6.3020, Amended 5-18-86, _____.

(Substantial rewording of Rule 6A-6.03028 follows. See Florida Administrative Code for present text.)

6A-6.03028 Development of Individual Educational Plans for ~~Exceptional~~ Students with Disabilities.

Parents are partners with schools and school district personnel in developing, reviewing, and revising the individual educational plan (IEP) for their child. Procedures for the development of the individual educational plan, including procedures for parental involvement, shall be set forth in each district's Policies for the Provision of Specially Designed Instruction and Related Services to Exceptional Students document and shall be consistent with the following requirements.

(1) Role of parents. The role of parents in developing IEPs includes:

(a) Providing critical information regarding the strengths of their child;

(b) Expressing their concerns for enhancing the education of their child so that their child can receive a free appropriate public education;

(c) Participating in discussions about the child's need for specially designed instruction and related services;

(d) Participating in deciding how the child will be involved and progress in the general curriculum and participate in the statewide assessment program and in district-wide assessments;

(e) Determining what services the school district will provide to the child and in what setting.

(2) Definitions.

(a) General curriculum. The general curriculum is the curriculum or course of study that addresses the Florida Sunshine State Standards and state and district requirements for a standard diploma.

(b) Assistive technology service. Assistive technology service means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. This term includes:

1. The evaluation of the needs of a student with a disability including, a functional evaluation of the student in the student's customary environment;

2. Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices;

3. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

4. Coordinating and using other therapies, interventions, or services with assistive devices;

5. Training or technical assistance for a student with a disability or if appropriate, that student's parents;

6. Training or technical assistance for professionals, employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of the student.

(c) Extended school year. Extended school year means specially designed instruction and related services that are provided to a student with a disability beyond the normal school year of the school district, in accordance with the student's individual educational plan (IEP), and at no cost to the parents.

Accommodations.

(d) Accommodations are changes that are made in the way the student learns and accesses information and demonstrates performance.

(e) Modifications. Modifications are changes in what a student is expected to learn and may include changes to content, requirements, and expected level of mastery.

(f) Transition services. Transition services means a coordinated set of activities for a student with a disability designed based upon the student's desired post-school outcomes that promotes movement from school to post-school activities which may include postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.

(3) Parent participation for students with disabilities. Each school board shall establish procedures which shall provide for parents, guardians, surrogate parents or persons acting in loco parentis to participate in decisions concerning the IP. Such procedures shall include the following:

(a) Each district shall take the following steps to ensure that one (1) or both of the parents of the student is present at each meeting or is afforded the opportunity to participate at each meeting:

1. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

2. Scheduling the meeting at a mutually agreed on time and place.

(b) A written notice to the parent must indicate the purpose, time, location of the meeting, and who, by title or position, will be attending. The notice must also include a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

1. For a student with a disability beginning at age 14, or younger if determined appropriate by the IEP team, the notice must also indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student required in paragraph (7)(i) of this rule and indicate that the school district will invite the student.

2. For a student with a disability, beginning at age 16, or younger if determined appropriate by the IEP team, the notice must indicate that a purpose of the meeting is the consideration

of needed transition services for the student as required in paragraph (7)(j) of this rule, indicate that the school district will invite the student, and indicate any other agency that will be invited to send a representative.

(c) If neither parent can attend, the school district shall use other methods to ensure parent participation, including individual or conference telephone calls.

(d) A meeting may be conducted without a parent in attendance if the school district is unable to obtain the attendance of the parents. In this case, the district must have a record of its attempts to arrange a mutually agreed on time and place such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;

2. Copies of correspondence sent to the parents and any responses received; or

3. Detailed records of visits made to the parents home or place of employment and the results of those visits.

(e) The district shall take whatever action is necessary to ensure that the parent and the student beginning at age fourteen (14) and understand the proceedings at a meeting, which may include arranging for an interpreter for parents and students who are deaf or whose native language is a language other than English.

(f) The district shall give the parent a copy of the IEP at no cost to the parent.

(4) IEP team participants. The IEP team shall include the following participants:

(a) The parents of the student in accordance with subsection (3) of this rule;

(b) At least one regular education teacher of the student if the student is or may be participating in the regular education environment. The regular education teacher of a student with a disability must, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of:

1. Appropriate positive behavioral interventions and strategies for the student; and

2. Supplementary aids and services, program modifications or supports for school personnel that will be provided for the student consistent with paragraph (7)(d) of this rule.

(c) At least one special education teacher of the student;

(d) A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the school district. At the discretion of the school district, the student's special education teacher may be designated to also serve as the representative of the school district;

(e) An individual who can interpret the instructional implications of evaluation results who may be a member of the team as described in paragraphs (4)(b)-(d) of this rule;

(f) At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise of any individual shall be made by the party who invites the individual to be a member of the IEP team; and

(g) The student, beginning by the student's 14th birthday or younger if determined appropriate by the IEP team, when the purpose of the meeting is to consider the student's transition service needs. If the student does not attend, the school district shall take other steps to ensure that the student's preferences and interests are considered.

(h) A representative of any other agency that may be responsible for providing or paying for transition services, when the purpose of the IEP meeting is to consider transition services. If an agency invited to send a representative to a meeting does not do so, the school district shall take other steps to obtain the participation of the other agency in the planning of any transition services.

(5) Timelines. Timelines for IEP meetings for students with disabilities shall include the following:

(a) An IEP which has been reviewed, and if appropriate, revised within the past year, must be in effect at the beginning of each school year for each eligible student with a disability.

(b) An IEP must be developed within thirty (30) calendar days following the determination of eligibility for specially designed instruction and related services and be in effect prior to the provision of these services.

(c) Meetings shall be held to develop, review and revise the IEP. A meeting shall be held at least once every twelve (12) months to review each IEP and, as appropriate, revise its provisions in accordance with all aspects of this rule.

(6) Considerations in IEP development, review, and revision for students with disabilities. The IEP team shall consider the following in IEP development, review, and revision:

(a) The strengths of the student and the concerns of the parents for enhancing the education of their child;

(b) The results of the initial or most recent evaluation of the student;

(c) As appropriate, the results of the student's performance on any general state or district assessment;

(d) In the case of a student whose behavior impedes learning or the learning of others, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;

(e) In the case of a student with limited English proficiency, the language needs of the student as those needs relate to the student's IEP;

(f) In the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs (including future needs), and appropriate reading and writing media, that instruction in Braille or the use of Braille is not appropriate for the student;

(g) The communication needs of the student, and in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode;

(h) Whether the student requires assistive technology devices and services. On a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or in other settings is required if the IEP team determines that the student needs access to those devices in order to receive a free appropriate public education; and

(i) At least annually, whether extended school year services are necessary for the provision of a free appropriate public education to the student. Extended school year services must be provided if a student's IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education to the student. School districts may not limit extended school year services to particular categories of disability or unilaterally limit the type, amount, or duration of those services.

(j) If, after consideration of the factors in subparagraphs (6)(a)-(i), the IEP team determines that a student needs a particular device or service, including an intervention, accommodation or other program modification, in order to receive a free appropriate public education, the IEP must include a statement to that effect.

(7) Contents of the IEP for students with disabilities. Each district, in collaboration with the student's parents, shall develop an IEP for each student with a disability. For children with disabilities ages three (3) through five (5) years, districts may develop an IEP or a family support plan in accordance with Rule 6A-6.03029, FAC. The IEP for each student with a disability must include:

(a) A statement of the student's present levels of educational performance including how the student's disability affects the student's involvement and progress in the general curriculum or for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(b) A statement of measurable annual goals, including benchmarks or short term objectives related to meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general

curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the child's other educational needs that result from the child's disability;

(c) A statement of the specially designed instruction and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; to be involved and progress in the general curriculum in accordance with paragraph (7)(a) of this rule; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this paragraph;

(d) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in the activities described in paragraph (7)(c);

(e) A statement of any individual accommodations in the administration of the state or district assessments of student achievement that are needed in order for the student to participate in state or district assessments. If the IEP team determines that the student will not participate in a particular state or district assessment of student achievement or part of an assessment, a statement of why that assessment is not appropriate for the student and how the student will be assessed;

(f) The projected date for the beginning of the services, accommodations and modifications described in paragraph (7)(c) and (d) of this rule and the anticipated frequency, location, and duration of those services;

(g) A statement of how the student's progress toward the annual goals will be measured and how the student's parents will be regularly informed (at least as often as parents are informed of their nondisabled children's progress) of the student's progress toward the annual goals and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year;

(h) Beginning by the student's fourteenth birthday or younger, if determined appropriate by the IEP team, including the student and the student's parents, and updated annually:

1. A statement of the student's desired post-school outcome which shall be developed through a student-centered process; and

2. A statement of the student's transition service needs under the applicable components of the student's IEP that focuses on the student's courses of study such as participation in advanced-placement courses or a vocational education program;

(i) Beginning by the student's sixteenth birthday or younger, if determined appropriate by the IEP team, including the student and the student's parents, a statement of needed

transition services for the student including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

(j) Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of rights under Part B of the Individuals with Disabilities Education Act that will transfer from the parent to the student on reaching the age of majority eighteen (18) years of age. These rights are described in subsection (11) of Rule 6A-6.03311, FAC.

(8) Transition Services.

(a) The coordinated set of activities described in (2) paragraph (7)(i) of this rule must be based on the student's needs, take into account the student's preferences and interests, and focus on the student's desired post-school outcome and shall include needed:

1. Activities in the areas of instruction, related services, community experiences, the development of employment, and other post-school adult living objectives; and

2. Acquisition of daily living skills and functional vocational evaluation, if appropriate, and.

3. Training or information in the area of self-determination to assist the student to be able to actively and effectively participate in IEP meetings and self-advocate, if appropriate.

(b) The IEP team shall designate an IEP team member who will follow-up with agencies, as needed, and verify the provision of services by other agencies to the student and or the student's parents as provided for in the IEP.

(c) If an agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

(d) Nothing in this part relieves any participating agency, including Vocational Rehabilitation Services, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency. When a student is provided services by Vocational Rehabilitation Services or another agency, the IEP should be coordinated with the Individual Plan for Employment or other agency plan as appropriate.

(9) Transition of children with disabilities from infants and toddlers early intervention programs to prekindergarten programs that provide specially designed instruction and related services operated by the school district.

(a) By the third birthday of a child participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with this rule or a family support plan consistent with Rule 6A-6.03029, FAC., must be developed and implemented.

(b) For the purpose of implementing the requirement of paragraph (9)(a) of this rule, each school district will participate in transition planning conferences arranged by the state lead agency for infants and toddlers with disabilities early intervention programs.

(c) If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or family support plan will begin.

(10) Review and revision of the IEP. The school district shall ensure that the IEP team:

(a) Reviews the student's IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved; and

(b) Revise the IEP as appropriate to address:

1. Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate,

2. The results of any reevaluation conducted,

3. Information about the student provided to, or by, the parents, and

4. The student's anticipated needs or other matters.

5. Consideration of the factors described in subsection (6) of this rule.

(11) IEP implementation. An IEP is in effect before specially designed instruction and related services are provided to an eligible student and is implemented as soon as possible following the IEP meeting.

(a) The student's IEP shall be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation.

(b) Each teacher and provider described in paragraph (11) (a) of this rule shall be informed of specific responsibilities related to implementing the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.

(12) Students with disabilities placed in private schools through contractual arrangements by the school district in consultation with the students' parents.

(a) If a student with a disability is placed in a private school by the school district in consultation with the student's parents and consistent with the requirements of Rule 6A-6.0361, FAC., the school district shall:

1. Initiate and conduct meetings to develop, review and revise an IEP for the student, in accordance with subsections (2) through (9) of this rule or for students ages three (3) through five (5), a family support plan in accordance with Rule 6A-6.03029, FAC.; and

2. Ensure the attendance of a representative of the private school at each meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school including individual or conference telephone calls.

(b) If a student with a disability is placed in a private school by the school district in consultation with the student's parents and if IEP meetings are initiated and conducted by the private school, the school district representative and the parents shall be involved in decisions about the IEP and shall agree to proposed changes in the plan prior to those changes being implemented by the private school.

Specific Authority 229.053(1)(2)(i), 230.23(4)(m), 236.081(1)(e) FS. Law Implemented 229.053(1)(b), 228.041(18),(19), 229.053(2)(i), 230.23(4)(m)5., 236.081(1)(c), 236.025(2)(a), 229.565(2)(b) FS., PL 105-17 (20 USC 1401, 1412, 1413, 1414, 1415) History—New 7-13-93, Amended _____.

6A-6.03029 Development of Family Support Plans for Children with Disabilities Ages Birth Through Five Years.

Parents are a child's first teachers and must be partners with school and school district personnel to identify their specific concerns and priorities of the family related to enhancing their child's development. Procedures for developing family support plans shall be set forth in each district's Policies for the Provision of Specially Designed Instruction and Related Services to Special Programs and Procedures for Exceptional Students document consistent with the following requirements:

(1) No change.

(2) Use of family support plans. For children with disabilities ages birth through two (2) years, a family support plan consistent with the requirements of Subsections (3), (4), (6), (8), and (9) of this rule shall be used. For children with disabilities ages three (3) through five (5) years, school districts may utilize, at the option of the school district and with written parental consent, a family support plan, consistent with the requirements of Subsections (3), (5), (7), and (9) of this rule, in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between a family support plan and an IEP with parental consent in lieu of an individual educational plan.

(3) Contents. The family support plan shall be in writing and include:

(a) through (d) No change.

(e) A statement of the natural environments in which early intervention services are to be provided and a justification of the extent, if any, to which the services will not be provided in a natural environment;

Specific Authority 229.053(1)(2)(i), 230.23(4)(m), 236.081(1)(e) FS. Law Implemented 228.041(18),(19), 229.053(2)(i), 230.23(4)(m)5., 236.081(1)(c), 229.565(2)(b) FS., PL. 105-17 (20 USC 1436). History—New 7-13-93, Amended 1-4-94, _____.

6A-6.03032 Procedural Safeguards for Children Ages Birth through Two Years with Disabilities.

Providing parents with information regarding their rights under this rule is critical to ensuring that their specific concerns and the priorities of the family related to enhancing their child's development are addressed. The establishment and maintenance of policies and procedures to ensure that children with disabilities, ages birth through two years, and their parents

are provided procedural safeguards is required in order for school boards to receive state funds for the provision of these services. The school board policy and procedures for procedural safeguards shall be set forth in the district's Procedures for the Provision of Specially Designed Instruction and Related Services to Special Programs and Procedures for Exceptional Students document and shall include adequate provisions for the following:

(1) Prior notice. Parents shall be provided prior written notice a reasonable time before a school district proposes, or refuses, to initiate or change the identification, evaluation, or placement of the child, or the provision of appropriate early intervention services to the child and the child's family. The procedures described in Rule 6A-6.03311(1), FAC., shall be followed.

(2) Content of notice. The procedures described in Rule 6A-6.03311(2)(a)-(b), FAC., shall be followed. The content of the notice must be in sufficient detail to inform the parents about shall include:

(a) The A full explanation of all the procedural safeguards available to the parents as provided in this rule Rules 6A-6.0333 and 6A-6.03032, FAC., and Section 230.23(4)(m)5., Florida Statutes.

(b) The A description of the action proposed or refused by the district and the reasons for taking the action.

(c) The state complaint procedures including how to file a complaint with the Department of Health, Children's Medical Services, the lead agency for this program, and the timelines under those procedures.

(3) Native language.

(a) The notice described in subsection (2) of this rule must be:

1. Written in language understandable to the general public.

2. Provided in the native language of the parents, unless it is clearly not feasible to do so.

(b) If the native language or other mode of communication of the parents is not a written language, the school district shall take steps to ensure that:

1. The notice is translated orally or by other means to the parents in the parents' native language or other mode of communication;

2. The parents understand the notice, and;

3. There is written evidence that the requirements of subsection (3) of this rule have been met.

(c) If a parent is deaf or blind, or has no written language, the mode of communication must be that normally used by the parent such as sign language, Braille, or oral communication.

~~(4)(3) Parent consent. The procedures described in Rule 6A-6.03311(3)(a)-(e), FAC., shall be followed except that the procedures described in Rule 6A-6.03311(3)(e)1-2., FAC., may be initiated by the school district only if the parent has refused to consent to the initial evaluation.~~

~~(a) Written parental consent must be obtained before:~~

~~1. Conducting the initial evaluation and assessment of a child; and~~

~~2. Initiating the provision of early intervention services.~~

~~(b) If consent is not given, the school district shall make reasonable efforts to ensure that the parent:~~

~~1. Is fully aware of the nature of the evaluation and assessment or the services that would be available; and~~

~~2. Understands that the child will not be able to receive the evaluation and assessment or services unless consent is given.~~

~~(5) Examination of records. The procedures described in paragraph (4)(a) of Rule 6A-6.03311, FAC., shall be followed.~~

~~(6) Mediation. Parents shall be provided the opportunity to resolve disputes involving their child through the mediation procedures described in subsection (5) of Rule 6A-6.03311, FAC.~~

~~(7)(4) Due process hearings. The procedures described in subsection (12) of Rule 6A-6.03311(5), FAC., shall be followed with the exception that the school district may not initiate a hearing to challenge the parent's decision regarding the placement or the provision of early intervention services for their child.~~

~~(5) Examination of records. The procedures described in Rule 6A-6.03311(7), FAC., shall be followed.~~

Specific Authority 420.53(1)(b); 228.041(18),(19), 230.23(4)(m), 232.01(1)(e) FS. Law Implemented 420.53(1)(b); 228.041(18),(19), 230.23(4)(m)5., 232.01(1)(e), 229.565(2)(b), 236.081(1)(c) FS., P.L. 105-17, 20 USC 1439. History—New 1-4-94, Amended _____.

6A-6.0331 Identification and Determination of Eligibility Assignment of Exceptional Students for Specially Designed Instruction to Special Programs.

The pProcedures and criteria for identification, diagnosis, evaluation, and determination of eligibility assignment, and discipline of exceptional students by local school boards shall be set forth in the school district's special programs and procedures Policies for the Provision of Specially Designed Instruction and Related Services document for the exceptional students for Exceptional Students document program consistent with the following requirements.

(1) Student evaluation.

(a) The school board shall be responsible for the medical, physical, psychological, social and educational evaluations of students, who are suspected of being exceptional students, by competent evaluation specialists. Evaluation specialists shall include, but not be limited to, persons such as physicians, psychologists, speech/language pathologists, audiologists, and social workers with each such person licensed in the professional's field as evidenced by a valid license or

certificate to practice such profession in Florida. Educational evaluators not covered by a license or certificate to practice a profession in Florida shall either hold a valid Florida teacher's certificate or be employed under the provisions of Rule 6A-1.0502, FAC. Notwithstanding the provisions of subparagraph (6)(a)2. of Rule 6A-6.03016, F.A.C., and subparagraph (4)(a)1. of Rule 6A-6.03011, F.A.C., tests Tests of intellectual functioning shall be administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, FAC., or licensed under Chapter 490, Florida Statutes. School boards shall ensure that students are evaluated within a reasonable period of time after receipt of a request for an initial evaluation to determine the students' eligibility for exceptional student education services.

(b) Tests and other evaluation materials used to assess a student are selected and administered so as not to be discriminatory on a racial or cultural basis and are provided and administered in a student's native language or other mode of communication, unless it is clearly not feasible to do so. The district's evaluation procedures shall provide for the use of valid tests and evaluation materials, administered and interpreted by trained personnel, in conformance with instructions provided by the producer of the tests or evaluation materials. For children and students not proficient in the English language, the district's evaluation procedures shall provide for the use of the language or other mode of communication commonly used by the child or student.

(c) The district shall provide a reevaluation of each student with a disability at least every three (3) years, in accordance with the requirements prescribed in subsection (1) of this rule, or more frequently if conditions warrant or if required by Rules 6A-6.03011 through 6A-6.03025, FAC.

(d) Materials and procedures used to assess a student with limited English proficiency are selected and administered to ensure they measure the extent to which the student has an exceptionality and needs specially designed instruction and related services rather than measuring the student's English language skills.

(e) For a student with a suspected disability, a variety of assessment tools and strategies are used to gather functional and developmental information about the student, including information provided by the parent, and information related to enabling the student to be involved in and progress in the general curriculum or for a prekindergarten child to participate in appropriate activities, that may assist in determining whether the student is a student with a disability and in the writing of the individual educational plan (IEP).

(f) Any standardized tests that are given have been validated for the specific purpose for which they are used and are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.

(g) If an assessment tool is not conducted under standard conditions, a description of the extent to which it varied from standard conditions shall be included in the evaluation report.

(h) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

(i) Tests are selected and administered so as to best ensure that if a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills unless those are the factors the test purports to measure.

(j) No single procedure is used as the sole criterion for determining whether a student is a student with a disability or a student who is gifted and for determining appropriate educational services for the student.

(k) In evaluating a student with a suspected disability, the student is assessed in all areas of the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

(l) In evaluating a student with a suspected disability, the evaluation is sufficiently comprehensive to identify all of the student's specially designed instruction and related services needs, whether or not commonly linked to the disability category in which the student is identified.

(m) The school district uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

(n) The school district uses assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the student.

(o) Determination of eligibility for exceptional students. Staffing committees.

(a) A minimum of three (3) professional personnel, one (1) of whom shall be the district administrator of exceptional student education or designee, shall meet as a staffing committee. Parents of students being considered for eligibility shall be invited to participate as members of the staffing committee. Additional personnel may be involved in determining eligibility by providing information or by attending staffing meetings. A staffing committee utilizing the process of reviewing student data including but not limited to diagnostic, evaluation, educational or social data shall recommend student eligibility for special programs.

(b) For a child with a disability in transition from an early intervention program for infants and toddlers with disabilities to school district prekindergarten services, the school district shall hold an eligibility staffing by the child's third birthday to determine the child's eligibility for specially designed

instruction and related services. A minimum of three (3) professional personnel, one (1) of whom shall be the district administrator of exceptional students or designee, shall meet as a staffing committee. Additional personnel may be involved in the eligibility recommendation by providing information or by attending staffing meetings. In the case of homebound or hospitalized students, the district administrator may receive recommendations of the staffing committee without a formal meeting.

(c) In interpreting evaluation data for the purpose of determining if a student is a student with a disability and identifying the educational needs of the student, the staffing committee including the student's parents, shall. Parents shall be invited to participate in eligibility staffing meetings for children ages birth through five (5) years as provided in Rule 6A-6.03028(7), FAC.

1. Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;

2. Ensure that information obtained from all of these sources is documented and carefully considered; and

3. Determine eligibility in accordance with criteria required in Rules 6A-6.03011 through 6A-6.03019, F.A.C., Rules 6A-6.03020 through 6A-6.03027, F.A.C., and Rules 6A-6.03030 through 6A-6.03031, F.A.C., and procedures in subparagraph (3)(f)1., of Rule 6A-6.03411, F.A.C.

(d) If a determination is made that a student has a disability and needs specially designed instruction and related services, an IEP shall be developed for the student in accordance with Rule 6A-6.03028, F.A.C. In lieu of an IEP, a family support plan may be developed for a prekindergarten child in accordance with Rule 6A-6.03029, F.A.C.

(e) For students identified as gifted, an IEP or educational plan in accordance with Rule 6A-6.030191, F.A.C., shall be developed.

(f) The school district shall provide a copy of the evaluation reports and the documentation of eligibility to the parent at no cost.

(g) A student may not be determined eligible as a student with a disability if the determinant factor is lack of instruction in reading or math or limited English proficiency or lack of attendance for a student of compulsory school attendance age.

(3) Determination of needed evaluation data for a student with a suspected disability. As part of an initial evaluation, if appropriate, and as part of any reevaluation, a group that includes the IEP team participants as described in subsection (4) of Rule 6A-6.03028, F.A.C., and other qualified professionals, as appropriate, shall:

(a) Review existing evaluation data on the student, including:

1. Evaluations and information provided by the student's parents;

2. Current classroom-based assessments and observations; and

3. Observations by teachers and related services providers.

(b) Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

1. Whether the student has a particular disability, or in the case of reevaluation, whether the student continues to have a disability;

2. The present levels of performance and educational needs of the student;

3. Whether the student needs specially designed instruction and related services, or in the case of reevaluation, whether the student continues to need specially designed instruction and related services; and

4. Whether any additions or changes to the specially designed instruction and related services are needed to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.

(c) The IEP team described in subsection (3) of this rule may conduct its review without a meeting.

(d) The school district shall administer tests and other evaluation materials as may be needed to produce the data identified in subsection (3) of this rule.

(e) If the determination under paragraphs (3)(a)-(b) of this rule is that no additional data are needed to determine whether the student continues to be a student with a disability, the school district shall notify the student's parents of:

1. That determination and the reasons for the determination; and

2. The right to request an assessment to determine whether the student continues to be an eligible student with a disability. The school district is not required to conduct the assessment described in subparagraph (3)(e)2. of this rule unless requested to do so by the student's parents.

(4) Reevaluation. The reevaluation of each student with a disability is conducted at least once every three (3) years or more frequently if conditions warrant a reevaluation, in accordance with Rules 6A-6.03011 through 6A-6.03018 and 6A-6.03029 through 6A-6.03027, F.A.C., or if the student's parent or teacher requests a reevaluation.

(a) The results of any testing administered during the reevaluation process are addressed by the IEP team including the parent, in reviewing and, as appropriate, revising the student's IEP.

(b) The school district shall evaluate a student with a disability in accordance with subsections (1) and (3) of this rule before determining that the student is no longer in need of specially designed instruction. The individual educational plan (IEP) team, including the parent, and other qualified professionals, as appropriate, shall determine that the student is no longer a student with a disability.

(c) Reevaluation is not required for a student before the termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's twenty-second birthday.

(5)(3) Each school district shall designate a staff member as a program administrator of special programs for exceptional student education students who shall be responsible for the following:

(a) Coordinating all school district programs services for exceptional students;

(b) Reviewing the eligibility determinations of staffing committees for exceptional students with procedures and criteria outlined in Policies for the Provision of Specially Designed Instruction and Related Services for Exceptional Students developed pursuant to Rule 6A-6.03411, F.A.C. recommendations of the evaluation specialists and the staffing committee;

(c) Determining student eligibility for special programs defined in these rules and in the criteria outlined in the district procedures developed pursuant to Rule 6A-6.03411, F.A.C.;

(d) Assuring that parents have been appropriately informed of the student's their child's eligibility determination and their procedural safeguards in accordance with Rules 6A-6.03311, 6A-6.03032 and 6A-6.03313, F.A.C. recommended educational assignment and of their due process rights;

(e) Informing, in writing, the appropriate school principal of the student's eligibility for specially designed instruction and related services for a special program; and

(f) Implementing the district procedures as required by Rule 6A-6.03411, F.A.C.

(4) The program administrator is authorized to delegate responsibilities in paragraphs (3)(b) through (e) of this rule.

(5) Each district shall provide for supervision of instructional personnel in special programs for exceptional students. Such supervision may be from a district, multi-district or other cooperative arrangement.

(6) Discipline. The school board shall establish policies and procedures for the discipline of a student with disabilities and for informing a student with disabilities parent or guardian of the policies and procedures for discipline. Such policies and procedures shall include provisions for expulsion, which is a change in placement invoking the procedural safeguards ensured for individual educational plan meetings, staffings, and change of placement provisions in accordance with subsection (2) of this rule, Rules 6A-6.03028 and 6A-6.03311, FAC. Where the student's behavior could warrant expulsion consistent with the district's policies, the following provisions shall apply:

(a) A staffing committee shall meet to determine whether the misconduct is a manifestation of the student's disabilities. The membership of the staffing committee shall be in accordance with requirements of subsection (2) of this rule.

(b) If the misconduct is a manifestation of the student's disability then the student may not be expelled; however, a review of the individual educational plan shall be conducted and other alternatives considered.

(c) If the misconduct is not a manifestation of the student's disability then the student may be expelled; however, any change in placement shall not result in a complete cessation of special education and related services.

Specific Authority 120.53(1)(b); 229.053(1)(2)(i), 230.23(4)(m), 236.081(1)(e) FS. Law Implemented 120.53(1)(b); 228.041(18),(19), 229.053(2)(i), 230.23(4)(m)5.4., 236.081(1)(e) FS. History—New 6-17-74, Repromulgated 12-5-74, Amended 7-1-77, 3-28-78, 7-12-78, 8-31-78, 11-29-78, 10-7-81, 7-13-83, 6-2-85, Formerly 6A-6.331, Amended 7-13-93, 1-2-95, c.f. P.L. 105-17 94-142, 20 USC 1401 (49); 1412, 1413, 1414, 1415, (2)(b),(4),(6); 1413(a)(4)(A); 1414(a)(5). Federal Register, Volume 42, Number 163, Regulations 121a.345 and 121a.348.

(Substantial rewording of Rule 6A-6.03311 follows. See Florida Administrative Code for present text.)

6A-6.03311 Procedural Safeguards for Students with Disabilities Exceptional Students.

Providing parents with information regarding their rights under this rule is critical to ensuring that they have the opportunity to be partners in the decisions regarding their children. It is also critical that local school boards provide information on these rights to appropriate district and school personnel so that the needs of the students with disabilities can be identified and appropriately met. Parents and school district personnel are encouraged to use methods such as mediation or the state complaint process to resolve disagreements regarding the provision of specially designed instruction and related services to students with disabilities. The establishment and maintenance of policies and procedures to ensure that students with disabilities, as defined by Section 228.041(18), Florida Statutes, and their parents are provided procedural safeguards with respect to the provision of a free appropriate public education is required in order for school boards to receive state and federal funds for the provision of specially designed instruction and related services to these students. The school board policy and procedures for procedural safeguards shall be set forth in accordance with Rule 6A-6.03411, FAC., and shall include adequate provisions for the following:

(1) Prior notice. Parents shall be provided prior written notice a reasonable time before any proposal or refusal to initiate or change the identification, evaluation or educational placement of the student or the provision of a free appropriate public education to the student.

(a) The prior notice to the parents shall be written in language understandable to the general public and shall be in the native language or other mode of communication commonly used by the parents unless such communication is clearly not feasible to do so.

(b) If the parents' mode of communication is not a written language, the school district shall ensure:

1. That the notice is translated orally to the parents in their native language or mode of communication;

2. That the parents understand the content of the notice; and

3. That there is written documentation that the requirements of subparagraphs (1)(b)1. and (1)(b)2. of this rule have been met.

(c) The notice to the parents shall include:

1. A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any options the district considered and the reasons why those options were rejected;

2. A description of each evaluation procedure, test, record, or report the district used as a basis for the proposal or refusal;

3. A description of any other factors relevant to the district's proposal or refusal;

4. A statement that the parents of a child with a disability have protections under the procedural safeguards specified in this rule.

5. The means by which a copy of a description of the procedural safeguards can be obtained.

6. Sources for parents to contact to obtain assistance understanding their procedural safeguards specified in this rule.

(2) Provision of Procedural Safeguards to Parents.

(a) Parents must be provided a copy of the notice of their procedural safeguards which provides a full explanation of the provisions of subsections (1)-(13) of this rule.

(b) A copy of the procedural safeguards notice must be available to the parents of a child with a disability and must be given to the parents, at a minimum:

1. Upon initial referral for evaluation;

2. Upon refusal of a parent's request to conduct an initial evaluation;

3. Upon each notification of an IEP meeting;

4. Upon consent for reevaluation of the student; and,

5. Upon receipt of a request for a due process hearing in accordance with subsection (12) of this rule.

(3) Informed parental consent.

(a) Parents shall be fully informed of all information relevant to the activity for which consent is sought in his or her native language or other mode of communication unless it is clearly not feasible to do so.

(b) Written parental consent shall be obtained prior to formal, individual evaluation to determine eligibility for specially designed instruction and related services, prior to initial provision of specially designed instruction and related services, and prior to conducting a reevaluation for students with disabilities except as provided in paragraph (3)(e) of this rule.

(c) School districts shall document the attempts to secure consent from the parent as required by paragraphs (3)(a)-(b) of this rule. If consent is not obtained, and the school district maintains that such services are required in order for the student to be provided a free appropriate public education, school district personnel may use the mediation procedures as described in subsection (5) of this rule or may request a hearing as provided in subsection (12) of this rule. The district may evaluate or initially provide specially designed instruction and related services to the student without the parent's consent only if an administrative law judge provides for such in the final decision in a due process hearing held in accordance with subsection (12) of this rule except as provided in paragraph (3)(e) of this rule.

(d) Parental consent is voluntary and may be revoked at any time before the action occurs.

(e) Parental consent is required for reevaluation except when the school district can demonstrate that it has taken reasonable measures, consistent with those described in subsection (3) of Rule 6A-6.03028, FAC., to obtain that consent and the student's parents have failed to respond.

(f) A school district can not use the parent's refusal to consent to one service or activity to deny the parent or the student any other service, benefit, or activity except for formal, individual evaluation, reevaluation, and the initial provision of specially designed instruction and related services to the student. Parents must be provided prior written notice, as defined by subsection (1) of this rule prior to any proposal or refusal to initiate or change the identification, or educational placement of the student, or the provision of a free appropriate public education to the student after the initial provision of specially designed instruction.

(g) Parental consent is not required before:

1. Reviewing existing data as part of an evaluation or reevaluation; or,

2. Administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

(4) Opportunity to examine records and participate in meetings.

(a) The parents of a child with a disability shall be afforded, in accordance with Rule 6A-1.0955, FAC., Section 228.093, Florida Statutes, and this rule, an opportunity to inspect and review their child's educational records.

(b) The right to inspect and review education records under this rule includes the right to have a representative of the parent inspect and review the records.

(c) The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, educational placement of their child or the provision of a free appropriate public education to their child.

(d) A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision, if those issues are not addressed in the student's individual educational plan. A meeting also does not include preparatory activities that the school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

(5) Mediation. The Department of Education shall provide parents of children with disabilities and school district personnel the opportunity to resolve disputes involving any matter related to a proposal or refusal to initiate or change the identification, evaluation or educational placement of the student or the provision of a free appropriate public education to the student through a mediation process. To promote the resolution of disputes, both parties should consider limiting the number of participants in a mediation session.

(a) Requirements. The mediation process:

1. Is voluntary on the part of both parties;

2. Is not used to deny or delay a parent's right to a due process hearing under subsection (12) of this rule or any other rights under this rule;

3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

(b) The Department of Education shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.

(c) If a mediator is not selected on a random basis from the list described in this subsection of rule, both the parent and the school district must be involved in selecting the mediator and agree with the selection of the individual who will mediate.

(d) The Department of Education shall bear the cost of the mediation process.

(e) Each session in the mediation process must be scheduled in a timely manner and must be held in a location that is agreeable to both the parent and the school district.

(f) An agreement reached by the parent and the school district to the dispute in the mediation process must be set forth in a written mediation agreement.

(g) Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings, and both the parent and the school district may be required to sign a confidentiality pledge prior to the commencement of the process.

(h) Impartiality of the Mediator. An individual who serves as a mediator:

1. May not be an employee of any school district or any state agency that receives a subgrant of Individuals with Disabilities Education Act funds through the Department of Education.

2. Must not have a personal or professional conflict of interest.

3. A person who otherwise qualifies as a mediator is not an employee of a school district, or state agency solely because he or she is paid by the Department of Education to serve as a mediator.

(6) State Complaint Procedures. The Department of Education shall provide parents and other interested persons the opportunity to resolve allegations that a school district has violated state or federal requirements regarding the education of students with disabilities through the establishment of state complaint procedures.

(a) The Department of Education's complaint procedures shall establish a time limit of sixty (60) calendar days after a complaint is filed under the provisions of this rule, to do the following:

1. Carry out an independent on-site investigation, if the Department of Education determines that to be necessary;

2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;

3. Review all relevant information and make an independent determination as to whether the school district is violating a requirement of state or federal requirements regarding the education of students with disabilities;

4. Issue a written decision on the complaint that addresses each issue presented in the complaint and contains findings of fact, conclusions, and the reason(s) for the Department of Education's final decision; and

5. Extend the time limit established in paragraph (6)(a) of this rule if exceptional circumstances exist with respect to a particular complaint.

(b) Procedures for the effective implementation of the Department of Education's final decision include the following:

1. Technical assistance activities;

2. Negotiations; and,

3. Corrective actions to achieve compliance.

(c) Relationship to due process hearings.

1. If a written complaint is received that is also the subject of a due process hearing requested pursuant to subsection (12) of this rule, or the complaint contains multiple issues, of which one or more are part of that hearing, the Department of Education is required to set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved in compliance with the procedures described in paragraph (6)(a) of this rule.

2. If an issue is raised in a complaint filed under this subsection that has previously been decided in a due process hearing involving the same parties, the administrative law judge's final order is binding and the Department of Education is required to inform the complainant to that effect.

3. The Department of Education is required to resolve any complaint which alleges that a school district has failed to implement a due process hearing decision.

(7) Independent educational evaluation.

(a) The parents of a child with a disability shall be notified by the school district of their right to an independent educational evaluation and be provided upon request for an independent evaluation information about where an independent educational evaluation may be obtained and of the agency's qualifications of the evaluation specialist in accordance with paragraph (1)(a) of Rule 6A-6.0331, FAC.

(b) Independent educational evaluation is defined to mean an evaluation conducted by a qualified evaluation specialist as prescribed in paragraph (1)(a) of Rule 6A-6.0331, FAC., who is not an employee of the district school board.

(c) Whenever an independent educational evaluation is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria prescribed by Rule 6A-6.0331(1), FAC., for use by the school district when it initiates an evaluation to the extent that those criteria are consistent with the parent's right to an independent educational evaluation. The school district may not impose any conditions or timelines for obtaining an independent educational evaluation at public expense other than those related to the location of the evaluation and the qualifications of the examiner.

(d) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the school district.

(e) Public expense is defined to mean that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

(f) If a parent requests an independent educational evaluation at public expense, the school district must, without unnecessary delay either:

1. Ensure that an independent educational evaluation is provided at public expense; or

2. Initiate a hearing under subsection (12) of this rule to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the final decision from the hearing is that the district evaluation is appropriate and the parent obtains an independent educational evaluation, it will be at the parent's expense.

(g) The school district may ask the parent to give a reason why he or she objects to the school district's evaluation. However the explanation by the parent may not be required

and the school district may not unreasonably delay either providing the independent educational evaluation at public expense or initiating of a due process hearing to defend the school district's evaluation as described in paragraph (12)(a) of this rule.

(h) Parent-initiated evaluations. If the parent obtains an independent educational evaluation at private expense:

1. The school district shall consider the results of such evaluation in any decision regarding the student; and,

2. The results of such evaluation may be presented as evidence at any hearing authorized under subsection (12) of these rules.

(i) If an administrative law judge requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

(8) Discipline Procedures. Discipline procedures for students with disabilities must be in accordance with the provisions of Rule 6A-6.03312, FAC.

(9) Placement of students with disabilities in private schools by their parents through participation in the Opportunity Scholarship Program.

(a) Funding for the scholarship shall be consistent with Section 229.0537, Florida Statutes.

(b) Specially designed instruction and related services provided to students participating in the Opportunity Scholarship Program shall be consistent with the requirements of 300.450-300.457 of Chapter 34 of the Code of Federal Regulations, and paragraph (3)(o) of Rule 6A-6.03411, FAC.

(10) Placement of students with disabilities in private schools by their parents when the provision of a free appropriate public education by the school district is at issue.

(a) Notwithstanding the provisions of subsection (9) of this rule, if the school district has made a free and appropriate public education available to a student with a disability and the parents elect to place the child in a private school or facility, the school district is not required to pay for the cost of education, including specially designed instruction and related services.

(b) Disagreements between a parent and a school district regarding the availability of a program appropriate for the student, and the question of financial responsibility, are subject to the due process procedures described in subsection (12) of this rule.

(c) Notwithstanding the provisions of subsection (9) of this rule, if the parents of a child with a disability, who previously received specially designed instruction and related services under the authority of a public agency, enroll the student in a private preschool, elementary, or secondary school without the consent or referral by the school district, a court or administrative law judge may require the school district to reimburse the parents for the cost of that enrollment; if the court or administrative law judge finds that the school district had not made a free appropriate public education available to

the student in a timely manner prior to that enrollment, and that the private placement is appropriate. A parental placement may be found to be appropriate by an administrative law judge or a court even if it does not meet the state standards that apply to education by the Department of Education and the school district.

(d) The cost of reimbursement described in paragraph (10)(c) of this rule may be reduced or denied in accordance with the requirements of 300.403(d) of Chapter 34 of the Code of Federal Regulations.

(11) Transfer of Rights of Students with Disabilities at the Age of Majority. The purpose of this section is to establish procedures for school districts to inform parents and students of the long standing provisions of state law regarding the rights and responsibilities that transfer to an individual upon attaining the age of eighteen (18). The right to notice under this rule is retained as a shared right of the parent and the student except as provided in paragraph (11)(d) of this rule.

(a) At age eighteen (18), all other rights accorded to parents under Part B of the Individuals with Disabilities Education Act transfer to the student, unless the student has been determined to be incompetent under state law as established by Chapter 744, Florida Statutes, or a guardian advocate has been appointed to make decisions affecting educational services as provided by Section 393.12, Florida Statutes.

(b) The school district shall notify the student and the parent of the transfer of rights, when the student attains the age of eighteen (18).

(c) The school district shall provide any notice required by Rules 6A-6.03311 and 6A-6.03028, FAC., to both the student who has attained age eighteen (18) and the student's parent.

(d) For students who have attained age eighteen (18) and are incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under this rule transfer to the student, including the right to notice as described in paragraph (11)(a) of this rule.

(e) If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used to:

1. Have the student declared incompetent and the appropriate guardianship established;

2. Have the parent appointed to represent the educational interests of the student throughout the student's eligibility for a specially designed instruction and related services consistent with Rules 6A-6.03011 through 6A-6.03018, and Rules 6A-6.03020-6A-6.03023, FAC.; or

3. Have another appropriate individual appointed to represent the educational interests of the student through the student's eligibility for specially designed instruction and

related services consistent with Rules 6A-6.03011 through 6A-6.03018, and Rules 6A-6.03020-6A-6.03023, FAC., if the parent is not available.

(12) Due process hearings. While use of mediation and the state complaint procedure may be preferable and less litigious, due process hearings are required to be available to parents of students with disabilities and to school districts to resolve matters related to the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education.

(a) Such hearings may be initiated by a parent or a school district on the proposal or refusal to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.

(b) A hearing shall be conducted by an administrative law judge from the Division of Administrative Hearings, Department of Management Services.

(c) An administrative law judge (ALJ) shall use subsection (12) of this rule for any such hearings and shall conduct such hearings in accordance with the Uniform Rules for Administrative Proceedings, Chapter 28-106, FAC., as deemed appropriate by the ALJ including, but not limited to: the authority of a party to request a pre-hearing conference, the authority of the ALJ to issue subpoenas to compel the attendance of witnesses and the production of records, and the authority of the administrative law judge to issue summary rulings in absence of a disputed issue of material fact.

(d) Status of student during proceedings. Except as provided in Rule 6A-6.03312(9), FAC., during the time that an administrative or judicial proceeding regarding a due process hearing is pending, unless the parent of the student and the district agree otherwise, the student involved in the due process hearing must remain in the present educational placement. If the due process hearing involves an application for an initial admission to public school, the student, with the consent of the parent, must be placed in a public school program until the completion of all proceedings. If the administrative law judge agrees with the parent and finds that a change of placement is appropriate, that placement becomes the agreed-upon placement during the pendency of the appeal.

(e) Hearing rights of parents. Parents involved in hearings must be given the right:

1. To have their child who is the subject of the hearing present;

2. To open the hearing to the public; and

3. To receive a copy of the record of the hearing and the findings of fact and decisions described in subparagraphs (12)(i)11.-12., of this rule at no cost to the parent.

(f) Hearing rights for all parties.

1. Any party to a hearing conducted pursuant to subsection (12) of this rule has a right:

a. To be accompanied and advised by counsel, or a qualified representative under the rules of the Department of Administrative Hearings, or by an individuals with special knowledge or training with respect to students with disabilities, or any combination of the above;

b. To present evidence, and to confront, cross-examine, and compel the attendance of witnesses;

c. To prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five (5) business days before the hearing;

d. To obtain written or electronic verbatim records of the hearing; and

e. To obtain written or electronic findings of fact and decisions.

2. Additional disclosure of information.

a. At least five (5) business days prior to a hearing conducted pursuant to subsection (12) of this rule, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.

b. An administrative law judge may bar any party that fails to comply with subparagraph (12)(f)2. of this rule from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

(g) Duties and responsibilities of the superintendent or designee shall include:

1. Implementing procedures that require the parent of a child with a disability or the advocate representing the child, to provide notice which must remain confidential to the school district. The notice required must include: the name of the child; the address of the residence of the child; the name of the school that the child is attending; a description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and, a proposed resolution of the problem to the extent known and available to the parents at the time. However, the school district may not deny or delay a parent's right to a due process hearing for failure to provide this notice.

2. Immediately notifying the Division of Administrative Hearings by both facsimile transmission of the parents' request for a hearing.

3. Notifying all parties regarding their rights and responsibilities before, during, and after the hearing. This notice should include information to the parent of any free or low cost legal and other relevant services, including mediation services, which are available, if the parent requests this information or if the parent or school district initiates a hearing.

4. Making appropriate arrangements for an interpreter, if the administrative law judge determines this to be a need.

5. Complying with the administrative law judge's rulings regarding requests for and exchanges of evidence; discovery; the filing of motions; and, scheduling, so as to meet the requirements of subsection (12) of this rule, and the deadlines established herein.

6. Arranging for clerical assistance, cost of the hearing, availability of facilities, and a verbatim transcript of the hearing;

7. Completing other responsibilities specified by the school board.

(h) Duties and responsibilities of the Department of Education shall include:

1. Maintaining a list of persons who serve as administrative law judges, including a statement of the qualifications of each of these persons;

2. Maintaining a listing of the final orders of such hearings and providing this information to the public upon request; and,

3. Transmitting the findings and decisions, after deleting any personally identifiable information, of any such hearings to the Commissioner of Education for review by the State Advisory Committee for the Education of Exceptional Students.

(i) Duties and responsibilities of an administrative law judge shall be:

1. To determine the date, time, and location of the hearing and any pre-hearing conference calls and motion hearings. Each hearing involving oral arguments must be conducted at a time and place that is reasonably convenient to the parents and their child;

2. To conduct the hearing in a fair and impartial manner;

3. To ensure that all discovery, motion practice, and pre-trial procedures are conducted in an expedited manner, consistent with the deadlines established by this rule concerning the exchange of evidence and the issuance of the final decision established by this rule.

4. To determine if the parent wants an electronic or written copy of the final decision and the administrative record of the hearing;

5. To determine whether the parent wants the hearing open to the public and whether the parent wants their child to attend the hearing;

6. To determine whether an interpreter is required for the proceeding;

7. To determine whether the parent's advisor or counsel is sufficiently knowledgeable about or trained with respect to the problems of students with disabilities;

8. To determine how evidence may be exchanged prior to and during the hearing;

9. To determine how witnesses may be compelled to attend, be cross-examined, and confronted during discovery and at the hearing;

10. To determine how evaluations and recommendations may be disclosed prior to and during a hearing;

11. To summarize the facts and findings of the case and to arrive at an impartial decision based solely on information presented during the hearing;

12. To reach a final decision and mail to all parties copies of the facts, findings and decision regarding the hearing within forty-five (45) days of the district's receipt of the parent's request or the filing of the district's request for a hearing, whichever is sooner;

13. To be accountable for all deadlines and procedures established by the statutes and rules for such hearings;

14. To maintain the confidentiality of all information; and

15. To rule on requests for specific extensions of time beyond the periods set forth in subparagraph (12)(i)12. of this rule, at the request of either party.

(j) Civil Action. A decision made in a hearing conducted under subsection (12) of this rule is final; unless, within thirty (30) days, a party aggrieved by the final order brings a civil action in federal district or state circuit court without regard to the amount in controversy, as provided in Section 230.23(4)(m)5., Florida Statutes. The state circuit or federal court shall: receive the records of the administrative proceedings; hear, as appropriate, additional evidence at the request of a party; and basing its decision on the preponderance of the evidence, shall grant the relief it determines appropriate. In the alternative, any party aggrieved by the administrative law judge's final order shall have the right to request an impartial review by the appropriate district court of appeal as provided by Sections 120.68 and 230.23(4)(m)5., Florida Statutes.

(13) Attorneys' Fees.

(a) A district court of the United States or a state circuit court may award reasonable attorneys' fees as part of the costs to the parents of a child with disabilities who is a prevailing party in a due process hearing or in a subsequent judicial proceeding.

(b) A parent of a child with a disability who is a prevailing party in the due process hearing or in a further proceeding may bring an action in a federal district court or a state circuit court for attorneys' fees within the time determined by law.

(c) The determination of the amount of attorneys' fees by the court shall be consistent with the provisions of 300.513(c) of Chapter 34 of the Code of Federal Regulations. However, attorneys' fees may not be reduced if the court finds that the state or school district unreasonably delayed the resolution of the dispute or violated its obligation in accordance with the provisions of this rule.

Specific Authority 229.053(1), 230.23(4) FS. Law Implemented 228.041(18),(19), 229.565(2)(b), 236.081(1)(c), 230.23(4)(m)5. FS., P.L. 105-17, 20 USC 1414 and 1415. History—New 7-13-83, Amended 12-20-83, 4-26-84, Formerly 6A-6.3311, Amended 7-17-90,_____.

6A-6.03312 Discipline Procedures for Students with Disabilities.

For students whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior must be considered in the development of the student's individual educational plan (IEP). Procedures for providing discipline for students with disabilities must be consistent with the requirements of this rule.

(1) Definitions.

(a) Change of placement. For the purpose of removing a student with a disability from the student's current educational placement as specified by the student's individual educational plan (IEP) under this rule, a change of placement occurs when:

1. The removal is for more than ten (10) consecutive school days, or

2. A series of removals constitutes a pattern because the removals cumulate to more than ten (10) school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

(b) Positive behavioral supports. Positive behavioral support is a process for designing individualized behavioral intervention plans based on understanding relationships between the student's behavior and his or her environment as determined through a functional behavioral assessment.

(c) Controlled substance. A controlled substance is a drug or other substance identified through the Controlled Substances Act, 21 U.S.C. 812(c), and Section 893.02(4), Florida Statutes.

(d) Weapon. A weapon is defined in Section 790.001(13), Florida Statutes, and includes a dangerous weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury.

(e) Firearm. A firearm is defined in Section 790.001(6), Florida Statutes.

(f) Individual Educational Plan (IEP) Team. An IEP team must meet the requirements specified in subsection (4) of Rule 6A-6.03028, FAC.

(g) Manifestation Determination. A manifestation determination examines the relationship between the student's disability and a specific behavior that may result in disciplinary action.

(h) Interim Alternative Educational Setting. An interim alternative educational setting (IAES) is a different location where educational services are provided for a specific time period due to disciplinary reasons that meet the requirements of paragraph (6)(a) of this rule.

(i) Expedited Due Process Hearings. Expedited due process hearings shall be conducted by an administrative law judge for the Division of Administrative Hearings, Department of Management Services, and shall be held at the request of

either the parent or the school district regarding disciplinary actions. These hearings must meet the requirements prescribed in subsection (12) of Rule 6A-6.03311, FAC., except that the written decision must be mailed to the parties within forty-five (45) calendar days of the school district's receipt of the parent's request or the filing of the district's request for the hearing without exceptions or extensions.

(j) Short Term Removals. A short term removal is the removal of a student with a disability for a total of ten (10) school days or less in a school year that does not constitute a change in placement as defined in paragraph (1)(a) of this rule.

(k) Long Term Removals. A long term removal is the removal of a student with a disability for more than ten (10) school days in a school year which may or may not constitute a change in placement as defined in paragraph (1)(a) of this rule.

(l) Substantial evidence. Substantial evidence shall be defined to mean beyond a preponderance of the evidence.

(2) Authority of School Personnel. Consistent with the district's Code of Student Conduct and to the extent removal would be applied to students without disabilities, school personnel may order:

(a) The removal of a student with a disability from the student's current placement for not more than ten (10) consecutive school days.

(b) Additional removals of a student with a disability of not more than ten (10) consecutive days in that same school year for separate incidents of misconduct as long as those removals do not constitute a change in placement as defined in paragraph (1)(a) of this rule.

(3) Manifestation Determination. A manifestation determination, consistent with the following requirements, must be made any time disciplinary procedures result in a change of placement.

(a) The IEP team and other qualified personnel:

1. Consider all relevant evaluation and diagnostic information including information supplied by the parents of the student, observations of the student, the student's current IEP and placement, and any other relevant information, then

2. Determine, in relationship to the behavior subject to disciplinary action:

a. Whether the student's IEP and placement were appropriate and the special education services, supplementary aids and services, accommodations and modifications as defined in paragraphs (2)(d)-(e) of Rule 6A-6.03028, FAC., and positive behavior intervention strategies were provided consistent with the student's IEP and placement;

b. Whether the student's disability impaired the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action; and

c. Whether the student's disability impaired the student's ability to control the behavior subject to disciplinary action.

(b) If the IEP team and other qualified personnel determine that the student's behavior was not related to the disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities. However, services consistent with subsection (5) of this rule must be provided.

(c) With the exception of placement in an interim alternative educational setting, as described in paragraphs (1)(g) and (6)(b) of this rule, if the IEP team determines that the student's behavior was related to the disability, the student cannot be placed by school personnel in another setting unless the IEP team determines that it is the most appropriate placement.

(d) If the IEP team and other qualified personnel determine that any of the requirements of subparagraph (3)(a)2. of this rule were not met, the behavior must be considered a manifestation of the student's disability.

(e) The review described in paragraph (3)(a) of this rule may be conducted at the same IEP meeting that is required by paragraph (4)(d) of this rule.

(f) Immediate steps must be taken to remedy any deficiencies in the student's IEP or placement or in their implementation identified during the manifestation determination.

(g) If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may request an expedited due process hearing as described in subsection (7) of this rule.

(4) Long Term Removals. For all such removals:

(a) The school district must notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards as required in Rule 6A-6.03311, FAC., on the same day as the date of the removal decision;

(b) An IEP meeting must be held immediately if possible but in no case later than ten (10) school days after the removal decision to perform a manifestation determination review as described in subsection (3) of this rule;

(c) Services consistent with subsection (5) of this rule must be provided;

(d) Either before or not later than ten (10) business days after either first removing the student for more than ten (10) school days in a school year or beginning with a removal that constitutes a change in placement:

1. If the school district did not conduct a functional behavioral assessment (FBA) and implement a positive behavior intervention plan (PBIP) before the behavior that resulted in the removal, the IEP team must meet to develop an assessment plan.

2. If the student has a PBIP, the IEP team shall meet to review the plan and its implementation and revise the plan and its implementation as necessary to address the behavior.

(e) As soon as practicable after developing the assessment plan and completing the FBA, as prescribed in paragraph (4)(d) of this rule, the IEP team must meet to develop appropriate behavioral interventions to address the behavior and shall implement those interventions.

(f) If subsequently, a student with a disability who has a PBIP and who has been removed from the student's current placement for more than ten (10) school days in a school year is subjected to a removal that does not constitute a change in placement as described in paragraph (1)(a) of this rule:

1. The IEP team members shall review the PBIP and its implementation to determine if changes are necessary.

2. If one or more of the IEP team members believe that revisions are needed, the IEP team shall revise the plan and its implementation to the extent the IEP team determines necessary.

(5) Free Appropriate Public Education for Students with Disabilities who are Suspended or Expelled.

(a) A school district is not required to provide services to a student with a disability during short-term removals totaling ten (10) school days or less in a school year if services are not provided to students without disabilities during such removals.

(b) A school district must provide a free appropriate public education (FAPE) to a student with a disability, consistent with the requirements of this rule, beginning on the eleventh cumulative school day of removal in a school year.

(c) A school district must provide services to a student with a disability who has been removed for more than ten (10) school days in a school year to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the student's IEP.

(d) If the removal is for not more than ten (10) consecutive school days in a school year and is not considered a change in placement, consistent with paragraph (1)(a) of this rule, school personnel, in consultation with the student's special education teacher, shall determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the student's IEP goals. If the removal is due to behavior that was determined not to be a manifestation of the student's disability, the IEP team shall determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the student's IEP goals.

(6) Interim Alternative Educational Setting (IAES).

(a) The IEP team determines the IAES, unless it is determined by an administrative law judge in accordance with paragraph (8)(a) of this rule.

1. The IAES must be selected so as to enable the student to continue to progress in the general curriculum and to continue to receive services, accommodations, and modifications, including those described in the student's current IEP, that will enable the student to meet IEP goals.

2. The IAES must include services, accommodations, and modifications to address the behavior that resulted in the change of placement and that are designed to prevent the misconduct from recurring.

(b) School personnel may place a student in an IAES without the consent of the parent for the same amount of time a student without a disability would be placed, but for not more than forty-five (45) calendar days. Such a placement can only occur if the student:

1. Carries a weapon or firearm to school or to a school function, or

2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

(c) School personnel must notify the parent of an IAES placement decision and provide the parent with a copy of the notice of procedural safeguards, consistent with Rule 6A-6.03311, FAC., on the day the placement decision is made.

(7) Expedited Hearing.

(a) An expedited hearing may be requested:

1. By the student's parent if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge regarding a change in placement under this rule.

2. By the school district if the school district demonstrates by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others (prior to removal to an interim alternative education setting) during the pendency of a due process hearing or an appeal as prescribed in subsection (12) of Rule 6A-6.03311, FAC.

(b) School district personnel may seek subsequent expedited hearings for alternative placements if after the initial forty-five (45) day term has expired, the district maintains the student's behavior is dangerous and still likely to result in injury to the student or others.

(c) The decision of the administrative law judge rendered in an expedited hearing may be appealed by bringing a civil action in federal district or state circuit court, as provided in Section 230.23(4)(m)5., Florida Statutes or by requesting an impartial review by the appropriate district court of appeal as provided by Sections 120.68 and 230.23(4)(m)5., Florida Statutes.

(8) Authority of an administrative law judge.

(a) An administrative law judge may order a change in the placement of a student with a disability to an appropriate interim alternative or another educational setting for not more than forty-five (45) calendar days if the administrative law judge, in an expedited due process hearing:

1. Determines that the school district has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or others;

2. Considers the appropriateness of the student's current placement;

3. Considers whether the school district has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and

4. Determines that the interim alternative educational setting (IAES) that is proposed by school personnel who have consulted with the student's special education teacher meets the requirements of subparagraphs (6)(a)1.-2. of this rule.

(b) In reviewing a decision with respect to the manifestation determination, the administrative law judge shall determine whether the school district has demonstrated that the student's behavior was not a manifestation of the student's disability consistent with the requirements of subsection (3) of this rule.

(c) In reviewing a decision to place a student in an IAES, the administrative law judge shall apply the requirements of subsection (6) of this rule.

(9) Student's Placement During Proceedings.

(a) If a parent requests a hearing or an appeal to challenge an IAES placement, the manifestation determination or disciplinary action resulting from the student's involvement with a weapon, illegal drug, controlled substance, or dangerous behavior, the student must remain in the IAES pending the decision of the administrative law judge or until the expiration of the forty-five (45) day time period, whichever occurs first, unless the parent and the school district agree otherwise.

(b) If the school district proposes to change the student's placement after expiration of the forty-five day period of the IAES placement, and the parent challenges that proposed change of placement, the student must return to his or her placement prior to the IAES, except as provided in paragraph (7)(b) of this rule.

(c) In accordance with Rule 6A-6.03311(12)(d), FAC., and Section 230.23(4)(m)5, Florida Statutes, except as specified in paragraphs (9)(a)-(b) of this rule, if the parent's request for a hearing is to challenge a manifestation determination, the student must remain in the present educational placement, unless the parent of the student and the district agree otherwise.

(10) Protections for Students not Yet Eligible for Specially Designed Instruction and Related Services. A regular education student who is the subject of disciplinary actions

may assert any of the protections afforded to a student with a disability if the school district had knowledge of his or her disability before the misbehavior occurred for which the disciplinary action is being taken.

(a) Basis of knowledge. A school district is determined to have knowledge that a student may have a disability if:

1. The parent has expressed concerns in writing or orally if unable to write, to school district personnel that the student needs special education and related services;

2. The behavior or performance of the student demonstrates the need for special education;

3. The parent has requested an evaluation to determine a need for possible specially designed instruction; or

4. The teacher of the student or other school district personnel have expressed concern about the student's behavior or performance to the special education director or to other appropriate school district personnel in accordance with the district's child find or special education referral system.

(b) Exception. A school district would not be deemed to have knowledge if, as a result of receiving the information specified in paragraph (10)(a) of this rule, the school district:

1. Conducted an evaluation and determined that the student was not a student with a disability; or

2. Determined that an evaluation was not necessary; and

3. Provided notice to the student's parents of the determination that the student was not a student with a disability as required by Rule 6A-6.03311, FAC.

(c) Conditions that Apply if No Basis of Knowledge.

1. If there is no basis of knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a student without a disability.

2. If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. After considering the evaluation results and information provided by the parents, if the student is determined to be a student with a disability, the school district shall provide special education and related services consistent with the requirements of subsection (5) of this rule.

(11) Student Records in Disciplinary Procedures. School districts shall ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of Section 228.093, Florida Statutes, and Rule 6A-1.0955, FAC.;

(a) For consideration by the person making the final determination regarding the disciplinary action, and

(b) For consideration by the appropriate authorities to whom school districts report crimes.

(12) Disciplinary Records of Students with Disabilities. School districts shall include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with the student records of nondisabled students.

(a) The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

(b) If the student transfers from one school to another, the transmission of any of the student's records must include both the student's current individualized educational plan (IEP) and any statement of current or previous disciplinary action that has been taken against the student.

Specific Authority 229.053(1), 230.23(4)(m)5., 232.26(1)-(4) FS. Law Implemented 232.26(1).(4), 228.041(18).(19), 230.23(4)(m)5., 229.565(2)(b) FS., P.L. 105-17, 20 USC 1401, 1414, and 1415. History—New

6A-6.03313 Procedural Safeguards for Students Who are Gifted.

Providing parents with information regarding their rights under this rule is critical to ensuring that they have the opportunity to be partners in the decisions regarding their children. It is also critical that local school boards provide information on these rights to appropriate district and school personnel so that the needs of the student can be identified and appropriately met. The school district policy and procedures for procedural safeguards shall be set forth in accordance with Rule 6A-6.03411, FAC., and shall include adequate provisions for the following:

(1) Prior notice. Parents shall be provided prior written notice a reasonable time before any proposal or refusal to initiate or change the identification, evaluation or educational placement of the student or the provision of a free appropriate public education to the student.

(a) The prior notice to the parents shall be written in language understandable to the general public; and shall be in the language or other mode of communication commonly used by the parent unless such communication is clearly not feasible.

(b) If the parents' mode of communication is not a written language, the school district shall ensure:

1. That the notice is translated to the parents in their native language or mode of communication;

2. That the parents understand the content of the notice; and

3. That there is written documentation that the requirements of subparagraphs (1)(b)1. and 2. of this rule have been met.

(c) The notice to the parents shall include:

1. A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any options the district considered and the reasons why those options were rejected;

2. A description of each evaluation procedure, test, record, or report the district used as a basis for the proposal or refusal; and

3. A description of any other factors relevant to the district's proposal or refusal; and

4. Information on how the parent can obtain a copy of the procedural safeguards.

(2) Content and Provision of the Procedural Safeguards Notice to Parents.

(a) The content of the procedural safeguard notice must inform the parent of all provisions included in this rule.

(b) A copy of the procedural safeguards notice must be available to the parents of a child who is gifted, but must be given to the parents, at a minimum:

1. Upon initial referral for evaluation; and,

2. Upon refusal of a parent's request to conduct an initial evaluation; and

3. Upon receipt of a request for a due process hearing in accordance with subsection (7) of this rule.

(3) Informed parental consent.

(a) Parents shall be fully informed of all information relevant to the action for which consent is sought in their native language or other mode of communication unless such communication is clearly not feasible.

(b) Written parental consent shall be obtained prior to formal, individual evaluation to determine eligibility for special programs for students who are gifted and prior to initial provision of services to students who are gifted.

(c) School districts shall document the attempts to secure consent from the parent as required by paragraph (3)(b) of this rule.

(d) Parental consent is voluntary and may be revoked before the action occurs.

(e) Except for formal, individual evaluation and the initial provision of services to the student, consent may not be required as a condition of any benefit to the parent or child. Any proposal or refusal to initiate or change the identification, evaluation, or educational placement or the provision of a free appropriate public education to the student after the initial placement is not subject to parental consent but is subject to prior notice as defined by subsection (1) of this rule.

(f) Parental consent is not required before:

1. Reviewing existing data as part of an evaluation; or,

2. Administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all children.

(4) Opportunity to examine records and participate in meetings.

(a) The parents of students who are gifted shall be afforded, in accordance with Rule 6A-1.0955, FAC., Section 228.093, Florida Statutes, and this rule, an opportunity to inspect and review their child's educational records.

(b) The right to inspect and review education records under this rule includes the right to have a representative of the parent inspect and review the records.

(c) The parents of a student who is gifted must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, educational placement of their children or the provision of a free appropriate public education to their child.

(5) Parent initiated evaluations. If the parent obtains an independent evaluation at private expense which meets the requirements of Rule 6A-6.0331(1), FAC., the results of the evaluation must be considered by the school district in any decision made with the respect to the determination of eligibility for exceptional student education services.

(6) State Complaint Procedures. The Department of Education shall provide parents and other interested persons the opportunity to resolve allegations that a school district has violated state requirements regarding the education of students who are gifted through the establishment of state complaint procedures.

(a) The Department of Education's complaint procedures shall establish a time limit of ninety (90) calendar days after a complaint is filed under the provisions of this rule, to do the following:

1. Carry out an independent on-site investigation, if the Department of Education determines that to be necessary;

2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;

3. Review all relevant information and make an independent determination as to whether the school district is violating a state requirement regarding the education of students who are gifted;

4. Issue a written decision on the complaint that addresses each issue presented in the complaint and contains findings of fact, conclusions, and the reason(s) for the Department of Education's final decision; and

5. Extend the time limit established in paragraph (6)(a) of this rule if exceptional circumstances exist with respect to a particular complaint.

(b) Procedures for the effective implementation of the Department of Education's final decision include the following:

1. Technical assistance activities;

2. Negotiations; and,

3. Corrective actions to achieve compliance.

(c) Relationship to due process hearings.

1. If a written complaint is received that is also the subject of a due process hearing requested pursuant to subsection (7) of this rule, or the complaint contains multiple issues, of which one or more are part of that hearing, the Department of Education is required to set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved in compliance with the procedures described in paragraph (6)(a) of this rule.

2. If an issue is raised in a complaint filed under this subsection that has previously been decided in a due process hearing involving the same parties, the administrative law judge's final order is binding and the Department of Education is required to inform the complainant to that effect.

3. The Department of Education is required to resolve any complaint which alleges that a school district has failed to implement a due process hearing decision.

(7) Due process hearings.

(a) Such hearings may be initiated by a parent or a school district on the proposal or refusal to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.

(b) A hearing shall be conducted by an administrative law judge from the Division of Administrative Hearings, Department of Management Services.

(c) An administrative law judge (ALJ) shall use subsection (7) of this rule for any such hearings and shall conduct such hearings in accordance with the Uniform Rules for Administrative Proceedings, Chapter 28-106, FAC., as deemed appropriate by the ALJ including, but not limited to: the authority of a party to request a pre-hearing conference, the authority of the ALJ to issue subpoenas to compel the attendance of witnesses and the production of records, and the authority of the ALJ to issue summary rulings in absence of a disputed issue of material fact.

(d) Status of student during proceedings.

1. During the time that an administrative or judicial proceeding regarding a due process hearing is pending, unless the district and the parent of the student agree otherwise, the student involved in the due process hearing must remain in the present educational assignment. If the due process hearing involves an application for an initial admission to public school, the student, with the consent of the parent, must be placed in a public school program until the completion of all proceedings.

2. If the administrative law judge agrees with the parent and finds that a change of placement is appropriate, that placement becomes the agreed-upon placement during the pendency of the appeal.

(e) Hearing rights of parents. Parents involved in hearings must be given the right:

1. To have their child who is the subject of the hearing present;

2. To open the hearing to the public; and

3. To receive a copy of the record of the hearing and the findings of fact and decisions described in subparagraphs (7)(i)11.-12. of this rule at no cost to the parent.

(f) Hearing rights for all parties.

1. Any party to a hearing conducted pursuant to subsection (7) of this has a right:

a. To be accompanied and advised by counsel and by individuals with special knowledge or training with respect to students who are gifted;

b. To present evidence, and to confront, cross-examine, and compel the attendance of witnesses;

c. To prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five (5) business days before the hearing;

d. To obtain written or electronic verbatim records of the hearing; and

e. To obtain written or electronic findings of fact and decisions.

2. Additional disclosure of information.

a. At least five (5) business days prior to a hearing conducted pursuant to subsection (7) of this rule, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.

b. An administrative law judge may bar any party that fails to comply with subparagraph (7)(f)2. of this rule from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

(g) Duties and responsibilities of the superintendent or designee shall include:

1. Implementing procedures that require the parent of a child who is gifted or the attorney representing the child, to provide notice (which must remain confidential) to the school district. The notice required must include: the name of the child; the address of the residence of the child; the name of the school the child is attending; a description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and, a proposed resolution of the problem to the extent known and available to the parents at the time. However, the school district may not deny or delay a parent's right to a due process hearing for failure to provide this notice.

2. Immediately notifying the Division of Administrative Hearings by both facsimile transmission and mail of the parent's request for a hearing;

3. Notifying all parties regarding their rights and responsibilities before, during, and after the hearing. This notice should include information to the parent of any free or low cost legal and other relevant services, which are available, if the parent requests this information or if the parent or school district initiates a hearing.

4. Making appropriate arrangements for an interpreter, if the administrative law judge determines this to be a need;

5. Complying with the administrative law judge's rulings regarding requests for and exchanges of evidence; discovery; the filing of motions and, scheduling, so as to meet the requirements of this rule, and the deadlines established herein.

6. Arranging for clerical assistance, cost of the hearing, availability of facilities, and a verbatim transcript of the hearing;

7. Completing other responsibilities specified by the school board.

(h) Duties and responsibilities of the Department of Education shall include:

1. Maintaining a list of persons who serve as administrative law judges including a statement of the qualifications of each of these persons; and,

2. Maintaining a listing of the final orders of such hearings and providing this information to the public upon request.

(i) Duties and responsibilities of an administrative law judge shall be:

1. To determine the date, time, and location of the hearing and any pre-hearing conference calls and motion hearings. Each hearing involving oral arguments must be conducted at a time and place that is reasonably convenient to the parents and their child;

2. To conduct the hearing in a fair and impartial manner;

3. To ensure that all discovery, motion practice, and pre-trial procedures are conducted in an expedited manner, consistent with the deadlines established by this rule concerning the exchange of evidence and the issuance of the final decision.

4. To determine if the parent wants an electronic or written copy of the final decision and the administrative record of the hearing;

5. To determine whether the parent wants the hearing open to the public and whether the parent wants their child to attend the hearing;

6. To determine whether an interpreter is required for the proceeding;

7. To determine whether the parent's advisor or counsel is sufficiently knowledgeable about or trained regarding students who are identified as gifted;

8. To determine how evidence may be exchanged prior to and during the hearing;

9. To determine how witnesses may be compelled to attend, be cross-examined, and confronted during discovery and at the hearing;

10. To determine how evaluations and recommendations may be disclosed prior to and during a hearing;

11. To summarize the facts and findings of the case and to arrive at an impartial decision based solely on information presented during the hearing;

12. To reach a final decision and mail to all parties copies of the facts, findings and decision regarding the hearing within forty-five (45) days of the district's receipt of the parent's request or the filing of the district's request for a hearing, whichever is sooner;

13. To be accountable for all deadlines and procedures established by the statutes and rules for such hearings;

14. To maintain the confidentiality of all information; and

15. To rule on requests for specific extensions of time beyond the periods set forth in subsection (7) of this rule, at the request of either party.

(j) Review of Final Order. Any party aggrieved by the administrative law judge's final order shall have the right to request an impartial review by the appropriate district court of appeal as provided by Sections 120.68 and 230.23(4)(m)5., Florida Statutes.

Specific Authority 229.053(1), 230.23(4)(m)5., FS. Law Implemented 228.041(18),(19), 230.23(4)(m)5., 229.565 FS. History—New _____.

6A-6.03411 Policies for the Provision of Specially Designed Instruction and Related Services for Exceptional Students ~~Special Programs and Procedures for Exceptional Students.~~

This rule shall apply beginning with the ~~proposed special programs and procedures documents submitted for the 2001-02 1985-86 school year and thereafter, in accordance with Section 230.23(4)(m)4., Florida Statutes, as referenced in Rule 6A-6.03411(5), FAC.~~ For a school district or agency to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students under contract to the Department to utilize the cost factors for special programs for exceptional students to generate funds it shall: develop a written statement of policies ~~procedures~~ for providing an appropriate program of specially designed special instruction and related services, as required by Section 230.23(4)(m), Florida Statutes; submit its written statement of ~~special programs and procedures~~ to the designated office in the Department of Education; and report Deputy Commissioner for Educational Programs for approval; and report to the Deputy Commissioner for Educational Programs, the total number of students in the district receiving instruction in each special program for exceptional students in the manner prescribed by the Department. Applicable state statutes, State Board Rules, and federal laws and regulations relating to the provision of specially designed instruction and related services

~~to exceptional students special programs for exceptional students shall serve as criteria for the review and approval of the special programs and procedures documents. This document is intended to provide district and school-based personnel, parents of exceptional students, and other interested persons information regarding the implementation of the state's and local school board's policies regarding exceptional student education programs.~~ The document shall be submitted in accordance with timelines required by the Department division of public schools for approval prior to the 1985-86 school year and each subsequent year, and shall include, but not be limited to, the requirements of subsections (2) and (3) of this rule, following:

(1) Definitions.

(a) Exceptional Student Education (ESE). ESE refers to the specially designed instruction to meet the unique needs of exceptional students.

(b) Special education. Special education refers to the specially designed instruction and related services provided, at no cost to the parents, to meet the unique needs of students with disabilities. Special education includes instruction in the classroom, the home, in hospitals and institutions, and in other settings.

(c) Free Appropriate Public Education (FAPE). FAPE refers to special education and related services that:

1. Are provided at public expense under the supervision and direction of the local school board without charge;

2. Meet the standards of the Department of Education;

3. Include preschool, elementary, or secondary programs in the state; and

4. Are provided in conformity with an individual educational plan (IEP) for students with disabilities that meet the requirements of Rule 6A-6.03028, FAC., or an educational plan (EP) for students who are gifted that meet the requirements of Rule 6A-6.030191, FAC.

(d) Screening is the process by which a rapid assessment is made to identify students who may need a formal evaluation.

(e) Prereferral activities. Prereferral activities are those activities which address students' academic, social or emotional needs in the regular education classroom environment prior to referral for a formal evaluation to determine eligibility for specially designed instruction or as required by Rules 6A-6.03011 through 6A-6.03027, FAC.

(f) Referral. Referral is the process whereby a written request is made for a formal evaluation of students who are suspected of needed specially designed instruction and related services.

(g) Student evaluation. Student evaluation is the systematic examination of all areas related to the student's needs, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic and classroom performance, communicative status, and motor abilities.

(h) Dismissal. Dismissal is the process whereby a student is determined to no longer be in need of exceptional student education.

(2)(4) Provision for Specially Designed Instruction and Related Services Special Programs. Specially designed instruction is Special programs are required for each type of exceptional student and may be provided directly, in cooperation with other school districts or agencies, or through contractual arrangements with private nonpublic schools.

(3)(2) General Procedures. General procedures shall be implemented in accordance with Rule 6A-6.0331, FAC.

(a) Procedures for placement in the least restrictive environment. Procedures for placement determination shall include: shall ensure that segregation of exceptional students occurs only when the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily and shall show a continuum of alternative placements consistent with Rule 6A-6.0311, FAC.

1. To the maximum extent appropriate, students with disabilities in public or private institutions or other facilities, are educated with students who are not disabled;

2. Special classes, separate schooling or other removal of exceptional students from regular education occurs only if the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aides and services cannot be achieved satisfactorily; and

3. A continuum of alternative placements is provided for exceptional students consistent with subsection (1) of Rule 6A-6.0311, FAC.

(b) Procedures for screening. Screening is that process by which a rapid assessment is made to identify candidates for formal evaluation. Minimum requirements are:

1. Screening for vision and hearing problems shall be in accordance with the school district's school health plan.

2. Speech, language, hearing, and vision screening shall be required prior to considering the eligibility of a student for special education any special program except gifted, occupational or physical therapy, and homebound or hospitalized.

(c) Procedures for prereferral activities. Prereferral activities may include the use of an academic improvement plan as required by Section 232.245(3), Florida Statutes are those activities which address student learning problems at the school level prior to referral, whenever appropriate, or as required by Rules 6A-6.03011 through 6A-6.03031, FAC.

(d) Procedures for referral. Referral is the process whereby a written request is made for a formal evaluation of students who are suspected of needing special programs.

(e) Procedures for student evaluation shall be implemented in accordance with the requirements of subsections (1) and (3) of Rule 6A-6.0331, FAC. Student evaluation is the systematic

examination of the medical, physical, psychological, social, or educational characteristics of the student by evaluation specialists.

(f) Procedures for determining eligibility. Procedures for determining eligibility shall include: Determining eligibility is the process in accordance with Rule 6A-6.0331(2),(3), FAC., whereby professionals review student data to determine whether or not the student meets the criteria for eligibility for a special program.

1. Determining eligibility for students with disabilities, in accordance with subsection (2) of Rule 6A-6.0331, FAC., whereby the staffing committee determines that the student has a disability, in accordance with eligibility criteria specified in Rules 6A-6.03011 through 6A-6.03018, FAC., Rules 6A-03020 through 6A-6.03027, FAC., and Rules 6A-6.03030 through 6A-6.03031, FAC., and needs specially designed instruction and related services.

2. Determining eligibility for students who are gifted, in accordance with subsection (2) of Rule 6A-6.0331, FAC., whereby the staffing committee determines that the student is gifted in accordance with eligibility criteria specified in Rule 6A-6.03019, FAC., and needs specially designed instruction.

3. Establishing a timeline for the completion of activities from the date the student was referred for evaluation to the date of determination of the student's eligibility for exceptional student education programs.

(g) Procedures for providing an individual educational plan (IEP), educational plan (EP), or family support plan family support plan, in accordance with Rules 6A-6.03028, 6A-6.030191, and 6A-6.03029, FAC.

(h) Procedures for temporary assignment of transferring exceptional students, in accordance with Rule 6A-6.0334, FAC.

(i) Procedures for reevaluation of students with disabilities in accordance with the requirements of subsection (4) of Rule 6A-6.0331, FAC. Reevaluation is the process whereby information about a student is gathered and reviewed to the need for continuation in the special program. The following steps are required:

1. An evaluation specialist and an exceptional student teacher shall examine available information in all areas addressed in the initial evaluation or in subsequent re-evaluations of the student and shall make the appropriate referral(s) for one or more formal evaluations based on their examination and the requirements of Rules 6A-6.03011 through 6A-6.03031, FAC. When necessary, another member of the instructional or supervisory staff may substitute for the exceptional student teacher.

2. A meeting of the individual educational plan committee or the staffing committee shall be convened to review all available information about the student including reports from the additional evaluations, and to consider the need for continuation in the special program. If the student is to

continue in the special program(s), the student's individual educational plan or family support plan shall be reviewed in accordance with Rules 6A-6.03028 and 6A-6.03029, FAC.

3. If the re-evaluation indicates that the special program is no longer needed or that program changes may be warranted, the applicable dismissal or eligibility staffing procedures shall be followed.

(j) Procedures for participation of students with disabilities in statewide assessment, as required by Section 229.57(3), Florida Statutes, including alternate assessment, in accordance with Rule 6A-1.0943, FAC.

(k)(j) Procedures for dismissal. Dismissal is the process whereby a student is removed from a special program.

(k) Procedures for procedural safeguards for exceptional students, in accordance with Rule 6A-6.03311, FAC.

(l) Procedures for procedural safeguards, in accordance with Rules 6A-6.03311, 6A-6.03032, and 6A-6.03313, FAC.

(m) Procedures for the transfer of rights for students with disabilities, in accordance with subsection (11) of Rule 6A-6.03311, FAC.

(n) Procedures for the provision of specially designed instruction and related services to students with disabilities enrolled in private schools by their parents.

1. School districts shall provide parents of students with disabilities enrolled in private schools information regarding the availability of specially designed instruction and related services from the local school board consistent with the provisions of 300.450-300.455 of Chapter 34 of the Code of Federal Regulations.

2. The location of any specially designed instruction and related services provided to these students shall be consistent with the requirements of 300.456 of Chapter 34 of the Code of Federal Regulations, determined as a component of the service plan, and made in consultation with the parents and the participating private school. The determination of location shall be made after consideration of the needs of the student, the scheduling of the services to minimize disruption of instruction and the associated costs to the school board.

3. Specially designed instruction provided by the local school board to these students shall be consistent with the student's service plan, as required by Rule 6A-6.03191, FAC., and Chapter 6A-6, FAC.

(o) Procedures for information and services to parents of students with disabilities eligible for opportunity scholarships and participating private schools, in accordance with Section 229.0537, Florida Statutes. The Department of Education shall provide information and assistance to private schools regarding the identification and provision of special services to participating students and the creation of a fee schedule for these services. The Department of Education shall also provide parents of students with disabilities eligible for opportunity

scholarships information on the availability of specially designed instruction and related services from the local school board. School districts shall:

1. Include representatives from participating private schools in determining the specially designed instruction and related services that will continue to be available to participating students with disabilities.

2. Provide parents of students with disabilities eligible for opportunity scholarships information on the availability of special education and related services from the local school board.

3. Determine the location of the special education and related services consistent with subparagraph (2)(n)2. of this rule. Special education services provided by the local school board to students with disabilities participating in the opportunity scholarship program shall be consistent with the student's services plan and Rule 6A-6.030191, FAC.

4. Expenditure of federal funds for services provided to these students shall be made in accordance with 300.453 of Chapter 34 of the Code of Federal Regulations.

(p)(j) Plan for evaluation of the special exceptional student education programs- which shall include those areas identified by the Department of Education's monitoring activities.

(q) Provision of training to district and school-based administrators regarding the provision of specially designed instruction and related services to exceptional students.

(r) Discipline procedures for students with disabilities in accordance with Rule 6A-6.03312, FAC.

(s) Provision of extended school year services to eligible students with disabilities.

(4)(3) Procedures for each special program, the delivery of specially designed instruction and related services to eligible exceptional students in accordance with Rules 6A-6.03011 through 6A-6.03027, FAC., and Rules 6A-6.03030 through 6A-6.03031, FAC., including:

(a) Criteria for eligibility.

(b) Any procedures for screening, referral, student evaluation, determination of eligibility, development of the individual educational plan, educational plan, or family support plan, reevaluation, or dismissal which are different from or in addition to the procedures in the general section.

(c) Instructional program—Philosophy to include philosophy, curriculum, and instructional support.

(5)(4) Assurances. Assurances of the district school board or agency for meeting requirements for:

(a) Written agreements in accordance with Rule 6A-6.0311(3)(a)-(b), FAC.,

(b) Contractual arrangements with nonpublic schools in accordance with Rule 6A-6.0361, FAC.,

(c) Surrogate parents in accordance with Rule 6A-6.0333, FAC.

(d) Child find activities to include the identification, location, and evaluation of all children residing in the state, including children with disabilities attending private schools, regardless of the severity of their disability, who are in need of specially designed instruction and related services. These procedures apply to highly mobile children with disabilities (such as migrant or homeless children) and children suspected of having a disability and in need of specially designed instruction even though they are advancing from grade to grade. Discipline in accordance with Rule 6A-6.0331(6), FAC.

(e) Confidentiality of student records in accordance with Section 228.093, Florida Statutes and Rule 6A-1.0955, FAC.

(f) Transition of children with disabilities from an early intervention program for infants and toddlers with disabilities to specially designed instruction and related services provided by the school district.

(g) Specially designed instruction and related services provided to students with disabilities enrolled in private schools by the school board in consultation with the students' parents and consistent with the requirements of Rule 6A-6.0361, FAC.

(h) Opportunity scholarships in accordance with Section 229.0537, Florida Statutes. The local school board or the private school who provides the special education and related services to participating students with disabilities shall receive the funding for these services as provided by Sections 236.025 and 229.0537(6), Florida Statutes.

~~(5) Form ESE 017, Special Programs and Procedures for Exceptional Students, effective September, 1985, is incorporated by reference and made a part of this rule. This form may be obtained from the Administrator of Information Services and Accountability, Division of Public Schools, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.~~

Specific Authority 229.053(1), 230.23(4)(m)4.,—236.081(1)(e) FS. Law Implemented 228.041(18),(19), 229.0537, 229.565(3)(b),(c), 230.23(4)(m)4., 236.081(1)(c) FS. History—New 11-18-84, Amended 10-1-85, Formerly 6A-6.3411, Amended 12-14-93, _____, c.f. PL 105-17 94-142, 20 USC S.1401 et seq., 34 C.F.R. Parts 76 and 300.

DEPARTMENT OF EDUCATION

State Board of Education

<p>RULE TITLES:</p> <p>Procedural Safeguards for Students with Disabilities Enrolled in Private Schools by Their Parents</p> <p>Development of Service Plans for Students with Disabilities Enrolled in Private School by their Parents and Provided with Specially Designed Instruction and Related Services by the Local School Board</p>	<p>RULE NOS.:</p> <p>6A-6.030192</p> <p>6A-6.030193</p>
--	--

PURPOSE AND EFFECT: The purpose of these new rules is to incorporate the revisions required for programs for students with disabilities by the amendments to the federal law, the Individuals with Disabilities Education Act, and its implementing regulations. The effect of these revisions will be consistency with the federal requirements in a more consumer-friendly manner.

SUBJECT AREA TO BE ADDRESSED: Federal requirements for programs for students with disabilities and state requirements for programs for students with disabilities enrolled in private schools by their parents.

SPECIFIC AUTHORITY: 229.053(1), 230.23(4)(m)4. FS.

LAW IMPLEMENTED: 228.041(18)(19), 229.0537, 229.565(3)(b)(c), 230.23(4)(m)4., 236.081(1)(c) FS.

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

TIMES AND DATE: 12:00 Noon – 3:00 p.m. and 4:00 p.m. – 7:00 p.m., October 30, 2001

PLACE: Duval County School Board Meeting Room, 1701 Prudential Drive, Jacksonville, FL

TIMES AND DATE: 12:00 Noon – 3:00 p.m. and 4:00 p.m. – 7:00 p.m., October 30, 2001

PLACE: Professional Development Academy of Collier County, 615 3rd Ave., South, Naples, Florida

TIMES AND DATE: 12:00 Noon – 3:00 p.m. and 4:00 p.m. – 7:00 p.m., November 5, 2001

PLACE: Nova Southeastern, East Campus, Alumni Hall, 3100 S. W. 9th Avenue, Ft. Lauderdale, Florida

TIMES AND DATE: 12:00 Noon – 3:00 p.m. and 4:00 p.m. – 7:00 p.m., November 6, 2001

PLACE: Nova Southeastern, 9503 Princess Palm Ave., Classroom 112, Tampa, Florida

TIMES AND DATE: 12:00 Noon – 3:00 p.m. and 4:00 p.m. – 7:00 p.m., November 9, 2001

PLACE: PAEC Conference Room, 753 West Boulevard, Chipley, FL

Any person requiring special accommodations to participate in any of the rule development workshops is asked to advise the Department of Education at least five working days prior to the workshop by contacting: Shan Goff, Chief, Bureau of Instructional Support and Community Services, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1570.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Shan Goff, Chief, Bureau of Instructional Support and Community Services, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1570

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.030192 Procedural Safeguards for Students with Disabilities Enrolled in Private Schools by Their Parents.

Providing parents, who have enrolled their children in private schools, and private school personnel with information regarding parents' rights under this rule is necessary so that that they have information regarding the school district services that continue to be available to their children.

(1) Prior notice. Parents shall be provided prior written notice a reasonable time before a school district proposes or refuses to initiate or change the identification, evaluation or educational placement of the student.

(a) The prior notice to the parents shall be written in language understandable to the general public and shall be in the native language or other mode of communication commonly used by the parents unless such communication is clearly not feasible to do so.

(b) If the parents' mode of communication is not a written language, the school district shall ensure:

1. That the notice is translated orally to the parents in their native language or mode of communication;

2. That the parents understand the content of the notice; and

3. That there is written documentation that the requirements of subparagraphs (1)(b)1. and (1)(b)2. of this rule have been met.

(c) The notice to the parents shall include:

1. A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any options the district considered and the reasons why those options were rejected;

2. A description of each evaluation procedure, test, record, or report the district used as a basis for the proposal or refusal;

3. A description of any other factors relevant to the district's proposal or refusal;

4. A statement that the parents of a child with a disability have protections under the procedural safeguards specified in this rule.

5. The means by which a copy of a description of the procedural safeguards can be obtained.

6. Sources for parents to contact to obtain assistance understanding their procedural safeguards specified in this rule.

(2) Informed parental consent.

(a) Parents shall be fully informed of all information relevant to the activity for which consent is sought in his or her native language or other mode of communication unless it is clearly not feasible to do so.

(b) Written parental consent shall be obtained prior to the school district conducting a formal, individual evaluation to determine eligibility for specially designed instruction and

related services, prior to initial provision of specially designed instruction and related services, and prior to conducting a reevaluation for students with disabilities except as provided in paragraph (2)(e) of this rule.

(c) School districts shall document the attempts to secure consent from the parent as required by paragraphs (2)(a)-(b) of this rule.

(d) Parental consent is voluntary and may be revoked at any time before the school district's action occurs.

(e) Parental consent is required for reevaluation except when the school district can demonstrate that it has taken reasonable measures, consistent with those described in subparagraph (3)(d) of Rule 6A-6.03028, FAC., to obtain that consent and the student's parents have failed to respond.

(3) Opportunity to examine records and participate in meetings.

(a) The parents of a child with a disability shall be afforded, in accordance with Rule 6A-1.0955, FAC., Section 228.093, Florida Statutes, and this rule, an opportunity to inspect and review their child's educational records maintained by the local school district.

(b) The right to inspect and review education records under this rule includes the right to have a representative of the parent inspect and review the records.

(c) The parents of a child with a disability must be afforded an opportunity to participate in meetings with school district personnel with respect to the identification, evaluation, educational placement of their child.

(4) Mediation. The Department of Education provides parents of children with disabilities and school district personnel the opportunity to resolve disputes involving any matter related to a proposal or refusal to initiate or change the identification, evaluation or educational placement of the student through a mediation process. This mediation process is described in subsection (5) of Rule 6A-6.03311, FAC.

(5) State Complaint Procedures. The Department of Education shall provide parents of a child with a disability, enrolled in a private school by their parents, and other interested persons, the opportunity to resolve allegations that a school district has failed to meet the requirements of Sections 300.451 through 300.462 of Title 34 of the Code of Federal Regulations. The Department of Education's complaint procedures are described at subsection (6) of Rule 6A-6.03311, FAC.

(6) Independent educational evaluation. The parents of a child with a disability, enrolled in a private school by their parents, has the right to an independent educational evaluation as described in subsection (7) of Rule 6A-6.03311, FAC.

(7) Due Process Hearings. Administrative due process hearings, as described in section (12) of Rule 6A-6.03311, FAC., are applicable if the parent of a child with a disability, enrolled in a private school by their parents, that the school district failed to comply with the requirements for the

identification and evaluation of students with disabilities as described in Sections 300.504 through 300.515 and 300.530 through 300.543 of Title 34 of the Code of Federal Regulations.

Specific Authority 229.053(1), 230.23(4)(m) FS. Law Implemented 228.041(18)(19), 230.23(4)(m)5. FS., P.L. 105-17, 20 USC 1414 and 1415. History—New

6A-6.030193 Development of Service Plans for Students with Disabilities Enrolled in Private School by their Parents and Provided with Specially Designed Instruction and Related Services by the Local School Board.

The provision of specially designed instruction and related services to eligible students with disabilities enrolled in private schools by their parents shall be consistent with the requirements of Rule 6A-6.03411(3)(n), Florida Administrative Code and as described in the district's Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students document. The provision of these services shall be consistent, to the extent appropriate, with the following requirements:

(1) Each school board shall establish procedures which shall provide for parents, guardians, surrogate parents or persons acting in loco parentis to participate in decisions concerning the services plan. Such procedures shall include the following:

(a) Each district shall take the following steps to ensure that one (1) or both of the parents of the student is present at each service plan meeting or is afforded the opportunity to participate at each meeting:

1. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

2. Scheduling the meeting at a mutually agreed on time and place.

(b) A written notice to the parent must indicate the purpose, time, location of the meeting, and who, by title or position, will be attending. The notice must also include a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child.

1. If transition services are provided to a student with a disability beginning at age 14, or younger, if determined appropriate by the service plan team, the notice must also indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student and indicate that the school district will invite the student.

2. If transition services are provided to a student with a disability, beginning at age 16, or younger, if determined appropriate by the service plan team, the notice must indicate that a purpose of the meeting is the consideration of needed transition services for the student, indicate that the school district will invite the student, and indicate any other agency that will be invited to send a representative.

(c) If neither parent can attend, the school district shall use other methods to ensure parent participation, including individual or conference telephone calls.

(d) A meeting may be conducted without a parent in attendance if the school district is unable to obtain the attendance of the parents. In this case, the district must have a record of its attempts to arrange a mutually agreed on time and place such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;

2. Copies of correspondence sent to the parents and any responses received; or

3. Detailed records of visits made to the parents home or place of employment and the results of those visits.

(e) The district shall take whatever action is necessary to ensure that the parent and the student beginning at age 14, understand the proceedings at a meeting, which may include arranging for an interpreter for parents and students who are deaf or whose native language is a language other than English.

(f) The district shall give the parent a copy of the service plan at no cost to the parent.

(g) The district shall ensure that a representative of the private school attends each service plan meeting. If the private school representative cannot attend, the district shall use other methods to ensure participation, including individual or conference calls.

(2) Service plan team participants. The service plan team shall include the following participants:

(a) The parents of the student in accordance with subsection (1) of this rule;

(b) At least one regular education teacher of the student from the private school;

(c) At least one special education teacher of the student;

(d) A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the school district. At the discretion of the school district, the student's special education teacher may be designated to also serve as the representative of the school district;

(e) An individual who can interpret the instructional implications of evaluation results who may be a member of the team as described in paragraphs (2)(b)-(d) of this rule;

(f) At the discretion of the parent, the private school, or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise of any individual shall be made by the party who invites the individual to be a member of the services plan team; and

(g) If transition services are to be provided, the student, beginning by the student's 14th birthday or younger if determined appropriate by the service plan team, when the purpose of the meeting is to consider the student's transition service needs. If the student does not attend, the school district and the private school shall take other steps to ensure that the student's preferences and interests are considered.

(h) If transition services are to be provided, a representative of any other agency that may be responsible for providing or paying for transition services, when the purpose of the service plan meeting is to consider transition services. If an agency invited to send a representative to a meeting does not do so, the school district shall take other steps to obtain the participation of the other agency in the planning of any transition services.

(3) Timelines. Timelines for service plans shall include the following:

(a) Each private school student with a disability who has been designated to receive specially designed instruction and related services from the school district shall have a service plan that describes the services to be provided. This service plan, which has been reviewed and, if appropriate, within the past year, must be in effect at the beginning of each school year for each eligible private school student with a disability.

(b) A service plan must developed within thirty (30) calendar days following the determination of eligibility and must be in effect before specially designed instruction and related services are provided.

(c) Meetings shall be held to develop, review and revise the service plan. A meeting shall be held at least once every twelve (12) months to review each services plan and, as appropriate, revise its provisions in accordance with all aspects of this rule.

(4) Considerations in service plan development, review, and revision for private school students with disabilities. The services plan team shall consider the following in development, review, and revision:

(a) The strengths of the student and the concerns of the parents for enhancing the education of their child;

(b) The results of the initial or most recent evaluation of the student;

(c) As appropriate, the results of the student's performance on any general state or district assessment;

(d) In the case of a student whose behavior impedes learning or the learning of others, if appropriate, strategies including positive behavioral interventions, and supports to address that behavior;

(e) In the case of a student with limited English proficiency, the language needs of the student as those needs relate to the student's service plan;

(f) In the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the service plan team determines, after an

evaluation of the student's reading and writing skills, needs (including future needs), and appropriate reading and writing media that instruction in Braille or the use of Braille is not appropriate for the student;

(g) The communication needs of the student, and in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode;

(h) Whether the student requires assistive technology devices and services. On a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or in other settings is required if the service plan team determines that the student needs access to those devices in order to receive a free appropriate public education; and

(5) Contents of the service plans for students with disabilities. Each district, in collaboration with the student's parents and private school personnel, shall develop a service plan for each student with a disability. The service plan for each student with a disability that is provided services from the school district must include:

(a) A statement of the student's present levels of educational performance including how the student's disability affects the student's involvement and progress in the general curriculum or for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(b) A statement of measurable annual goals, including benchmarks or short term objectives related to meeting the student's needs that result from the student's disability to enable the student to be involved and progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the child's other educational needs that result from the child's disability;

(c) A statement of the specially designed instruction and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; to be involved and progress in the general curriculum in accordance with paragraph (5)(a) of this rule; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this paragraph;

(d) An explanation of the extent, if any, to which the student will participate with nondisabled students in the regular class and in the activities described in paragraph (5)(c) of this rule;

(e) The projected date for the beginning of the services, accommodations and modifications described in paragraph (5)(c) of this rule and the anticipated frequency, location, and duration of those services;

(f) A statement of how the student's progress toward the annual goals will be measured and how the student's parents will be regularly informed (at least as often as parents are informed of their nondisabled children's progress) of the student's progress toward the annual goals and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year;

(g) If transition services are provided, the requirements of section (8) of Rule 6A-6.03028, FAC., regarding transition services must be met.

(h) Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of rights under Part B of the Individual with Disabilities Education Act that will transfer from the parent to the student on reaching the age of majority (eighteen years of age). These rights are described in subsection (11) of Rule 6A-6.03311, FAC.

(6) Review and revision of the service plan. The school district shall ensure that the service plan team:

(a) Reviews the student's service plan periodically, but not less than annually, to determine whether the annual goals for the student are being achieved; and

(b) Revise the service plan as appropriate to address:

1. Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate,

2. The results of any reevaluation conducted,

3. Information about the student provided to, or by, the parents, and

4. The student's anticipated needs or other matters.

5. Consideration of the factors described in subsection (4) of this rule.

(7) Service plan implementation. A service plan is in effect before specially designed instruction and related services are provided by the local school district to an eligible student and is implemented as soon as possible following the service plan meeting.

(a) The student's service plan shall be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation.

(b) Each teacher and provider described in subsection (2) of this rule shall be informed of specific responsibilities related to implementing the student's service plan and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the service plan.

Specific Authority 229.053(1), 230.23(4)(m) FS, Law Implemented 228.041(18)(19), 230.23(4)(m)5, 236.081(1)(c), 229.565(2)(b) FS., PL 105-17 (20 USC 1401, 1412, 1413, 1414, 1415). History-New

DEPARTMENT OF CORRECTIONS

RULE TITLE: Hobbycraft Programs

RULE NO.: 33-508.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide procedures for the operation of hobbycraft programs for inmates.

SUBJECT AREA TO BE ADDRESSED: Institutional mail.

SPECIFIC AUTHORITY: 944.09, 946.25 FS.

LAW IMPLEMENTED: 944.09, 946.25 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-508.101 Hobbycraft Programs.

(1) Definitions.

(a) Chief of Security – refers to the highest ranking correctional officer at a facility who is responsible for overseeing and coordinating the security operations of the unit.

(b) Education Supervisor – refers to the staff member at an institution who is responsible for oversight of all inmate programs therein.

(c) Hobbycraft – refers to a program which allows inmates to create arts and crafts by hand.

(d) Inmate Wellness Program – refers to the physical and passive activities designed to facilitate changes in behavior to improve health and quality of life for the inmate population.

(e) Inmate Welfare Trust Fund – refers to the fund held by the department for the benefit and welfare of inmates as provided by s. 945.21502, F.S.

(f) Program Center – refers to the administrative office of the program manager for education and transition.

(g) Program Manager – refers to the staff member responsible for education and transition programs in a department service center area.

(h) Wellness Education Specialist – refers to the institutional staff member responsible for the administration of the institution's inmate wellness program.

(i) Wellness Program Administrator – refers to the Office of Program Services staff member responsible for the overall administration of the department's inmate wellness program.

(2) Specific Procedures.

(a) Hobbycraft clubs shall be established at all major institutions.

(b) The wellness education specialist shall report directly to the education supervisor at the institution.

(c) The wellness education specialist shall be responsible for hobbycraft operation, to include:

1. Coordinating and supervising the program and ensuring that direct staff supervision is provided during operating hours;

2. Maintaining a list of current participants and inmate sign-in sheets;

3. Maintaining a waiting list of approved requests to participate;

4. Maintaining a project work file on each inmate enrolled in the program, to include the following:

a. Inmate personal property lists,

b. Classification print-out which determined eligibility,

c. Sign-in sheets,

d. Copies of the inmate bank trust fund special withdrawals and hobbycraft supplies orders, and

e. Copies of invoices for supplies received;

5. Reviewing and approving all raw materials or supplies ordered in conjunction with the chief of security and the assistant warden for programs;

6. Coordinating the receipt of tools and equipment with the chief of security;

7. Maintaining an inventory of all items and tool control directly or in conjunction with security staff;

8. Arranging for the donation or disposal of hobbycraft items; and

9. Completing an Inmate Personal Property List, Form DC6-224, when a participating inmate receives hobbycraft supplies or materials. Form DC6-224 is incorporated by reference in Rule 33-602.201, F.A.C.

(d) The wellness education specialist is authorized to designate correctional officers assigned to the wellness program to conduct the duties described in paragraph (2)(b) above.

(3) Criteria For Placement In Program.

(a) Inmates in general population will be allowed to participate in any hobbycraft activity available at the institution.

(b) Participating inmates must have a clear disciplinary record for the prior four month period.

(c) Inmates must have a satisfactory or above-satisfactory job assignment rating for a period of four months. If an inmate is unable to work due to valid reasons, such as medical or mental health appointments, court appearances, or transfers not based on disciplinary reasons, he will be given credit for meeting eligibility criteria.

(d) Any inmate found guilty of a disciplinary infraction will be removed from hobbycraft and will not be eligible for placement in the program or on the waiting list until six months from the time his disciplinary obligation has been met.

(e) Inmates in close management or death row status shall be authorized to participate in the cell-based hobbycraft activity of drawing, to include sketch pads, crayons, water-based markers, chalk pastels, or charcoal.

(f) Inmates in the youthful offender extended day program must be in Phase III of that program in order to participate in hobbycraft activities.

(4) Entrance Requirements.

(a) Inmate participation in the hobbycraft club is considered a privilege.

(b) An inmate desiring to participate in the program must submit an Inmate Request, Form DC6-236, to the wellness education specialist. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(c) The wellness education specialist shall submit the name of the inmate to the classification supervisor.

(d) The classification supervisor shall provide the wellness education specialist with a computer printout for determination of the inmate's eligibility for participation in the hobbycraft club. This printout will contain the eligibility information described in section (3) of this rule.

(e) If approved by the wellness education specialist, the wellness education specialist shall place the inmate's name on the active participation list or on the waiting list, depending on locker space availability, and shall notify the inmate in writing of that action on Form DC6-236.

(f) If disapproved, the wellness education specialist shall notify the inmate in writing, via Form DC6-236, that the inmate has been disapproved and provide the reason why he has been disapproved.

(g) Notification for approval or disapproval in hobbycraft shall be given to the inmate within ten days of the decision.

(h) The name of the inmate placed on the waiting list or approved for participation will be submitted by the wellness education specialist to health services in order to verify that the inmate is medically suitable to participate.

(5) Hobbycraft Clubs/Activities Established At Various Institutions.

(a) Inmates [except those described in paragraph (3)(e)] shall be permitted to participate in the following activities unless an exception is granted in accordance with paragraph (5)(b) below:

1. Sewing activities to include crocheting, knitting, needlepoint, macrame, quilting, doll-making, construction of doll-clothes, puppet-making, weaving, rug latching, hooking, and braiding.

2. Paper activities to include origami, kirigami, paper mache, and the construction of paper flowers/decorations and children's books.

3. Wood activities to include woodcarving, making toys or jewelry boxes, and popsicle/matchsticks/tooth pick projects.

4. Art activities to include drawing and sketching with pen/pencil, pastels, crayons, charcoal, water/oil paint; working with clay, creating sculpture, and calligraphy writing.

5. Horticulture to include the cultivation of bonsai plants and small flower-dishes.

6. Institutions which currently have ceramics, leatherwork, or woodcarving activities, shall be allowed to continue these activities. These institutions shall be authorized to support these activities with donated tools and equipment.

(a) Hobbycraft activities will be conducted in a location(s) designated by the warden.

(b) Participation in hobbycraft activities will not substitute for or conflict with job or program assignments.

(c) An hourly schedule for the hobbycraft program activities shall be established and posted in the close management posting areas and the inmate bulletin boards at each institution.

(6) Suspension/Loss of Hobbycraft Privileges.

(a) An inmate's hobbycraft privileges shall be subject to suspension or revocation due to concerns for the safety and security of the institution. This decision shall be made jointly with the warden and chief of security.

(b) An inmate's hobbycraft privileges shall be revoked due to:

1. Violation of department rules resulting in a finding of guilt at a disciplinary hearing.

2. Failure to actively participate in hobbycraft for at least fourteen days within a three month period determined by sign-in sheets, or

3. Determination that the inmate is operating tools or equipment in an unsafe manner, abusing the hobbycraft privilege, damaging tools or equipment, or misappropriating tools, equipment or supplies.

(c) An inmate's hobbycraft privileges shall be subject to temporary suspension for the following reasons.

1. The inmate is absent from the institution for more than six months for reasons beyond his control such as medical reasons or being out to court. In this case, the inmate will be removed from the program and placed on the top of the waiting list upon his return.

2. Inmates in hobbycraft who are transferred will be placed on the waiting list at the receiving institution. The wellness education specialist at the sending institution shall by e-mail notify the wellness education specialist at the receiving institution of the inmate's participation in hobbycraft.

(d) An inmate shall be allowed to appeal a decision to revoke or suspend hobbycraft privileges through the grievance process outlined in Chapter 33-103, F.A.C.

(7) Purchasing Supplies/Financial Responsibilities

(a) The inmate shall purchase materials, supplies, and kits utilized in the program. All inmates wishing to purchase materials or supplies must submit Form DC2-304, Special Withdrawal, and Form DC5-202, Hobbycraft Supplies Order Form, to the wellness education specialist. Form DC5-202 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 . Form DC2-304 is incorporated by reference in Rule 33-203.201, F.A.C.

(b) The wellness education specialist, in coordination with the chief of security, shall review the inmate's request against catalogs and vendor manuals to verify the authenticity of the materials and assess any security implications.

(c) The wellness education specialist shall submit for processing the completed DC2-304 and DC5-202 to the centralized inmate banking system section of the Bureau of Finance and Accounting in the financial service center.

(d) All materials and supplies must be purchased from vendors approved by the wellness education specialist and sent directly through the U.S. Mail or other approved commercial shipping services.

(e) An inmate shall not receive materials or hobbycraft supplies from other inmates, visitors, volunteers, employees, or organizations.

(8) Service Center Responsibilities.

(a) Once the service center receives the completed DC2-304 and DC5-202, the inmate bank accounting staff shall review the inmate's account to see if the inmate has sufficient funds to cover the cost.

(b) If there are sufficient funds, the funds will be withdrawn out of the inmate's bank account and the inmate will receive a withdrawal notification receipt from inmate bank system noting that funds were deducted from the inmate's bank account.

(c) In the case of an indigent inmate, if there are insufficient funds in the inmate's account to cover the cost of the materials and supplies, funds available will be withdrawn and a hobbycraft lien will be placed on the account for the difference.

(d) If an inmate has depleted the funds in the account prior to purchasing of the hobbycraft supplies, a hobbycraft lien will be placed on the account for the full amount.

(e) If at any time, an inmate receives sufficient funds to cover any part of the cost of the hobbycraft supplies, the hobbycraft lien will be removed or reduced. The funds will be

withdrawn out of the inmate's bank account and the inmate will receive a withdrawal notification receipt from the inmate bank system.

(9) Possession/Storage of Hobbycraft Materials.

(a) All tools and equipment utilized in hobbycraft will be the property of the Department.

(b) An inmate shall only be allowed to possess hobbycraft materials or supplies in quantities or sizes that can be stored in his assigned hobbycraft locker in the hobbycraft area. Hobbycraft tools or materials shall not be stored elsewhere.

(c) No personal property other than hobbycraft materials or supplies shall be maintained in these lockers.

(d) Inmates shall not store supplies or products for other inmates in hobbycraft lockers or personal housing lockers.

(10) Inventory/Searches.

(a) Tools will be maintained in accordance with current department tool and sensitive item control measures.

(b) The wellness education specialist shall maintain an Inmate Personal Property List, Form DC6-224, of the hobbycraft materials and supplies of each inmate participating in hobbycraft.

(c) Inmate hobbycraft lockers shall be subject to random search by wellness staff and security staff.

(11) Distribution of Completed Hobbycrafts. Inmates participating in hobbycraft will distribute completed hobbycraft projects either by mailing them to persons of their choice, excluding staff or relatives of staff, or by donating them to governmental agencies, schools or non-profit organizations. Completed hobbycraft projects may not be distributed to other inmate families or representatives.

(12) Toxic, Caustic or Flammable Materials.

(a) Toxic, caustic, or flammable materials will not be used by an inmate for any hobby craft program in any institution.

(b) All items used in the hobbycraft program will be maintained in accordance with current department tool and sensitive item control measures.

(13) Disposition.

(a) The Department will not be liable for lost, stolen, or damaged hobbycraft items.

(b) When an inmate is terminated from the program, his hobbycraft products will be disposed of in one of the following manners.

1. Completed items may be mailed home at the expense of the inmate;

2. Completed items may be donated to an agency or non-profit organization;

3. Materials and incomplete projects will be inventoried and boxed in accordance with Rule 33-602.201, F.A.C., and mailed out at the expense of the inmate;

4. The materials and incomplete projects may be donated to the department if the inmate is unable or unwilling to provide postage for mail-out;

5. Items may be discarded if determined by the wellness education specialist to be of no other use.

(c) Upon transfer to another institution, the materials will be inventoried and boxed in accordance with Rule 33-602.201, F.A.C., and either donated to the department or mailed home at the expense of the inmate.

Specific Authority 944.09, 946.25 FS. Law Implemented 944.09, 946.25 FS. History—New _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE Use of Inmates in Public Works RULE NO.: 33-601.202

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to restrict use of inmate labor in public works to those classified as minimum or community custody.

SUBJECT AREA TO BE ADDRESSED: Use of inmates in public works.

SPECIFIC AUTHORITY: 944.09, 946.40(1) FS.

LAW IMPLEMENTED: 944.09, 944.10(7), 946.002, 946.40(1) 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.202 Use of Inmates in Public Works.

(1) through (6) No change.

(7) Persons other than Department of Corrections employees may supervise minimum and ~~community medium~~ custody inmates under this rule only upon the approval of the warden or his designee.

(8) No change.

(9) The Department of Corrections is authorized to enter into agreements with any political subdivision to utilize close custody inmates:

(a) When there are unmet labor needs existing for political subdivisions and the institution is not able to provide minimum or ~~community medium~~ custody inmates and the type of work and work location is conducive to armed supervision of inmates;

(b) When there exists an emergency which requires more inmates than available from the minimum or ~~community medium~~ custody inmate institutional complement.

Specific Authority 944.09, 946.40(1) FS. Law Implemented 944.09, 944.10(7), 946.002, 946.40(1) FS. History—New 6-20-84, Formerly 33-3.17, Amended 2-27-86, 10-31-86, 1-28-98, 8-13-98, Formerly 33-3.017, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Use of Force
 RULE NO.: 33-602.210

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide for new equipment and forms and to delete obsolete language.

SUBJECT AREA TO BE ADDRESSED: Use of force.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.35 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.210 Use of Force.

(1) No change.

(2) Physical force shall be employed only as a last resort when it reasonably appears that other alternatives are not feasible to control the situation and will not be used solely in response to verbal abuse that does not rise to a level of a disturbance. When the use of force is justified, only that amount and type of force that reasonably appears necessary to accomplish the authorized objective shall be used. All authorized use of force incidents will be videotaped in their entirety, except that videotaping the administration of chemical agents is not required in non-spontaneous use of force incidents, i.e., for use on an inmate creating a disturbance in his or her cell when the officer is attempting to resolve the situation without extracting the inmate from the cell. Videotaping will be initiated after the final exposure to chemical agents if cell extraction or other uses of force are necessary. All spontaneous use of force incidents will be videotaped from the point the video camera operator arrives at the scene.

(3) through (4) No change.

(5) Where circumstances permit, the warden or duty warden will be consulted and give her or his permission prior to use of physical force. If circumstances do not permit prior approval, the warden or duty warden will be notified immediately following any use of force incident. Whenever force is authorized, the employee who was responsible for making the decision to use force pursuant to subsection (1) shall prepare, date and sign the Authorization ~~F~~for Use of Force Report, Form DC6-232 either during, or immediately after, the tour of duty when force was used. Form DC6-232 is

~~hereby incorporated by reference in subsection (18) of this rule. Copies of this form may be obtained from any institution or from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of this form is 2-7-00.~~

(6) Whenever force is used, a detailed written report of force used shall be prepared, dated and signed by the initial employee using force. Form DC6-230, Institutions Report of Force Used, shall be used for this purpose. If more than one employee was involved in the initial use of force, the highest ranking official involved or the most senior employee shall complete the report. Each additional employee involved in the use of force who agrees with the facts and circumstances as reported on Form DC6-230 part I shall prepare an Institutions Report of Force Used Staff Supplement, Form DC6-231. The report shall describe in detail the type and amount of force used by himself or herself. Each employee shall individually write his or her own report, then submit the completed report to the clerical personnel designated by the warden to type all the reports onto one form to be signed by each employee. Any additional employee who does not agree with the facts and circumstances as reported in Form DC6-230 part I shall prepare a separate Form DC6-230, Institutions Report of Force Used. Forms DC6-230 and DC6-231 are ~~hereby incorporated by reference in subsection (18) of this rule. Copies of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of these forms is 2-7-00.~~

(7) The Authorization ~~F~~for Use of Force Report and the Institutions Report of Force Used shall be completed by those staff involved either during or immediately after the tour of duty when force was used. If an emergency arises, the warden may authorize the employee to complete the reports immediately upon his return on the next calendar day. Barring such an emergency, all reports must be typed and submitted to the warden or assistant warden within 1 working day (Monday through Friday) following the incident.

(8) The warden or assistant warden shall immediately conduct a preliminary review of the video tape(s) and all associated reports for signs of excessive force or procedural deviation. If signs of excessive force or procedural deviation are noted by the warden or institutional inspector, she or he will notify the Office of the Inspector General directly, so that there is no undue delay in initiating an investigation. The warden shall then appoint a staff member of equal or higher rank than those involved in the use of force to collect all pertinent information. This information will include statements from all involved staff, inmates and staff and inmate witnesses.

This process will be completed within 5 working days (Monday through Friday). The warden shall review the information and note any inappropriate actions. The warden shall complete the Use of Force File Checklist, Form DC1-813, and shall forward the videotape(s) and associated reports on the use of force and the warden's summary to the institutional inspector within five working days. Form DC1-813 is incorporated by reference in subsection (18) of this rule. The institutional inspector will review the videotape(s) and associated documentation to ensure that all documentation is complete and will forward all materials to the Use of Force Unit within the Office of the Inspector General (OIG) within 5 working days. The OIG, following its review, will either approve the use of force action or disapprove it. If necessary, and refer it will be referred for investigation before final approval or disapproval. Copies of the employee's report, the warden's summary and the inspector general's review and determination shall be kept in the inmate's file. A Use of Force Log, Form DC2-802, shall be placed in every employee's personnel file. This form will be maintained by the servicing personnel office and shall contain a record of every report of use of force and staff supplement completed by the employee. The warden institutional inspector shall be responsible for submitting accurate information to the personnel office in order to maintain the DC2-802. Any use of force reports completed prior to April 15, 1998 shall also remain in the file. Form DC2-802, Use of Force Log, is ~~hereby~~ incorporated by reference in subsection (18) of this rule. ~~Copies of this form can be obtained 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 stamped envelope. The effective date of this form is 2-7-00.~~

(9) Any employee who witnesses, or has reasonable cause to suspect, that an inmate has been unlawfully abused shall immediately prepare, date and sign an ~~Incident Report~~, Form DC6-210, pursuant to Section 944.35(5), ~~Florida Statutes~~, specifically describing the nature of the force used, the location and time of the incident and the persons involved. The report shall be delivered to the inspector general of the department with a copy delivered to the warden of the institution. The inspector general shall conduct an appropriate investigation and, if probable cause exists that a crime has been committed, notify the state attorney in the circuit in which the institution is located. Form DC6-210, Incident Report, is ~~hereby~~ incorporated by reference in subsection (18) of this rule. ~~Copies of this form can be obtained 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 stamped envelope. The effective date of this form is 2-7-00.~~

(10) Force or restraint may be used to administer medical treatment when ordered by a physician or doctoral level psychologist, and only when treatment is necessary to protect

the health of other persons, as in the case of contagious and venereal diseases, or when treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death. The physician or doctoral level psychologist shall prepare a report documenting the reasons that force or restraint was authorized. Form DC6-232, Authorization for Use of Force Report, shall be used for this purpose. The physician's or doctoral level psychologist's report shall be attached to the Institutions Report of Force Used. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. ~~If an injury is claimed or found to exist,~~ Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In all cases where physical force is used to manage an inmate, the inmate and any employee who is involved will be required to receive a medical examination or will sign an Affidavit of Refusal for Health Services, Form DC4-711A, declining the examination. In those cases where an injury is claimed but not substantiated by medical examination, the statement by the medical provider shall indicate this, and the documentation shall be sufficient to support that no injury was found upon examination. Forms DC4-711A, DC4-701C and DC4-708 are incorporated by reference in subsection (18)~~(15)~~ of this rule.

(11) The use of electronic immobilization restraining devices, batons, ~~or~~ chemical agents, or specialty impact munitions within institutions shall be authorized only by the warden, or duty warden if the warden is not available. For purposes of this rule, the duty warden shall be an assistant warden, colonel, major of a work camp that is attached to a major institution, or a major of a work release center if so designated by the warden and regional director (taking into consideration the proximity of the work release center to the institution) of a rank of correctional officer colonel or higher. ~~The correctional officer major at the main unit can serve as duty warden at those institutions that do not have a correctional officer colonel.~~ Batons shall be used only by trained baton squad members to disarm an inmate or during situations in which the squad has been activated to quell a disturbance. The decision to use chemical agents, specialty impact munitions, or authorized electronic immobilization restraining devices shall be based on which level of force is most likely to resolve the situation with the least amount of injury to all parties involved. Hands-on physical force shall be avoided if injury is less likely to occur by using chemical agents, specialty impact munitions, or electronic immobilization restraining devices.

(12) Use of electronic immobilization restraining devices.

(a) Electronic immobilization ~~restraining~~ devices authorized by the department include: ~~shall be used primarily, but not exclusively, during transporting and supervision of inmates outside the institution.~~

1. Ultron II, handheld, which shall be issued primarily for the purpose of transportation and supervision of inmates outside the institution;

2. Ultron electronic shield, which shall be primarily used by force cell extraction teams; and

3. Electronic restraint belt, which is authorized for use for inmate court appearances and other transports of high-risk inmates.

(b) Electronic immobilization ~~restraining~~ devices shall only be used by officers who have successfully completed the Department of Corrections' authorized training for these devices.

(c) Electronic immobilization ~~restraining~~ devices shall be used in accordance with manufacturer's specifications and limitations.

(d) If possible, the shift supervisor shall be present when electronic immobilization ~~restraining~~ devices are used at the institution or facility.

(e) Where time and circumstances permit, medical staff shall be consulted to determine if the inmate has any medical condition that would make the use of an electronic immobilization ~~restraining~~ device dangerous to that inmate's health.

(f) Electronic immobilization ~~restraining~~ devices shall be issued to the unarmed officers on any inmate transport where firearms are issued, or on any outside hospital assignment where firearms are issued. The chief of security, or in his absence, the shift supervisor, shall determine the number of officers who will be issued firearms and electronic immobilization ~~restraining~~ devices during such trips.

(g) As soon as possible following each use of an electronic immobilization ~~restraining~~ device the inmate shall be afforded medical examination and treatment.

(h) In any case where electronic immobilization ~~restraining~~ devices are used, an Institutions Use of Force Report shall be written and shall include:

1. What precipitated the use of the device;

2. To what extent it was used and what results were derived from its use;

3. Color photos of the marks left by the device. If the application of the device occurs during a videotaped use of force incident, the videotape, along with the narration by staff, of the marks is an acceptable alternative.

(i) Electronic immobilization ~~restraining~~ devices shall be stored and maintained in either the main arsenal or the control room mini-arsenal. The warden may authorize, in writing, the storage of one handheld unit and one shield ~~in the officer's~~

~~station~~ in the confinement unit or close management unit. These devices shall be kept secured in a locked cabinet when not in use.

(j) All electronic immobilization ~~restraining~~ devices shall be accounted for in the same manner as firearms.

(k) There shall be no attempt to alter, tamper with, or repair any electronic immobilization ~~restraining~~ device. If a unit malfunctions or needs repair, it shall be sent to an authorized repair station. If a unit requires attention, it shall not be issued until repaired. If any electronic immobilization ~~restraining~~ device is dropped or knocked out of the hand, it shall be immediately tested to determine if it is damaged or is operating properly.

(13) Use of Chemical Agents.

(a) The following chemical agents are authorized for use by the department:

1. OC – Oleoresin Capsicum (pepper spray) – An inflammatory agent that causes tearing and involuntary closing of the eyes, nasal discharge, sneezing, disorientation, and the sensation of respiratory distress.

a. OC is the primary chemical agent to be used for cell extractions and other in-cell, individual, use.

b. OC shall be used only in the manner prescribed in department rules and procedures, consistent with manufacturer directions.

c. Canister weights shall be monitored by the chief of security following use of the chemical agent to ensure the amounts used are consistent with that expected for the number of authorized one second bursts from the canister.

2. CS – Orthochlorobenzal Malononitrile or Orthochlorobenzylidene Malononitrile – An irritant agent that causes eyes to burn and tear, nasal discharge, and skin and upper respiratory irritation.

a. CS shall be used for cell extractions and other in-cell, individual, use only when OC is ineffective and efforts to talk the inmate into cooperating have failed.

b. CS shall be used only in the manner prescribed in department rules and procedures, consistent with manufacturer directions.

c. Canister weights shall be monitored by the chief of security following use of the chemical agent to ensure the amounts used are consistent with that expected for the number of authorized one second bursts from the canister.

3. CN – Chloroacetophene – A lacrimator agent that causes tearing of the eyes, nasal discharge, and skin and upper respiratory irritation.

a. CN projectiles, grenades and foggers shall only be used for disturbances and crowd control.

b. CN shall be authorized for use as set forth in a. above only until the expiration date of current stores, at which time CN is no longer authorized for purchase.

(b) through (f) No change.

(g) No inmate shall be handcuffed solely for the purpose of administering chemical agents. If chemical agents are administered to a handcuffed inmate, an explanation as to why the removal of the handcuffs was not feasible shall be included in Section I of the Institutions Report of Force Used, Form DC6-230.

(h) No change.

(i) Chemical agents shall only be used when a use of force is necessary and when this level of force is the least likely to cause injuries to staff or inmates.

(j) All chemical agents shall be used with caution and in accordance with the manufacturer's instructions. The Material Safety Data Sheet (MSDS) for chemical agents shall be kept where chemical agents are located at the institution.

(k) Chemical agents shall be stored in the main arsenal. A small amount of chemical agents may be stored in secure locations such as the control room mini-arsenal or the officer's station in confinement and close management units until its use is authorized. Shift supervisors, correctional officer sergeants, recreation officers, staff assigned to close management or to escort close management and other designated high security inmates, work squad officers, staff assigned as housing supervisors, and other assigned internal security officers shall be issued one three or four ounce dispenser of MK-4 Defense Technologies 10% non-flammable OC pepper spray or equivalent, with marking dye, after being properly trained in chemical agent utilization. The chemical agent dispenser which shall be securely encased and attached to the officer's belt. Each MK-4 chemical agent dispenser will be secured within a pouch by a numbered, breakable seal. Form DC6-213, Individual Chemical Agent Dispenser, will be utilized to document the name of the officer to whom each dispenser is assigned as well as the seal number on the dispenser she or he received. Upon receiving the dispenser and pouch, the officer will examine the safety seal to ensure that it is intact. If the seal is broken, the Shift Supervisor will be notified immediately and an Incident Report, Form DC6-210, will be written. Form DC6-213 is incorporated by reference in subsection (18) of this rule.

(l) In any case where chemical agents are used, an accurate record shall be maintained as to what type of agent was used, how much was used, method of administration, person authorized to draw chemical agent when issued from a secure location, person administering the chemical agent, location administered, and reason for use. This information shall be included in section I of the Use of Force Report. Individual chemical agent dispensers carried by staff will be weighed by staff as designated by the warden at the beginning and end of each shift. These inspections will be documented on Form DC6-213, Individual Chemical Agent Dispenser Accountability Log, and any discrepancies shall be immediately reported. Form DC6-213 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 32399-1500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is 2-7-00.~~

(m) Procedure for the use of chemical agents on disruptive inmates under controlled conditions:

1. If an inmate becomes disorderly, disruptive, unruly, and attempts by officers at counseling and ordering the cessation of disruptive behavior fails, the confinement or close management lieutenant or shift supervisor or person of higher rank shall be contacted for further instructions.

2. If the confinement or close management lieutenant or shift supervisor's efforts to control the disorderly inmate have failed and the use of chemical agents is the least level of force that can be expected to successfully gain control of the disruptive inmate while minimizing the risk of injuries to all involved, the shift supervisor shall:

a. Ensure that medical staff are contacted when time and circumstances permit, to determine if the inmate has a medical condition that would prevent the use of chemical agents; and

b. Contact the warden or duty warden and request authorization to utilize chemical agents.

3. Prior to using chemical agents, the inmate again shall be ordered by staff to cease his actions.

a. If these efforts fail, the confinement or close management lieutenant or shift supervisor shall order the disorderly inmate to cease his actions and inform him that chemical agents will be administered if he continues his disruptive behavior.

~~b. Any uninvolved inmates in the cell or immediate area shall be given an opportunity to leave the potentially affected area, if it will not jeopardize the safety of staff or other inmates.~~

~~b.e.~~ Except in cases of emergency, the confinement or close management lieutenant or shift supervisor shall be present during the time of the final counseling period and the administering of chemical agents.

(n) through (o) No change.

(p) Inmates exposed to chemical agents shall be allowed and encouraged to shower and change both inner and outer wear after exposure for decontamination purposes.

1. If an inmate refuses to shower or change, the refusal should be documented:

a. On Form DC6-210, Incident Report, by the shift supervisor, if the inmate is in general population;

b. On Form DC6-229, Daily Record of Segregation, by the confinement lieutenant or shift supervisor, if the inmate is in confinement; or,

c. On Form DC6-229, by the close management lieutenant or shift supervisor, if the inmate is in close management. Form DC6-229 is incorporated by reference in Rule 33-601.800.

2. In the event the inmate refuses to shower or change, staff shall advise the medical staff member who is responsible for examining the inmate following the use of force of this refusal.

(14) Specialty Impact Munitions. Specialty impact munitions shall be used primarily by the department's rapid response teams and correctional emergency response teams during riots and disturbances. They are intended as a less lethal alternative to the use of deadly force. Specialty impact munitions shall only be employed by officers trained in their use and effects.

(a) Definitions:

1. Specialty Impact Munitions – Munitions designed to incapacitate, distract, and control a subject with less likelihood of life-threatening injury.

2. Rubber Ball Rounds – Multiple pellets fired from cartridges at the lower extremities of rioters, designed to inflict pain compliance.

3. Wooden Baton Rounds – Multiple wooden baton rounds fired from a 37-MM weapon, designed to be skip fired into the lower extremities of rioters to inflict pain compliance.

4. Skip Firing – The practice of firing specialty impact munitions 5-7 feet in front of rioters, thereby deflecting the munitions into the legs of the rioters.

5. Direct Firing – The practice of firing specialty munitions directly into a group of rioters, from a distance of greater than 20 feet with a target area of the waist or below.

(b) The following specialty impact munitions have been approved for use by the department:

1. 37-MM rubber ball pellet rounds,

2. 12 gauge rubber ball pellet rounds,

3. 37-MM wooden baton rounds.

(c) Selection and deployment of specialty impact munitions during a riot or disturbance shall be authorized by the ultimate commander and supervised by the rapid response or correctional emergency response team leader. For the purposes of this rule, the ultimate commander is the secretary or his designee at the central office level, the regional director or his designee at the regional level, or the warden or his designee at the institution level.

(d) Specialty impact munitions shall only be used after all other reasonable alternatives to regain control have been exhausted. They are intended to be used as an interim force response between the use of chemical agents and lethal force.

(e) Specialty impact munitions shall not be deployed in the direction of any individual at a distance of less than 10 feet, unless the threat justifies the escalation to deadly force.

(f) Storage of Specialty Impact Munitions.

1. Specialty impact munitions shall be stored and maintained in the main arsenal.

2. Specialty impact munitions shall not be mixed with lethal munitions. Weapons designated to deploy specialty impact munitions shall be marked in a manner to alert staff of their intended use.

3. All specialty impact munitions will be accounted for in the same manner as firearms and ammunition.

(g) After each use of specialty impact munitions, exposed inmates shall be examined by medical personnel.

(h) In any case where specialty impact munitions are deployed, a use of force report shall be filed in accordance with use of force procedures set forth in this rule.

(i) After deployment of specialty impact munitions the discharging officer shall file an incident report, Form DC6-210. Form DC6-210 is incorporated by reference in subsection (18) of this rule. Staff shall collect and secure the empty munitions cartridges for accountability and investigative purposes.

(15)(14) Use of Firearms. In order for all concerned to be aware of their responsibilities, the statewide procedures set forth in this rule shall be included in the appropriate Department of Corrections procedures, post orders and escape emergency plans at each institution.

(a) No change.

(b) Firearms or weapons shall be issued to an employee only upon instructions of the warden, assistant warden, chief of security or shift supervisor by the arsenal officer or the officer designated to issue weapons. Employees shall not intentionally discharge a firearm at or in the direction of another person except under the following circumstances and after all reasonable non-lethal alternatives have been exhausted, and there is no danger to innocent bystanders:

1. ~~Escape or apprehension of an identified escapee~~ ~~for~~ self-defense;

2. Use of vehicle to gain unauthorized entry into or exit from a correctional institution in order to facilitate an escape ~~To prevent escape;~~

3. To prevent injury to a person including self-defense ~~prevent injury to a person;~~ or

4. To quell a riot.

(c) The use of twelve gauge #6 steel turkeyshot is approved for use by the rapid response teams during riots and disturbances. It is intended to be fired from a distance in the direction of the rioters' lower extremities to inflict pain compliance to directions and orders. It is acknowledged that the #6 steel shot has the potential of inflicting a lethal injury, however, its use is considered a less lethal interim munition to be used prior to more lethal loads authorized by the department.

(c) through (g) renumbered (d) through (h) No change.

(i)(~~h~~) Because helicopters or other aircraft may be used during an escape or assault, the following policy shall apply:

1. through 7. No change.

8. If attempts to prevent inmates from boarding the aircraft described in 7. above fail and the aircraft leaves, the aircraft is not to be fired upon, unless the officer is returning fire as described in 7. above. Immediate notification should be made to law enforcement personnel and the Federal Aviation Administration giving departing flight directions and any other information necessary to identify the aircraft. Additional information on the escaped inmates, possible damage to the aircraft, and weapons used by persons in the aircraft should also be reported.

9. through 10. No change.

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

~~(16)(15)~~ Medical Attention Following Use of Force. Appropriate medical treatment shall be provided ~~immediately or, in the case of a riot or other man-made or natural disaster, as soon as possible,~~ if an inmate or employee is injured. Any treatment or follow-up action shall be documented in section III of Form DC6-230, Institutions Report of Force Used. A qualified health care provider shall examine any person physically involved in a use of force to determine the extent of injury, if any, and shall prepare a report which shall include, but not be limited to, a statement of whether further examination by a physician is necessary. Any noticeable physical injury shall be examined by a physician and the physician shall prepare a report documenting the extent of the injury and the treatment prescribed. Such report shall be completed within 1 day of the incident and shall be submitted to the warden for initial review. The qualified health provider and physician shall use Form DC4-701C, Emergency Room Record, to document an examination following use of force. Form DC4-708, Diagram of Injury, shall be used along with Form DC4-701C to document obvious physical injuries. A copy of the report, along with the referenced forms, shall be attached to the Institutions Report of Forced Used. The original reports shall be filed in the medical record. ~~Forms DC4-701C and Form DC4-708 are hereby incorporated by reference. Copies of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of these forms is 2-7-00.~~

~~(17)(16)~~ Any violations of provisions of this section shall be subject to the penalties prescribed in Section 944.35, Florida Statutes.

(18) The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- (a) DC1-813, Use of Force File Checklist, effective _____.
- (b) DC2-802, Use of Force Log, effective 2-7-00.
- (c) DC4-701C, Emergency Room Record, effective _____.
- (d) DC4-708, Diagram of Injury, effective _____.
- (e) DC4-711A, Affidavit of Refusal for Health Services, effective _____.
- (f) DC6-210, Incident Report, effective 2-7-00.
- (g) DC6-213, Individual Chemical Agent Dispenser, effective 2-7-00.
- (h) DC6-230, Institutions Report of Force Used, effective _____.
- (i) DC6-231, Institutions Report of Force Used Staff Supplement, effective 2-7-00.
- (j) DC6-232, Authorization for Use of Force Report, effective 2-7-00.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLES:	RULE NOS.:
Continuing Education for Biennial Renewal	61G19-9.001
Approval of Proctored Telecourses	61G19-9.0045
Records Required to be Maintained by Course Providers	61G19-9.007

PURPOSE AND EFFECT: The Board proposes to update the above rules.

SUBJECT AREA TO BE ADDRESSED: Continuing Education for Biennial Renewal; Approval of Proctored Telecourses; Records Required to be Maintained by Course Providers.

SPECIFIC AUTHORITY: 455.2124, 468.606, 468.627 FS.

LAW IMPLEMENTED: 455.2124, 468.627 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 IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-48R

RULE CHAPTER TITLE: Water Well Contractors
 RULE CHAPTER NO.: 62-531

PURPOSE AND EFFECT: To modify the Water Well Contractor Disciplinary Guidelines and Procedures Manual, and add recent statute requirements for course work and continuing education for licensed water well contractors.

SUBJECT AREA TO BE ADDRESSED: To update the points and monetary matrix of the Water Well Contractor Disciplinary Guidelines and Procedures Manual to provide more stringent disciplinary action for violations during the construction, repair or abandonment of water wells. Proposed amendments will also require 12 hours of approved course work be completed prior to becoming a licensed water well contractor and 12 hours of continuing education be completed for each renewal cycle of a license.

SPECIFIC AUTHORITY: 373.043, 373.309 FS.

LAW IMPLEMENTED: 120.60, 373.043, 373.306, 373.308, 373.309, 373.316, 373.319, 373.323, 373.324, 373.325, 373.326, 373.329, 373.333, 373.336 FS.

The Department of Environmental Protection announces a public workshop on proposed amendments to Chapter 62-531, Water Well Contractors, to which all persons are invited.

TIME AND DATE: 1:30 p.m., October 19, 2001

PLACE: Hampton Inn, 430 A1A Beach Boulevard, St. Augustine, Florida

If an accommodation for a disability is needed in order to participate in the public workshop, please call the Personnel Specialist, (850)488-2996 or 1(800)955-8771 (TDD), at least 7 days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Donnie McClaugherty, Department of Environmental Protection, Water Quality Standards and Source Water Protection Section, 2600 Blair Stone Road, MS 3575, Tallahassee, Florida 32399-2400, telephone (850)921-9438

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

RULE TITLE: Examinations, Fees
 RULE NO.: 64B-1.016

PURPOSE AND EFFECT: Senate Bill 1558, effective July 1, 2001, provided new statutory authority to the Department of Health to set fees for examinations for initial licensure and certification, offered through the Division of Medical Quality Assurance. Accordingly, proposed new Rule 64B-1.016, puts forth examination fees that include all costs to the Department to develop, purchase, validate, administer, and defend such examinations, in an amount certain to cover all administrative

costs, plus the actual per-applicant cost of the examination. Additional fees are proposed to cover the actual cost to the Department to provide examination reviews.

SUBJECT AREA TO BE ADDRESSED: Fees for all licensure and certification examinations that are developed, purchased, validated or administered through the Florida Department of Health, Division of Medical Quality Assurance, along with additional fees for examination reviews.

SPECIFIC AUTHORITY: 456.004(5) FS.

LAW IMPLEMENTED: 456.004(10), 456.017(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lucy Gee, Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Responsibilities of Directors
 RULE NO.: 64B3-13.001

PURPOSE AND EFFECT: The Board proposes to resolve issues with regard for the delegation of duties by the Clinical Laboratory Director.

SUBJECT AREA TO BE ADDRESSED: Responsibilities of Directors.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.800, 483.813, 483.823, 483.825 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-13.001 Responsibilities of Directors.

(1) through (4) No change.

(5) The director can delegate performance of responsibilities to licensed supervisors, however, the director remains responsible for ensuring that all duties are properly performed. The delegation of responsibilities must be written and specific.

(6) The laboratory director shall:

(a) Be accessible to the clinical laboratory to provide on-site, telephone or electronic consultation as needed. This responsibility may not be delegated except to a clinical laboratory director.

(b) through (y) No change.

(7) Only a clinical laboratory director qualified pursuant to Chapter 483, Part III, F.S., may use the term "Clinical Laboratory Director" in his or her job title.

Specific Authority 483.805(4) FS. Law Implemented 483.800, 483.813, 483.823, 483.825 FS. History—New 12-6-94, Amended 3-28-95, Formerly 590-13.001, Amended _____.

DEPARTMENT OF HEALTH

Board of Massage

RULE TITLE: Minimum Requirements for Board of Massage Therapy Approval

RULE NO.: 64B7-32.003

PURPOSE AND EFFECT: The Board proposes to amend an existing rule regarding the requirements for Board approval of massage schools.

SUBJECT AREA TO BE ADDRESSED: Massage schools and the requirements for Board approval of massage schools, including hours and courses required.

SPECIFIC AUTHORITY: 480.035 FS.

LAW IMPLEMENTED: 480.033, 480.041 FS.

THE BOARD OF MASSAGE THERAPY WILL CONDUCT A RULE DEVELOPMENT WORKSHOP AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., October 24, 2001

PLACE: Crowne Plaza Hotel, 950 N. W. Lejenuue Road, Miami, Florida 33126

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 by contacting Karen Eaton, Executive Director, Board of Massage Therapy, (850)245-4444, Ext. 4162. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Section 286.0105, Florida Statutes, provides that, if any person decides to appeal any decision made by the Department/Board of Massage Therapy with respect to any matter considered at this workshop, they will need a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO RECEIVE A PRELIMINARY DRAFT, IF AVAILABLE, IS: Karen Eaton, Executive Director, Board of Massage, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Dental Laboratories

RULE TITLE: Dental Laboratory Registration

RULE NO.: 64B27-1.002

PURPOSE AND EFFECT: The Department of Health is proposing amendments to Rule 64B27-1.002, FAC., in order to correspond with Section 456.032, Florida Statutes, requiring biennial registration for each dental laboratory. Additional obsolete language has been deleted.

SUBJECT AREA TO BE ADDRESSED: Biennial registration of dental laboratories.

SPECIFIC AUTHORITY: 466.038 FS.

LAW IMPLEMENTED: 466.032(1) 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 IS: Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3250

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-39.002
Guarantee Program	67-39.0025
Feasibility Studies	67-39.003
Eligibility Criteria for Qualified Obligations	67-39.004
Required Submissions for Qualified Lending Institutions	67-39.0045
Fees and Rates	67-39.005
Contractual Provisions of Qualified Obligation Documents	67-39.006
Reimbursable Costs	67-39.008
Program Documents	67-39.010
Guarantee Program	67-39.011
Guarantee Coverage	67-39.012
Guarantee Program Payments	67-39.014
Audit Requirement	67-39.015

PURPOSE AND EFFECT: The purpose of this Rule is to implement the provisions of Section 420.5092, Florida Statutes, establishing the Florida Affordable Housing Guarantee Program.

SUBJECT AREA TO BE ADDRESSED: The rule amends existing Rule 67-39, F.A.C., to provide for additional powers of the Board of Directors of the Florida Housing Finance Corporation, acting in its capacity as guarantor under the

Affordable Housing Guarantee Program, to specify how and when feasibility studies with respect to the guarantee fund will be conducted, to set forth additional eligibility criteria for guarantees of qualified obligations, to specify the submissions required to become a qualified lending institution whose obligations may be guaranteed, to provide for a good faith deposit to be paid to the Corporation in connection with proposed guarantees, and to provide for revised and additional mandatory contractual provisions in documents supporting qualified obligations.

SPECIFIC AUTHORITY: 420.507, 420.5092(4) FS.

LAW IMPLEMENTED: 420.5092 FS.

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

TIME AND DATE: 10:00 a.m., October 22, 2001

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Junious Brown, Guarantee Program Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Clear Indication of Voter's Choice
on a Ballot

RULE NO.: 1S-2.027

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to identify what is a clear indication of a voter's choice on a ballot as required by section 42, Chapter 2001-40, Laws of Florida.

SUMMARY: The rules provide a practical and uniform method of determining what is a clear indication of a voter's choice on a ballot in a recount situation.

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: 102.166(5)(b) FS.

LAW IMPLEMENTED: 102.166(5)(b) FS.

HEARINGS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:00 p.m., October 29, 2001
PLACE: Rooms 18-3 and 18-4, Eighteenth Floor, Stephen C. Clark Center, 111 N. W. 1st Street, Miami, Florida 33128-1906

TIME AND DATE: 1:00 p.m. – 4:00 p.m., October 30, 2001
PLACE: 119 West Kaley Street, Orlando, Florida 32806

TIME AND DATE: 9:00 a.m. – 12:00 p.m., November 2, 2001
PLACE: Room 116, Knott Building, 415 West St. Augustine Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy K. Tuck, Assistant General Counsel, Division of Elections, Department of State, Room 1801, The Capitol, Tallahassee, Florida 32399-0250, (850)488-1402

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Amy K. Tuck, (850)488-1402, at least three days in advance of the meeting.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.027 Clear Indication of Voter's Choice on a Ballot.

(1) The following are standards to determine voter intent in a manual recount as provided specifically by Section 102.166, Florida Statutes.

(2) The following are guidelines for determining on an optical scan voting system whether or not there is a clear indication on the ballot that the voter has made a definite choice:

(a) Ballots must be marked in pen or pencil.

(b) If a ballot is marked with a color or device that does not permit an accurate machine count, that vote shall count.

(c) If a voter circles the oval or arrow next to a candidate or issue, the vote for that candidate or issue shall count.

(d) If a voter circles or underlines the name of a candidate, the vote shall count for that candidate.

(e) If a voter circles or underlines the name of a party next to a candidate's name, the vote shall count for that candidate.

(f) If there is an "X," a check mark, a diagonal, horizontal or vertical mark, a plus sign, an asterisk, a star or any other mark that is substantially contained in the oval, touching the oval or arrow, or within the blank space between the head and tail of the arrow that clearly indicates the voter intended the oval or arrow to be marked, that vote shall count.

(g) If a voter marks more candidates than there are positions to be elected for that office, the votes for the candidates of that office shall not count.

(h) If a voter marks less candidates than there are offices, the votes for all of those candidates shall count.

(i) If a voter does not mark a candidate or issue, the votes for other candidates or issues on the same ballot that are validly marked shall be counted.

(j) If a voter attempts to correct the ballot in a way that is clearly evident in the space where the voter could indicate a ballot choice by completing the target area, and the voter has clearly and properly voted for another candidate or issue, the vote for the clearly and properly voted candidate or issue shall count.

(k) If a voter has indicated in a clear fashion that a mistake has been made and has attempted to correct it, by either an "X" or equivalent mark to cross out a choice, and the voter has clearly and properly voted for another candidate or issue the vote for the clearly and properly voted candidate or issue shall count.

(l) If the voter has made one or more stray marks that are clearly unrelated to the voter's intent to vote for a candidate or issue and the marks are visible in the read area of the ballot, the marks shall not invalidate the ballot.

(m) If the voter writes on the ballot in a way that interferes with the ability of the automatic tabulating equipment to correctly read the ballot, and the writing is clearly unrelated to the voter's intent to vote for a candidate or issue, the writings shall not invalidate the ballot.

(o) An otherwise valid vote cast for a write-in candidate should not be invalid if the voting position on the ballot marked "WRITE-IN CANDIDATE" for that office has not been marked by the marking device.

(p) A name written on the secrecy envelope or elsewhere on the ballot that is not the name of a qualified write-in candidate for that office or is otherwise invalid shall not be considered a write-in vote for the purposes of determining if an office has been overvoted.

(q) If a voter casts a vote on the ballot and also provides for a write-in candidate it shall be treated as follows:

1. If a voter casts a vote on a ballot and writes in the same candidate in the write-in area, the vote shall count for that candidate.

2. If a voter casts a vote on a ballot and writes in a different candidate in the write-in area, it shall be counted as an overvote with neither candidate getting credit for a vote.

3. If a voter writes in the name of a person who is not a qualified write-in candidate, it shall be treated as if the write-in area was left blank for all purposes.

(r) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate must be disregarded in determining the validity of the ballot if it can reasonably be determined that the write-in vote is for a write-in candidate who has qualified for that office.

(s) Where Florida law requires that a candidate, such as that of Governor, must run on a tandem ticket for an office, the write-in of the last name of the candidate for Governor shall be sufficient to cast a write-in vote for the tandem office. This includes candidates for President and Vice-President, who have filed the oath for write-in candidates and a list of electors equal to the number of Senators and Representatives that Florida has in Congress. The write-in of the last name of the candidate for President shall be sufficient to cast a write-in ballot for this type of tandem office.

(t) If an absentee ballot is signed by the voter in a way that identifies the voter, the ballot shall count. However, the ballot must be duplicated to protect the integrity of the voter's ballot.

(3) The following are guidelines for determining, on a direct recording voting system, whether or not there is a clear indication on the ballot that the voter has made a definite choice:

(a) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate must be disregarded in determining the validity of the ballot if it can reasonably be determined that the write-in vote is for a write-in candidate who has qualified for that office.

(b) Where Florida law requires that a candidate, such as that of Governor, must run on a tandem ticket for an office, the write-in of the last name of the candidate for Governor shall be sufficient to cast a write-in vote for the tandem office. This includes candidates for President and Vice-President, who have filed the oath for write-in candidates and a list of electors equal to the number of Senators and Representatives that Florida has in Congress. The write-in of the last name of the candidate for President shall be sufficient to cast a write-in ballot for this type of tandem office.

(c) If a voter fails to electronically cast their ballot after voting, that ballot shall be cancelled.

(4) This rule has an effective date of January 1, 2002.

Specific Authority 102.166(5)(b) FS. Law Implemented 102.166(5)(b) FS. History--New 1-1-02.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Amy K. Tuck, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Debby Kearney, General Counsel, Department of State

DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2001

DEPARTMENT OF STATE**Division of Elections**

RULE TITLE: RULE NO.:

Recount Procedures 1S-2.031

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to prescribe additional recount procedures for each certified voting system as required by section 42, Chapter 2001-40, Laws of Florida.

SUMMARY: Statutory law provides for recount procedures, but does not specifically address the various certified voting systems. These rules attempt to clarify the recount procedures to be followed in both a machine recount and a manual recount using each certified voting system.

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: 102.166(6)(c) FS.

LAW IMPLEMENTED: 102.166(6)(c) FS.

HEARINGS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:00 p.m., October 29, 2001

PLACE: Rooms 18-3 and 18-4, Eighteenth Floor, Stephen C. Clark Center, 111 N.W. 1st Street, Miami, Florida 33128-1906

TIME AND DATE: 1:00 p.m. – 4:00 p.m., October 30, 2001

PLACE: 119 West Kaley Avenue, Orlando, Florida 32806

TIME AND DATE: 9:00 a.m. – 12:00 p.m., November 2, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy K. Tuck, Assistant General Counsel, Division of Elections, Department of State, Room 1801, The Capitol, Tallahassee, Florida, 32399-0250, (850)488-1402

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Amy K. Tuck, (850)488-1402, at least three days in advance of the meeting.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.031 Recount Procedures.

(1) The following procedures apply to all offices and questions decided in all county, multicounty and statewide offices for machine recount procedures using optical scan voting systems:

(a) Ballots shall be locked and secured with limited access as designated by the Supervisor of Elections in the approved security procedures for each county.

(b) Prior to each election, the canvassing board shall meet and establish procedures for conducting the election and recount, including: security of ballots during the recount process; time and place of recount; public observance of recount; objections to ballot determinations; record of recount proceedings; and procedures for candidate and petitioner representatives.

(c) Each county canvassing board shall publicly notice the time and place of the machine recount as soon as is reasonably possible.

(d) Each county canvassing board shall notify the candidates or, in the case of a ballot question, the person designated to receive notice, as soon as is reasonably possible.

(e) Each county canvassing board shall notify the Secretary of State in writing detailing the candidate or question requiring a recount, the time and place of the recount, and the number of observers of the recount.

(f) Each candidate for the office in question or the person representing each side of a ballot question is entitled to witness the recount.

(g) Any machine recount is open to the general public. The public and the press must be admitted to an observation area that is outside the recount area to observe any proceedings. The Supervisor of Elections, with the approval of the canvassing board, shall designate this area.

(h) Although the recount is open to the general public, the public observers must not interfere or disturb the recount in any way. If the conduct or activities of the observers, media or public become unreasonable or impede the recount process, the recount shall stop until the situation is corrected.

(i) Each ballot shall be recounted by inserting each ballot through the optical scanner that has been programmed and tested according to statute.

(j) After the machine recount, a member of the canvassing board shall prepare the returns for each precinct in the same manner as the original returns are prepared.

(k) The board shall have the materials and equipment restored to their original secure condition and return the materials and equipment to the original custodian.

(l) After the recount is completed, the county canvassing board shall make and sign a statement as to the results of the recount.

(m) Transcripts of the machine recount shall be made available to the public within a reasonable time.

(n) All records of the recount shall detail, by precinct, the number of votes each candidate received, the number of rejected ballots and any other relevant information.

(2) The following procedures apply to all offices and questions decided in all county, multicounty and statewide offices for machine recount procedures using direct recording equipment systems:

(a) Prior to each election, the canvassing board shall meet and establish procedures for conducting the election and recount, including: time and place of recount; public observance of recount; record of recount proceedings; and procedures for candidate and petitioner representatives.

(b) Each county canvassing board shall publicly notice the time and place of the machine recount as soon as is reasonably possible.

(c) Each county canvassing board shall notify the candidates or, in the case of a ballot question, the person designated to receive notice, as soon as is reasonably possible.

(d) Each county canvassing board shall notify the Secretary of State in writing detailing the candidate or question requiring a recount, the time and place of the recount, and the number of observers of the recount.

(e) Each candidate for the office in question or the person representing each side of a ballot question is entitled to witness the recount.

(f) Any machine recount is open to the general public. The public and the press must be admitted to an observation area that is outside the recount area to observe any proceedings. The Supervisor of Elections, with the approval of the canvassing board, shall designate this area.

(g) Although the recount is open to the general public, the public observers must not interfere or disturb the recount in any way. If the conduct or activities of the observers, media or public become unreasonable or impede the recount process, the recount shall stop until the situation is corrected.

(h) The machine recount shall be conducted by regenerating the totals.

(i) After the machine recount, a member of the canvassing board shall prepare the returns for each precinct in the same manner as the original returns are prepared.

(j) The board shall have the materials and equipment restored to their original secure condition and return the materials and equipment to the original custodian.

(k) After the recount is completed, the county canvassing board shall make and sign a statement as to the results of the recount.

(l) Transcripts of the machine recount shall be made available to the public within a reasonable time.

(3) The following procedures apply to all offices and questions decided in all county, multicounty and statewide offices for manual recount procedures using optical scan voting systems:

(a) Each county canvassing board shall publicly notice the time and place of the manual recount as soon as is reasonably possible.

(b) Each county canvassing board shall notify the candidates or, in the case of a ballot question, the person designated to receive notice, as soon as is reasonably possible.

(c) Each county canvassing board shall notify the Secretary of State in writing detailing the candidate or question requiring a recount, the time and place of the recount, and the number of observers of the recount.

(d) Each candidate for the office in question or the person representing each side of a ballot question is entitled to witness the recount.

(e) Any manual recount is open to the general public. The public and the press must be admitted to an observation area that is outside the recount area to observe any proceedings. The Supervisor of Elections, with the approval of the canvassing board, shall designate this area.

(f) Although the recount is open to the general public, the public observers must not interfere or disturb the recount in any way. If the conduct or activities of the observers, media or public become unreasonable or impede the recount process, the recount shall stop until the situation is corrected.

(g) Before the ballots are counted, the canvassing board shall review rules and statutes governing voter intent as specified in Rule 1S-2.2027, F.A.C.

(h) Any ballots that are objected to or challenged shall be set aside with a notation of the precinct number, the unique identifier number, how the ballot was counted, the reasoning behind the challenge, and the name of the person bringing the challenge.

(i) The board shall have the materials and equipment restored to their original secure condition and return the materials and equipment to the original custodian.

(j) After the recount is completed, the county canvassing board shall make and sign a statement as to the results of the recount.

(k) Transcripts of the manual recount shall be made available to the public within a reasonable time.

(l) All records of the recount shall detail the number of votes each candidate received, the number of rejected ballots and any other relevant information.

(4) The following procedures apply to all offices and questions decided in all county, multicounty and statewide offices for manual recount procedures using direct recording equipment voting systems:

(a) Each county canvassing board shall publicly notice the time and place of the manual recount as soon as is reasonably possible.

(b) Each county canvassing board shall notify the candidates or, in the case of a ballot question, the person designated to receive notice, as soon as is reasonably possible.

(c) Each county canvassing board shall notify the Secretary of State in writing detailing the candidate or question requiring a recount, the time and place of the recount, and the number of observers of the recount.

(d) Each candidate for the office in question or the person representing each side of a ballot question is entitled to witness the recount.

(e) Any manual recount is open to the general public. The public and the press must be admitted to an observation area that is outside the recount area to observe any proceedings. The Supervisor of Elections, with the approval of the canvassing board, shall designate this area.

(f) Although the recount is open to the general public, the public observers must not interfere or disturb the recount in any way. If the conduct or activities of the observers, media or public become unreasonable or impede the recount process, the recount shall stop until the situation is corrected.

(g) Before the ballots are counted, the canvassing board shall review rules and statutes governing voter intent as specified in Rule 1S-2.2027, F.A.C.

(h) Any ballots that are objected to or challenged shall be set aside with a notation of the precinct number, the unique identifier number, how the ballot was counted, the reasoning behind the challenge, and the name of the person bringing the challenge.

(i) A manual recount shall be conducted by printing out or exporting the ballot image files and counting these files manually.

(j) The board shall have the materials and equipment restored to their original secure condition and return the materials and equipment to the original custodian.

(k) After the recount is completed, the county canvassing board shall make and sign a statement as to the results of the recount.

(l) Transcripts of the manual recount shall be made available to the public within a reasonable time.

(m) All records of the recount shall detail the number of votes each candidate received, the number of rejected ballots and any other relevant information.

(5) This rule has an effective date of January 1, 2002.

Specific Authority 102.166 FS. Law Implemented 102.166 FS. History—New 1-1-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Amy K. Tuck, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Debby Kearney, General Counsel, Department of State

DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2001

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLES:	RULE NOS.:
Curriculum for Mortgage Broker Pre-Licensing Classroom Education	3D-40.026
Mortgage Broker Pre-Licensing Education Requirement	3D-40.027

Continuing Education Requirements for Mortgage Brokers, Loan Originators and Principal Representative	3D-40.0271
Permit for Mortgage Business School	3D-40.028
Mortgage Business Schools Prohibited Practices and Advertising/Publicity	3D-40.0281
Mortgage Business School Permit Renewal Accreditation Process for Mortgage Business School	3D-40.029
Disciplinary Guidelines for Mortgage Business Schools	3D-40.030
Mortgage Broker License Renewal and Reactivation	3D-40.033
Application Procedure for Mortgage Brokerage Business License	3D-40.043
Application Procedure for Change in Ownership or Control of Savings Clause Mortgage Lender	3D-40.051
Examination Fees	3D-40.100
Principal Brokers	3D-40.150
Branch Brokers	3D-40.160
Application Procedure for Mortgage Lender License	3D-40.165
Application Procedure for Correspondent Mortgage Lender License	3D-40.200
Principal Representative	3D-40.220
PURPOSE AND EFFECT: The purpose of the proposed amendments and new rules is to implement legislative changes to Chapter 494, Florida Statutes, made by Chapter 2001-228, Laws of Florida, that will take effect on October 1, 2001, and to make other changes to the existing rules.	3D-40.242

SUMMARY: The amendments to Rules 3D-40.026, .027, .028, .0281, .029, .030, .033 substitute the term "mortgage business school" for "mortgage broker school;" update the application and renewal forms; set forth prohibited practices for mortgage business schools; and make other technical changes. Proposed Rule 3D-40.0271 sets forth the continuing education requirements for mortgage brokers, loan originators and principal representatives. The amendments to Rules 3D-40.043, .052, .100, .150, .160, .165, .200, and .220 update the application and renewal forms for mortgage brokers and lenders; require compliance with the continuing education requirements of Section 494.00295, F.S.; defines the term "actively engaged in a mortgage-related business;" and make other technical changes. Proposed Rule 3D-40.242 sets forth the requirements and procedures for designating a principal representative.

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: 494.0011(2), 494.0029, 494.00295(3), 494.0033(3), 494.034(2), 494.035, 494.0061, 494.0062 FS.

LAW IMPLEMENTED: 494.0016, 494.0025, 494.0029, 494.00295, 494.0033, 494.0034, 494.0035, 494.0041, 494.0061, 494.0062, 494.0064, 494.0065, 494.0067 FS.

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

TIME AND DATE: 10:30 a.m., October 30, 2001

PLACE: Room 547, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bob Tedcastle, Financial Administrator, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE FULL TEXT OF THE PROPOSED RULE IS:

3D-40.026 Curriculum for Mortgage Broker Pre-licensing Classroom Education.

Section 494.0033, F.S. Florida Statutes, requires any person applying for a mortgage brokerage license after July 1, 1992, to have completed twenty-four (24) hours of classroom education prior to becoming licensed. The curriculum for the education shall cover primary and subordinated financing transactions, the provisions of Chapter 494, F.S., and Chapter 3D-40, F.A.C., laws and rules of ss. 494.001—494.0077, Florida Statutes, federal statutes which apply to the financing of real estate, current and accepted mortgage principles and technical information basic to the mortgage broker profession, and shall include the following:

- (1) through (11) No change.

Specific Authority 494.0011(2), 494.0033(3) FS. Law Implemented 494.0033 FS. History—New 7-2-92, Amended 5-19-96,_____.

3D-40.027 Mortgage Broker Pre-licensing Education Requirement.

(1) Effective July 5, 1992, persons desiring to become licensed as a mortgage broker pursuant to Section s. 494.0033, F.S., shall satisfactorily complete twenty-four (24) hours of classroom study on primary and subordinated financing transactions and the provisions of Chapter 494, F.S., and Chapter 3D-40, F.A.C. laws and rules of ss. 494.001—494.0077, F.S. The course of study shall include the curriculum for mortgage broker classroom education in Rule 3D-40.026, F.A.C.

(2) Qualifying hours may be obtained by attendance at a duly permitted and accredited Mortgage Business Brokerage School or an accredited college, university, community college, or area vocational-technical school in this State which offers the twenty-four (24) hour mortgage brokerage training course. Any ~~individual person or~~ school offering qualifying hours must include the curriculum for mortgage broker classroom education, Rule 3D-40.026, F.A.C., and the provisions of Chapter 494, F.S., and Chapter 3D-40, F.A.C., laws and rules of ss. 494.001—494.0077, F.S., as the basis for course study.

(3) For the purpose of this rule “School” means any duly permitted and accredited Mortgage Business Brokerage School and any accredited college, university, community college or area vocational-technical school in this State, which offers the twenty-four (24) hour mortgage brokerage training course as a condition precedent to licensure as a mortgage broker. Such course shall ~~to~~ include the curriculum described in Rule 3D-40.026, F.A.C.

(4) Within five (5) days of completion of each twenty-four (24) hour mortgage broker course, the school shall submit to the Department a typed list of all students who successfully completed the course. In lieu of the typed list, the school may submit the list on a 3.5" diskette, ~~or~~ by e-mail, or by accessing the Department’s website at www.dbf.state.fl.us. The list shall include the full name of the student, the social security number of each student, the school’s name, the school’s license number, and the completion date. Each mortgage business school shall maintain student completion records for at least three (3) years from the completion dates.

(5) An instructor of a school who teaches a pre-licensing course that teaches the 24 hours of pre-licensing education may use the course toward the satisfactory completion of the pre-licensing education requirement.

Specific Authority 494.0011(2), 494.0016 FS. Law Implemented 494.0016, 494.00295, 494.0033 FS. History—New 7-5-92, Amended 11-5-95, 11-24-97, 8-22-99,_____.

3D-40.0271 Continuing Education Requirements for Mortgage Brokers, Loan Originators, and Principal Representatives.

(1) Effective October 1, 2001, all persons licensed as a mortgage broker shall satisfactorily complete fourteen (14) hours of professional education (“continuing education”) covering primary and subordinate financing transactions and appropriate laws and regulations governing such transactions. The course of study shall include at least four (4) hours on the laws in Chapter 494, F.S., and the rules in Chapter 3D-40, F.A.C.

(2) Effective October 1, 2002, the principal representative, loan originators, and associates of a mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause shall satisfactorily complete fourteen (14) hours of professional continuing education covering primary

and subordinate financing transactions and appropriate laws and regulations governing such transactions. The course of study shall include at least four (4) hours on the laws in Chapter 494, F.S., and the rules in Chapter 3D-40, F.A.C.

(3) Qualifying hours may be obtained by attendance at a duly permitted and accredited Mortgage Business School or an accredited college, university, community college, or area vocational-technical school in this State which offers the fourteen (14) hour continuing education course(s). Qualifying hours of at least 4 hours may be obtained by attending training courses covering the provisions of Chapter 494, F.S., and Chapter 3D-40, F.A.C., that are conducted by the Department or its Regional Offices.

(4) For the purpose of this rule, the following definitions will apply:

(a) "Hour" shall mean 60 minutes of class time, of which 50 minutes shall be instruction, with a maximum of 10 minutes of break per hour.

(b) "School" shall mean any duly permitted and accredited Mortgage Business School and any accredited college, university, community college, or area vocational-technical school in this State, which offers the fourteen (14) hour continuing education course.

(c) "Student" shall mean all persons licensed as a mortgage broker, the principal representative, and loan originators of a mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause.

(d) "Good Cause" means an incident or occurrence which is beyond the control of the student and which prevents attendance. Examples of good cause include, but are not limited to, disabling accident, illness, call to military duty, or declared national emergency.

(5) The fourteen (14) hours of continuing education can be taken in one or more courses by one or more schools.

(6) Schools shall not issue certificates of completion to students who do not attend or complete the scheduled hours for any continuing education course.

(a) Schools shall be responsible for determining that the student attending or completing the continuing education course is the actual person scheduled to complete the class or session.

(b) At the discretion of the school, students may miss a class or session and attend a make-up class or session to complete the attendance requirements upon showing good cause.

(c) The school may hold makeup classes or sessions to accommodate the student.

(7) An instructor of a school who teaches a continuing education course may use the course toward the satisfactory completion of the continuing education requirement.

(8) Neither students nor instructors may earn continuing education credit for attending or instructing at any subsequent offering of the same continuing education course during any two (2) year period.

(9) The continuing education requirements are waived for the license renewal of the mortgage broker, for the biennial license period in which the individual became licensed as a mortgage broker.

(10) The continuing education requirements for the principal representative are waived for the license renewal of the mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause, for the biennial license period in which the principal representative completes the 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and also passed a written test in accordance with Rule 3D-40.025, F.A.C., in order to qualify to be designated as a principal representative.

(11) The continuing education courses may be offered through classroom instruction, electronic transmission ("Internet"), or distance education ("correspondence course").

(12) The continuing education courses taught by using the Internet and correspondence courses shall have:

(a) Course subject matter, assignment work, scholastic standards and other related requirements substantially similar to the course offered by classroom instruction, having due regard however, to the different methods of presentation.

(b) Shall provide students with instructions on how to contact an instructor to answer inquiries. The school shall also disclose to the student when the instructor will be available, however the instructor shall respond within 2 business days to the student's inquiries.

(c) When the course is in the form of a video tape or CD-Rom, the presentation must be of a quality that permits the student to view and listen to the presentation without interfering with the learning process.

(13) Within five (5) days of completion of each continuing education course, the school shall submit to the student a certificate of completion indicating successful completion of the course, and the number of hours that course consisted of. The schools are not to submit copies of the continuing education requirement certificates to the Department. Each mortgage business school shall maintain all student course completion records for at least three (3) years from the completion dates.

Specific Authority 494.0011(2), 494.00295(3) FS. Law Implemented 494.0016, 494.0029, 494.00295, 494.0034, 494.0064, 494.0067 FS. History—New _____.

3D-40.028 Permit for Mortgage Business Brokerage School.

(1) Application Process. Each person, school, or institution desiring to obtain a permit for a Mortgage Business Brokerage School shall apply to the Department by submitting the following:

(a) ~~A~~ ~~a~~ completed Application for Mortgage Business Brokerage School Permit, Form DBF-MBS-101, revised ~~10/01 8-22-99~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, ~~101 East Gaines Street, Suite 550, Fletcher Building~~, Tallahassee, Florida 32399-0350.

(b) ~~A~~ ~~a~~ non-refundable application fee of \$500 which shall be the permit fee for the annual period beginning October 1 of each year or any part thereof.

(c) ~~A~~ ~~a~~ \$400 non-refundable accreditation fee which shall be for the annual period beginning October 1 of each year or any part thereof.

(2) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within thirty (30) days from the date of the request. Failure to respond to the request shall be construed by the Department as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Subsection 120.60(1), F.S.

(3) Refunds. If the application is withdrawn or denied, the application fee is non-refundable. The accreditation fee shall be refunded when the application is withdrawn prior to a decision being rendered by the Department by mutual consent.

(4) No change.

(5) Valid Period of Permit. Upon approval of an application, a permit will be issued for the remainder of the annual license period, which ends each September 30th. The permit will be valid for this period unless the Department takes administrative action against it or unless the permit is terminated by the holder.

Specific Authority 494.0011(2), ~~494.0029(1),(3)(b)~~ ~~494.0034~~ FS. Law Implemented ~~120.60(1), 494.0029~~ ~~494.0034~~ FS. History—New 11-5-95, Amended 8-22-99,_____.

3D-40.0281 Mortgage Business Brokerage Schools Prohibited Practices and Advertising/Publicity.

(1) The following practices are prohibited from being used in any publicity or advertising done by mortgage business brokerage schools and will be considered a violation of Subsections 494.0029(3)(c) and (d) Chapter 494.0034(3)(e) and (d), F.S.:

(a) Making making any reference or comparison to another school (named or unnamed).

(b) Any any type of guarantee of non-measurable outcomes, such as, but not limited to, “satisfaction guaranteed”.

(c) Any any claim to being the only, largest, best, less expensive, or other such comparison.

(d) Any any claim or reference as to a ~~mortgage brokerage~~ school’s knowledge of the State of Florida Mortgage Broker Test questions and answers.

(2) For the purpose of this rule, any publicity or advertising shall include:

(a) Any any written material, including but not limited to, study guides, business cards, flyers, pamphlets, and correspondence.

(b) Any any electronic media, including but not limited to, video and audio tapes, cassettes, or disks.

(c) Any any oral presentation, including but not limited to, speeches and telephone conversations.

(3) Pass/Fail Ratio as used in Subsection 494.0029(3)(f), F.S., Chapter 494.0034(3)(f), shall be defined as any reference to how a student or any group of students performed on the State Mortgage Broker Examination. No reference shall be made to any comparative superlatives such as, but not limited to, “excellent passing ratio” or “better than average results.”

(4) The following additional practices of mortgage business schools are prohibited:

(a) Misrepresenting any material fact furnished to the Department.

(b) Failing to conduct classes or sessions for the total required hours.

(c) Allowing a proxy to complete the pre-licensing or continuing education course(s).

(d) Falsifying any pre-licensing or continuing education course completion record or other document related to the course.

(e) Offering to teach a pre-licensing or continuing education course without first being permitted as a mortgage business school.

Specific Authority 494.0011(2) FS. Law Implemented 494.0025(5), ~~494.0029, 494.00295~~ ~~494.0034(3)~~ FS. History—New 8-14-97, Amended _____.

3D-40.029 Mortgage Business Brokerage School Permit Renewal.

(1) Each active Mortgage Business Brokerage School permit shall be renewed for the annual period beginning October 1 of each year upon submission of the following:

(a) ~~A~~ ~~a~~ permit renewal fee of \$500 and a completed renewal form, Form DBF-MBS-202, Mortgage Business Brokerage School Renewal Form, revised ~~10/01 8-22-99~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, ~~101 East Gaines Street, Suite 550, Fletcher Building~~, Tallahassee, Florida 32399-0350; and

(b) ~~A~~ ~~a~~ recertification accreditation fee of \$400 for the school.

(2) No change.

Specific Authority 494.0011(2), ~~494.0029~~ ~~494.0034~~ (1), (3)(b) FS. Law Implemented ~~494.0029~~ ~~494.0034~~ FS. History—New 11-5-95, Amended 8-22-99,_____.

3D-40.030 Accreditation Process for a Mortgage Business Brokerage School.

(1) Section 494.0029 ~~494.00311~~, F.S., authorizes the Department to evaluate each school by an accreditation process to determine compliance and competency of mortgage business brokerage schools and to recertify each school on an annual basis.

(2) The basis for accreditation of mortgage business schools that offer the 24-hour mortgage broker pre-licensing course and the professional education ("continuing education") will consist of the following evaluation criteria:

- (a) Minimum adherence to the required curriculum.
- (b) Quality and substance of course outline, workbooks ~~workloads~~ and study guide available to student from school.
- (c) Reference material, library and training manuals available for non-classroom study.
- (d) Training and visual aids equipment utilized in classroom.
- (e) Instructor's ability to convey subject matter.
- (f) Classroom and review procedures.
- (g) Student interviews (post-course).
- (h) Compliance with American Disabilities Act.
- (i) Physical classroom facilities.
- (j) Compliance with Florida Statutes and Administrative Rules.

(3) The basis for accreditation of mortgage business schools that only offer the 14-hour professional education ("continuing education") will consist of the following evaluation criteria:

(a) Compliance with Florida Statutes and Administrative Rules.

(b) Compliance with American Disabilities Act.

(4)(2) The accreditation process will be conducted by the Department or its designee during the license year by one or more of the following methods:

- (a) Pre-arranged on-site interview with owners and/or management;
- (b) Visitation with no prior notice to observe instructor during classroom session;
- (c) Questionnaires and/or personal interviews with current and former students;
- (d) Questionnaires completed by owners and/or management;
- (e) Written correspondence from prior students/student complaints;
- (f) Compliance with Florida Statutes and Administrative Rules.

Specific Authority 494.0011(2) FS. Law Implemented 494.0029 ~~494.00311~~ FS. History--New 11-5-95, Amended 8-22-99, _____.

3D-40.033 Disciplinary Guidelines for Mortgage Business Brokerage Schools.

Each permitted and accredited mortgage business brokerage school which violates any provision of Chapter 494, F.S., Florida Statutes, or which fails to achieve minimum standards in the accreditation process described in Rule 3D-40.030, F.A.C., shall be subject to the following disciplinary guidelines:

(1) Failure to achieve minimum standards of accreditation shall result in any of the following penalties:

- (a) ~~R~~reprimand,
- (b) ~~S~~suspension,
- (c) ~~R~~evocation, and/or
- (d) ~~P~~robation.

(2) The probation shall be for such period of time and subject to such conditions as the Department may specify.

Specific Authority 494.0011(2), 494.0029 ~~494.00311~~ FS. Law Implemented 494.0029, 494.0041 ~~494.00311~~ FS. History--New 11-5-95, Amended _____.

3D-40.043 Mortgage Broker License Renewal and Reactivation.

(1) Each active mortgage broker license shall be renewed for the biennial period beginning September 1 of each odd-numbered year upon submission of the statutory renewal fee required by Section 494.0034, F.S., certification of compliance with the continuing education requirements of Section 494.00295, F.S., and a completed renewal form. Form DBF-MB-103, Mortgage Broker License Renewal and Reactivation Form, revised 10/01 ~~10/99~~, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) A mortgage broker license that is not renewed as required in subsection (1) prior to September 1 of the renewal year shall revert from active to inactive status. An inactive license may be reactivated within two (2) years after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0034, F.S., certification of compliance with the continuing education requirements of Section 494.00295, F.S., and submission of a completed reactivation form. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(3) No change.

(4) The Department shall not renew or reactivate a mortgage broker license if the minimum continuing education requirements are not satisfied prior to the renewal or reactivation.

(5) The licensee is responsible for maintaining copies of the certificate of completion for all continuing education courses completed and shall supply them to the Department upon request.

Specific Authority 494.0011(2), 494.0034(2) FS. Law Implemented 494.00295, 494.0034 FS. History—New 11-2-86, Amended 6-23-91, 11-12-91, 9-3-95, 12-12-99, 2-5-01,_____.

3D-40.051 Application Procedure for Mortgage Brokerage Business License.

(1) Each person desiring to obtain licensure as a mortgage brokerage business shall apply to the Department by submitting the following:

(a) A completed Application for Licensure as a Mortgage Brokerage Business, Form DBF-MB-201, revised 10/01 ~~10/99~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350;

(b) The statutory, non-refundable application fee required by Section 494.0031, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof.

(c) Evidence that the applicant’s designated principal broker has been actively licensed as a mortgage broker pursuant to Section 494.0033, F.S., for at least one year, or has demonstrated to the satisfaction of the Department that the designated principal broker has been actively engaged in a mortgage-related business for at least one year.

(d) For the purpose of this rule, examples of “actively engaged in a mortgage-related business” shall include, but are not limited to, the following positions that are engaged in the origination, underwriting, closing, and servicing of mortgage loans: loan originator, loan underwriter, officer, or director of a mortgage lender or correspondent mortgage lender; mortgage loan officer of a financial institution; mortgage broker in another state; loan closer for a title insurance company or agency; loan representative, loan underwriter, officer, or director of a private mortgage insurance company; and regulator that is directly responsible for the examination, investigation, or regulation of mortgage companies from this state, another state, or a federal government agency.

(2) Each ultimate equitable owner of 10% or greater interest, the chief executive officer and each director of an entity applying for licensure as a mortgage brokerage business, shall submit a completed fingerprint card and Biographical Summary, Form MBB-BIO-1 (revised 10/99), to the Department along with a \$15 nonrefundable processing fee. Form MBB-BIO-1 is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(a) Any entity that is a wholly-owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).

(b) For purposes of this rule, “chief executive officer” means the person primarily responsible for the operation of the business, and a “financial institution” means a state or federal association, bank, trust company, international bank agency, or credit union.

(c) If the individual owner, director, or chief executive officer holds an active mortgage broker’s license with the Department, they are exempt from the provisions of subsection (2).

(d) If an entity holds an active license under Chapter 494, F.S., with the Department, it is exempt from the provisions of subsection (2) this rule when it applies for a different type of license, unless there has been a change of control of 50% or more of the ownership interest since the time its initial license was approved by the Department.

(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) through (8) No change.

Specific Authority 215.405, 494.0011(2) FS. Law Implemented 494.0031, 494.0035 FS. History—New 10-30-86, Amended 1-30-89, 11-28-89, 10-1-91, 6-6-93, 5-14-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99,_____.

3D-40.100 Application Procedure for Change in Ownership or Control of Saving Clause Mortgage Lender.

(1) Each person who seeks to obtain a controlling ownership or voting interest in a mortgage lender licensed pursuant to the saving clause shall apply to the Department by submitting the following:

(a) A completed application for Change in Ownership or Control of Saving Clause Mortgage Lender, Form DBF-MLST, revised 10/01 ~~10/99~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350;

(b) A non-refundable application fee of \$500, which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof;

(c) Audited financial statements documenting a minimum net worth of \$25,000 as of the applicant’s most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, then an audited statement from the previous fiscal year end is acceptable.

(d) Designate a principal representative who shall exercise control of the licensee’s business. Beginning October 1, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and must also have passed a written test in accordance

with Rule 3D-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Department and was licensed as a mortgage broker on or after July 1, 1992, he or she will have satisfied the 24-hour classroom education and testing requirements of this section.

(2) Each ultimate equitable owner of 10% or greater interest, the chief executive officer and each director of an entity applying for licensure as a mortgage lender licensed pursuant to the savings clause, shall submit a completed fingerprint card and Biographical Summary, Form ML-BIO-1 (revised 10/99), to the Department along with a \$15 nonrefundable processing fee. Form ML-BIO-1 is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(a) Any entity that is a wholly-owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).

(b) For purposes of this rule, "chief executive officer" means the person primarily responsible for the overall activities of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.

(c) If the individual owner, director, or chief executive officer holds an active mortgage broker's license with the Department, he or she are exempt from the provisions of subsection (2).

(d) If an entity holds an active license under Chapter 494, F.S., with the Department, it is exempt from the provisions of subsection (2) when it applies for a different type of license, unless there has been a change of control of 50% or more of the ownership since the time its initial license was approved by the Department.

(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3)(2) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within ninety (90) forty five (45) days from the date of the request. Failure to respond to the request within ninety (90) forty five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Subsection 120.60(1), F.S.

(3) through (6) renumbered (4) through (7) No change.

Specific Authority 494.0011(2) FS. Law Implemented 494.0061(1), 494.0065 FS. History--New 8-24-93, Amended 9-3-95, 8-22-99, 12-12-99, _____.

3D-40.150 Out of State Examination Costs Fees.

(1) ~~The Department shall charge \$250.00 per eight hour day for each examiner engaged in an examination of a mortgage brokerage business, mortgage lender, or correspondent mortgage lender. The Department may not charge more than \$500 in examination fees per biennial period to any one mortgage brokerage business, mortgage lender or correspondent mortgage lender. Such examination fees shall be calculated on an hourly basis and shall be rounded to the nearest hour. For examinations conducted out of state travel, the licensee shall pay the travel expense and per diem subsistence allowance provided for state employees in Section s. 112.062, F.S.~~

(2) ~~For the purpose of this rule, "biennial period" means the two year period beginning September 1 of each even numbered year.~~

Specific Authority 494.0011(2), 494.0012(3) FS. Law Implemented 494.0012(3) FS. History--New 10-1-91, Amended 8-24-99, _____.

3D-40.160 Principal Brokers.

(1) Each mortgage brokerage business shall designate a licensed mortgage broker as the principal broker and the individual designated shall accept responsibility by completing the Principal Broker Designation, Form DBF-MB-PB, effective ~~10/91~~ ~~October 7, 1994~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) Upon any change of principal broker, the licensee and the newly designated principal broker shall complete the Principal Broker Designation, Form DBF-MB-PB (~~effective 10/94~~). Form DBF-MB-PB shall be maintained at the principal office of the mortgage brokerage business, and a copy shall be mailed to the Department at the above address or electronically transmitted to the Department's website at www.dbf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation. Anyone being designated as a principal broker on or after October 1, 2001, must have been actively licensed as a mortgage broker pursuant to Section 494.0033, F.S., for at least one year, or has demonstrated to the satisfaction of the Department that the designated principal broker has been actively engaged in a mortgage-related business for at least one year, as defined in Rule 3D-40.051, F.A.C.

(3) No change.

(4) Each principal broker shall notify the Department of Banking and Finance, Division of Securities and Finance, Attention: Licensing Section, 101 East Gaines Street, Tallahassee, Florida 32399-0350 in writing, within thirty (30) days, of the termination of principal broker status.

Specific Authority 494.0011(2), 494.0035 FS. Law Implemented 120.695, 494.0011(2), 494.0016, 494.0035 FS. History--New 10-7-91, Amended 7-25-96, 12-12-99, _____.

3D-40.165 Branch Brokers.

(1) Each mortgage brokerage business shall designate a licensed mortgage broker as the branch broker of the branch office, and the individual shall accept such responsibility by completing the Branch Broker Designation Form, Form DBF-MB-BB (effective 10/91), which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) Upon any change of Branch Broker, the licensee and the newly designated branch broker shall complete the Branch Broker Designation, Form DBF-MB-BB. Form DBF-MB-BB shall be maintained at the applicable branch office of the mortgage brokerage business, and a copy shall be mailed to the Department at the above address or electronically transmitted to the Department's website at www.dbf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation.

(3) through (4) No change.

Specific Authority 494.0011(2), 494.0035(2) FS. Law Implemented 120.695, 494.0011(2), 494.0016, 494.0035(2) FS. History--New 10-7-91, Amended 7-26-96, 12-19-99, _____.

3D-40.200 Application Procedure for Mortgage Lender License.

(1) Each corporation, general partnership, limited partnership, limited liability company, or other lawful entity desiring to obtain licensure as a mortgage lender shall apply to the Department by submitting the following:

(a) A completed Application for Licensure as a Mortgage Lender, Form DBF-ML-222, revised 10/01 ~~40/99~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350;

(b) The statutory, non-refundable fee required by Section 494.0061, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof;

(c) Audited financial statements documenting a minimum net worth of \$250,000 as of the applicant's most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, an audited statement from the previous fiscal year end is acceptable;

(d) A surety bond, issued by a bonding company or insurance company authorized to do business in this State, in the amount of \$10,000; and submitted on Form DBF-ML-444, Mortgage Brokerage and Mortgage Lending Act Surety Bond, effective 10-1-91, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(e) Designate a principal representative who shall exercise control of the licensee's business. Beginning October 2, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and must also have passed a written test in accordance with Rule 3D-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Department and was licensed as a mortgage broker on or after July 1, 1992, he or she will have satisfied the 24-hour classroom education and testing requirements of this section.

(2) Each ultimate equitable owner of 10% or greater interest, the chief executive officer and each director of an entity applying for licensure as a mortgage lender, shall submit a completed fingerprint card and Biographical Summary, Form ML-BIO-1 (revised 10/99), to the Department along with a \$15 nonrefundable processing fee. Form ML-BIO-1 is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(a) Any entity that is a wholly-owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).

(b) For purposes of this rule, "chief executive officer" means the person primarily responsible for the overall activities operation of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.

(c) If the individual owner, director, or chief executive officer holds an active mortgage broker's license with the Department, they are exempt from the provisions of subsection (2).

(d) If an entity holds an active license under Chapter 494, F.S., with the Department, it is exempt from the provisions of subsection (2) this rule when it applies for a different type of license, unless there has been a change of control of 50% or more of the ownership since the time its initial license was approved by the Department.

(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within ninety (90) ~~forty five (45)~~ days from the date of the request. Failure to respond to the request within ninety (90) ~~forty five (45)~~ days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Subsection 120.60(1), F.S.

(4) through (8) No change.

Specific Authority 215.405, 494.0011(2), 494.0061(3) FS. Law Implemented 494.0061(3) FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, _____.

3D-40.220 Application Procedure for Correspondent Mortgage Lender License.

(1) Each corporation, general partnership, limited partnership, limited liability company, or other lawful entity desiring to obtain licensure as a correspondent mortgage lender shall apply to the Department by submitting the following:

(a) A completed Application for Licensure as a Correspondent Mortgage Lender, Form DBF-CL-333, revised 10/01 ~~10/99~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350;

(b) The statutory, non-refundable fee required by Section 494.0062, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof;

(c) Audited financial statements documenting a minimum net worth of \$25,000 as of the applicant's most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, an audited statement from the previous fiscal year end is acceptable;

(d) A surety bond, issued by a bonding company or insurance company authorized to do business in this State, in the amount of \$10,000; and submitted on Form DBF-ML-444, Mortgage Brokerage and Mortgage Lending Act Surety Bond, effective 10-1-91, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(e) Designate a principal representative who shall exercise control of the licensee's business. Beginning October 2, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and must also have passed a written test in accordance with Rule 3D-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Department and was licensed as a mortgage broker on or after July 1, 1992, he or she will have satisfied the 24-hour classroom education and testing requirements of this section.

(2) Each ultimate equitable owner of 10% or greater interest, the chief executive officer and each director of an entity applying for licensure as a correspondent mortgage lender, shall submit a completed fingerprint card and Biographical Summary, Form CL-BIO-1 (revised 10/99), to the Department along with a \$15 nonrefundable processing fee. Form CL-BIO-1 is hereby incorporated by reference and

available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(a) Any entity that is a wholly-owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).

(b) For purposes of this rule, "chief executive officer" means the person primarily responsible for the overall activities operation of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.

(c) If the individual owner, director, or chief executive officer holds an active mortgage broker's license with the Department, they are exempt from the provisions of subsection (2).

(d) If an entity holds an active license under Chapter 494, F.S., with the Department, it is exempt from the provisions of subsection (2) this rule when it applies for a different type of license, unless there has been a change of control of 50% or more of the ownership since the time its initial license was approved by the Department.

(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within ninety (90) forty-five (45) days from the date of the request. Failure to respond within ninety (90) forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Subsection 120.60(1), F.S.

(4) through (8) No change.

Specific Authority 215.405, 494.0011(2), 494.0062(3) FS. Law Implemented 494.0062(3) FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, _____.

3D-40.242 Principal Representative.

(1) Effective October 1, 2001, each mortgage lender, correspondent mortgage lender, and mortgage lender pursuant to the saving clause shall designate a principal representative who operates and exercises control over the business and the individual so designated shall accept responsibility by completing the Principal Representative Designation, Form DBF-ML/CL-PR, effective 10/01, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) Upon any change of principal representative, the licensee and the newly designated principal representative shall complete the Principal Representative Designation, Form

DEPARTMENT OF CORRECTIONS

RULE TITLE: Correctional Probation Officers Carrying Firearms
 RULE NO.: 33-302.104

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify procedures related to correctional probation officers obtaining authorization to carry firearms.

SUMMARY: The proposed rule corrects staff titles associated with community corrections, clarifies the firearm authorization and qualification process, provides for the use of a new form, and deletes unnecessary or repetitive language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 120.53(1)(a), 790.06, 944.09 FS.

LAW IMPLEMENTED: 20.315, 120.53(1)(a), 790.06, 944.09 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:

33-302.104 Correctional Probation Officers Carrying Firearms.

(1) Intent and Purpose. ~~The purpose of this rule is in order to promote the personal safety of the certified correctional probation officer engaged in field supervision and investigation of assigned offenders. The, it is the intent of the Department of Corrections to formulate procedures governing the authorization for officers to carry a firearm is for defensive purposes while on duty.~~

(2) Definitions.

(a) through (d) No change.

(e) Reviewing authority, for the purpose of this rule, refers to staff who are authorized to review and approve requests to carry firearms, issue Firearm Qualification and Authorization, DC3-223, maintain lists of staff under their supervision who have been authorized to carry a firearm, and permanently remove or temporarily suspend authorization for staff to carry a firearm.

1. No change.

2. Regional Directors of ~~Regional~~ Community Corrections are the reviewing authority for Circuit Administrators and Deputy Regional ~~the Assistant to the~~ Directors of Regional Community Corrections.

3. The Deputy Assistant Secretary of Community Corrections or the Assistant Secretary of Community Corrections is the reviewing authority for the Regional Directors of ~~Regional~~ Community Corrections.

(3) Authorization Procedures.

(a) No change.

(b) Any correctional probation officer who elects to carry a firearm while on duty shall complete Form DC3-226, Request for Authorization to Carry a Firearm on Duty, and submit it for such authorization through the circuit administrator. Form DC3-226, Request for Authorization to Carry a Firearm on Duty, 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 stamped envelope.~~ The effective date of this form is March 4, 2001. Any circuit administrator or deputy to the director of regional community corrections who elects to carry a firearm while on duty shall make application utilizing Form DC3-226 to the director of regional community corrections. A regional director of ~~regional~~ community corrections who elects to carry a firearm while on duty shall make application utilizing Form DC3-226 to the deputy regional director assistant secretary of community corrections. The written application shall contain documentation that the individual has complied with the training and qualification requirements set forth in paragraph (c) below. The application shall also contain a statement that the officer has read and understands Rule 33-302.104 and 33-209.103, F.A.C.

(c) through (d) No change.

(e) Upon review of the application, the documentation of training and qualification pursuant to Rule 33-209.103, F.A.C., and after completing a Florida Crime Information Center/National Crime Information Center ~~an~~ (FCIC/NCIC) check on the firearm by serial number and an FCIC check has been completed on the applicant to determine if there is a domestic violence injunction that would disqualify the applicant from possessing a firearm if convicted of domestic violence, the reviewing authority shall approve the request within 10 working days and shall issue a Firearms Qualification and Authorization Card, Form DC3-223, which establishes that the officer has been authorized to carry a firearm. Each reviewing authority shall maintain a list of all staff under their supervision who have been authorized to carry firearms. Form DC3-224, Firearm Authorization List, will be used for this purpose. Form DC3-224 is hereby incorporated by reference. A copy 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 March 4, 2001. A copy of the application (Form DC3-226), documentation of qualification (Form DC3-240), firearms authorization card (Form DC3-223), and receipt or affidavit of ownership shall be placed in the employee's personnel file. Subsequent re-qualification documentation (Form DC3-241) will also be placed in the employee's personnel file.

(f) The firearms authorization card, Form DC3-223, shall expire one year from the date of ~~initial~~ firearms card issuance unless written documentation of re-qualification is submitted to the authorizing entity prior to the expiration of the firearms card. The officer shall be required to successfully re-qualify each year thereafter pursuant to Rule 33-209.103, F.A.C., and this rule in order to remain qualified to carry a firearm. All correctional probation officers shall be provided the opportunity to prepare for annual firearms re-qualification by participating in re-qualification firearms training. A correctional probation officer who declines the opportunity to participate in re-qualification firearms training shall sign a statement indicating that the opportunity was provided and was declined. Form DC2-902, Refusal of Re-qualification Firearms Training, shall be used for this purpose. Form DC2-902 is hereby incorporated by reference. A copy of the form is 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 March 4, 2001.

(g) Re-qualification must occur ~~within 90 days~~ prior to the employee's firearm card expiration date. Upon re-qualification, the firearms instructor will complete the Firearm Re-qualification Certificate, Form DC3-241, with the re-qualification score, and will sign the form as the trainer. The officer will certify that the firearm referenced on this form is the firearm used in the course of his or her duties and that he or she uses only authorized ammunition, and shall return the form to the reviewing authority for issuance of a new Firearms Qualification and Authorization Card, Form DC3-223. An FCIC/NCIC check shall be conducted during the re-qualification process. The new firearm card will be issued effective the date of re-qualification. The DC3-223 will expire with an expiration date one year from the expiration date of requalification the previous firearm card.

(h) No change.

(i) A correctional probation officer who fails to complete firearm re-qualification after remedial training has been provided, and who wishes to renew authorization to carry a firearm, must re-attend and successfully complete department approved basic recruit firearm qualification training at the officer's own expense.

(j) A correctional probation officer who does not re-qualify prior to the date of expiration of the firearm card shall not be permitted to carry a firearm while on duty, except for firearm training purposes and must surrender the firearms

card immediately. The officer shall have one year from the date the firearm card expired to successfully re-qualify to continue to carry a firearm. If the officer successfully re-qualifies, after the card expires, a new firearm card will be issued with an expiration date one year from the date of re-qualification. If the officer does not successfully re-qualify within that year, the officer will be required to re-attend and successfully complete department approved basic recruit firearm qualification training at his or her own expense if he or she wishes to carry a firearm.

(k) The officer shall immediately notify his or her immediate supervisor in the case of theft or loss of the authorized firearm. The officer ~~or supervisor~~ shall notify local law enforcement agencies and the Florida Department of Law Enforcement in writing of the theft or loss and provide a copy to the supervisor to ensure the notification has been made as required. A Community Corrections Incident Report, Form DC3-225, An Inspector General's Office Electronic Mail E-Form shall be prepared by the officer any time a loss or theft occurs and shall be submitted to his or her immediate supervisor within 24 hours. The supervisor shall forward Form DC3-225 to the circuit administrator, who shall complete a MINS report. Form DC3-225 is hereby incorporated by reference. A copy of this form is 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 _____.

(4) through (8) No change.

(9) Removal of Authorization to Carry a Firearm.

(a) The reviewing authority circuit administrator shall ~~have the authority to~~ permanently remove or ~~to~~ temporarily suspend the authorization to carry a firearm for a correctional probation officer, ~~a correctional probation supervisor or circuit deputy administrator if:~~

1. ~~The~~ correctional probation officer has exhibited behavior which indicates that the carrying of a firearm by this officer could present a threat to the security of other staff officers, offenders, or the general public, ~~or~~

2. ~~The~~ correctional probation officer has demonstrated an inability to properly care, maintain, handle or secure the firearm. ~~The regional director of community corrections shall have this same authority with regard to a circuit administrator or assistant to the regional director of community corrections. The deputy director of community corrections shall have the same authority with regard to a regional director of community corrections. The regional director of community corrections shall be notified each time a decision is made to remove an officer's authorization to carry a firearm.~~

3. ~~(b)~~ The correctional probation ~~An~~ officer is found to have been negligent by failure to comply with those standards and procedures provided in the training required by Chapter 33-209, F.A.C., and the standards set forth in this rule in the case of loss or theft of the firearm while on duty shall have the

authorization to carry the firearm removed and shall be subject to disciplinary action in accordance with Chapter 33-208, F.A.C.

~~4.(e) The correctional probation officer should fail to complete re-qualification, or the reviewing authority shall immediately suspend the officer's authorization to carry a firearm and secure the officer's authorization card. Upon successful completion of re-qualification attempts and re-qualification pursuant to Chapter 33-209, F.A.C., the officer shall have his or her authorization reinstated.~~

5. The correctional probation officer notifies the department of physical or pharmacological conditions that could affect his or her ability to carry a firearm or other weapon safely.

(10) Care and Maintenance of Firearm.

(a) through (c) No change.

(d) Each officer shall ensure that the firearm is properly stored and secured when not being worn so that it is not accessible to unauthorized persons. ~~When at home, the officer shall secure it in a manner as to limit access in compliance with s. 790.174, F.S.~~

(e) No change.

(11) Costs. Unless otherwise appropriated by the Legislature, or as specified in this rule, the all costs of the firearms, ammunition, training, licensing and other associated matters shall be borne by the employee.

Specific Authority 20.315, 120.53(1)(a), 790.06, 944.09 FS. Law Implemented 20.315, 120.53(1)(a), 790.06, 944.09 FS. History--New 5-28-86, Amended 7-7-92, 12-20-92, 3-30-94, 9-27-94, 12-19-94, 3-8-95, 2-15-98, Formerly 33-24.013, Amended 3-4-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tina Hayes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 27, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLE: Special Management Meal

RULE NO.: 33-602.223

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify when inmates may be placed on the special management meal and to clarify the procedure for placement on this status.

SUMMARY: The proposed rule adds misuse of food and spitting at staff to the list of behaviors for which inmates may be placed on special management meal status.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE 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:

33-602.223 Special Management Meal.

(1) through (2) No change.

(3) Inmates in any confinement status may be placed on the special management meal for creating a security problem by any of the following acts:

(a) The throwing or misuse of food, beverage, food utensils, food tray, or human waste products, or spitting at staff;

(b) through (c) No change.

(4) Placement on the Special Management Meal.

(a) When any employee observes inmate behavior that he believes meets the criteria for application of the special management meal, the employee shall prepare Form DC6-218, Special Management Meal Report, and forward the report to the chief of security for review. Form DC6-218, Special Management Meal Report, is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~If forms are to be mailed, a self-addressed stamped envelope must accompany the request.~~ The effective date of this form is 8-1-00.

(b) If the chief of security determines that the behavior cannot be corrected through routine counseling or by established disciplinary procedures, a discussion shall take place at the inmate's cell between the inmate, the officer in charge, and the reporting officer, if needed. The officer in charge shall complete the discussion section of the report. The Special Management Meal Report shall document the reasons for recommending the special management meal and shall include a summary of the inmate's comments or objections. When an inmate has been recommended for placement on the special management meal, the chief health officer or his designee ~~other designated health care staff member~~ shall indicate on the Special Management Meal Report whether there is any medical reason that would prohibit placing the inmate on special management meal status. When there is a

medical problem, the chief health officer or ~~his designee~~ ~~other designated medical staff member~~ shall determine whether the inmate can be placed on the special management meal or whether an alternative special meal can be prescribed. No inmate shall be placed on special management meal status without medical concurrence approval. The chief of security shall then forward the report to the warden for approval.

(c) No change.

(5) Canteen privileges authorized by Rules 33-602.220(8)(n), F.A.C., and 33-601.800 33-601.803(3)(f), F.A.C. for inmates in administrative confinement and close management status shall be suspended for the duration of the period that an inmate is on special management meal status.

(6) The chief of security and a designated clinical health care person shall visit each inmate on special management meal status on a daily basis, except in case of riot or other institutional emergency. The shift supervisor shall act as the chief of security's designee and shall conduct the daily visit in the chief's absence. The purpose of the daily visit is to follow the inmate's progress while on the special management meal and to determine when the inmate should be removed from the special management meal status.

(7) An inmate may be removed from special management meal status at any time based on:

(a) No change.

(b) Medical reasons as determined by the chief health officer or his designee ~~other designated health care staff~~.

(8) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 1-12-88, Amended 3-4-92, 5-27-97, 11-25-98, Formerly 33-3.0085, Amended 8-1-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Vaughan
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2001

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Division of Workers' Compensation

RULE TITLE: Benefits and Administration Trust Fund

RULE NO.:

Penalties Improper Filing Practices 38F-24.0231

PURPOSE AND EFFECT: Subsections (1)(b) and (1)(c) are being deleted because they exceed the Department's rulemaking authority. Chapter 99-379, Laws of Florida, required each agency to submit to the Legislature by October 1, 1999 a list of all rules that exceeded the rulemaking authority permitted by s. 120.536(1), F.S. These subsections were submitted on said list.

SUMMARY: The subsections being deleted dealt with penalties to be imposed for improper filing of Form DWC-1a, Wage Statement, or other forms or reports as required by Rule Chapter 38F-3, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 440.13(11)(b), 440.591 FS.

LAW IMPLEMENTED: 440.13(11)(b), 440.185(9), 440.20(8)(a) 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: Nancy Staff Terrel, Senior Attorney, (850)488-9370

THE FULL TEXT OF THE PROPOSED RULE IS:

38F-24.0231 Benefits and Administration Trust Fund Penalties Improper Filing Practices.

(1) Failure to timely file legible and complete forms, reports, or documents as required by Chapter 440, Florida Statutes, Rule Chapter 38F-3, or other Division rules implementing Chapter 440, shall subject the party required to file such form, report, or document to assessment by the Division of a civil penalty. For purposes of this rule, a form, report or document is timely filed when it is postmarked and mailed prepaid prior to the expiration of the time periods prescribed in this rule. Penalties shall be assessed as follows:

(a) No change.

~~(b) DWC-1a, Wage Statement. Employers shall be penalized \$10 for each day that each DWC-1a is not timely filed with the carrier, not to exceed \$100 for each DWC-1a untimely filed.~~

~~(c) Other Forms or Reports. A penalty for the untimely filing of other forms or reports which are required to be filed with the Division pursuant to Rule Chapter 38F-3 shall be assessed in a total amount for all untimely filings, and shall be based on the following filing performance percentages:~~

Percentage	Audit	Re-Audit
85% through 100%	\$0	\$0
80% through 84.99%	\$250	\$500
75% through 79.99%	\$750	\$1,000
70% through 74.99%	\$1,000	\$1,250
60% through 69.99%	\$1,500	\$1,750
50% through 59.99%	\$2,000	\$2,250
0% through 49.99%	\$2,500	\$2,750

(2) through (6) No change.

Specific Authority 440.13(11)(b), 440.591 FS. Law Implemented 440.13(11)(b), 440.185(9), 440.20(8)(a) FS. History—New 8-29-94, Amended 5-14-95, 6-4-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nancy Staff Terrel, Senior Attorney
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James L. Delaney, Chief, Bureau of Monitoring and Audit
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 21, 2001, Vol. 27, No. 38

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Division of Workers' Compensation

RULE TITLES: Filing and Service of the Verified Petition to be Relieved of Costs and Verified Petition of Indigency
RULE NOS.: 38F-68.001
38F-68.006

PURPOSE AND EFFECT: As a result of Chapter Law 2001-91, Laws of Florida, effective October 1, 2001 the Division of Workers' Compensation no longer has the explicit power to maintain these rules. Therefore, these rules are being repealed as they exceed the Division's rulemaking authority.

SUMMARY: These rules set forth the requirements for properly filing petitions for indigency and to be relieved of costs of the record on appeal, and incorporated the financial affidavit used in said petitions.

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: 440.25(5)(b) FS.

LAW IMPLEMENTED: 440.271, 440.25(5)(b) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE NOTICED IN A FUTURE ISSUE OF THE F.A.W.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Nancy Staff Terrel, Senior Attorney, (850)488-9370

THE FULL TEXT OF THE PROPOSED RULES IS:

38F-68.001 Filing and Service of the Verified Petition to be Relieved of Costs and Verified Petition of Indigency.

Specific Authority 440.25(5)(b) FS. Law Implemented 440.271, 440.25(5)(b) FS. History—New 6-29-94, Repealed _____.

38F-68.006 Financial Affidavit.

Specific Authority 440.25(5)(b) FS. Law Implemented 440.271, 440.25(5)(b) FS. History—New 6-29-94, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nancy Staff Terrel, Senior Attorney
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Margaret R. Young, Director, Division of Workers' Compensation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2001

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

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

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Visual Services Coverage and Limitations Handbook, May 2001.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NO HEARING IS REQUESTED, THIS HEARING WILL NOT BE HELD.)

TIME AND DATE: 9:00 a.m., October 31, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Debra H. Marshall, Agency for Health Care Administration, Medicaid Program Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7354

THE FULL TEXT OF THE PROPOSED RULE 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 Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Debra H. Marshall
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda Medows
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Continuing Education for License Renewal
RULE NO.: 61G8-17.0034
PURPOSE AND EFFECT: The board proposes to amend the existing rule by updating the rule text.
SUMMARY: The rule amendments are for the purpose of updating continuing education provider requirements.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.
Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
SPECIFIC AUTHORITY: 455.2226, 470.0005(1), 470.015(1), 470.018 FS.
LAW IMPLEMENTED: 455.2124, 455.2226, 470.015, 470.018 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-17.0034 Continuing Education for License Renewal.

(1) through (5) No change.

(6) Compliance with this rule will be monitored by the Department pursuant to its Rule 61-6.015, F.A.C. Failure to meet the continuing education requirements shall render the license/registration ineligible for renewal and the license/registration shall become delinquent.

Specific Authority 455.2226, 470.005(1), 470.015(1), 470.018 FS. Law Implemented 455.2124, 455.2226, 470.015, 470.018 FS. History—New 4-10-94 Amended 3-14-95, 7-25-95, 9-25-95, 9-25-97, 11-11-99, 11-20-00, 6-24-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral Directors and Embalmers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 15, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Continuing Education Provider Requirements
RULE NO.: 61G8-17.0041
PURPOSE AND EFFECT: The board proposes to amend the existing rule by updating the rule text.
SUMMARY: The rule amendments are for the purpose of updating continuing education provider requirements.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.
Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
SPECIFIC AUTHORITY: 470.005(1), 455.213(7),(8) FS.
LAW IMPLEMENTED: 455.213 (7),(8) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-17.0041 Continuing Education Provider Requirements.

(1) through (3) No change.

(4) The continuing Education provider must submit to the Board; ~~in writing, notice of any substantial changes in the information provided in the initial request for provider approval. This notification must be made within 30 days following the date the change is effective.~~

(a) Written notice of any substantial changes in the information provided in the initial request for course approval. This notification must be made within 30 days following the date the change is effective, and

(b) Electronic documents as required by Department Rule 61-6.015, F.A.C.

(5) through (9) No change.

Specific Authority 455.213(7),(8), 470.005(1) FS. Law Implemented 455.213(7),(8) FS. History--New 4-10-94, Amended 1-25-95, 3-14-95, 7-25-95, 9-25-95, 6-24-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 9, 2001

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Advertising and Soliciting by Dentists

RULE NO.: 64B5-4.002

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to advertising.

SUMMARY: The Board is amending this rule by adding a new subsection (3)(g) with regard to advertising of the removal of mercury amalgam for the purpose of curing or preventing diseases.

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

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

SPECIFIC AUTHORITY: 466.004(4), 466.019 FS.

LAW IMPLEMENTED: 466.019, 466.028(1)(d) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-4.002 Advertising and Soliciting by Dentists.

(1) through (2) No change.

(3) No dentist shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive, or misleading in form or content. Additionally, no dentist shall disseminate or cause the dissemination of any advertisement or advertising which:

(a) through (f) No change.

(g) Is intended or is likely to appeal primarily to a layperson's fears. For example, it is false, fraudulent and misleading as well as likely to appeal primarily to a layperson's fears for a dentist to advertise removal of mercury amalgam fillings or restorations for the alleged purpose of curing, preventing or diagnosing systemic diseases. It is false, fraudulent and misleading and likely to appeal primarily to a layperson's fears because recommending or performing the removal of amalgam restorations based upon the dentist's representation that removal has the capacity to diagnose, cure or alleviate diseases, infections or other conditions is not based upon accepted scientific knowledge or research.

(4) through (6) No change.

Specific Authority 466.004(4), 466.019 FS. Law Implemented 466.019, 466.028(1)(d) FS. History--New 7-7-87, Amended 1-11-89, 10-29-90, 4-24-91, 7-14-92, Formerly 21G-4.002, Amended 3-30-94, Formerly 61F5-4.002, 59Q-4.002, Amended 5-20-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2001

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Standards for Approved Providers

RULE NO.: 64B5-12.0175

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule with regard to the standards for approved providers.

SUMMARY: The Board is amending this rule to add new rule text to inform instructors who have had their licenses revoked, suspended or acted upon, they will be disqualified from becoming an approved provider.

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

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

SPECIFIC AUTHORITY: 466.004(4), 466.014 FS.

LAW IMPLEMENTED: 466.0135, 466.014 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-12.0175 Standards for Approved Providers.

Approved continuing professional education providers and providers authorized pursuant to Rule 64B5-12.013(3)(b), F.A.C., shall comply with the following requirements:

- (1) No change.
- (2) Instructors shall be adequately qualified by training, experience or licensure to teach specified courses. Because domestic violence courses must contain information specifically appropriate for, directly pertinent to, and useful in, dentistry, all domestic violence instructors shall be familiar with dental injuries indicative of domestic violence, reporting obligations under Florida and federal law, and incidence statistics in the dental profession. Instructors who have had a professional license revoked, suspended, or otherwise acted against, in Florida or in another jurisdiction, may be disqualified. In making this determination, the Board shall examine the date, nature and number of disciplinary actions.
- (3) through (10) No change.

Specific Authority 466.004(4), 466.014 FS. Law Implemented 466.0135, 466.014 FS. History--New 1-18-89, Amended 7-9-90, Formerly 21G-12.0175, 61F5-12.0175, 59Q-12.0175, Amended 10-3-99, 10-29-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2001

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Legal Immigrant's Temporary Income Bridge Program
RULE NO.: 65A-1.630

PURPOSE AND EFFECT: This rule is being repealed because the state funded and administered food stamp program that it implemented and for which it set policy requirements has been discontinued.

SUMMARY: The department is repealing a rule that reflects a state food stamp program no longer in existence.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.39 FS.

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

TIME AND DATE: 10:00 a.m., October 29, 2001

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.630 Legal Immigrant's Temporary Income Bridge Program.

Specific Authority 414.45 FS. Law Implemented 414.39 FS., Ch. 97.259, s. 10, Laws of Fla. History--New 2-23-98, Repealed.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2001

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Services Program

RULE TITLE: Overpayment and Benefit Recovery
RULE NO.: 65A-1.900

PURPOSE AND EFFECT: This proposed rule amendment changes program policies used in benefit recovery. Changes are made in statutory and federal regulation citations and in forms incorporated by reference.

SUMMARY: The proposed rule amendment provides for: corrected Florida Statute citations; clarification of extreme hardship policy; clarification of the time frame considered as refusal to repay following notification of overpayment; expansion of federal regulations applicable to notification and method of repayment; clarification of persons from whom recovery will be made; citing federal regulations as the basis for maximum food stamp program repayment of overpayment; allowing child support credits to be applied to overpayments at the request of the absent parent or the recipient; a claims compromise policy; clarification of Treasury Offset Program policies; and, incorporating various forms by reference.

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

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

SPECIFIC AUTHORITY: 414.41, 414.45 FS.

LAW IMPLEMENTED: 24.115(4), 414.31, 414.41 FS.

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

TIME AND DATE: 1:00 p.m., October 29, 2001

PLACE: 1317 Winewood Boulevard, Building 3, Room 100, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Bowman, Acting Coordinator for Special Programs, 1317 Winewood Boulevard, Building 3, Room 417, Tallahassee, Florida 32399-0700, Telephone (850)921-5549

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.900 Overpayment and Benefit Recovery.

The purpose of this section is to define the administrative policies applicable to the establishment and recovery of overpayment in the public assistance programs.

(1) Administrative Definitions Applicable to Overpayment and Benefit Recovery.

(a) No change.

(b) Intentional Program Violation: Intentional Program Violation (~~IPV~~) or fraud error is defined pursuant to Section ~~414.39~~ ~~409.39~~, F.S., 7 CFR 273.16, and 45 CFR 235.110.

(c) through (d) No change.

(e) Refusal to Repay: Refusal to repay occurs when the person responsible for repayment has:

1. Received notification of the overpayment or request for repayment agreement as specified in subsection ~~(8)(7)~~ of this section and subsequently:

a. Fails to comply with the time frames as set forth in paragraph ~~(8)(7)(d)~~;

b. through c. No change.

2. Received written notification of a failure to comply with the terms of a repayment agreement and subsequently:

a. Fails to contact the department within ten ~~working~~ days for food stamp Intentional Program Violation, 20 days for food stamp Inadvertent Household Error, or 30 days for food stamp Agency Error and all public assistance errors including those for the Refugee Assistance and Optional State Supplementation Programs from the date of such notification; or

b. No change.

(f) Notification: Notification for purposes of this section is defined as any correspondence from the department that advises an individual of the status of an overpayment. Such notification shall be in compliance with 7 CFR, 273.18 or 45 CFR 235.110 as appropriate.

(g) Extreme hardship: Extreme hardship policy applies only to cash assistance agency errors. Extreme hardship occurs when basic maintenance needs exceed income. Basic maintenance needs are those items required for survival, including food, shelter, clothing, medical expenses, transportation, and personal and household incidentals.

1. through 5. No change.

(2) Persons Responsible for Repayment of Overpayment.

(a) AFDC and ~~temporary~~ cash assistance overpayments shall be recovered from the participant as that term is defined assistance groups specified in 414.0252, F.S. 45 CFR 233.20(a)(13), as amended;

(b) Food stamp overpayments shall be recovered from the following:

1. Individuals ~~The assistance groups~~ specified in 7 CFR 273.18, as amended; and

2. ~~In the case of an IPV determination made prior to May 21, 1986, the household containing the majority of the household members who received the overpayment.~~

(c) Medicaid overpayments shall be recovered as required in s. 414.41, F.S. from the individual on whose behalf such benefits were paid, the legal guardian of such individual at the time the overpayment occurred, the parent of a minor child, or the overpaid provider.

(3) Monthly Repayment Amounts.

(a) Monthly repayment amounts of all AFDC and ~~temporary~~ cash assistance overpayments shall include the following provisions:

1. through 2. No change.

(b) Monthly repayment amounts of all food stamp overpayments shall be determined in accordance with 7 CFR 273.18, ~~except for agency error repayments. Agency error repayments will be required in accordance with section 844, Public Law 104-193.~~

(c) No change.

(4) Method of Repayment.

(a) The methods of repayment of cash assistance overpayment shall be as follows:

1. No change.

2. Through application of child support credit. Child support credit exists when child support collected and retained by the department during any month in which overpayment occurred exceeds the amount of AFDC or ~~temporary~~ cash assistance to which the assistance group was entitled for that month after computation of the overpayment has been completed. The excess amount of child support may, if requested by absent parent or recipient, will be credited as repayment and the amount owed by the person responsible for repayment will be reduced by that amount. In addition, all or part of the overpayment claim can be satisfied should the absent parent of an overpaid assistance group repay to the department all AFDC or ~~temporary~~ cash assistance benefits received on behalf of the overpaid assistance group. Child support credit is not applicable to Refugee Assistance Program RAP overpayments.

(b) The method of repayment of a food stamp overpayment shall be as specified in 7 CFR 273.18, ~~except when the repayment is for agency error. Agency error repayments will be required in accordance with section 844, Public Law 104-193.~~

(c) No change.

(5) No change.

(6) Compromising Food Stamp Claims. Effective August 1, 2001, a food stamp claim or any portion of a food stamp claim may be compromised if the department can determine that a household's economic circumstance dictate that the claim will not be paid in three years. The department reserves the right to approve or not approve the compromise. Default of a compromise or repayment agreement by the client occurs when one scheduled payment is missed.

~~(7)(6)~~ Computation of Overpayment.

(a) through (b) No change.

~~(8)(7)~~ Notification of Overpayment. The persons responsible for repayment of overpayment must be notified in writing that overpayment exists and that they are required, by law, to repay the entire amount pursuant to s. 414.41, F.S.

(a) through (c) No change.

(d) The assistance group or persons that receive such notification will have 30 calendar days in which to contact the department before being considered to have refused to repay, except for food stamp recipients the period to contact the department shall be as specified in 7CFR 273.18(d).

~~1. For those persons notified via regular mail, the time in which to contact the department stated in paragraph (7)(d) above begins five days after the notification is mailed.~~

~~2. For those persons notified via certified mail, the time stated in paragraph (7)(d) above begins the day after the date indicated on the return receipt as the date of delivery or refusal of the notification, or the day after certified hand delivery of the notification.~~

~~(9)(8)~~ Determination of Intentional Program Violation.

(a) Pursuant to ss. 414.39 and 414.41, F.S., when the department has information that an individual participant has committed fraud, the department will refer the case to the Division of Public Assistance Fraud (DPAF) for investigation. In cases where the department determines that an individual participant has committed fraud in the cash assistance or food stamp programs, the department will pursue a determination of Intentional Program Violation (IPV) through either court action, administrative disqualification hearing (~~ADH~~), or both, where permitted by 7 CFR 273.16, or 45 CFR 235.110. The department will pursue a determination of IPV through court action in instances where the department determines that an individual participant has committed fraud in the Medicaid program.

(b) No change.

~~(10)(9)~~ Treasury Offset Program ~~Internal Revenue Service Tax Refund Intercept.~~

(a) The department will refer individuals who owe past-due, legally enforceable federal food stamp overpayment debts to the United States Department of the Treasury, ~~via the United States Department of Agriculture,~~ for purposes of collection of such debt through offset against federal payments income tax refunds pursuant to 26 U.S.C. 6402. Referral of individuals owing such debt will be completed in accordance with procedures and criteria contained in 26 CFR Part 301 et seq., and 31 CFR Part 5 Subpart C et seq., as provided for in 7 CFR Part 3 Subpart 3.82, ~~and FNS Notice 17B: 56 FR 41325-31, August 20, 1991.~~

(b) A past-due, legally enforceable debt exists when an individual in receipt of overpayment as defined in s. 414.41, F.S. ~~statute~~ and subparagraph (1)(b) of this rule is at least 180 days three months delinquent in repayment of such overpayment, and which overpayment has not been discharged through administrative or legal action.

(c) No change.

1. No change.

2. Unless repaid within 180 60 days from the date on the notification the debt will be referred to the United States Department of the Treasury IRS for offset against any refund of federal tax due that individual, and

3. No change.

(d) through (e) No change.

~~(11)(10)~~ The following notices, hereby incorporated by reference, ~~are can~~ be used by the department in the process of establishing and recovering overpayment: CF-ES 3042, Dec 96, Notice of Overpayment (cash) (automated notice); Notice of Overpayment (food stamps) (automated notice); Notice of Overpayment (Medicaid) (automated notice); Post-Fair Hearing Demand Letter (cash) (automated notice); Post-Fair Hearing Demand Letter (food stamps) (automated notice); Post-Fair Hearing Demand Letter (Medicaid) (automated notice); EBT Voluntary Repayment Agreement (automated notice); Notice of Hardship Decision (automated notice); Confirmation of Repayment Agreement (automated notice); Overissuance CF-ES 3057, Aug 2001 Mar 98, Information Concerning Administrative Disqualification Hearings; Notice of Cash Disqualification – temporary and permanent (Waiver) (automated notice); Notice of Cash Disqualification (ADH) (automated notice); Notice of Cash Disqualification – temporary and permanent (DCA) (automated notice); Notice of Cash Disqualification (court) (automated notice); Notice of Food Stamp Disqualification (ADH) (automated notice); Notice of Food Stamp Disqualification – temporary and permanent (DCA) (automated notice); Notice of Food Stamp Disqualification – temporary and permanent (Waiver) (automated notice); Notice of Food Stamp Disqualification (court) (automated notice); CF-ES Form 3400, Aug. 83, Request for Additional Information; CF-ES 3402, Oct 98, Overpayment, Overissuance, Fraud and Recoupment AFDC Repayment Agreement; CF-ES Form 3410, Aug. 2001 Mar. 98, Waiver of Administrative Disqualification Hearing; CF-ES Form 3410A, Aug. 2001 Mar. 98, Waiver of Administrative Disqualification Hearing; and, CF-ES Form 3414, Aug. 99, Disqualification Consent Agreement; and two demand letters used in food stamp collection due to inadvertent household error and intentional program violation. Each of these forms listed as incorporated by reference may be obtained without cost from any Benefit Recovery office or by written request to the Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

Specific Authority 414.41, 414.45 FS. Law Implemented 24.115(4), 414.31, 414.41 FS. History–New 7-21-92, Amended 1-5-93, 9-5-93, Formerly 10C-1.900, Amended 7-9-98, 4-3-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lynda Bergstrom, Government Operations Consultant II, and Rodney McInnis, Operations Review Specialist
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Bowman, Acting Coordinator for Special Programs
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2001

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE NO.:	RULE TITLE:
4A-2.024	Construction Materials Mining Activities

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. 23, June 8, 2001, of the Florida Administrative Weekly. These changes are being made to address concerns expressed

The rule has been changed to read as follows:

4A-2.024 Construction Materials Mining Activities.

(1) Scope.

(a) This section implements Section 552.30, Florida Statutes, which gives the State Fire Marshal sole and exclusive authority to promulgate standards, limits, and regulations regarding the use of explosives in conjunction with the extraction of limestone and sand by any person or company primarily engaged in commercial mining of limestone and sand suitable for production of construction aggregates, sand, cement, and road base materials and Section 552.211, Florida Statutes, which allows the State Fire Marshal to restrict the quantity and use of explosives at any location within the state where such explosive is likely to cause injury to life or property.

(b) Any person or company not primarily engaged in commercial mining of limestone and sand suitable for production of construction aggregates, sand, cement, and road base materials remains subject to the provisions of Section 552.25, Florida Statutes.

(c) Nothing in this section is intended to supercede the requirements of Chapter 552, Florida Statutes, or other sections in this rule chapter.

(2) Definitions. As used in this rule:

(a) “Blasting site” is a location within a mining area at which explosive charges are set.

(b) “Independent seismologist” is an individual whose function includes vibration and air overpressure measurement and the analysis and evaluation of their effects upon structures.

1. A seismologist under this subsection will not be considered “independent” if the seismologist is an employee of:

a. The mining permit holder, blaster, or user; or

b. Any entity subject to regulation under Section 552.30, Florida Statutes.

2. A seismologist shall be ineligible to serve as an "independent seismologist" if the seismologist:

a. Has within 2 years from the written notice referenced below been retained by or otherwise served as an expert witness, investigator, or consultant for the mining permit holder, blaster, or user or for an aggrieved party in connection with any anticipated or threatened claim, legal action, or other proceedings in which the mining permit holder, blaster, or user is alleged in a written notice to have caused damages or adversely affected personal property allegedly due to the operation or performance of the activities regulated under this rule chapter; or.

b. Does not meet the criteria of (4)(c) of this rule.

3. The Fire Marshal's office shall provide a list of qualified independent seismologists approved for use pursuant to this paragraph. The requirement to use an independent seismologist shall not be effective until the list is compiled.

(c) "Limestone" as used in Section 552.30(1), Florida Statutes, means any extracted material composed principally of calcium or magnesium carbonate. Coquina is a form of limestone composed of shell fragments.

(d) "Mining area" as used in this rule section is the area of land in which construction materials mining activity is to occur.

(e) "Urban development" is defined as a residential subdivision containing 25 or more occupied residences within the local urban development boundary.

(3) Mining Permit.

(a) Applicability.

1. Any construction materials mining activity which is in operation upon the effective date of this rule shall be allowed to continue such mining operations, including blasting, provided that the applicant submits an application in accordance with this rule within 90 days of the effective date of this rule.

2. All construction materials mines which are not in active operation on the effective date of this rule must have a blasting permit issued pursuant to these rules prior to commencing blasting activities.

(b) A mining permit shall be issued only after:

1. Payment of a fee established in subsection (10) below or by the county or municipality to cover costs.

2.a. Approval of an application, signed by the applicant showing the applicant's name and address, on Form DI4-1498, Construction Mining Activity Application, which is hereby adopted and incorporated by reference and is available from Safety Program Manager, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

b. Within 30 days of receipt of the application, the State Fire Marshal shall request additional information if necessary to evaluate the application.

c. The State Fire Marshal shall inform the permittee by fax or otherwise in writing when the application is complete.

d. Within 90 days of the completion of the application, the application shall be approved or denied.

(c) The permit holder shall report all complaints to the authority issuing the permit.

(d) Standards for Mining Permit Approval. A mining permit shall be approved unless any item listed on Form DI4-1498 in paragraph (b) above is not provided.

(e) License period. Each mining permit shall be issued for a period of 10 years.

(f) Annual Report and Annual Permit Fee Procedure.

1. The mining activity covered by the mining permit will be reviewed on an annual basis for compliance with Chapter 552, Florida Statutes, including but not limited to compliance with the record keeping requirements.

2. The mining permit holder shall annually pay a permitting fee specified in (10) below.

(g) Transfer of permits.

1. Within 60 days after the sale or legal transfer of a mining operation, the permittee shall inform the State Fire Marshal or delegatee in writing of the sale or legal transfer, identify the proposed new permittee, and request transfer of the permit.

2. At the option of the permittee request for transfer may be made prior to the sale or transfer of the mining operation, with approval being effective upon closing of the sale or transfer of the operation.

3. Requests for transfer shall be accompanied by the fee specified in (10)(e).

4. The State Fire Marshal or delegatee shall approve the transfer of the permit unless it determines that the proposed new permittee does not meet the requirements of this rule. The determination shall be limited solely to the ability of the new permittee to comply with the conditions of the existing permit, and it shall not concern the adequacy of the permit conditions.

5. Within 30 days of receipt of the request for a transfer, the State Fire Marshal or delegatee shall request additional information if necessary to evaluate the request. The State Fire Marshal or delegatee shall inform the permittee by fax or otherwise in writing when the request is complete.

6. Within 90 days of the completion of the request, the request shall be approved or denied subject to Section 120.60, Florida Statutes.

7. The transferee is allowed to continue to operate under the existing permit until the request for transfer has been approved or denied.

(h) Renewal of Permits.

1. At least 60 days prior to the expiration of a mining permit issued pursuant to this rule, the permittee, wishing to continue activities subject to this rule shall apply for renewal of the permit using Form DI4-1498, Construction Mining Activity Application.

2. If the request is submitted at least 60 days prior to the expiration of the mining permit, the existing permit shall remain in effect until final agency action, or later as required by Section 120.60, Florida Statutes.

(i) Modification of Permits.

1. A permittee may request a modification of the permit by applying to the State Fire Marshal or delegatee. The request shall identify the proposed modification.

2. Requests for modification shall be accompanied by the fee specified in (10)(d).

3. Within 30 days of receipt of the request, the State Fire Marshal or delegatee shall request additional information if necessary to evaluate the request.

4. The State Fire Marshal or delegatee shall inform the permittee by fax or otherwise in writing when the request is complete.

5. Within 30 days of the completion of the request, the request shall be approved or denied subject to Section 120.60, Florida Statutes.

(4) Ground Vibration Limits. Ground vibration shall not exceed the limits of particle velocity and frequencies established by the U.S. Bureau of Mines Report of Investigations, No. 8507 Ground Vibration, Frequency Limits.

(a)1. The maximum, Appendix B-Alternative Blasting Level Criteria (Figure B-1). A blasting operation shall use a seismograph, as identified in (c) below, to monitor each blast to ensure compliance with the ground vibration limits established in Section 552.30, Florida Statutes.

2. The U.S. Bureau of Mines Report of Investigations No. 8507, Appendix B – Alternative Blasting Level Criteria (Figure B-1) and Table 8-1.3, established in Section 8-1 of the National Fire Protection Association Standard 495, 1996 Edition are hereby adopted and incorporated by reference. Copies may be obtained from the Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342.

(b)1. Ground vibration shall be measured for every blast at the location of the nearest building that is not owned, leased, or contracted by the blasting or mining operation, or on property for which the owner has not provided a written waiver to the blasting operations, up to a maximum of one mile.

2. If there are no such buildings within one mile, measurement shall be made at one mile in the direction of the nearest such building.

3. If there is a building that is not owned, leased, or contracted by the blasting or mining operation, or on property for which the owner has not provided a written waiver to the blasting operations in a direction 90 to 270 degrees from the direction of the nearest building specified in (b)1., above, and

that building is no more than 500 feet farther than the nearest building, measurement shall also be made at the nearest of those buildings.

4. If a measurement location determined pursuant to (b)1.-3., above is not practicable, such as in a wet swamp, measurement shall be made at a point nearer to but in the same direction from the blast site.

(c)1. All measurements shall be made by a seismologist meeting the following criteria:

a. Five years continuous experience measuring and evaluating levels of ground vibration and air overpressure produced by blasting;

b. Demonstrable expertise in the use, location, and operation of seismographic equipment and analysis of seismographic data; and

c. Prior experience in monitoring side effects produced by blasting used in construction materials mining activity.

d. The State Fire Marshal has not found that the seismologist has engaged in dishonest practices relating to the collection or analysis of data or information regarding the use of explosives in construction materials mining. Such a finding will be subject to Section 120.57, Florida Statutes.

e. The seismologist is not an employee of the mining permit holder, blaster, or user.

2. Measurements shall be taken and equipment shall meet specifications of and be installed in accordance with the International Society of Explosives Engineers Blaster's Handbook, 17th Edition, Copyright 1998.

3. The International Society of Explosives Engineers Blaster's Handbook, 17th Edition, Copyright 1998, is hereby adopted and incorporated by reference and may be obtained from the International Society of Explosives Engineers, 29100 AVRA Road, Cleveland, Ohio 44131.

4. When the use of explosives occurs within 2 miles of an urban development, measurements shall be collected and reported by an independent seismologist.

(d)1. All seismographic equipment used within the boundaries of the State of Florida shall be calibrated according to the manufacturer's specifications and shall be certified as accurate by the manufacturer on an annual basis or as needed.

2. If the manufacturer is unavailable for such certification, the certification shall be performed by a person approved by the State Fire Marshal. Such approval shall be granted if the certifying person is known to be independent and reliable. "Independent" means not an employee or affiliate of a company engaged in construction materials mining activity, and "reliable" means never having been found to have willfully or negligently miscalibrated seismographic equipment.

3. Units not meeting current calibration guidelines shall be removed from service until calibration has been completed.

4. Calibration records shall be made available to the Division upon request.

(5) Airblast.

(a) Airblast limits shall conform with the limits established in Section 8-2 of National Fire Protection Association Standard Number 495, 1996 Edition, which is hereby adopted and incorporated by reference.

1. The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

2. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

(b)1. Measurements made by a seismologist and any measurements made by an independent seismologist shall be made using seismographic equipment meeting the specifications of the International Society of Explosives Engineers Blasters' Handbook, 17th Edition, Copyright 1998.

2. Measurements shall be taken and equipment shall be installed in accordance with the International Society of Explosives Engineers Blasters' Handbook, 17th Edition, Copyright 1998.

(6) Time and Date of Explosives Use.

(a) The use of explosives shall be conducted during daylight hours between 8:00 a.m. and 5:00 p.m. local time, Monday through Friday.

(b) No explosive blasting shall occur on Saturdays, Sundays, official holidays recognized by the State of Florida pursuant to Section 110.117, Florida Statutes, or hours other than specified in the prior sentence unless consent is granted by the State Fire Marshal. Such consent shall be granted if the consent is in the interest of public safety.

(7) Blasting Activities Reporting. Each person engaged in construction materials mining activity shall submit to the Division or its delegatee, upon request, the results of ground vibration and airblast measurements. This report shall be maintained in accordance with Section 552.112, Florida Statutes. The report shall contain, at a minimum, for each blast:

(a) Date and time of blast;

(b) Number of holes;

(c) Depth;

(d) Number of wet holes, water depth;

(e) Hole diameter;

(f) Spacing;

(g) Amount of explosives;

(h) Number of primers;

(i) Type of caps (i.e. electric or nonelectric);

(j) Number of caps;

(k) Stemming feet;

(l) Maximum pounds delay;

(m) Maximum hole delay;

(n) Weather;

(o) Wind direction;

(p) Type and make of blasting machine;

(q) Global positioning system direction and distance in feet to the nearest building;

(r) Decking feet;

(s) Location of each seismograph;

(t) Peak particle velocity inches per second;

(u) Sound decibels;

(v) Name, address, and license number of user of explosives; and

(w) Name, address, and permit number of blaster.

(8) Local Government Notice.

(a) Each person engaged in construction materials mining activity shall submit written notification to the county and or municipality in which construction materials mining activity is to be conducted at least 20 days prior to the initial blast for any blasting.

(b) As soon as practical, but no later than one hour prior to the time when a blast is scheduled to take place, the person or firm engaged in construction materials mining activity shall, if requested, notify the county or municipality of any revisions to the notice.

(9) Delegation of Authority.

(a) The delegation by the State Fire Marshal described in Section 552.30(2), Florida Statutes, shall be accomplished by written agreement.

(b) Fees charged by the delegatee for activities specified in the agreement shall not exceed an amount calculated to cover the reasonable costs of the activities performed under the agreement.

(10) Fees. The fees established pursuant to Section 552.26, Florida Statutes, shall be as follows:

(a) Initial permit: \$4000;

(b) Renewal: \$4000 after 10 years;

(c) Annual mining permit fee: \$1500.

(d) Permit transfer fee: \$100.

(e) Permit modification fee:

1. \$1500 for a modification including a change in the boundaries of the blasting site or mining area;

2. \$500 for any other modification.

(11) Disciplinary Action; Mining Permit; Grounds For Denial; Nonrenewal, Suspension, or Revocation of a Mining Permit.

(a) The State Fire Marshal shall investigate any alleged violation of Chapter 552, Florida Statutes, or this rule.

(b) The following acts constitute cause for disciplinary action:

1. Violation of any provision of Chapter 552, Florida Statutes, or any rule adopted pursuant thereto.

2. Violation of the ground vibration, frequency limits set forth in Section 552.30, Florida Statutes.

3. Failing to obtain, retain or maintain one or more of the qualifications for a mining permit as specified in this chapter.

4. Making a material misstatement, misrepresentation, or committing fraud in obtaining or attempting to obtain a mining permit.

5. Failing to maintain any record required pursuant to Chapter 552, Florida Statutes, and any rule or code adopted pursuant thereto.

6. Falsifying any record required to be maintained by Chapter 552, Florida Statutes, or rules adopted pursuant thereto.

(c) The lapse or suspension of a mining permit by operation of law or by order of the State Fire Marshal or a court or its voluntary surrender by a mining permit holder does not deprive the State Fire Marshal of jurisdiction to investigate or act in disciplinary proceedings against the mining permit holder.

(d) In addition, the State Fire Marshal shall not issue a new mining permit if it finds that the circumstance or circumstances for which the mining permit was previously revoked or suspended still exist or are likely to recur.

(12) Nothing in this rule shall impact a county's or municipality's authority to exercise whatever powers are not prohibited by Section 552.30, Florida Statutes.

(13)(a) Notwithstanding the standards in this rule, the Division shall, pursuant to Section 552.211(3), Florida Statutes, restrict the quantity and use of explosives at any location within the state when the Division determines, subject to protections provided by Chapter 120, Florida Statutes, the use of such explosives is likely to cause injury to life or property.

(b) Such restrictions shall be to the extent necessary to render the use of such explosives unlikely to cause injury to life or property.

(c) In determining that the use of explosives is likely to cause injury to life or property in a given location, the Division shall consider the following factors:

1. Distance of blasting activity to structures;
2. Use and occupancy of structures near blasting activity;
3. Geology of area near blasting activity; and
4. Type of construction use in structures near blasting activity.

5. Any credible evidence relevant to the risk of injury to life or property, not excluding evidence that existing damage resulted from causes other than the use of explosives.

(14)(a) Based upon the safe level of blasting vibrations for houses as shown in Figure B-1, United States Bureau of Mines, Report of Investigations 8507, notwithstanding the limits in (4) above, the use of explosives within two miles of an urban

development, as defined in (2)(e) above, shall not exceed a peak particle velocity of more than 0.5 inches per second due to the potential existence of plaster on lath construction.

(b) Measurement of such ground vibration levels shall be made consistent with (4)(c)2. above at the nearest occupied residential structure within the urban development, which structure is not owned, leased, or contracted with the blasting or mining operation.

Specific Authority 552.30 FS. Law Implemented 552.161, 552.211, 522.30 FS. History--New _____.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.: 4A-21 RULE NOS.: 4A-21.102 4A-21.104 4A-21.242 4A-21.245 4A-21.302	RULE CHAPTER TITLE: Fire Extinguishers and Pre-Engineered Systems RULE TITLES: Dealer License Prescribed Certification Training Course for Portable Fire Extinguisher Licenses and Permits Hydrostatic Tests Hydrostatic Tests; Record Tag Standards of National Fire Protection Association to Be Complied With
---	---

SECOND 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, and to the proposed rules published in the Notice of Change in Vol. 27, No. 26, June 29, 2001, edition of the Florida Administrative Weekly.

- 4A-21.102 Dealer License.
- (1) through (7) No change.

(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 of subsection ~~(12)(44)~~, 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.

(9) through (11) No change.

(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 portions of 49 Code of Federal Regulations, Parts 100-177 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed

Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, as adopted in Rule Chapter 4A-3, Florida Administrative Code Code of Federal Regulation Pamphlet 49, Part 173.

(b) Minimum Equipment and Facilities Requirements.

MINIMUM EQUIPMENT AND FACILITIES REQUIRED PER CLASS OF LICENSE

<p>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 <u>the portions of 49 Code of Federal Regulations, Parts 100-177 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, and which pertain to low pressure and high pressure cylinders, as adopted in Rule Chapter 4A-3, Florida Administrative Code CFR-49.</u></p>	A	B	C	D
<p>26. NFPA 10 and NFPA 96, as adopted in Rule Chapter 4A-3, Florida Administrative Code, <u>Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, CGA C-1, C-6, C-6.1, C-6.3, the portions of 49 Code of Federal Regulations, Parts 100-177 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, CFR-49, parts 100-177, and the portions of 29 Code of Federal Regulations 1900-1910 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition CFR 29 parts 1900-1910, all as adopted in Rule Chapter 4A-3, Florida Administrative Code.</u></p>	A	B	C	

<p>27. NFPA 12, 12A, 34, 17, 17A, 96, 2001, CGA C-1, C-6, C-6.1, C-6.3, and the portions of 49 Code of Federal Regulations, Parts 100-177 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, and which pertain to low pressure and high pressure cylinders, and the portions of 29 Code of Federal Regulations 1900-1910 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, all as adopted in Rule Chapter 4A-3, Florida Administrative Code.</p>				<p><u>D</u></p>
<p>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(1)(3), Florida Statutes.</p>	<p>A</p>	<p>B</p>	<p>C</p>	<p>D</p>

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, _____.

4A-21.104 Prescribed Certification Training Course for Portable Fire Extinguisher Licenses and Permits.

No change.

Specific Authority 633.01 FS. Law Implemented 633.061, 633.46 FS. History—New 2-7-89, Amended 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 the portions of 49 Code of Federal Regulations, Parts 100-177 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, and which pertain to low pressure and high pressure cylinders, and CFR 49 and 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 the portions of 49 Code of Federal Regulations, Parts 100-177 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, and which pertain to low pressure and high pressure cylinders, and CFR 49 and CGA C-1, C-6, C-6.1 and C-6.3, all as 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-21.302 Standards of National Fire Protection Association to be Complied With.

The following standards of the National Fire Protection Association as adopted in Rule Chapter 4A-3, Florida Administrative Code are applicable to Part III of this rule chapter and shall be complied with and are hereby adopted and incorporated by reference:

(1) through (4) No change.

(5) NFPA 96 – 1998 edition, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, as adopted in Rule Chapter 4A-3, Florida Administrative Code. Section 7.2.2 of NFPA 96 applies prospectively only. Existing installations are permitted to remain in place subject to the approval of the authority having jurisdiction.

(6) through (7) No change.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.061, 633.081 FS. History—New 10-18-67, Amended 8-15-85, Formerly 4A-21.57, 4A-21.057, Amended 2-7-89, 10-20-93, 10-2-96, 6-8-98, _____.

In addition, the following forms have been revised: DI4A-25, Revised 10/99; DI4A-28, Revised 10/99; DI4-32, Revised 11/99; DI4-393, Revised, 03/00; DI4-394, Revised 03/00; DI4-1239, Revised 03/00; and DI4-1240, Revised 03/00.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-46	Fire Protection System Contractors and Systems
RULE NO.:	RULE TITLE:
4A-46.016	Insurance Requirements

SECOND 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.

(2) The licensed Fire Protection System Contractor I, II, III, IV, or V shall be responsible to ensure that current and subsisting insurance coverage meets meeting the requirements of Section 633.521, Florida Statutes, and is on file with the Regulatory Licensing Section.

Specific Authority 633.01, 633.517(1) FS. Law Implemented 633.521, 633.521(4) FS. History—New 10-20-93, Amended _____.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-62	Firefighter Employment Standards

RULE NO.: 4A-62.003
 RULE TITLE: Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), including Notes One and Two

SECOND 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. 26, No. 47, November 22, 2000, edition of the Florida Administrative Weekly.

4A-62.003 Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), including Notes One and Two.

(1) through (2) No change.

(3) With respect to 29 C.F.R. Section 1910.134(g)(4), the two individuals located outside the immediately dangerous to life and health atmosphere may be assigned to an additional role, such as incident commander, pumper operator, engineer, or driver, so long as such individual is able to immediately perform assistance or rescue activities without jeopardizing the safety or health of any firefighter working at an incident. Also with respect to 29 C.F.R. Section 1910.134(g)(4):

(a) Each county, municipality, and special district shall implement such provision by April 1, 2002, except as provided in Paragraphs (b) and (c).

(b) If any county, municipality, or special district is unable to implement such provision by April 1, 2002, without adding additional personnel to its firefighting staff or expending significant additional funds, such county, municipality, or special district shall have an additional six months within which to implement such provision. Such county, municipality, or special district shall notify the Division that the six month extension to implement such provision is in effect in such county, municipality, or special district within 30 days of its decision to extend the time for the additional six months. The decision to extend the time for implementation shall be made prior to April 1, 2002.

(c) If the extension granted in Paragraph (b) expires, and the county, municipality, or special district, after having worked with and cooperated fully with the Division ~~and the Firefighters Standards and Training Council as provided in Subsection (4),~~ is still unable to implement 29 C.F.R. Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds, such municipality, county, or special district shall be exempt from the requirements of 29 C.F.R. Section 1910.134(g)(4). Each year thereafter the Division shall review each exempt county, municipality, or special district to determine if such county, municipality, or special district has the ability to implement 29 C.F.R. Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds. If the Division determines that any

county, municipality, or special district has the ability to implement 29 C.F.R. Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds, the Division shall require such county, municipality, or special district to implement such provision. Such requirement by the Division under this paragraph constitutes final agency action subject to Chapter 120, Florida Statutes.

Specific Authority 633.01(1) FS. Law Implemented 633.45(1)(a) FS. History--New _____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12BER01-6
 RULE TITLE: Exemptions from the Communications Services Tax

NOTICE OF WITHDRAWAL/CANCELLATION

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 28, July 13, 2001, Florida Administrative Weekly, has been withdrawn/cancelled.

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-12.001	Definitions
19-12.002	Purpose
19-12.003	Limitation on Contributions
19-12.004	Annual Addition in Excess of Limitation
19-12.005	The Exclusive Benefit Rule of the Code and Forfeitures
19-12.006	Distribution of Benefits

NOTICE OF PUBLIC HEARING

The Florida State Board of Administration announces a public hearing to which all persons are invited.

TIME AND DATE: 9:00 a.m. – conclusion, Tuesday, October 16, 2001

PLACE: Room 212, Knott Building, 111 W. St. Augustine Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Trustees of the State Board of Administration, on October 16, 2001, will consider six proposed new rules in Rule Chapter 19-12, F.A.C. (published in FAW, Vol. 27, No. 36, dated September 7, 2001) and will be asked for permission to file these six rules for adoption:

These proposed new rules implement regulations of the Internal Revenue Code to enable the Public Employee Optional Retirement Program to qualify for tax-qualified status. Proposed new Rule 19-12.001, F.A.C., provides definitions. Proposed new Rule 19-12.002, F.A.C., sets out the purpose of the rules. Proposed new Rule 19-12.003, F.A.C., establishes limitations on contributions on conformance with IRS regulations. Proposed new Rule 19-12.004, F.A.C., provides methods for dealing with any excess contributions

which exceed Section 415(c) of the Internal Revenue Code. Proposed new Rule 19-12.005, F.A.C., provides procedures to ensure that the assets of the plan be used only for the exclusive benefit of the plan's participants. Proposed new Rule 19-12.006, F.A.C., provides methods for distributing benefits. A rule development workshop was offered on August 20, 2001, but no one requested the workshop and the workshop was not held. The rule hearing is scheduled for October 1, 2001. The Joint Administrative Procedures Committee made suggestions which were incorporated into these rules. If approved, the State Board expects to file for adoption on November 1, 2001.

A copy of the State Board of Administration's agenda for the October 16, 2001, Cabinet meeting may be obtained by contacting: Dorothy Westwood, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1350.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
20-9	Payment of Excise Taxes
RULE NOS.:	RULE TITLES:
20-9.004	Fruit Handled by Express and Gift Package Shippers
20-9.005	Requirements to Guarantee Payment of Excise Tax
20-9.006	Late Filing of Returns and Inadequacy of Bond
20-9.008	Utilization of Certificate of Deposit in Lieu of Bond

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 27, No. 24, June 15, 2001, issue of the Florida Administrative Weekly:

20-9.004 Fruit Handled by Express and Gift Package Shippers.

(1) Filing excise tax returns:

~~(d) Any shipper who qualifies with the Department of Citrus under Section 20-9.005 may file returns as therein provided.~~

~~(d)(e)~~ The advertising excise taxes shall be due and payable at the time of offering such fruit for shipment.

20-9.005 Requirements to Guarantee Payment of Excise Tax.

To qualify to guarantee to the Department of Citrus payment of any excise tax imposed by law:

(2) The total amount of such cash bond, surety bond or certificate of deposit shall be in an amount based upon the following formula:

(b) Divide the total estimated tax (A) by the number of weeks for which tax returns were required to be filed during the previous season (B) to determine the estimated weekly tax due (C) $[A \div B = C]$. Department has the discretion to reduce the number of weeks used in this calculation due to late payments received during the prior season. If returns were filed late four (4) times or more during the previous season, the Department will recalculate the estimated weekly tax due (C). The number of times payments were received the prior season will be substituted for (B).

20-9.006 Late Filing of Returns and Inadequacy of Bond.

All excise taxes levied and imposed on citrus fruit or product shall be paid or the amount thereof guaranteed at the time the fruit is first handled in the primary channel of trade. Payments not made the week following entry into the primary channel of trade become delinquent. Payment shall be made in accordance with Sections 20-9.001, 20-9.002, 20-9.003 and 20-9.004, Florida Administrative Code.

(1)(b) If the taxes are not paid within 28 days of delinquency by the citrus fruit handler and there is no request for hearing under Chapter 120, Florida Statutes, the Department of Citrus shall notify the Department of Agriculture to immediately suspend inspection service to the reported handler. This suspension will remain in force until returns have been filed and excise taxes plus any penalties are paid to the Department of Citrus. The Department of Citrus shall notify the Department of Agriculture when such payment has been made and inspection services may resume. If payment is not made after suspension of inspection services, the Department of Citrus shall shall may impose a 5% late penalty pursuant to Section 601.15(9)(a), Florida Statutes, demand immediate payment from the surety of such taxes and penalty, and provide the handler with a copy of such demand. Where the handler has deposited with the Department of Citrus a cash bond or certificate of deposit, the Department shall immediately proceed against such bond or certificate of deposit for the amount of indebtedness.

20-9.008 Utilization of Certificate of Deposit in Lieu of Bond.

(5) A handler may reassign existing certificates of deposit to the Department of Citrus for subsequent years, provided all tax liabilities for the current season have been satisfied. A separate certificate of deposit for the required amount of the bond otherwise called for must be assigned to the Department of Citrus for each citrus shipping season for which the handler desires to utilize this alternate procedure.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.:	RULE TITLE:
61G17-7.001	Seals Acceptable to the Board

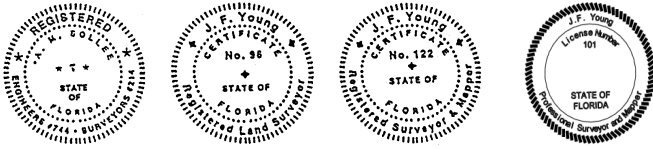
NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 27, No. 27, July 6, 2001, issue of the Florida Administrative Weekly. The change in response to comments received by the Board from interested parties, and from the duly-noticed Board meeting held September 6, 2001.

The rule shall now read:

61G17-7.001 Seals Acceptable to the Board.

(1) The Board hereby establishes the acceptable forms of metal-type impression seals:



I II II IV

(2) Seal I may be used only by registrants who are registrants in good standing under both Chapter 471 and Chapter 472, F.S., as of June 30, 1995.

(3) Seal II may be used only by registrants who are licensed as of June 30, 1995.

(4) Registrants who are initially licensed on or after July 1, 1995, shall use only seal III.

(5) Registrants who are initially licensed on or after June 30, 2002 shall use only seal IV.

(6) Surveyors and mappers who wish to sign and seal electronically transmitted plans, reports, or other documents shall follow the procedures set forth in Rule 61G17-7.0025, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF HEALTH

RULE NO.: 64-2.001
 RULE TITLE: Registration Requirements, Fees
 NOTICE OF CHANGE

The Department of Health, Division of Medical Quality Assurance, in accordance with subparagraph 120.54(3)(d)1., F.S., announces changes to proposed new Rule 64-2.001, F.A.C., originally noticed in the September 7, 2001, issue of the Florida Administrative Weekly, Vol. 27, No. 36. The changes are in response to comments provided by the Joint Administrative Procedures Committee, and to issues raised at the public hearing on the rule. The changed rule will read as follows:

64-2.001 Registration Requirements, Fees.

(1) Registration Requirements.

(a) Effective October 1, 2001, every clinic as defined in s. 456.0375(1), FS, must, within 60 days, or prior to the inception of the clinic's operation, register and maintain a valid registration with the Department of Health. Such registration shall be accomplished by filing Form DH-4130, with the department. Form DH-4130, effective 8/01, is hereby adopted and incorporated by reference, and can be obtained from the Department of Health, Division of Medical Quality Assurance/Communications, at: 4042 Bald Cypress Way, Bin C01, Tallahassee, Florida 32399-3251.

(b) Each clinic location shall be registered separately even though operated under the same business name or management.

(c) A clinic's registration expires automatically two (2) years after the date of its issuance and must be renewed biennially.

(d) A clinic's registration certificate must be displayed in a conspicuous location within the clinic so as to be readily visible to all patients.

(2) Fees.

(a) The cost of registration and registration renewal shall be \$150.00.

(b) An additional five (5) dollar fee shall be added to the cost of registration and registration renewal to cover unlicensed activity, as required by Section 456.065(3), Florida Statutes.

Specific Authority 456.0375 FS. Law Implemented 456.0375, 456.065(3) FS. History--New

**Section IV
 Emergency Rules**

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Forms Used by Public
 SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Communications Services Tax Simplification Law (Chapters 2000-260 and 2001-140, L.O.F.) requires that local governments provide certain information on local tax rate and jurisdiction changes to the Department of Revenue on forms provided by the Department. The Communications Services Tax Simplification Law also requires that communications services dealers remit communications services tax on forms provided by the Department. These forms must be available to all local taxing jurisdictions and to

RULE NO.: 12BER01-30

communications services dealers by October 1, 2001. Failure to promptly implement these statutory mandates poses an immediate danger to the public health, safety or welfare.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized promulgation of emergency rules to administer the provisions of the Communications Services Tax Simplification Law. Additionally, an emergency rule is the most appropriate means of adopting public use forms that are required under the specific provisions of the Communications Services Tax Simplification Law to be available for filing with the Department of Revenue.

The Department of Revenue has sought comment on the forms to the extent possible within the time restraints resulting from the statutory requirements. The forms are designed to be available both in hardcopy form and on an electronic format on-line.

SUMMARY OF THE RULE: This emergency rule adopts and incorporates by reference three (3) forms required to be available by the Communications Services Tax Simplification Law. These forms supercede previous versions of these forms contained in Emergency Rules 12BER01-2 and 12BER01-4. These forms are: DR-700016, "Florida Communications Services Tax Return," DR-700021, "Local Communications Services Tax Notification of Tax Rate Change" and DR-700022, "Local Communications Services Tax Notification of Jurisdiction Change." The emergency rule also provides information as to how a copy of these forms may be obtained.

THE PERSONS TO BE CONTACTED REGARDING THE EMERGENCY RULE ARE: Gary Gray, Tax Law Specialist (850)922-4729, and Jennifer Silvey, Senior Attorney (850)922-4727, 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:

12BER01-30 Forms Used by Public.

The following public use forms and instructions are utilized by the Department of Revenue, dated below, and are made part of this rule by reference. The instructions on these forms have the same authority as the rules. Copies may be obtained by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or 2) faxing the Forms Distribution Center at 850-922-2208; or 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses

(www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331. For those with other disabilities, please inform the Department as to how your inquiry may be reasonably accommodated.

<u>Form Number</u>	<u>Title</u>	<u>Effective Date</u>
<u>(1) DR-700016</u>	<u>Florida Communications Services Tax Return</u>	<u>10/01/01</u>
<u>(2) DR-700021</u>	<u>Local Communications Services Tax Notification of Tax Rate Change</u>	<u>10/01/01</u>
<u>(3) DR-700022</u>	<u>Local Communications Services Tax Notification of Jurisdiction Change</u>	<u>10/01/01</u>

Specific Authority 202.26(4) FS. Law Implemented 202.21, 202.22(2)(b), 202.27(1), 337.401(3)(c) FS. History--New 9-26-01.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 26, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 399, LUCKY HORSESHOE

RULE NO.: 53ER01-59

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 399, "LUCKY HORSESHOE," 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:

53ER01-59 Instant Game Number 399, LUCKY HORSESHOE.

(1) Name of Game. Instant Game Number 399, "LUCKY HORSESHOE."

(2) Price. LUCKY HORSESHOE tickets sell for \$1.00 per ticket.

(3) LUCKY HORSESHOE 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 HORSESHOE 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 HORSESHOE lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

(4) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(5) Determination of Prize Winners.

(a) A ticket having three like amounts in the play area shall entitle the claimant to a prize of that amount. The prize amounts are: \$1.00, \$2.00, \$5.00, \$20.00, \$25.00, \$50.00, \$100, \$500, and \$1,000. A ticket having three "TICKET" symbols in the play area shall entitle the claimant to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a LUCKY HORSESHOE lottery ticket which entitles the claimant 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.

(b) A ticket having a "HORSESHOE" symbol in the play area shall entitle the claimant to a prize of \$10.

(6) The value, number of prizes, and odds of winning in Instant Game Number 399 are as follows:

<u>GAME PLAY</u>	<u>WIN</u>	<u>NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL</u>	<u>ODDS</u>
<u>3-TICKETS</u>	<u>\$1 TICKET</u>	<u>1,209,600</u>	<u>1 in 8.33</u>
<u>3-\$1s</u>	<u>\$1</u>	<u>336,000</u>	<u>1 in 30.00</u>
<u>3-\$2s</u>	<u>\$2</u>	<u>302,400</u>	<u>1 in 33.33</u>
<u>3-\$5s</u>	<u>\$5</u>	<u>168,000</u>	<u>1 in 60.00</u>
<u>Horseshoe Symbol</u>	<u>\$10</u>	<u>134,400</u>	<u>1 in 75.00</u>
<u>3-\$20s</u>	<u>\$20</u>	<u>33,600</u>	<u>1 in 300.00</u>
<u>3-\$25s</u>	<u>\$25</u>	<u>34,776</u>	<u>1 in 289.86</u>
<u>3-\$50s</u>	<u>\$50</u>	<u>1,400</u>	<u>1 in 7,200.00</u>
<u>3-\$100s</u>	<u>\$100</u>	<u>112</u>	<u>1 in 90,000.00</u>
<u>3-\$500s</u>	<u>\$500</u>	<u>56</u>	<u>1 in 180,000.00</u>
<u>3-\$1,000s</u>	<u>\$1,000</u>	<u>15</u>	<u>1 in 672,000.00</u>

(7) The overall odds of winning any prize in Instant Game Number 399 are 1 in 4.54.

(8) For reorders of Instant Game Number 399, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(9) Payment of prizes for LUCKY HORSESHOE lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4100.

(10) By purchasing a LUCKY HORSESHOE 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 8-31-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 31, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 394, MONSTER MONEY

RULE NO.: 53ER01-60

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 394, "MONSTER MONEY," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game. THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-60 Instant Game Number 394, MONSTER MONEY.

(1) Name of Game. Instant Game Number 394, "MONSTER MONEY."

(2) Price. MONSTER MONEY tickets sell for \$1.00 per ticket.

(3) MONSTER MONEY lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning MONSTER MONEY lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any MONSTER MONEY lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

(4) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(5) Determination of Prize Winners.

(a) A ticket having three like amounts in the play area shall entitle the claimant to a prize of that amount. The prize amounts are: \$1.00, \$2.00, \$5.00, \$15.00, \$25.00, \$100, and \$500. A ticket having three "TICKET" symbols in the play area shall entitle the claimant to a prize of a \$1.00 ticket.

except as follows. A person who submits by mail a MONSTER MONEY lottery ticket which entitles the claimant 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.

(b) A ticket having a "PUMPKIN" symbol in the play area shall entitle the claimant to a prize of \$10.

(6) The value, number of prizes, and odds of winning in Instant Game Number 394 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL	ODDS
3-TICKETS	\$1 TICKET	1,209,600	1 in 8.33
3-\$1s	\$1	571,200	1 in 17.65
3-\$2s	\$2	470,400	1 in 21.43
3-\$5s	\$5	168,000	1 in 60.00
Pumpkin Symbol	\$10	134,400	1 in 75.00
3-\$15s	\$15	33,600	1 in 300.00
3-\$25s	\$25	22,904	1 in 440.10
3-\$100s	\$100	112	1 in 90,000.00
3-\$500s	\$500	15	1 in 672,000.00

(7) The overall odds of winning any prize in Instant Game Number 394 are 1 in 3.86.

(8) For reorders of Instant Game Number 394, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(9) Payment of prizes for MONSTER MONEY lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4100.

(10) By purchasing a MONSTER MONEY lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(10)(a),(b),(c), 24.115(1) FS. History—New 8-31-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 31, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Retailer FLORIDA LOTTO™ Bonus Commission Program

RULE NO.: 53ER01-64

SUMMARY OF THE RULE: The Retailer FLORIDA LOTTO™ Bonus Commission Program will be conducted September 24, 2001, through March 24, 2002. The Florida Lottery will award a \$10,000 bonus commission per drawing to the on-line retailer(s) that sells a grand prize FLORIDA LOTTO ticket for a Wednesday or Saturday FLORIDA LOTTO drawing held during the sales incentive period.

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:

53ER01-64 Retailer FLORIDA LOTTO™ Bonus Commission Program.

(1) Effective September 24, 2001, through March 24, 2002, the Florida Lottery will conduct, as a sales incentive, a Retailer FLORIDA LOTTO Bonus Commission Program in which the Florida Lottery will award a \$10,000 bonus commission per drawing to the on-line retailer(s) that sells a grand prize FLORIDA LOTTO ticket for a Wednesday or Saturday FLORIDA LOTTO drawing held during the sales incentive period.

(2) If more than one retailer sells a winning grand prize FLORIDA LOTTO ticket for the same drawing, each such retailer will earn an equal share of the \$10,000 bonus commission.

(3) Bonus commissions will not carry forward in the event no winning grand prize ticket is sold for a specific FLORIDA LOTTO drawing.

(4) Award of a grand prize FLORIDA LOTTO bonus commission is not dependent upon the winning grand prize ticket being claimed by the winner.

(5) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the bonus commission award shall be paid the bonus commission earned provided said termination or inactivation was not due to noncompliance with Chapter 24, Florida Statutes, Chapter 53, Florida Administrative Code, or contract terms.

(6) A bonus commission will be considered compensation to the retailer for Internal Revenue Service purposes. The Lottery reserves the right to apply a bonus commission earned against a retailer's outstanding debt to the Lottery, and to award the remaining balance of the bonus commission, if any.

Specific Authority 24.105(10)(i), 24.109(1) FS. Law Implemented 24.105(10)(i), 24.112(1) FS. History—New 9-21-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 21, 2001

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Florida Power & Light Company, filed September 14, 2001, in Docket No. 011199-EQ, seeking waiver from Rule 25-17.0832(4)(e), Florida Administrative Code. The rule provides that standard offer contracts for the purchase of firm capacity and energy from qualifying facilities must specify a minimum ten year term. Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice.

A copy of the petition can be obtained from the Division of the Commission Clerk and Administrative Services.

For additional information, please contact Katherine Echternacht, Division of Legal Services, at the above address or telephone (850)413-6218.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2001-504 DAO-ROW), dated September 13, 2001 to Michael B. and Simone Morsillo. The petition for waiver was received by the SFWMD on May 9, 2001. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 22 on June 1, 2001. No public comment was received. This Order provides a waiver for existing fencing and landscaping to remain. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground facilities within 40 feet of the top of canal bank within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Mr. and Mrs. Morsillo from suffering a substantial hardship or a violation of the principles of fairness.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299, or by e-mail jsluth@sfwmd.gov.

NOTICE IS HERBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2001-501 DAO-ROW), dated September 13, 2001 to the Tri-County Commuter Rail Authority. The petition for waiver was received by the SFWMD on December 27, 2000. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 4 on January 26, 2001. No public comment was received. This Order provides a waiver for construction of an additional Tri-Rail bridge crossing C-15 immediately west of I-95 and adjacent to the existing Tri-Rail bridge, in conjunction with the Tri-Rail Corridor Double Track Project. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which requires a minimum 25-foot horizontal center span for pile-supported structures and establishes a low member elevation requirement for pile-supported structures located within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent the Tri-County Commuter Rail Authority from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, Telephone (561)682-6299, or e-mail jsluth@sfwmd.gov.

NOTICE IS HERBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2001-502 DAO-ROW), dated September 13, 2001 to the Florida Department of Transportation. The petition for waiver was received by the SFWMD on March 2, 2001. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 12 on March 23, 2001. No public comment was received. This Order provides a waiver for the existing cantilever mast arm signalization poles, decorative street lights, electrical service, concrete strain pole, concrete barrier walls, aluminum handrailing, signage and concrete planter boxes to remain and to allow proposed plantings, benches and staging area

improvements associated with the replacement of the Davie Road bridge. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground facilities within 40 feet of the top of canal bank and within the District's designated equipment staging areas located within Works and Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent the Florida Department of Transportation from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, Telephone (561)682-6299, or e-mail jsluth@sfwmd.gov.

NOTICE IS HERBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2001-503 DAO-ROW), dated September 13, 2001 to the Florida Department of Transportation. The petition for waiver was received by the SFWMD on February 28, 2001. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 12 on March 23, 2001. No public comment was received. This Order provides a waiver for the existing concrete light poles, regulatory signage and partially-existing and proposed landscaping, consisting of native trees and shrubs, to remain. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground facilities within 40 feet of the top of canal bank and within the District's designated equipment staging areas of quadrants of bridge and pile-supported crossings within Works and Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent the Florida Department of Transportation from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, Telephone (561)682-6299, or e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that on September 13, 2001, the South Florida Water Management District (SFWMD) received a petition for waiver from Ramgoh Sales Company Inc., for utilization of works or lands of the SFWMD known as the C-11 Canal, Palm Beach County. The petition seeks relief from Rules 40E-6.011(4),(5) and (6) and Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which govern the placement of above-ground permanent and semi-permanent encroachments within 40' of the top of the canal bank within works or lands of the District.

A copy of the petition may be obtained from Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on September 12, 2001, the South Florida Water Management District (SFWMD) received a petition for waiver from the Florida Department of Transportation, for utilization of works or lands of the SFWMD known as the C-51 Canal (southwest quadrant of State Road 80), Palm Beach County. The petition seeks relief from Rules 40E-6.011(4),(5) and (6) and Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which govern the placement of above-ground permanent and semi-permanent encroachments within 40' of the top of the canal bank within works or lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on September 12, 2001, the South Florida Water Management District (SFWMD) received a petition for waiver from the Florida Department of

Transportation, for utilization of works or lands of the SFWMD known as the C-51 Canal (northeast quadrant of State Road 80), Palm Beach County. The petition seeks relief from Rules 40E-6.011(4),(5) and (6) and Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which govern the placement of above-ground permanent and semi-permanent encroachments within 40' of the top of the canal bank within works or lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on September 12, 2001, the South Florida Water Management District (SFWMD) received a petition for waiver from the Florida Department of Transportation, for utilization of works or lands of the SFWMD known as the C-51 Canal (northwest and northeast quadrants of Military Trail bridge), Palm Beach County. The petition seeks relief from Rules 40E-6.011(4),(5) and (6) and Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which govern the placement of above-ground permanent and semi-permanent encroachments within 40' of the top of the canal bank within works or lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS GIVEN that the Agency for Health Care Administration has received a request for a variance from Wuesthoff Memorial Hospital, Inc. The request was filed August 6, 2001. Wuesthoff Memorial Hospital, Inc. seeks a waiver of Rule 59A-3.080(1), F.A.C., which requires hospitals to submit plans and specifications to the Agency for Health Care Administration and receive approval of those plans prior

to commencing construction. Wuesthoff seeks a variance to allow for the erection of structural steel prior to final approval of the construction documents.

A copy of the request for variance may be received from and comments submitted to: Diane Grubbs, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Fort Knox Building 3, Suite 3431, Mail Stop 3, Tallahassee, Florida 32308. Comments must be received no later than 14 days from the date of this Notice.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Board of Funeral Directors and Embalmers hereby gives notice that it has received a "Petition For Waiver of Florida Statutes" 470.009(2)(b) and 470.012, F.S., filed on July 2, 2001, by Brandi Leigh Coffeit. Petitioner is seeking a waiver of 470.009(2)(b), F.S., which requires the completion of a 1-year internship under a licensed funeral director. Petitioner is also seeking a waiver of 470.012, F.S., which requires a person to make an application to the department on forms provided by the department desiring to become a funeral director intern.

Any person requiring a special accommodation at this telephone conference 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).

Comments on this petition should be filed with Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754.

The Board of Funeral Directors and Embalmers hereby gives notice that it has received a "Petition For Waiver of Rule 61G8-18.003, filed on September 14, 2001, by Felicia Kemp. Petitioner is seeking a waiver of Rule 61G8-18.003, F.A.C., which requires a person who has completed the educational requirements as defined by Sections 470.006(1)(d) and 470.009(1), F.S. (1979), may serve the required one year internship training for applicants for licensure as embalmers and funeral directors, as set forth in Rules 61G8-18.001 and 61G8-18.002, F.A.C., concurrently, provided he complies with the registration and reporting requirements as prescribed in the above cited rules and received instruction and training from a licensed funeral director and a licensed embalmer, at least one third of the time from each.

Any person requiring a special accommodation at this telephone conference 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).

Comments on this petition should be filed with Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

On July 31, 2001, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)5., F.S. (2000), from Brown and Root Environmental, Inc. (TOC #400-08), requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-1133. A Notice of Receipt of Petition for Variance/Waiver was published in the September 7, 2001, F.A.W. On September 18, 2001, the petition was granted for certain records required from NPIC, Inc., SPL of Houston, VOC Laboratories, and Gulf South Systems, however the petition was denied for records required from Brown and Root Services.

Copies may be received from the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Rebecca Grace.

On February 28, 2001, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)5., F.S. (2000), from Dollar Systems, Inc., requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-1636. A Notice of Receipt of Petition for Variance/Waiver was published in the September 7, 2001, F.A.W. On September 18, 2001, the petition was granted for certain records required from Virogroup and Westinghouse Remediation Services, Inc. (WRS), however the petition was denied for other records required from WRS.

Copies may be received from the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Rebecca Grace.

The Department of Environmental Protection has taken action on a petition for variance received from AR Environmental Services, Inc., on March 29, 2001. Notice of receipt of this petition was published in the Florida Administrative Weekly, on April 27, 2001. The petition requested a variance from the zone of discharge prohibition for discharges through wells under Rule 62-522.300(3), of the Florida Administrative Code for the use of indigenous microbes mixed with nutrients and oxygen (in the form of hydrogen peroxide) to clean up sites contaminated with petroleum hydrocarbons or other suitable contaminants. Specifically, the variance requested a zone of discharge for pH, total dissolved solids (TDS), chloride, and ammonia nitrogen within a 50-foot radius from the point of discharge for a duration of 365 days. No public comment was

received. On September 12, 2001, the Department granted a variance to AR Environmental Services, Inc. in a final order, OGC File No.: 01-0551. The final order granted a variance from the zone of discharge prohibition, and contained conditions. The conditions require that the use of the product must be through a Department-approved remedial action plan or other Department-enforceable document, and that such approval shall not be solely by a delegated program; that the discharge must be through a Class V, Group 4 underground injection control well which meets all applicable requirements of Chapter 62-528 of the Florida Administrative Code; that the extent of the zone of discharge for pH, TDS, chloride, and ammonia nitrogen shall be a 50-foot radius from the point of injection for a duration of 365 days; that the injection of the product shall be at such a rate and volume that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifers; and that the Department-approved remedial action plan shall address appropriate ground water monitoring requirements associated with the use of the remediation product based on site-specific hydrogeology and conditions.

For a copy of the final order write or call: Cathy McCarty, Department of Environmental Protection, Underground Injection Control Section, MS 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399-2400, telephone (850)921-9412.

On April 18, 2001, the Department received a request, pursuant to Section 120.542, F.S., from Holiday Showplace, Inc., seeking a waiver of the requirement under Rules 62-781.900(1) and 62-781.200, F.A.C., which requires that a completed Drycleaning Solvent Program Application be signed by the facility owner, operator and real property owner. The petition was assigned OGC Case # 01-0664. A Notice of Receipt of Petition for Variance/Waiver was published in the May 4, 2001, F.A.W. No comments were received. On August 31, 2001, the petition was denied.

Copies may be obtained from: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Jason Hand.

The Department of Environmental Protection has taken action on a petition for variance received from Verde Environmental, Inc., on May 24, 2001. Notice of receipt of this petition was published in the Florida Administrative Weekly, on June 22, 2001. The petition requested a variance from the zone of discharge prohibition for discharges through wells under Rule 62-522.300(3), of the Florida Administrative Code for the use of a bioremediation product that is a synergistic blend of biodegradable nonylphenol ethoxylate surfactant, nutrients, and naturally occurring, non-toxic, non-pathogenic microbes to clean up sites contaminated with petroleum hydrocarbons,

chlorinated hydrocarbons, or other suitable contaminants. Specifically, the variance requested a zone of discharge for total dissolved solids (TDS), chloride, and ammonia nitrogen within a 35-foot radius from the point of discharge for a duration of 365 days. No public comment was received. On September 12, 2001, the Department granted a variance to Verde Environmental, Inc. in a final order, OGC File No.: 01-0896. The final order granted a variance from the zone of discharge prohibition, and contained conditions. The conditions require that the use of the product must be through a Department-approved remedial action plan or other Department-enforceable document, and that such approval shall not be solely by a delegated program; that the discharge must be through a Class V, Group 4 underground injection control well which meets all applicable requirements of Chapter 62-528 of the Florida Administrative Code; that the extent of the zone of discharge for TDS, chloride, and ammonia nitrogen shall be a 35-foot radius from the point of injection for a duration of 365 days; that the injection of the product shall be at such a rate and volume that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifers; and that the Department-approved remedial action plan shall address appropriate ground water monitoring requirements associated with the use of the remediation product based on site-specific hydrogeology and conditions.

For a copy of the final order write or call: Cathy McCarty, Department of Environmental Protection, Underground Injection Control Section, MS 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399-2400, telephone (850)921-9412.

On August 10, 2001, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)5., F.S. (2000), from The Environmental Trust (Vero Beach Country Club) requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #01-1314. A Notice of Receipt of Petition for Variance/Waiver was published in the September 7, 2001, F.A.W. On September 18, 2001, the petition was granted for certain documentation that was required from Gator Environmental Inc., and Tower Environmental Inc.

Copies may be received from: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, Attn: Rebecca Grace.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on September 25, 2001, Florida Housing Finance Corporation ("Florida Housing") received an Amended Petition for Variance from or Waiver of Rule 67-47.100(2), F.A.C. ("Petition") from Florida Low

Income Housing Associates, Inc. (2000HH-011) Marion County Scattered Sites, II. The Petition seeks relief from the requirement which provides that no additions, deletions, or changes will be accepted for consideration with regard to the application being submitted.

A copy of the Petition can be obtained from: Sheila A. Freaney, 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.

Florida Housing Finance Corporation gives notice of the entry of an Order Granting Petition for Variance from or Waiver of Rule 67-44.004(3), Florida Administrative Code.

NAME OF THE PETITIONER: Hope Properties, Inc. (99-005)

PROJECT NAME: Autumn Crest

DATE PETITION WAS FILED: July 17, 2001

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rule 67-44.004, F.A.C., governs the application procedures.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, July 27, 2001, Vol. 27, No. 30.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: September 20, 2001.

THE GENERAL BASIS FOR THE DECISION: Petitioner requested a waiver of those provisions prohibiting the Petitioner from making any additions, deletions, or changes to the application so that Petitioner may substitute the lots for the proposed development because after the submission of the application, the City of Palm Bay enacted an ordinance that caused the project as proposed to be inconsistent with the local government zoning and land use regulations.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order Granting Variance 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 Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sheila Freaney, Public Records Clerk, at the above address, telephone (850)488-4198 or e-mail: Sheila.Freaney@floridahousing.org.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Historic Preservation Advisory Council** announces three public meetings to which all persons are invited.

DATES AND TIME: Tuesday, November 13, 2001; Wednesday, November 14, 2001; Thursday, November 15, 2001, 9:00 a.m.

PLACE: R. A. Gray Building, Auditorium, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review applications submitted to the Bureau of Historic Preservation by August 31, 2001, for Federal and State grant assistance for historic preservation projects, and to recommend priority ranking and funding levels for grant awards.

A copy of the agenda may be obtained by writing: Robert Taylor, Historic Preservationist Supervisor, Bureau of Historic Preservation, Department of State, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250 or calling (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact the Bureau of Historic Preservation by telephone, (850)245-6333 or by Fax, (850)245-6437.

The **Department of State, Division of Library and Information Services** announces a telephone conference meeting of the Florida Library Literacy Advisory Council.

DATE AND TIME: Monday, October 15, 2001, 10:00 a.m. (Eastern Time)

PLACE: Please call Amy Johnson, (850)245-6622 or Suncom 205-6600 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review Florida Library Literacy Grant applications and make funding recommendations.

A copy of the agenda may be obtained by contacting: Amy Johnson, (850)245-6622 or Suncom 205-6600.

Any person deciding to appeal any decision made by the Council with respect to any matter considered at this meeting will need a record of the proceedings, and that for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations due to a disability should contact the agency at least five days prior to the meeting in order to request any special assistance by calling Amy Johnson, (850)245-6622, Suncom 205-6600, or TDD (850)922-4085.

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: Wednesday, October 17, 2001, 9:00 a.m.

PLACE: Bullock Tice Associates, Conference Room, Suite B, 909 East Cervantes, Pensacola, FL 32501, (850)432-5444

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting to select artwork or Art-in-State-Buildings Project No. MA 8907-0000, National Guard Readiness Center, Pensacola.

COMMITTEE: Art Selection Committee

DATE AND TIME: Thursday, October 18, 2001, 9:00 a.m.

PLACE: Pensacola City Hall, Hagler-Mason Conference Room, 180 Governmental Center, Pensacola, FL 32521, (850)435-1603

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting to select artwork for Art-in-State-Buildings Project No DOT 222-972, Milton Operations Center, Santa Rosa County.

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 Florida **Commission on the Status of Women** will hold a telephone conference call on:

DATE AND TIME: Monday, October 15, 2001, 2:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW, in writing, at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Executive Committee of the Florida **Commission on the Status of Women** will hold a telephone conference call on:
DATE AND TIME: Monday, October 15, 2001, 3:00 p.m.
PLACE: Please call (850)414-3300 for instructions on participation
GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW, in writing, at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Annual Report Committee of the Florida **Commission on the Status of Women** will hold a conference call on:
DATE AND TIME: October 25, 2001, 10:00 a.m.
PLACE: Please call (850)414-3300 for instructions on participation
GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW, in writing, at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF BANKING AND FINANCE

The Florida **Board of Funeral and Cemetery Services** announces a public Rules Committee meeting and all persons are invited to attend.

DATE AND TIME: October 18, 2001, 10:00 a.m. – 2:00 p.m.
PLACE: Room 547, Fletcher Bldg., 101 E. Gaines Street, Tallahassee, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Rules Committee business.

To obtain further information and to obtain a copy of the agenda contact: Frances Restifo, Administrative Assistant II, Division of Finance, Room 649B, Fletcher Bldg., 101 East Gaines St., Tallahassee, FL 32399-0350, (850)410-9853, seven days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Frances Restifo, (850)410-9853, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Frances Restifo via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

DEPARTMENT OF INSURANCE

The **Department of Insurance** announces a meeting of the Governor's Continuing Care Advisory Council to which all persons are invited.

DATE AND TIME: Friday, October 19, 2001, 1:00 p.m.
PLACE: Florida Department of Insurance, Room 601B, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0300, (850)413-2492

GENERAL SUBJECT MATTER TO BE CONSIDERED: To appoint officers; to receive a report on the current status of continuing care retirement communities; to discuss liability insurance and other matters related to continuing care retirement communities and review proposed statutory changes to Chapter 651, Florida Statutes.

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this meeting, please advise the Department at least 5 calendar days before the meeting by contacting: Mr. Gary Mills, (850)413-2746.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** (DOF) and the Point Washington State Forest Management Plan Advisory Group announce two public meetings and a public hearing to which all persons are invited.

PUBLIC MEETING: Point Washington State Forest Management Plan Advisory Group
DATE AND TIME: Tuesday, October 23, 2001, 6:00 p.m.

PLACE: South Walton Tourist Development Council Meeting Room, The corner of Hwy. 98 and Hwy. 331, Santa Rosa Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow the Point Washington State Forest Management Plan Advisory Group to prepare for a public hearing the evening of October 23, 2001 and provide recommendations to the DOF to help in preparation of a management plan for the Point Washington State Forest.

PUBLIC HEARING

DATE AND TIME: Tuesday, October 23, 2001, 7:00 p.m.
PLACE: South Walton Tourist Development Council Meeting Room, The corner of Hwy. 98 and Hwy. 331, Santa Rosa Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To solicit public comments on management of the Point Washington State Forest. Comments may be presented orally or in writing at the hearing. Written comments may also be submitted to the DOF's Chipola River District Office, 715 W. 15th Street, Panama City, FL 32401, to the attention of Tom Beitzel and should be mailed so as to arrive at the District Office by the date of the public hearing.

PUBLIC MEETING: Point Washington State Forest Management Plan Advisory Group

DATE AND TIME: Wednesday, October 24, 2001, 9:00 a.m.

PLACE: South Walton Tourist Development Council Meeting Room, The corner of Hwy. 98 and Hwy. 331, Santa Rosa Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow the Point Washington State Forest Management Plan Advisory Group to review comments from the public hearing of October 23, 2001 and provide recommendations to the DOF to help in preparation of a management plan for the Point Washington State Forest.

Copies of a working draft on the plan are available by contacting the Chipola River District Office in writing at the above address or by telephone, (850)747-5639.

Special accommodations for persons with disabling condition should be requested in writing at least 48 hours in advance of these proceedings. Any request for special accommodations can be made by writing the DOF's Chipola River District Office at the above listed address.

You are hereby notified in accordance with Chapter 286.0105, Florida Statutes, should you decide to appeal any decision made as a result of, or take exception to any findings of fact with respect to any matter considered at the hearing and meeting referred to above, you may need to ensure that a verbatim record of the proceedings is made. Such record shall include the testimony and evidence upon which the appeal is to be based.

The **Forestry Arson Alert Association, Inc.** announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, November 7, 2001, 1:30 p.m.

PLACE: Conference Room, Hilton Hotel, I-75 and Exit 68, Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the following agenda items: 1) Arson Investigations; 2) Budget; 3) Prevention Items; 4) New Business.

A copy of the agenda may be obtained by writing: Mr. L. Earl Peterson, Division of Forestry, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, (850)488-6111.

DEPARTMENT OF EDUCATION

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call Executive Committee

DATE AND TIME: October 4, 2001, 10:30 a.m. – 11:30 a.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32399-0696

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitative Council Planning Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, Building A, 2002 Old Saint Augustine Road, Tallahassee, FL 32399-0696, (850)488-6210. Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative 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 the mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they 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 includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call Evaluation Committee

DATE AND TIME: October 4, 2001, 11:30 a.m. – 12:30 p.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32399-0696

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitative Council Planning Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, Building A, 2002 Old Saint Augustine Road, Tallahassee, FL 32399-0696, (850)488-6210. Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative 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 the mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they 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 includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call Legislative Committee

DATE AND TIME: October 12, 2001, 10:00 a.m. – 11:00 a.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32399-0696

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitative Council Planning Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, Building A, 2002 Old Saint Augustine Road, Tallahassee, FL 32399-0696, (850)488-6210. Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative 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 the mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they 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 includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call Membership Committee

DATE AND TIME: October 12, 2001, 11:00 a.m. – 12:00 Noon

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32399-0696

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitative Council Planning Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, Building A, 2002 Old Saint Augustine Road, Tallahassee, FL 32399-0696, (850)488-6210. Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative 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 the mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they 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 includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call Planning Committee

DATE AND TIME: October 17, 2001, 9:00 a.m. – 10:00 a.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32399-0696

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitative Council Planning Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, Building A, 2001 Old Saint Augustine Road, Tallahassee, Florida 32399-0696, (850)488-6210. Any

interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative 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 the mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they 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 includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call Coordination Committee

DATE AND TIME: October 17, 2001, 10:00 a.m. – 11:00 a.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32399-0696

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitative Council Planning Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, Building A, 2001 Old Saint Augustine Road, Tallahassee, Florida 32399-0696, (850)488-6210. Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative 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 the mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or

hearing is required of such board, commission or agency, conspicuously on such notice, they 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 includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call Executive Committee

DATE AND TIME: November 1, 2001, 10:30 a.m. – 11:30 a.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32399-0696

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitative Council Planning Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, Building A, 2002 Old Saint Augustine Road, Tallahassee, FL 32399-0696, (850)488-6210. Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative 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 the mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they 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 includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call Evaluation Committee

DATE AND TIME: November 1, 2001, 11:30 a.m. – 12:30 p.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32399-0696

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitative Council Planning Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, Building A, 2002 Old Saint Augustine Road, Tallahassee, FL 32399-0696, (850)488-6210. Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative 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 the mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they 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 includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The Florida **Department of Education** announces a public meeting to which all interested parties are invited to attend.

DATES AND TIMES: Tuesday, October 23, 2001, 10:00 a.m. – 5:00 p.m.; Wednesday, October 24, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Florida Education Center, Suite 1704, 17th Floor, 325 West Gaines Street, Tallahassee, Florida 32399, (850)922-8172

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Council of Student Financial Aid Advisors.

A copy of the agenda may be obtained by writing: Office of Student Financial Assistance, Department of Education, Attention: Sherall Jackson, Suite 70, 1940 North Monroe Street, Tallahassee, Florida 32303-4759.

Pursuant to the provisions of the American Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency by contacting

Sherall Jackson, (850)410-6804, at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the agency by calling (850)410-6804.

The Florida **Division of Blind Services** and The Rehabilitation Council for the Blind announces the following meeting:

DATE AND TIME: October 26 2001, 8:30 a.m. – 5:00 p.m.

PLACE: Bureau of Braille and Talking Book Library, 420 Platt Street, Daytona Beach, FL 32114, (386)239-6000

DATE AND TIME: October 27, 2001, 8:30 a.m. – 12:00 Noon

PLACE: Adam's Mark Hotel, 100 North Atlantic Avenue, Daytona Beach, FL 32118, (386)254-8200

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Meeting of the Council.

A copy of the agenda may be obtained by contacting: Phyllis Dill, Division of Blind Services, Suite 200, Lafayette Building, 2551 Executive Center Circle, West, Tallahassee, FL 32399, (850)488-1330 or through the Florida Telephone Relay system, Ext. 711.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the individual listed above no later than five working days prior to the meeting.

The **Florida State University** announces the following public meeting to which all persons are invited:

COMMITTEE: Art-in-State-Buildings Art Selection Committee

DATE AND TIME: October 12, 2001, 11:00 a.m.

PLACE: Room 214 D, Conference Room, Westcott Building, Florida State University, Tallahassee, FL 32306

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review meeting for Art-in-State-Buildings Project BR #211, Leach Center Addition, Tallahassee, Florida State University

For more information or to obtain a copy of the agenda, please contact: Diane Greer, Director of Cultural Resources, Florida State University, Room 216, Westcott Building, Tallahassee, FL 32306-1350.

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 Florida State University.

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: Diane Greer, (850)644-1001. If you are hearing or speech impaired, please contact the agency by calling (850)644-1001.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 19, 2001, 9:00 a.m.

PLACE: Wilson Music Building, Auditorium, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799 or by calling (904)827-2000.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance from the aforementioned address.

The **Florida Institute of Phosphate Research** announces a meeting of the Board of Directors to which all persons are invited.

DATE AND TIME: Friday, October 26, 2001, 9:00 a.m. – 4:30 p.m.

PLACE: Southwest Florida Water Management District, Conference Room, 170 Century Drive, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider funding of research proposals and other business pertaining to the operation of the Institute.

A copy of the minutes of the July 27, 2001, Board Meeting, may be obtained by writing: Paul R. Clifford, Executive Director, Florida Institute of Phosphate Research, 1855 West Main Street, Bartow, Florida 33830.

The Division of Colleges and Universities of the Florida **Board of Education** (FBOE) announces a meeting to which the public is invited. This meeting will be held to negotiate the 2002-2003 Re-Opener Agreement between the FBOE and the Florida Police Benevolent Association, Inc.

DATE AND TIME: October 9, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Florida Education Center, Room 1706, 325 West Gaines Street, Tallahassee, Florida

The FBOE welcomes participation from any interested members of the public.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

The Division of Colleges and Universities, Florida **Board of Education** announces a meeting to which the public is invited. This meeting will be held to negotiate the 2002-2003 Re-Opener bargaining agreement between the Florida Board of Education and the United Faculty of Florida.

DATE AND TIME: Monday, October 15, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Room 1724, Florida Education Center, 325 West Gaines Street, Tallahassee, Florida

The Board welcomes participation from any interested members of the public.

Persons with disabilities who require assistance to participate are requested to notify the Office of Equal Opportunity Programs at (850)201-7160 (Voice) or (850)201-7164 (TDD), at least seven (7) days in advance so that their needs may be accommodated.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Communities Trust** announces a public meeting of the Governing Body to which all persons are invited. Members of the Trust Governing Body will participate by way of teleconference.

DATE AND TIME: Monday, October 15, 2001, 2:00 p.m.

PLACE: Department of Community Affairs, Conference Room 100E, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and board action on a settlement agreement on case of Suncoast Appraisers and Associates, Inc., d/b/a Suncoast Appraisers, vs. Florida Communities Trust; other business that the governing board deems necessary.

ACTION TO BE TAKEN: Consideration of above-stated business. To obtain a copy of the agenda, contact the Trust, (850)922-2207.

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

Persons requiring a special accommodation for a disability of physical impairment should contact Florida Communities Trust, (850)922-2207, Suncom 292-2207, at least five days prior to the meeting. If hearing or speech impaired, contact

Florida Communities Trust using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District 6 announces a public hearing to which all interested persons are invited.

DATE AND TIME: October 17, 2001, 5:15 p.m. – 7:30 p.m. (Copies of the District Six Work Program documents will be available for review between those hours.)

PLACE: WLRN Channel 17 Television Studios, 172 N. E. 15th Street, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held in accordance with Section 339.135, Florida Statutes and to offer the public the opportunity to comment on projects for the State Highway System, public transportation or any other project in the Sixth District's Tentative Five Year Transportation Plan. This hearing will also include consideration of proposed projects for Florida's Turnpike System. The Sixth District comprises Miami-Dade and Monroe Counties. The Plan covers the period from July 1, 2002 to June 30, 2007.

All interested persons are invited to attend and be heard. The proposed improvements have been developed in accordance with the Civil Rights Act of 1964 and the Civil Rights Act of 1968. Under Title VI and Title VIII of the United States Civil Rights Acts any person or beneficiary who believes he or she has been subjected to discrimination because of race, color, religion, sex, age, national origin, disability or familial status may file a written complaint with the Florida Department of Transportation's Minority Programs Office in Tallahassee or contact Jeffrey Dodge, District Six's Title VI and Title VIII Coordinator.

Central Office: Florida Department of Transportation, Minority Programs Office, 605 Suwannee Street, M.S. #65, Tallahassee, Florida 32399-0450.

District Six: Jeffrey Dodge, Title VI and Title VIII Coordinator, Florida Department of Transportation, Room 6207A, 1000 Northwest 111th Avenue, Miami, Florida 33172.

Assistance for persons who require transcriptions in Braille may be arranged by contacting the Public Information Office, (305)470-5349, seven days prior to the public hearings to allow time for the documents to be transcribed. Assistance for other disabled person may be arranged by contacting the Public Information Office.

The **Department of Transportation**, Turnpike District announces a Public Hearing to which all persons are invited.

DATE AND TIMES: October 30, 2001, Open House, 6:00 p.m.; Formal Presentation, 7:00 p.m.

PLACE: Holiday Inn Hotel, 4900 Powerline Road, Fort Lauderdale, FL 33309

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This hearing is being held in accordance with Federal-Aid Highway Act of 1968, as amended, 23 U.S.C. 128, 40 C.F.R., 1500-1508 C.F.R. 771, and Section 339.155, Florida Statutes, and is also consistent with the Americans With Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended. This hearing is being held to afford interested persons the opportunity to express their views concerning the design of Financial Project ID No. 232254-1 otherwise known as the Commercial Boulevard Interchange Improvements at Florida's Turnpike. The proposed improvements consist of constructing a single lane on-ramp from eastbound Commercial Boulevard to southbound Turnpike with electronic toll collection (SunPass) only. Other improvements include the lengthening of the northbound Turnpike off-ramp to Commercial Boulevard and the construction of an additional lane with electronic toll collection (SunPass) only at the existing toll plaza to accommodate the northbound to westbound Commercial Boulevard movement. Potential encroachment on wetlands and floodplains may be given special consideration under Executive Orders 11990 and 11988.

Anyone needing project or public hearing information may contact: Michael Sasser, P. E., Project Manager, Turnpike District, (954)975-4855, Ext. 3434 or in writing to Florida Department of Transportation, Turnpike District, P. O. Box 613069, Ocoee, Florida 34761.

Anyone requesting special accommodations under the Americans With Disabilities Act of 1990 should contact Catherine Bradley, P. E., Project Manager, (407)532-3999, Ext. 3802 or by writing to Florida Department of Transportation, Turnpike District, Building 5315, P. O. Box 613069, Ocoee, Florida 34761. Special accommodation requests under the Americans With Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing Michael Sasser, P. E., Project Manager, Florida Department of Transportation, Turnpike District. In the unlikely event that an emergency or act of nature should cause the hearing to be rescheduled, the new date would be November 8, 2001.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting of the Florida Commission on Hurricane Loss Projection Methodology to which all persons are invited.

DATE AND TIME: Monday, October 15, 2001, 1:00 p.m. – 5:00 p.m. (Eastern Standard Time)

PLACE: The Hermitage Centre, Emerald Coast Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida. (Please see receptionist on 1st Floor for a visitors pass.) Telephone Participation: Persons who wish to “attend” telephonically may call (850)488-2854 or Suncom 278-2854 on the date and at the time indicated for access to the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is a regular business meeting of the Commission in which the Commission plans to complete its discussion and adoption of standards for the Year 2001, which were not addressed in the September 19th, 2001, meeting, and to address other general business of the Commission.

INVITATION: The public is invited to this meeting. Anyone wishing to be placed on the Commission’s mailing list to receive copies of notices and agenda’s by mail or wishing a copy of the agenda for the meeting noticed above, should contact: Donna Sirmons, State Board of Administration, Post Office 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 Florida Citrus Commission to which all persons are invited.

DATE AND TIME: October 24, 2001, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene for the purposes of standing committee meetings and for the regular monthly meeting. The Commission will address issues pertaining to budget revisions, contracts, advertising programs, budget items, rulemaking, balance scorecards, licensing and other matters that are addressed during monthly meetings of the Commission.

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, October 31, 2001, 9:00 a.m.

PLACE: Florida Parole Commission, Bldg. C, Third Floor, 2601 Blairstone Road, 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, Building C, 2601 Blairstone Road, 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 OF CANCELLATION – The Florida **Public Service Commission** announces the cancellation of the Motion Hearing which had been scheduled for Tuesday, September 25, 2001, 1:00 p.m. in the following docket.

DOCKET NO.: 010795-TP – Petition by Sprint Communications Company Limited Partnership for arbitration with Verizon Florida Inc. pursuant to Section 251/252 of the Telecommunications Act of 1996.

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 010006-WS – Water and wastewater industry annual reestablishment of authorized range of return on common equity of water and wastewater utilities pursuant to Section 367.081(4)(f), F.S.

DATE AND TIME: October 22, 2001, 9:30 a.m.

PLACE: Betty Easley Conference Center, Hearing Room 152, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any

person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

REGIONAL PLANNING COUNCILS

The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited:

DATE AND TIME: October 18, 2001, 9:30 a.m.
 PLACE: Southwest Florida Regional Planning Council, Conference Room, 4th Floor, 4980 Bayline Drive, North Fort Myers, FL 33917

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Regional Planning Council.

All Council Subcommittee meetings will immediately follow the Council meeting.

A copy of the proposed agenda may be obtained by writing: Mr. Wayne E. Daltry, Executive Director, Southwest Florida Regional Planning Council, Post Office Box 3455, North Fort Myers, FL 33918-3455.

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, 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 based.

Any person requiring special accommodation due to disability or physical impairment should contact Mr. Wayne Daltry, (941)656-7720, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Daltry using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The District XI, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 17, 2001, 10:00 a.m.
 PLACE: Fire Fighters Memorial Hall, Fire Tower Building, 8000 N. W. 21st Street, Miami, Florida 33122-1605

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the LEPC's ongoing regional hazardous materials training and planning activities for FY 2001/02.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, Suite 140, 3440 Hollywood Blvd., Hollywood, FL 33021 or by calling (954)985-4416 in Broward, Suncom 473-4416 and 1(800)985-4416 for area codes 305, 561 and 407.

REGIONAL TRANSPORTATION AUTHORITIES

The **Hillsborough Area Regional Transit Authority (HART)** announces the following public meetings of the Governing Board of the Authority to which all persons are invited:

PUBLIC HEARING

DATE AND TIME: October 8, 2001, 8:30 a.m.
 PLACE: County Center, Planning Commission Board Room, 18th Floor, 601 E. Kennedy Boulevard, Tampa, FL
 PURPOSE: Regularly Scheduled Board Meeting.
 AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to order
2. Approval of Minutes
3. Introductions, Recognition and Awards
4. Consumer Advisory Committee Report
5. Public Comment on Action Items
6. Consent Action Items
7. Other Action Items
8. Chairman's Report
9. Reports from HART Representatives
10. HART Committee Reports
11. Other Board Member's Report
12. Executive Director's Report
13. Employee Comment
14. General Public Comment
15. Discussion and Presentations
16. Monthly Information Reports
17. Other Information Items
18. Other Business

A copy of the detailed agenda may be obtained by contacting: Mary Staples, Administrative Assistant II, Hillsborough Area Regional Transit Authority, Suite 900, 201 E. Kennedy Boulevard, Tampa, FL 33602, (813)223-6831.

Section 286.0105, Florida Statutes, states that if a person decided 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 Alvin Orgeron, (813)623-5835, at least 48 hours before the meeting. If the caller is hearing impaired, contact the Authority, (813)626-9158 (TTD).

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, October 18, 2001, 9:00 a.m.
 PLACE: Burns Building, Auditorium, Department of Transportation, 605 Suwannee St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials also will be available from 8:00 a.m. – 5:00 p.m., Monday through Friday, Suite 101, 2822 Remington Green Circle, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting the Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

METROPOLITAN PLANNING ORGANIZATIONS

The **Metropolitan Planning Organization for the Orlando Urban Area** announces the following public meetings of its Governing Board and Executive Committee to which all persons are invited:

DATE AND TIME: Wednesday, October 10, 2001, 9:00 a.m.
 PLACE: Metroplan Orlando Boardroom, Suite 355, 315 East Robinson Street, Orlando, FL 32801

PURPOSE: Regularly Scheduled Board Meeting and Executive Committee 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, Suite 355, 315 East Robinson Street, 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.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

The **Florida Workers Compensation Appeals Board** announces a meeting to which all persons are invited.

DATE AND TIME: October 17, 2001, 9:00 a.m. – 12:00 Noon
 PLACE: Renaissance Orlando Hotel, Airport, 5445 Forbes Place, Orlando, Florida 32812, (407)240-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide a mechanism by which aggrieved parties may obtain a review of the application of the rules of the workers compensation system to their individual workers compensation policies.

Contact: Michelle Baker, National Council on Compensation Insurance, Inc., 901 Peninsula Corporate Circle, Boca Raton, Florida 33487, (561)893-3195.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces a Southern Region Recreation Advisory Council meeting to which all persons are invited.

MEETING: Southern Region Recreation Advisory Council
 DATE AND TIME: Thursday, October 18, 2001, 6:00 p.m. – 8:00 p.m.

PLACE: Brevard County Government Complex, Atlantic Room, 3rd Floor, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida 32940, (407)633-2046

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss recreation on District lands in the Southern Region.

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

If, due to disability, you require a special accommodation to participate in this public meeting, contact Linda Lorenzen, (386)329-4262 or (386)329-4450 (TDD), at least five work days before the date of the meeting.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: October 16, 2001, 7:00 p.m. – 9:00 p.m.

PLACE: Islamorada Village Hall, MM 87, Founder's Park, Islamorada, Florida 33036

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop concerning Florida Bay and Florida Keys Feasibility Study of CERP.

A copy of the study may be obtained at the (1) website <http://www.evergladesplan.org> or (2) by writing to the South Florida Water Management District, Attn: Dave Rudnick, Mail Stop 4440, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Although District 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 the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Dave Rudnick, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4440, West Palm Beach, FL 33406, Everglades Division, (561)682-6561.

The **South Florida Water Management District** announces a public hearing required under Sections 373.59 and 373.139, Florida Statutes, to which all interested persons are invited:

Governing Board Meeting

DATE AND TIME: November 15, 2001, 8:50 a.m.

PLACE: District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33407

GENERAL SUBJECT MATTER TO BE CONSIDERED: The acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan which lands are further described as follows:

Part of the Kissimmee River Project comprised of one parcel referred to as SFWMD Tract No. 19-103-487 consisting of approximately 0.1 acres and lying in Section 17, Township 36 South, Range 33 East in Highlands County, Florida.

FAW Reference No. 2472

Part of the East Coast Buffer Project being acquired under the terms of an Interlocal Agreement with Palm Beach County comprised of one parcel referred to as SFWMD Tract No. W9-100-085 consisting of approximately 573.78 acres and lying in Section 12, Township 41 South, Range 46 East in Palm Beach, Florida.

FAW Reference No. 2473

Part of the East Coast Buffer Project comprised of one parcel referred to as SFWMD Tract No. W9-200-917 consisting of approximately 10 acres and lying in Section 34, Township 51 South, Range 39 East in Broward County, Florida.

FAW Reference No. 2474

An Interlocal Agreement between the District and Palm Beach County, for the commitment of funds by the District to Palm Beach County, in an amount not to exceed \$1,000,000 to assist Palm Beach County in acquiring land interests in Unit 11.

FAW Reference No. 2475

Part of the Biscayne Coastal Wetlands Project comprised of ten parcels referred to as SFWMD Tract Nos. GZ-100-001, GZ-100-002, GZ-100-003, GZ-100-004, GZ-100-005, GZ-200-001, GZ-200-002, GZ-200-003, GZ-200-004 and GZ-200-005 consisting of approximately 549.77 acres, and lying in the South 1/2 of Section 28, Township 56 South, Range 40 East, and in Sections 4 and 9, Township 57 South, Range 40 East, lying East of the L-31 East Levee, Miami-Dade County, Florida.

FAW Reference No. 2476

Additional information concerning specific parcels or interests can be obtained from: Blair R. LittleJohn, III, South Florida Water Management District, Post Office Box 24680, West Palm Beach, Florida 33416-4680, (561)686-8800.

Appeals from any South Florida Water Management District Board decision requires 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.

For additional information, please contact: Mr. Blair R. LittleJohn, III, Interim Department Director, Land Acquisition Department, (561)686-8800.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Personnel Committee meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 16, 2001, 11:00 a.m. – completion.

PLACE: Via teleconference: (850)921-6623 or Suncom 291-6623 or Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida, (850)410-5700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues related to the Personnel Committee and the evaluation of the Executive Director.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49,

Tallahassee, Florida 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The hearing is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a meeting of the Procedures Subcommittee of the Finance, Audit and Program Performance Committee to which all persons are invited.

DATE AND TIME: Thursday, October 18, 2001, 1:30 p.m. – completion

PLACE: Room 308, Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida, (850)410-5700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review, approve, and make recommendations to procedures of the Commission.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, Florida 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 **Withlacoochee Regional Water Supply Authority** announces that the Authority will hold its regular October meeting as scheduled. This is a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, October 17, 2001, 4:30 p.m.

PLACE: Hernando County Government Center, County Commission Chambers, 20 N. Main Street, Brooksville, FL 34601

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, FL 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency For Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 12, 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: 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.

The **Agency For Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 16, 2001, 10:00 a.m. – 2:00 p.m.

PLACE: Orlando Airport Hyatt, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Organ Transplant Task Force as authorized by Senate Bill 684. Additional information may be obtained by writing: Agency For Health Care Administration, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone (850)487-2717 or by e-mailing Mary Loepp, Unit Manager, Hospital and Outpatient Services Unit, loeppm@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)487-2717.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services, State Technology Office** announces a workshop on the progress of the Joint Task Force Radio Communications System to which all persons are invited.

DATE AND TIME: October 19, 2001, 9:00 a.m.

PLACE: Department of Management Services, State Technology Office, Room 225A, 4030 Esplanade Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the items included in the meeting agenda.

A copy of the agenda may be obtained by writing: Nick Adams, Department of Management Services, State Technology Office, Suite 235H, 4030 Esplanade Way, Tallahassee, Florida 32399-0950.

If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure a

verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring some accommodation at this hearing because of a physical impairment should call the State Technology Office, (850)922-7506, at least five calendar days prior to the meeting. If you are hearing or speech-impaired, please contact the State Technology Office by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

The **Department of Management Services, State Technology Office** announces a public meeting of the Board of Directors of the Joint Task Force on State Agency Law Enforcement Communications to which all persons are invited. DATE AND TIME: October 19, 2001, immediately following the workshop

PLACE: Room 225A, 4030 Esplanade Way, Tallahassee, FL 32399.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the items included in the meeting agenda.

A copy of the agenda may be obtained by writing: Nick Adams, Department of Management Services, State Technology Office, Suite 235H, 4030 Esplanade Way, Tallahassee, Florida 32399-0950.

If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring some accommodation at this hearing because of a physical impairment should call the State Technology Office, (850)922-7506, at least five calendar days prior to the meeting. If you are hearing or speech-impaired, please contact the State Technology Office by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

NOTICE IS HEREBY GIVEN that the **Digital Divide Council** will hold a one-day meeting to which all persons are invited.

DATE AND TIME: Monday, October 22, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Room 110, Senate Office Building, 404 South Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The primary purpose of the meeting will be to continue work on the statutory mandates set out for the Council in Section 445.049, Florida Statutes.

The Council will also be holding two conference call meetings on:

DATES AND TIMES: Tuesday, October 2, 2001, 2:00 p.m. – 5:00 p.m.; Tuesday October 16, 2001, 2:00 p.m. – 4:00 p.m.

PLACE: The conference call dial up numbers will be provided on the Digital Divide website at http://www.myflorida.com/myflorida/sciencetechnology/learn/digital_divide/index.html

GENERAL SUBJECT MATTER TO BE CONSIDERED: To officially discuss progress in the creation of a comprehensive resource list of all current efforts in the state of Florida to bridge the Digital Divide.

For additional information, please contact: Stacey McMillian, State Technology Office, Suite 335, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399, (850)410-4777.

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 Council at least 48 hours before the meeting by contacting Stacey McMillian at the above stated number.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Division of Hotels and Restaurants** announces a meeting of the Hotels and Restaurants Advisory Council to which all persons are invited:

DATE AND TIME: October 16, 2001, 10:00 a.m. – 1:00 p.m.

PLACE: The Florida Hotel and Motel Association, Board Room, 200 West College Avenue, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Routine meeting of the Hotels and Restaurants Advisory Council.

A copy of the agenda may be obtained by contacting: Lee Cornman, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, (850)488-1133.

The person to be contacted regarding the workshop is: Lee M. Cornman, Management Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, (850)488-9263.

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: Lee M. Cornman, Management Review Specialist, (850)488-9263. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Board of Auctioneers** announces the following general business meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 23, 2001, 10:30 a.m. (EST)

PLACE: Conference call: (850)487-8620 or Suncom 277-8620

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Board to conduct regular Board business.

A copy of the agenda may be obtained by writing: Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762 or by calling Daryl Dempsey, (850)488-5189.

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 forty-eight (48) hours before the meeting by contacting Daryl Dempsey, (850)488-5189. 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 to be based.

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: October 24, 2001, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 727 South Bronough Street, Tallahassee, Florida 32301, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Robert A. Crabill, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, Suite 60, 1940 N. Monroe Street, Tallahassee, Florida 32399-2202 or by phone, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Department of Business and Professional Regulation** announces a rule development workshop regarding Rule 61G16-5.001, Related Degrees and Rule 61G16-5.002, Geological Courses to which all persons are invited. This workshop is being held pursuant to the provisions of Section 120.54(1), Florida Statutes.

DATE AND TIME: October 23, 2001, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss related degrees and geological courses.

A copy of the agenda may be obtained by writing: D. A. O'Connor, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this proceeding, please advise the Department at least five calendar days prior to the proceeding to the address given on the notice.

The Florida **Building Code Administrators and Inspectors Board** announces a Probable Cause Panel Meeting via telephone conference call portions of which will be closed to the public.

DATE AND TIME: October 18, 2001, 10:00 a.m. (EST)

PLACE: Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board Office, 1940 North Monroe Street, Tallahassee, FL 32399-2211

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

If any person decides to appeal any decision made by the Building Code Administrators and Inspectors Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-2211.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence, Building Code Administrators and Inspectors Board, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call Gregory Spence using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Accountancy** announces the following meeting of the Rules Committee to which all persons are invited:

DATE AND TIME: Tuesday, November 20, 2001, 10:00 a.m.

PLACE: Hilton Tampa Airport Westshore, 2225 Lois Avenue, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss rule changes relating to eligibility requirements for CPA exam and other rules of the Board.

A copy of the agenda may be obtained by writing: Martha P. Willis, Division Director, Division of Certified Public Accounting, Suite A, 240 N. W. 76th Drive, Gainesville FL 32607.

NOTE: If a person decided to appeal any decision made by the board with respect to any matter considered at this meeting, 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.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting by contacting Martha Willis, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The **Board of Accountancy** announces the following public meetings to which all persons are invited:

Board Meeting and Probable Cause Panels

DATES AND TIMES: Monday, December 17, 2001, 9:00 a.m. (Probable Cause immediately following Board Meeting); Tuesday, December 18, 2001, 8:30 a.m. (Probable Cause)

PLACE: Hilton Airport Westshore, 2225 North Lois Avenue, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The probable cause panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public, however, there may be cases where probable cause was previously found which are to be reconsidered. The Board will meet to consider enforcement proceedings including consideration of investigating officer's reports and other general business. This is a public meeting.

A copy of any probable cause materials which are open to the public and a copy of the Board agenda may be obtained by writing: Martha P. Willis, Division Director, Division of Certified Public Accounting, Suite A, 240 N. W. 76th Drive, Gainesville, Florida 32607.

NOTE: Portions of the Probable Cause Panel meeting may be closed to the public.

If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Martha Willis, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

NOTICE OF CANCELLATION – The **Board of Accountancy** announces the following meeting of the Probable Cause Panel has been cancelled:

DATE AND TIME: Tuesday, October 23, 2001, 8:30 a.m., Probable Cause

PLACE: Hilton Garden Inn, 7300 Augusta National Drive, Orlando, Florida

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection, Division of Land and Recreation**, Office of Coastal and Aquatic Managed Areas, Office of the Florida Keys National Marine Sanctuary announces public meetings to which all persons are invited:

DATE AND TIME: Thursday, October 11, 2001, 9:00 a.m.

PLACE: Monroe County Board of County Commissioners, Chambers, 2798 Overseas Highway, Marathon, FL 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the Florida Keys National Marine Sanctuary Advisory Council to review evaluations and suggested reviewers for the following FKNMS Action Plans: Channel/Reef Marking, Mooring Buoys, Volunteer and Water Quality Action Plan.

Contact June Cradick, (305)743-2437, Ext. 24, for a copy of the agenda.

DATE AND TIME: Friday, October 12, 2001, 9:00 a.m.

PLACE: Monroe County Board of County Commissioners, Chambers, 2798 Overseas Highway, Marathon, FL 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the Florida Keys National Marine Sanctuary Advisory Council to review evaluations and suggested reviewers for the following FKNMS Action Plans: Enforcement, Zoning and Regulatory Action Plans.

Contact June Cradick, (305)743-2437, Ext. 24, for a copy of the agenda.

DATE AND TIME: Tuesday, October 16, 2001, 9:00 a.m.

PLACE: Marathon Garden Club, 5270 Overseas Highway, Marathon, FL 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the Florida Keys National Marine Sanctuary Advisory Council to review evaluations and suggested reviewers for the following FKNMS Action Plans: Submerged Cultural Resources, Education and Outreach, Research and Monitoring and Damage Assessment and Restoration Action Plans.

Contact June Cradick, (305)743-2437, Ext. 24, for a copy of the agenda.

Meetings for the Five Year Management Plan Review will be posted on the website: <http://www.fknms.nos.noaa.gov/>.

If accommodation is needed for an attendee with a disability to participate in any one of these activities, please notify Karla Mendez, DEP, Florida Keys National Marine Sanctuary, (305)292-0311 or e-mail: karla.Mendez@noaa.gov.

The **Department of Environmental Protection** announces a public meeting on rule development for the establishment of a phosphorus water quality criterion for the Everglades Protection Area pursuant to the Everglades Forever Act to which all persons are invited:

DATES AND TIME: October 18-19, 2001, 9:00 a.m.

PLACE: The Sheraton West Palm Beach, 630 Clearwater Park Road, West Palm Beach, FL, (561)833-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss revisions to Rule 62-302.530 and 62-302.540, F.A.C., pertaining to the establishment of a phosphorus water quality criterion for the Everglades Protection Area pursuant to the Everglades Forever Act.

A copy of the agenda may be obtained by contacting: Kristi Mader, Department of Environmental Protection, Everglades Technical Support Section, 2600 Blair Stone Road, MS #3560, Tallahassee, Florida 32399-2400, (850)921-5213.

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 Gloria Almada, (561)681-6600. 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 workshop to which all persons are invited.

DATE AND TIME: October 30, 2001, 1:00 p.m.

PLACE: Room 609, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to discuss and receive comments from interested persons regarding the Draft Baseline Risk Analysis prepared as part of an alternative fish consumption rate used in revisions to human health-based surface water quality criteria in Rule 62-302.530, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Nancy Ross, Nonpoint Source Management and Water Quality Standards Section, Department of Environmental Protection, 2600 Blair Stone Road, MS #3570, Tallahassee, Florida 32399-2400, (850)921-9436.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting the Personnel Service Specialist in the Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

DEPARTMENT OF HEALTH

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: Thursday, October 18, 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 **Board of Clinical Laboratory Personnel** will hold a duly noticed meeting to which all persons are invited to attend.

DATES AND TIMES: Thursday, October 18, 2001, 1:00 p.m. continuing; Friday, October 19, 2001, 9:00 a.m.

PLACE: Hilton Jacksonville Riverfront, 1201 Riverplace Boulevard, Jacksonville, FL, (904)398-8800

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Clinical Laboratory Personnel, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda may be obtained by writing: Sherra Causey, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Board of Massage Therapy** announces a meeting to which all interested persons are invited to attend.

DATES AND TIMES: Thursday, October 25, 2001, 9:00 a.m. or soon thereafter; continuing Friday, October 26, 2001, 9:00 a.m. if necessary

PLACE: Crowne Plaza, 950 N. W. Lejeune Road, Miami, Florida 33126, (305)446-9000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business and Disciplinary Matters.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Massage Therapy, (850)488-0595, at least five (5) 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 at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Massage Therapy, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he 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 based.

The **Department of Health** announces a hearing to which all persons are invited.

DATE AND TIME: October 22, 2001, 9:00 a.m.

PLACE: Capital Circle Office Complex, Conference Room 301, 4042 Bald Cypress Way, Tallahassee, FL 32399, (850)245-4474

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a study of the area of specialty certification relating to the Board of Medicine, the Board of Osteopathic Medicine and the Board of Dentistry.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sue Foster, (850)245-4474, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Ms. Foster 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: Ms. Foster, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The **Board of Optometry**, Probable Cause panel will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Tuesday, October 23, 2001, 6:30 p.m.

PLACE: Hilton Jacksonville Towers, 1201 Riverplace Boulevard, Jacksonville, FL, (904)398-8800

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Sherra W. Causey, Board of Optometry, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Board of Optometry** will hold a meeting and conference call to which all persons are invited to attend.

DATE AND TIME: Wednesday, October 24, 2001, 9:00 a.m.

PLACE: Hilton Jacksonville Towers, 1201 Riverplace Boulevard, Jacksonville, FL, (904)398-8800

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Sherra W. Causey, Board of Optometry, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Board of Podiatric Medicine** will hold a duly noticed meeting and conference call to which all persons are invited to attend.

DATE AND TIME: Friday, October 12, 2001, 11:00 a.m.

PLACE: Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, FL 33607, (813)877-6688

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Podiatric Medicine, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda may be obtained by writing: Sherra Causey, Board of Podiatric Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

EXECUTIVE COMMITTEE

DATES AND TIME: October 3, 10, 17, 24, 31, 2001, 8:30 a.m.

PLACE: Department of Children and Family Services, Room 327D, 337 North 4th Street, Fort Pierce, FL 34950

For more information, please contact: Betty Robinson, CBC Liaison, Room 327, 337 North 4th Street, Fort Pierce, Florida 34950, (561)467-4174.

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 Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

FOSTER CARE SUB-COMMITTEE

DATES AND TIME: October 10, 24, 2001, 10:00 a.m.

PLACE: Benton Regional Service Center, Room 316, 337 North 4th Street, Fort Pierce, FL

For more information, please contact: Betty Robinson, CBC Liaison, Room 327, 337 North 4th Street, Fort Pierce, Florida 34950, (561)467-4174

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 Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

ITN/OUTCOMES SUB-COMMITTEE

DATES AND TIME: October 10, 24, 2001, 3:00 p.m.

PLACE: Benton Regional Service Center, Room 316, 337 North 4th Street, Fort Pierce, FL

For more information, please contact: Betty Robinson, CBC Liaison, Room 327, 337 North 4th Street, Fort Pierce, Florida 34950, (561)467-4174.

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 Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

MENTAL HEALTH SUB-COMMITTEE

DATE AND TIME: October 15, 2001, 9:30 a.m.

PLACE: Benton Regional Service Center, Room 104, 337 North 4th Street, Fort Pierce, FL

For more information, please contact: Betty Robinson, CBC Liaison, Room 327, 337 North 4th Street, Fort Pierce, Florida 34950, (561)467-4174.

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 **Florida Advocacy Committee**, District 15 announces a public meeting to which all persons are invited.

DATE AND TIME: October 16, 2001, 9:30 a.m.

PLACE: Benton Regional Service Center, Room 104, 337 North 4th Street, Fort Pierce, FL 34950

A copy of the agenda may be obtained by contacting: Ellen Higinbotham, FLAC Liaison, (561)467-3042.

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 Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

ALLIANCE MEETING

DATE AND TIME: October 26, 2001, 8:30 a.m.

PLACE: Workforce Development Board, 9350 South U.S. 1, Port St. Lucie, FL

For more information, please contact: Betty Robinson, CBC Liaison, Room 327, 337 North 4th Street, Fort Pierce, Florida 34950, (561)467-4174

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 Florida **Department of Children and Family Services**, District 4 announces public meetings to which all persons are invited:

WHAT: Nassau County Community Alliance Executive Committee Meeting

DATE AND TIME: October 8, 2001, 9:30 a.m. – 11:30 a.m.

PLACE: Children and Families Educational Center, 479 Felmore Road, Yulee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Plan agenda for October 17, 2001 meeting.

WHAT: Nassau County Community Alliance

DATE AND TIME: October 15, 2001, 2:00 p.m. – 4:00 p.m.

PLACE: Children and Families Educational Center, 479 Felmore Road, Yulee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss priorities and outcomes of Alliance.

WHAT: Children and Families Community Alliance Executive Committee

DATE AND TIME: October 10, 2001, 12:00 Noon – 2:00 p.m.

PLACE: Conference Room 1, Roberts Building, 5920 Arlington Expressway, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Plan agenda for October 17, 2001 meeting.

WHAT: Children and Families Community Alliance

DATE AND TIME: October 17, 2001, 2:30 p.m. – 4:30 p.m.

PLACE: Auditorium, Roberts Building, 5920 Arlington Expressway, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss priorities and outcomes of Alliance.

The **Council on Homelessness** announces their initial meeting to which all persons are invited.

DATE AND TIME: Monday, October 15, 2001, 9:00 a.m.

PLACE: Department of Children and Family Services, Room 232, Building 8, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will consider its initial organizational issues involving adopting by-laws for its operation, and will discuss authorization for the State Office on Homelessness to begin administration of the homeless challenge grants and the homeless housing assistance grants, including initiation of the rulemaking process for both grants.

A copy of the agenda may be obtained by contacting: Tom Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, Tom_Pierce@dcf.state.fl.us.

Pursuant to Chapter 286.26, Florida Statutes, any disabled person wishing to attend this meeting in order to request any needed special assistance should contact the office at least 48 hours in advance of the meeting.

The Developmental Disabilities Program of the **Department of Children and Family Services** announces a meeting of the Interagency Quality Council to which all interested persons are invited.

DATE AND TIME: October 16, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: The Peabody Hotel, 9801 International Drive, Orlando, FL 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: A regularly scheduled quarterly meeting for the purpose of planning and review of quality assurance for Developmental Disabilities.

A copy of the agenda may be obtained by contacting: Michael Freeman, Developmental Disabilities Program Office, (850)488-4877, Ext. 118.

The **Department of Children and Family Services**, Refugee Services Office announces the following public meetings to which all interested persons are invited.

***MEETING:** Districts 5, 6 and 14/Tampa Bay Area Refugee Task Force

DATE AND TIME: October 30, 2001, 9:30 a.m. – 12:00 Noon

PLACE: TBA, contact person is Taddese Fessehaye, (407)245-0450 or (850)488-3791

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Tampa Bay Area/Children and Families, District 5, 6 and 14 areas.

A copy of the agenda may be obtained by writing: Taddese Fessehaye, Refugee Services Office, Suite 1009, 400 West Robinson Street, Orlando, Florida 32801.

MEETING: District 9/Palm Beach Area Refugee Task Force
 DATE AND TIME: October 17, 2001, 1:30 p.m. – 3:30 p.m.
 PLACE: Naval and Marine Reserve Center, 1227 Marine Drive, West Palm Beach, FL, contact person is Taddese Fessehaye, (407)245-0450 or (850)488-3791

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Palm Beach Area/Children and Families, District 9 area.

A copy of the agenda may be obtained by writing: Taddese Fessehaye, Refugee Services Office, Suite 1009, 400 West Robinson Street, Orlando, Florida 32801.

*MEETING: District 10/Broward County Refugee Task Force
 DATE AND TIME: October 29, 2001, 9:00 a.m. – 12:00 Noon
 PLACE: First Lutheran Church, 441 N. E. 3rd Ave., Ft. Lauderdale, FL 33301, contact person is Cheraka Thomas, (850)414-0067

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Broward County/Children and Families, District 10 area.

A copy of the agenda may be obtained by writing: Cheraka Thomas, Refugee Services Office, Room 303, Building 1, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700.

*MEETING: District 11/Miami Area Refugee Task Force
 DATE AND TIME: October 12, 2001, 10:00 a.m. – 12:00 Noon
 PLACE: Miami-Dade Community College, Building 2, 300 Northeast Second Avenue, Miami, Florida, (305)237-7069, contact person is Vinayak Sharma, (850)413-9225

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Miami Dade Area County/Children and Families, District 11 area.

A copy of the agenda may be obtained by writing: Vinayak Sharma, Refugee Services Office, Room 303, Building 1, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700.

*MEETING: District 7/Orlando
 DATE AND TIME: October 10, 2001, 9:30 a.m. – 11:30 a.m.
 PLACE: Catholic Charities of Orlando, 1771 North Semoran Blvd., Orlando, Florida 32897, contact person is Taddese Fessehaye, (407)245-0450 or (850)488-3791

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Duval Area County/Children and Families, District 7 area.

A copy of the agenda may be obtained by writing: Taddese Fessehaye, Refugee Services Office, Suite 1009, 400 West Robinson Street, Orlando, Florida 32801.

Pursuant to the Provisions of the American's 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 Refugee Services Office, (850)488-3791 or Fax (850)487-4272. If you are hearing or speech impaired, please contact the agency by calling TDD Number (850)922-4449, and reference the specific Refugee Task Force Meeting by location and date.

The Family Care Council, **Center for Independent Living of North Florida** and the Family Network on Disabilities of Florida, Inc. announces a public meeting.

Educate Regional Legislators: Disability related issues
 DATE AND TIME: October 16, 2001, 6:00 p.m. – 8:00 p.m.
 PLACE: Leroy Collins Leon County Public Library, 200 W. Park Ave., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Individuals with disabilities, families and guardians of individuals who are developmentally disabled and Florida Legislators are invited to come together to hear the latest issues concerning the community of disabled peoples. Speakers will include Carl Littlefield, Director of Developmental Disabilities Services and Julie Shaw, Executive Director of the Americans with Disabilities Act Working Group.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting of the Corporation, to which all persons are invited:

DATES AND TIME: Concurrent Wednesdays, October 3, 2001 through December 19, 2001, 2:00 p.m.
 PLACE: Florida Housing Finance Corporation, Seltzer Room, 6th Floor, 227 North Bronough Street, 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.

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend:

DATE AND TIME: Tuesday October 16, 2001, 10:00 a.m.
 PLACE: Florida Housing Finance Corporation, Rick Seltzer Conference Room, 6th Floor, 227 North Bronough Street, Tallahassee, FL 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluation of responses submitted for Florida Housing Finance Corporation's Request for Qualifications #2001/03 for Investment Banking Services.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Laurie Camp, Human Resources Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TERFA") to which all interested persons are invited.

DATE AND TIME: Monday, October 22, 2001, 9:00 a.m. (EST)

PLACE: Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the

acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Westlake Apartments, a 288 unit multifamily residential rental development to be located at the north west corner of Congress Avenue and Park Avenue, West (also know as Investment Lane), Lake Park, Palm Beach County, Florida 33403. The prospective owner of the proposed development is Trust Lake Park, Ltd., c/o Housing Trust Group of Florida LLC, 3225 Aviation Avenue, Suite 700, Miami, Florida 33133, or such successor in interest in which Housing Trust Group of Florida LLC, or affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$14,845,000.

All interested parties may present oral comments to the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing, by 5:00 p.m. (EST), Friday, October 19, 2001 and should be addressed to the attention of Jean Amison, Multifamily Bond Senior Analyst. Any person desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Jean Amison, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

The **Florida Housing Finance Corporation** announces a public workshop and meeting of the Board of Directors to which all interested parties are invited:

- Fiscal Committee
- Guarantee Committee
- Combined Cycle Committee
- Multifamily Revenue Bond Committee
- Board Meeting

DATE AND TIME: October 25, 2001, 10:00 a.m. – adjourned
 PLACE: Omni Jacksonville Hotel, 245 Water Street, Jacksonville, FL 32202, (904)355-6664

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider, review and take action on matters brought to the Fiscal Committee and to consider recommendations made by the Fiscal Committee to the Board.
2. Consider, review and take action on matters brought to the Guarantee Committee and to consider recommendations made by the Guarantee Program Committee to the Board.
3. Consider, review and take action on matters brought to the Combined Cycle Committee and to consider recommendations made by the Combined Cycle Committee to the Board.
4. Consider, review and take action on matters brought to the Multifamily Revenue Bond Committee and to consider recommendations made by the Multifamily Revenue Bond Committee to the Board.
5. Authorize the Corporation Staff to proceed with all actions necessary for the sale of bonds of pending multifamily issues, which have satisfied the requirements for funding.
6. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
7. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
8. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
9. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
10. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
11. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
12. Consideration of all necessary actions with regard to the Multifamily Bond Program.
13. Consideration of approval of underwriters for inclusion on approved master list and teams.
14. Consideration of all necessary actions with regard to the HOME Rental Program.
15. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
16. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
17. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
18. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
19. Consideration of all necessary actions with regard to the Home Ownership Programs.
20. Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.
21. Consideration of Appeals from Combined Cycle ranking and grading with entry of final orders.
22. Consideration of workouts or modifications for existing projects funded by the Corporation.
23. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
24. Consideration of funding additional reserves for the Guarantee Fund.
25. Consideration of audit issues.
26. Evaluation of Professional and Consultant performance.
27. Such other matters as may be included on the Agenda for the October 25, 2001, Board Workshop and Meeting.

A copy of the agenda may be obtained by contacting: Natalyne Richardson, Board Administrative Liaison, Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301-1329, (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Natalyne Richardson, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting of the Advisory Council on Environmental Education, to which all interested persons are invited:

DATE AND TIME: October 15, 2001, 9:00 a.m.

PLACE: Fish and Wildlife Conservation Commission, Conference Room, 2nd Floor, Bryant Building, 620 South Meridian Street, Tallahassee, Florida

A copy of the proposed agenda may be obtained: Florida Fish and Wildlife Conservation Commission, Office of Informational Services, Attn: Scott Ball, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-4676.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the workshop or meeting is asked to advise the Commission at least 5 calendar days prior by calling Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

FLORIDA LEGISLATURE

The **Council for Education Policy Research and Improvement** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, October 11, 2001, 10:00 a.m. – 5:00 p.m.

PLACE: Ft. Lauderdale, FL (site not determined at this time)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will discuss current responsibilities and study assignments for the coming year.

For further information contact: Dr. William B. Proctor, Executive Director, Council for Education Policy Research and Improvement, Tallahassee, FL 32399-1400, (850)488-7894.

COMMUNITY BASED CARE OF VOLUSIA AND FLAGLER COUNTIES

The **Community Based Care of Volusia and Flagler Counties** is holding a Board Meeting on:

DATE AND TIME: October 16, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Council on Aging, 160 North Beach Street, Daytona Beach, Florida 32119

Open to the public.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN that the Department of Insurance has issued an order disposing of the petition for declaratory statement filed by Mark Fischer, Deputy Fire Chief, Cocoa Beach Fire Department, on July 13, 2001. The following is a summary of the agency’s disposition of the petition:

Question: The Petition is seeking the Department’s interpretation of Section 633.025(10), Florida Statutes (2000), and Subdivision 19-3.4.2.1 of NFPA 101, the Life Safety Code, 1997 edition, as it applies to the Petitioner’s circumstances regarding apartment buildings of three stories or fewer or fewer than 11 units in a complex with exterior walkways and shared manual fire alarm systems. Petitioner specifically requests a declaratory statement on the following question: With the adoption of the Florida Fire Prevention Code and the changes to Section 633.025(10), Florida Statutes, and the 2000 edition of NFPA 101, will the exemption for units that open directly onto an open walkway that lead to stairs at the end of the walkway be continued in effect, or will the exemption be solely for situations in which each dwelling unit has either its own independent exit or its own independent stairway or ramp discharging at grade?

Response: Any previous interpretation of the law or NFPA 101 by the State Fire Marshal relating to the above set of facts is null, void, and of no effect after the date of this Declaratory Statement which is September 25, 2001. The edition of NFPA 101 in effect in each municipality as of the date of this Declaratory Statement is the edition that controls until December 31, 2001. NFPA 101, 2000 edition, controls on and after January 1, 2002.

In addition:

- A. The fire alarm system must be replaced because the building does not fit the 11 or fewer exemption.
- B. The walkway does not constitute its own independent exit or its own independent stairway discharging at grade. See Subdivision 31.3.4.1 of NFPA 101, 2000 edition, which states:
 - “31.3.4.1 General. Apartment buildings with more than three stories or with more than 11 dwelling units shall be provided with a fire alarm system in accordance with Section 9.6, except as modified by 31.3.4.2 through 31.3.4.5.
 - “Exception: Where each dwelling unit is separated from other contiguous dwelling units by fire barriers (see 8.2.3) having a fire resistance rating of not less than 1/2 hour, and where each dwelling unit has either its own independent exit or its own independent stairway or ramp discharging at grade.” (Emphasis supplied).
- C. The language in Subdivision 31.3.4.1 of NFPA 101 is the same in the 2000 edition as in the previous edition, which does not change anything. However, there is a change in Section 633.025(10), Florida Statutes, from 2000 to 2001. The 2000 version of Section 633.025(10), Florida Statutes, states: “With respect to standards established by the National Fire Protection Association (NFPA) 101, Life Safety Code, 1985 edition, s. 19-3.4.2.1, those standards shall not apply to structures having direct access to the outside from each living unit and having three stories or less.” (Emphasis supplied).

Such language is not contained in the 2001 version of Section 633.025(10), Florida Statutes; therefore, the exemption for structures having direct access to the outside from each living unit, such as on a common balcony or a common walkway, and having three stories or less does not exist as of January 1, 2002. As of January 1, 2002, to meet the exemption the apartment must have a separate independent exit to the outside, or must have a separate independent stairway or ramp discharging at grade. If neither of those circumstances apply, the apartment must be protected by a fire alarm system.

A copy of the order may be obtained from: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604.

NOTICE IS HEREBY GIVEN that the Department of Insurance, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed September 11, 2001, by Clu D. Wright, Clay County Department of Public Safety. The Petition is seeking the Department's interpretation of Sections 633.021 and 633.451, Florida Statutes, and NFPA 13, 13R and 24, as they relate to Petitioner's circumstances regarding the point of service for an underground fire protection line. Petitioner specifically requests a declaratory statement on the following questions:

1. Does Section 633.021, F.S., allow a certified engineer to designate the point of service for the underground fire protection line?
2. Can a contractor holding a class 1, 2 or 5 license under Section 633.021, F.S., contract out to another contractor who is not certified under Section 633.021, F.S., to engage in laying out, fabricating and installing an underground fire protection line?
3. Can a contractor holding a class 1, 2 or 5 license under Section 633.021, F.S., hire persons on a part-time basis from another undergrounds utility contractor or fire sprinkler company not certified under Section 633.021, F.S., to engage in laying out, fabricating and installing an underground fire protection line?
4. Are fire sprinklers required in accordance with NFPA 13 and 13R in bathrooms where the floor area exceeds 55 square feet and the full height shower/bath tub is not noncombustible but limited combustible and combustible?
5. Is fire rated gypsum board listed as a noncombustible, limited combustible or combustible material for determining what is noncombustible? Is tile listed as noncombustible, limited combustible, or combustible material?

A copy of the Petition for Declaratory Statement may be obtained by writing: Gabriel Mazzeo, Attorney for the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to the request received from James L. Turner on June 29, 2001. The request was assigned the number DCA01-DEC-101. This Declaratory Statement was issued on September 19, 2001, and the Florida Building Commission found that the alarm system described in the petition failed to qualify as an exit alarm under the Residential Swimming Pool Safety Act.

A copy of the Declaratory Statement may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on September 19, 2001, from SmartPool, Inc. with regards to whether Section 515.27(1)(c), F.S., requires that each door and window must be equipped with a separate alarm or whether each opening may be wired to connect to a central alarm. It has been assigned the number DCA01-DEC-144.

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 BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Fountainhead Association, Inc., Petitioner.

The Petitioner requests an interpretation as to whether an association is required to allow a non-unit-owner to attend board meetings and speak on agenda items where a unit owner has given that person a general power of attorney authorizing the person to act as attorney-in-fact at that particular meeting.

A copy of the Petition for Declaratory Statement, Docket Number DS2001-036, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to Therese Pine, Arbitrator, Department of Business and Professional Regulation, Condominium Arbitration Section, 1940 North Monroe Street, Tallahassee, Florida 32399-1029.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Board of Nursing has DENIED a request for a declaratory statement on April 18, 2001, in response to the Petition for Declaratory Statement received from Richard D. Reckley, R.N. and Geraldine Stubbs, L.P.N., on February 20, 2001.

Petitioners requested a declaratory statement from the Board in regard to the performance and responsibilities of the registered nurse and the licensed practical nurse. The Board determined that a response to the petition was not appropriate as the Petitioner's inquiry is clearly defined in the Florida Statutes.

A copy of the Petition and Order may be obtained by writing: Dr. Ruth Stiehl, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207.

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:

American Insurance Association vs. Department of Insurance; Case No.: 01-3653RP; Rule Nos.: 4-128.015-.024

First Coast Health and Rehabilitation Center vs. Agency for Health Care Administration; Case No.: 01-3756RX; Rule No.: 59G-4.200

Food Safety Training, Inc. vs. Department of Business and Professional Regulation, Division of Hotels and Restaurants; Case No.: 01-3753RP; Rule No.: 61C-4.023

Joanine Fowler vs. Department of Children and Family Services; Case No.: 01-3654RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Shore Village Property Owners Association, Inc.; Rebecca Farris; Sandra Henry; and Robert Ruston vs. Board of Trustees of the Internal Improvement Trust Fund; Case No.: 01-2681RP; Rule No.: 18-21.004(1)(d)

Save our Bays, Air and Canals, Inc. vs. Department of Environmental Protection; Case No.: 01-2326RU

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

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 02L-60, W/O 549875, Holland Hall, Replace Domestic Water Piping, estimated budget: \$210,000-\$230,000, to be opened November 1, 2001, 1:30 p.m. (Local Time), in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Replacement of galvanized domestic hot and cold water piping systems which include piping, piping fittings, piping devices, supports, hangers and valves. Demolition, cutting, patching and painting in support of the new construction. Insulation of domestic hot water piping. Maintaining existing domestic and hot water services during replacement. Disposal of removed piping, insulation, valves, etc. Pressure testing, flushing and Health Department testing of complete domestic hot and cold water piping systems. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, (352)392-1331. A Mandatory Pre-bid Meeting will be held October 16, 2001, 10:30 a.m., in the Physical Plant Division Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL. All questions should be directed to: A. J. Sontag, Assistant Director, UF, Purchasing (352)392-1331, Ext. 306. AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 02L-61, W/O 549876, Elmore Hall, Replace Roof, estimated budget: \$185,000-\$205,000, to be opened October 30, 2001, 1:30 p.m. (Local Time), in

Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Removal and replacement of the existing built-up roof, flashing and appurtenances to prepare the roof to receive new temporary roofing, roofing, modified bitumen membrane roofing, copper flashing and painting. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, (352)392-1331. A Non-mandatory Pre-bid Meeting will be held October 16, 2001, 9:00 a.m., in the Physical Plant Division Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL. All questions should be directed to: A. J. Sontag, Assistant Director, UF, Purchasing, (352)392-1331, Ext. 306. AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

CALL FOR BIDS

made by the Florida State University, State of Florida.
PROJECT NAME AND NUMBER: BR-057, FAMU-FSU Challenger Learning Center

QUALIFICATION: All Bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2. Sealed bids will be received on:

DATE AND TIME: Wednesday, November 7, 2001, until 2:00 p.m. (Local Time)

PLACE: 101 Mendenhall Maintenance Building A
 Florida State University
 Tallahassee, Florida 32306

at which time and place they will be publicly opened and read aloud.

PROPOSAL: Bids must be submitted in full and in accordance with the requirements of the drawings and Project Manual, which may be obtained or examined at the office of the **ARCHITECT/ENGINEER:** Hicks Nation Architects, Inc.

1382 Timberlane Road
 Tallahassee, Florida 32312

NOTE: Award of Contract shall be contingent upon successful execution of property lease agreement between FSU and the City of Tallahassee.

MINORITY PROGRAM: Bidders are encouraged to utilize Minority Business Enterprises certified by the Minority Business Advocacy and Assistance Office, Department of Labor and Employment Security. Consideration will be given to the percentage of participation, as described in the Instructions to Bidders, in the award of the contract.

PRE-SOLICITATION/PRE-BID MEETING: Bidders are encouraged to attend the pre-solicitation/pre-bid meeting. Minority Business Enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project. The meeting has been scheduled for:

DATE AND TIME: Thursday, October 25, 2001, 10:00 a.m. (Local Time)

PLACE: 101 Mendenhall Maintenance Building A
 Florida State University
 Tallahassee, Florida 32306

DEPOSIT: \$225.00 per set of drawings and Project Manual is required with a limit of three (3) sets per general contractor or prime bidder; and two (2) sets of drawings and Project Manuals for plumbing, heating/ventilating/air conditioning and electrical contractors acting as subcontractors.

REFUND: The deposit shall only be refunded to those general contractors, prime bidders, or plumbing, heating/ventilating/air conditioning and electrical contractors acting as either prime or subcontractors, who after having examined the drawings and specifications:

- a. submit a bona fide bid, or
- b. provide written evidence that they have submitted bids as subcontractors for plumbing, heating/ventilating/air conditioning, or electrical work and who return the drawings and Project Manual in good condition within fifteen (15) days after receipt of bids.

PURCHASE: Full sets of bidding documents may be examined at the Architect/ Engineer's office and local plan rooms. Full sets may be purchased through the Architect/Engineer for \$225.00 per set for the printing and handling cost. Partial sets may be purchased at \$5.00 per sheet of the drawings and \$50.00 per copy of the Project Manual, and are sold subject to the provisions of Article B-27 of the Instructions to Bidders.

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

****CORRECTION****

This is a correction to the ad printed on September 21, 2001

**DUVAL COUNTY
 PUBLIC SCHOOLS
 ADVERTISEMENT FOR BIDS
 Invitation to Bid (ITB)**

For a
GENERAL CONTRACTOR
 (For exclusive competition by qualified
 Minority Business Enterprises (MBEs only) DCSB Project No.
 C-90820 Additions, Remodeling, and Renovations at S. A.
 Hull Elementary School No. 169

Note the correct time for the pre-bid conference is 9:00 a.m. and not 9:00 p.m. as stated in the ad published on September 21, 2001

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on October 9, 2001, 9:00 a.m., 7528 Hull Street, Jacksonville, Florida 32219.

Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

BIDS ARE DUE ON OR BEFORE OCTOBER 30, 2001 AND WILL BE ACCEPTED UNTIL 2:00 P.M.

REGIONAL PLANNING COUNCILS

INVITATION TO BID

Notice is hereby given that the Northeast Florida Regional Planning Council (NEFRPC) will receive sealed Bids at their offices located at 9143 Phillips Highway, Suite 350, Jacksonville, Florida 32256, until 2:00 p.m., Thursday, the 18th day of October, 2001, for REMODELING OF 6850 BELFORT OAKS PLACE FOR OFFICES OF THE NEFRPC. At that time Bids will be publicly opened, read aloud and recorded in the meeting room of the NEFRPC. offices

SCOPE OF WORK: Provide all required labor, equipment and materials to renovate the office building located at 6850 Belfort Oaks Place.

PRE-BID CONFERENCE: All prime Bidders who are interested in bidding this project are recommended to attend a pre-bid conference to be held on Tuesday, October 9, 2001, 10:00 a.m. (Local Time), 6850 Belfort Oaks Place.

Specifications may be reviewed and obtained at the offices of Fleet & Associates Architects/Planners, Inc., 4041 Sunbeam Road, Jacksonville, Florida 32257. The price per set of Documents is \$30.00, and is required to be paid prior to receipt of the Documents. **NO REFUND WILL BE MADE FOR THESE DOCUMENTS.**

The NEFRPC reserves the right to reject any or all Bids; waive informalities, irregularities or technical defects in any Bid; reject any or all bids or make award in part or whole, all with or without cause; and to make the award it deems to be in the best interest of the NEFRPC.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INVITATION TO BID

BID NO. BDRS 43-01/02

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Campground development at Lake Louisa State Park

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials to construct 60 campsites, 2 large bathhouses, entry station, 1.24 mile access road and all associated utilities associated to the proposed development.

PARK LOCATION: Lake Louisa State Park
On Lake Nellie Road, 2.5 miles off S.R. 561 (Lake County), Florida

PROJECT MANAGER: Hugh McArthur
Bureau of Design and Recreation Services
Telephone Number (850)488-5372
Fax Number (850)488-3537

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PRE QUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapter 399, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on Friday, October 5, 2001 at:
Lake Louisa State Park
12549 State Park Drive
Clermont, FL 34711
Attention: Chuck McIntire, Park Manager
Telephone Number (352)394-3969

ADA

REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services, (850)488-5372 at least five (5) workdays prior to openings.

BID SUBMITTAL

DUE DATE: No later than 3:30 p.m., Tuesday, November 6, 2001, to the below address: Florida Department of Environmental Protection Bureau of Design and Recreation Services 3540 Thomasville Road Tallahassee, Florida 32309

The Department reserves the right to reject any or all bids. Michael Renard, Contracts Manager, Bureau of Design and Recreation Services.

DEPARTMENT OF HEALTH

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES

PROJECT NUMBER:DOH 70066100 PROJECT NAME: WALTON COUNTY HEALTH DEPARTMENT NEW FACILITY

SAMAS NO. 64-30-2-141001-64200700-00-084093-02 PROJECT LOCATION: DEFUNIAK SPRINGS, FLORIDA

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction requests qualifications from construction management firms to provide construction management services for this project. The construction budget for this project is up to \$5 Million. Overall Project may consist of several Phases negotiated as separate GMP deliverables. First anticipated construction start date is March 2002. Anticipated construction start date is MARCH 2002. Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

The selection will be made in accordance with Section 255.29(3), F.S. and the procedures and criteria of Building Construction.

INSTRUCTIONS

Firms interested in being considered for this project must submit Four (4) copies of their application with a table of contents and tabbed sections in the following order:

- 1. Letter of interest detailing the firm's qualification to meet the above referenced selection criteria. 2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085. A copy can be obtained by calling (850)245-4066. 3. Resumes of proposed staff and staff organizations. 4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm. 5. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise. 6. References from prior clients received within the last five years.

Response Due Date: Monday, November 5, 2001, by 5:00 p.m. (EST)

Applications are to be sent to: Ken Perlowski, Project Manager, Department of Health, 4052 Bald Cypress Way, BIN #B06, Tallahassee, FL 32399-1734, (850)245-4444, Ext. 3168.

All proposal information submitted becomes the property of the Department of Health, will be placed on file, and not returned. Applications which do not comply with the instructions set forth above and/or do not include the qualification data required will be considered improper and disqualified. Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, Florida Administrative Code and Section 287.055, Florida Statutes. The Department of Health shall shortlist a minimum of three (3) firms.

Phases to be implemented are dependent on the availability of funding subject to actions of the Florida Legislative process and at sole discretion of the Department of Health. Presently funded is \$500,000 for site development of the Walton (DeFuniak Springs) Health Department. Additional phases may include construction of all or part of the facility, as funds become available.

TOWN OF MICANOPY

REQUEST FOR PROPOSALS

The Town of Micanopy requests proposals from qualified firms or individuals to provide Application Preparation and Project Administration Services for a Florida Recreation Development Assistance Program (FRDAP) project. The anticipated project is to develop a recently acquired one acre parcel for recreation purposes. Application preparation services will include but are not limited to: research and design of proposed improvements, coordinating public hearings on the project and application preparation. Administration services will include but are not limited to: planning, permitting and

approvals, coordination of bid processes for project elements, construction monitoring and all program reporting requirements. Proposals will be considered on an equal, competitive basis. Procurement of all services shall conform to the Town's Procurement Policy. Additional information may be obtained from: Martha A. Weaver, Town Clerk, (352)466-3121. Proposals shall be formatted to permit ready evaluation using the following prioritized criteria: 1) Management Plan including approach to the task(s) and staffing plan; 2) Technical Qualifications; 3) Familiarity or ability to become familiar with local conditions; 4) Successful experience with similar programs; 5) References; 6) Fee.

The Town of Micanopy is an Equal Opportunity Employer. Minority and Women-Owned businesses are encouraged to respond. In the event of a tie in the ranking of proposals a Minority or Woman-Owned business shall be ranked above the other firm(s) involved in the tie.

One original and seven copies of proposals shall be submitted in a sealed package and marked clearly "SEALED PROPOSAL FOR FRDAP APPLICATION AND ADMINISTRATION SERVICES". Sealed proposals must be received by 5:00 p.m., Monday, October 1, 2001 at the Micanopy Town Hall Office, 706 N. E. Cholakka Boulevard, (P. O. Box 137), Micanopy, FL 32667. Proposals received after that time will not be accepted. Faxed proposals will not be accepted. Sealed Proposals received on time will be reviewed and ranked by the Town Clerk and Town Attorney and a recommendation made to the Micanopy Commission for final selection. The Town reserves the rights to request clarification of any information submitted by proposers, to reject any and all proposals, to waive informalities in the bid procedure and to award contract(s) in the best interest of the Town. Contracts are subject to grant award and release of funds by the funding agency.

DAYTONA BEACH COMMUNITY COLLEGE

LEGAL ADVERTISEMENT

Pursuant to the provisions of Section 287.055, Florida Statutes, the "Consultants' Competitive Negotiations Act", Daytona Beach Community College hereby publicly announces it will consider qualified professional firms, registered to do work in the State of Florida, for a project requiring architectural and/or engineering services. The project is the first classroom and laboratory building for the undeveloped Deltona Center. The scope of work is the development of general classrooms and laboratories. This facility will provide needed space for general and adult education classrooms as well as high-tech laboratories for students. The facility will be approximately 32,000 gross square feet. The estimated construction budget is \$4 million. A potential phase II addition consisting of approximately 33,000 gross square feet, with an estimated construction budget of \$4 million, may become part of this project pending Legislative funding. Firms or individuals with

experience in designing higher education facilities and desiring to qualify for consideration must submit seven copies of a proposal to: Mr. Steven D. Eckman, Director, Facilities Planning Department, Daytona Beach Community College, Post Office Box 2811, Daytona Beach, Florida 32120-2811 or deliver to Room 112, Building 540, 1200 West International Speedway Boulevard, Daytona Beach, FL 32114, to arrive no later than 12:00 Noon, October 12, 2001. Each proposal must include:

1. A letter of interest.
2. United States Government Architect-Engineer Questionnaire Standard Form 254.
3. United States Government Architect-Engineer Questionnaire Standard Form 255, including in Section 10 of the questionnaire the firm's practice concerning affirmative action.
4. A letter from an insurance company certifying insurability in accordance with Board of Trustee's policy as summarized below:
 - a. Professional Liability Insurance in limits not less than One Million Dollars (\$1,000,000) per occurrence, covering errors, omissions or negligent acts, with a per occurrence deductible not to exceed Five Thousand Dollars (\$5,000).
 - b. Commercial Comprehensive Liability Insurance in limits of not less than One Million Dollars (\$1,000,000) per occurrence, with no deductible.
 - c. Comprehensive Automobile Liability Insurance (including owned and non-owned vehicles) in limits of not less than Five Hundred Thousand Dollars (\$500,000) per occurrence.
 - d. Workers' Compensation Insurance in compliance with Chapter 440, Florida Statutes, with unlimited employer's liability coverage.
 - e. Valuable papers and records insurance in an amount of not less than One Hundred Thousand Dollars (\$100,000) per occurrence, with no deductible.
 - f. All insurance will be with insurers authorized to do business in Florida and all non-self insured companies will be rated at least a VI by Best's Key Rating Guide.
5. Copies of State of Florida licensing board certificates for the firm, members of the firm, and consultants of the proposed project.
6. A notarized statement of financial status. (The form of the statement is optional and could be in a form such as Dun & Bradstreet, by a certified public accountant, or other.)

FLORIDA LEGISLATURE

NOTICE OF REQUEST FOR PROPOSALS

STATEMENT OF WORK: The Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) is requesting proposals for a Best Financial Management Practices Review to be conducted as described in the Sharpening the Pencil Act (HB 269) passed by the 2001

Florida Legislature. This review will occur in the Hernando County School District. Interested private firms may submit a proposal to conduct this review.

The purpose of Best Financial Management Practices Reviews is to improve Florida school district management and use of resources and to identify cost savings. The review must: 1) determine whether the district is using the best practices adopted by the Florida Commissioner of Education; 2) identify opportunities for the district to save funds, improve management, and increase efficiency and effectiveness; and, 3) develop recommendations and detailed action plans to improve district operations within two years.

PROPOSALS: Proposals must be submitted in accordance with the content set forth in the "Request for Proposals for a Best Financial Management Practices Review of the Hernando County School District," dated October 5, 2001. Copies of these documents are available from the contact person.

Firms that have already registered with OPPAGA to receive the RFP's for each Best Financial Management Practices Review will receive the document without an additional request. Firms that have not registered with OPPAGA may do so on-line at the following Internet address: http://www.oppaga.state.fl.us/school_districts/contractorlist.html.

CONTACT PERSON: Ms. Melissa Crawford, Office of Program Policy Analysis and Government Accountability, Suite 312, 111 West Madison Street, Tallahassee, Florida 32399-1475, (850)488-0021.

DATES: For each school district review, all interested consultants are required to submit a mandatory but non-binding letter of intent to propose, which must be received by OPPAGA no later than 3:30 p.m. (Eastern Time), October 16, 2001. OPPAGA will have further communications after that date only with those persons who indicate their initial intent to submit a proposal on each project. The closing date and time to receive proposals is 3:30 p.m. (Eastern Time), November 2, 2001. The contact person must receive the written proposal prior to the closing date and time. Proposals that for any reason are not so received will not be considered. OPPAGA reserves the right to reject any and all proposals. Unless all proposals are rejected, it is anticipated the contract will be awarded in November 2001.

NOTICE OF REQUEST FOR PROPOSALS

STATEMENT OF WORK: The Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) is requesting proposals for two Best Financial Management Practices Reviews to be conducted as described in the Sharpening the Pencil Act (HB 269) passed by the 2001 Florida Legislature. These reviews will occur in the Bradford

and the Monroe County School Districts, beginning around the middle of November 2001 and around the middle of February 2002, respectively. One private firm will be selected to conduct both of these reviews. Therefore, interested private firms must submit two separate proposals: one proposal for the review of the Bradford County School District and one proposal for the review of the Monroe County School District.

The purpose of Best Financial Management Practices Reviews is to improve Florida school district management and use of resources and to identify cost savings. The review must: 1) determine whether the district is using the best practices adopted by the Florida Commissioner of Education; 2) identify opportunities for the district to save funds, improve management, and increase efficiency and effectiveness; and, 3) develop recommendations and detailed action plans to improve district operations within two years.

PROPOSALS: Proposals must be submitted in accordance with the content set forth in the "Request for Proposals for a Best Financial Management Practices Review of the Bradford County School District," dated October 5, 2001, and the "Request for Proposals for a Best Financial Management Practices Review of the Monroe County School District," dated October 5, 2001. Copies of these documents are available from the contact person.

Firms that have already registered with OPPAGA to receive the RFP's for each Best Financial Management Practices Review will receive the document without an additional request. Firms that have not registered with OPPAGA may do so on-line at the following Internet address: http://www.oppaga.state.fl.us/school_districts/contractorlist.html.

CONTACT PERSON: Ms. Melissa Crawford, Office of Program Policy Analysis and Government Accountability, Suite 312, 111 West Madison Street, Tallahassee, Florida 32399-1475, (850)488-0021.

DATES: All interested consultants are required to submit a mandatory but non-binding letter of intent to propose, which must be received by OPPAGA no later than 3:30 p.m. (Eastern Time), October 16, 2001. OPPAGA will have further communications after that date only with those persons who indicate their initial intent to submit a proposal on each project. The closing date and time to receive proposals is 3:30 p.m. (Eastern Time), November 2, 2001. The contact person must receive the written proposal prior to the closing date and time. Proposals that for any reason are not so received will not be considered. OPPAGA reserves the right to reject any and all proposals. Unless all proposals are rejected, it is anticipated the contract will be awarded in November 2001.

Section XII
Miscellaneous

DEPARTMENT OF STATE

NOTICE OF CORRECTION – PUBLIC NOTICE

This Notice is being made to correct an error contained in the Notice published on September 21, 2001, announcing the solicitation of grant applications. The corrected deadline for filing applications appears below.

The Division of Historical Resources announces that it is soliciting applications for State grant-in-aid assistance for historic preservation projects.

Approximately \$2 million will be available for acquisition and development, survey and planning, and community education projects.

The deadline for filing applications is December 17, 2001, and applications must be delivered to the Bureau of Historic Preservation office by 5:00 p.m., that day or clearly postmarked or show evidence of submission to an express mail service on or before that date.

Further information may be obtained by: Grants and Education Section, Bureau of Historic Preservation, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or call (850)487-2333.

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 applications and/or other notice. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in 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., October 26, 2001):

APPLICATIONS TO ACQUIRE CONTROL

Financial Institution to be Acquired: Bank of St. Petersburg, 777 Pasadena Avenue, South, St. Petersburg, Florida 33707

Proposed Purchaser: Black Diamond Financial Group, 100 North Tampa Street, Tampa, Florida 33602

Received: September 19, 2001

Financial Institution to be Acquired: Apalachicola State Bank, 22 Avenue "E", Apalachicola, Florida 32320

Proposed Purchaser: Coastal Community Investments, Inc., 11053 Hutchinson Boulevard, Suite B, Panama City Beach, Florida 32407

Received: September 25, 2001

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Priority ONE Credit Union of Florida, P. O. Box 9264, Fort Lauderdale, Florida 33310-9264

Expansion Includes: Residents and employees who work or live in the geographic designations for the following:

City of Oakland Park, City of Wilton Manors, and City of Plantation.

Received: September 25, 2001

DEPARTMENT OF INSURANCE

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA

CASE NO.: 01-0993

In Re: The Receivership of N.A.P.T., NAPPT, National Association of Physical Therapists, National Association of Professionals & Technicians, National Association of Professional Technical, National Association of Professional Truckers, National Association of Professional Traders, National Association of Chiropractic Professionals, National Association of Dental Professionals, [Dental Division], National Tourism & Hospitality Association [Division], National Veterinarian Association, National Real Estate Association [Division], Physician's Choice Limited a/k/a Physician's Choice Ltd., collectively "N.A.P.T."

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 3rd day of August, 2001, the Department of Insurance of the State of Florida was appointed as Receiver of N.A.P.T. and was ordered to liquidate the assets located in Florida of said company. Contract holders, claimants, creditors and other persons in this State having claims against the assets of N.A.P.T. shall present such claims to the Receiver on or before 11:59 p.m., February 2, 2002, or such claims shall be forever barred. Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation, Florida Department of Insurance, Receiver for N.A.P.T., Post Office Box 110, Tallahassee, Florida 32302-0110.

DEPARTMENT OF EDUCATION**NOTICE TO COMMISSIONING AGENTS**

The UF Facilities Planning and Construction Division of the University of Florida on behalf of the Department of Orthopaedics and Rehabilitation of the College of Medicine at the University of Florida announces that Total Building Commissioning services will be required for BR-118, the Orthopaedics Surgery and Sports Medicine Institute, University of Florida, Gainesville, Florida. This Design/Build Project consists of design and construction of 110,000 GSF of multidisciplinary facilities engaged in teaching, research and clinical care of all patients with musculoskeletal conditions. The estimated cost of design and construction is \$21,427,000.00. Total Building Commissioning of this project, estimated to cost a maximum of \$100,000.00, shall include professional architecture and engineering services to conduct peer review during the design phase and total building commissioning during the construction phase of the project as described below:

Peer Review: During the design phase, the TBC Consultant shall review architectural, structural, civil, mechanical, electrical, plumbing and fire protection drawings and specifications at each design phase submittal. The design review shall incorporate compliance with programmatic requirements, UF Standards, JHMHC Standards, energy efficiency, complete building weather envelope (including roofing, exterior wall structure, storefront, etc.), indoor air quality and operational and maintenance issues. The TBC Consultant shall prepare written comments for each design review.

Total Building Commissioning: The TBC Consultant shall be the Commissioning Authority and shall work with the Owner and the Design Build Team to develop a total building commissioning plan (the Plan). The Plan will address every component of the building and will outline appropriate quality control measures for each. The TBC Consultant, along with the Owner and Design Build Team, shall determine the appropriate method of incorporating the quality control measures into the Contract Documents. The TBC Consultant shall perform periodic inspections during construction and lead a systematic detailed checkout and commissioning of the following systems as a minimum: HVAC systems, IAQ monitoring and telecommunications and data. Other systems may be added if determined to be required by the Owner, Design Build Team and Commissioning Authority. The TBC Consultant shall coordinate his activities with the Independent Roofing Inspector, Threshold Inspector and UF Building Code Administrator. The TBC Consultant shall review all operations and maintenance training plans and manuals. A Commissioning Report shall be submitted summarizing the results of all commissioning activity.

Selection of finalists for interviews will be made by the Selection Committee (listed on the Project Fact Sheet) on the basis of the TBC Consultant's qualifications. The Selection Committee may reject all proposals and stop the selection process at any time. Firms desiring to provide Total Building Commissioning services for the project shall submit a letter of application and a proposal, not to exceed 10 pages, addressing criteria outlined in the Project Fact Sheet. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. All applicants must be licensed to practice as Mechanical Engineers in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected firm 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. The Project Facilities Program and the Project Fact Sheet may be obtained by contacting UF Facilities Planning and Construction Division office or available from the website: www.facilities.ufl.edu. Five (5) bound copies of the required proposal data shall be submitted to:

A. Miles Albertson, Project Manager
 UF Facilities Planning and Construction Division
 232 Stadium, P. O. Box 115050
 Gainesville, FL 32611-5050
 Telephone (352)392-2206.
 Fax (352)392-6378

Submittals must be received in the UF Facilities Planning and Construction Division office by 3:00 p.m. (Local Time), Monday, November 5, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of More
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Land Rover North America, Inc., intends to allow the establishment of Land Rover Southpointe, as a dealership for the sale of Range Rovers and Discovery, (and Freelander when they arrive in the fall) at 5141 Clark Road, Sarasota (Sarasota County), Florida 34233 on or after November 1, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Land Rover Southpointe are: dealer operator(s) and principal investor(s): Jack D. Urfer, 6000 S. Tamiami Trail, Sarasota, FL 34231.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Shirley H. Koelsch, Land Rover North America, Inc., 4371 Parliament Place, P. O. Box 1503, Lanham, Maryland 20706.

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 More
than 300,000 Population

Pursuant to the requirements of Section 320.642, Florida Statutes, notice is given that DaimlerChrysler Motors Corp. intends to establish T. T. of Jacksonville, Inc. d/b/a Jacksonville Dodge as a dealership for the sale of new Dodge motor vehicles on or after December 1, 2001, at a location in the City of Jacksonville, Duval County, Florida, which is located in north east quadrant of the intersection of Point Meadows Drive and Point Meadows Way, bounded on the east by State Road 9A. The legal description of this property is as follows:

A portion of Section 29, Township 3 South, Range 28 East, according to the plat thereof recorded in Plat Book 54 Pages 34 and 34A, of the Public Records of Duval County, Florida, more particularly described as follows: commence at the northeasterly corner of Tract C, Point Meadows Way;

And run north 07° 02' 05" east, along the westerly right of way line of State Road 9A, a limited access right of way as represented on State of Florida Department of Transportation Right of Way Maps, Section 72002-2534, Parcel 102, and described in document recorded at Official Records Volume 7997, page 2070, public records of said county, a distance of 163.60 feet to the northeast corner of that tract described in deed recorded at Official Records Vol. 9936, page 331, said public records, and the Point of Beginning.

From the Point of Beginning thus described, run north 89° 29' 08" west, along the northerly boundary of last said tract, a distance of 529.43 feet to the northwest corner of said tract lying on the easterly right of way line of Point Meadows Way, as shown on aforesaid plat of Point Meadows way; run thence north 34° 09' 25" West, along said right of way line, a distance of 147.54 feet to a point of curvature; run thence northerly, along said right of way line and along the arc of a curve concave easterly with a radius of 25.00 feet, and arc distance of 37.44 feet to a point on the easterly right of way line of Point Meadows Drive, according to plat of Baymeadows Educational Campus recorded in Plat Book 53, pages 15, 15A through 15D, Current Public Records of said county, said arc being subtended by a chord bearing north 08° 44' 51" east, and a distance of 34.04 feet; run thence northerly, along said right of way line, as follows: First Course, northeasterly, along the arc of a curve concave northwesterly with a radius of 727.60 feet, and arc distance of 476.23 feet to a point of reverse curvature, said arc being subtended by a chord bearing north 32° 54' 05" east, and a distance of 467.77 feet; Second Course, northeasterly, along the arc of a curve concave southeasterly with a radius of 310.00 feet, an arc distance of 244.44 feet to a point of tangency, said arc being subtended by a chord bearing north 36° 44' 24" east, and a distance of 238.16 feet; Third Course, north 59° 19' 44" east, a distance of 158.85 feet to a point of curvature; Fourth Course, northeasterly, along the arc of a curve concave northwesterly with a radius of 380.00 feet, an arc distance of 60.79 feet to a point on said curve, said arc being subtended by a chord bearing north 54° 44' 45" east, and a distance of 60.72 feet; Fifth Course, north 88° 49' 43" east, a

distance of 117.70 feet to a point on aforesaid westerly right of way line of State Road No. 9A; run thence south 07°× 02' 05" west, continuing along said right of way line, a distance of 616.42 feet to the Point of Beginning.

The name and address of the dealer operator(s) and principal investor(s) of T. T. of Jacksonville, Inc., d/b/a Jacksonville Dodge are: dealer operator(s) and principal investor(s): Terry Taylor, 515 East Las Olas Boulevard, Suite 900, Ft. Lauderdale, FL 33301.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: J. J. Browne, Zone Manager, Daimler Chrysler Motors Corporation, 8000 South Orange Blossom Trail, Orlando, FL 32809.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HEALTH

On September 13, 2001, John O. Agwunobi, M.D., M.B.A., Acting Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Robert Bruce Lyons, R. Ph., license number PS 19483. Lyons' last known address is 6453 Seqate Avenue, Sarasota, FL 34231. 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 September 13, 2001, John O. Agwunobi, M.D., Acting Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Deborah Ann Dixon, L.P.N. Dixon holds license number PN 1229451. Dixon's last known address is 117 Larchmont Terrace, Sebastian, Florida 32958-6261. 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 September 13, 2001, John O. Agwunobi, M.D. Acting Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Nicholas Ramon Laspes R. N. license number RN 2924062. Laspes last known address is 825 Amber Way, #102, Altamonte Springs,

Florida 32714. 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 September 13, 2001, John O. Agwunobi, M.D., Acting Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Rebecca Lee Houck, L.P.N. license number PN 921461. Houck's last known address is 5007 Turner Road, Perry, Florida 32348. 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.

Section XIII
Index to Rules Filed During Preceding Week

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

RULES FILED BETWEEN September 17, 2001 and September 21, 2001

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

DEPARTMENT OF INSURANCE
Division of State Fire Marshal

4A-49.003	9/21/01	10/11/01	27/12	
4A-49.004	9/21/01	10/11/01	27/12	27/20

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

5E-1.016	9/19/01	10/9/01	27/32	
----------	---------	---------	-------	--

Division of Standards

5F-8.003	9/20/01	10/10/01	27/29	
5F-8.024	9/20/01	10/10/01	27/29	

DEPARTMENT OF EDUCATION
State Board of Education

6A-1.09422	9/17/01	10/7/01	27/28	27/34
------------	---------	---------	-------	-------

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

9B-3.043	9/17/01	10/7/01	27/32	
----------	---------	---------	-------	--

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

12C-2.002	9/19/01	10/9/01	27/17	
12C-2.003	9/19/01	10/9/01	27/17	
12C-2.004	9/19/01	10/9/01	27/17	27/31
12C-2.005	9/19/01	10/9/01	27/17	
12C-2.006	9/19/01	10/9/01	27/17	
12C-2.0063	9/19/01	10/9/01	27/17	
12C-2.007	9/19/01	10/9/01	27/17	
12C-2.008	9/19/01	10/9/01	27/17	
12C-2.010	9/19/01	10/9/01	27/17	
12C-2.0105	9/19/01	10/9/01	27/17	
12C-2.0115	9/19/01	10/9/01	27/17	27/29

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

19B-4.001	9/19/01	10/9/01	27/32	
19B-5.007	9/19/01	10/9/01	27/32	
19B-8.001	9/19/01	10/9/01	27/32	
19B-9.002	9/19/01	10/9/01	27/32	
19B-9.003	9/19/01	10/9/01	27/32	
19B-15.001	9/19/01	10/9/01	27/32	

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

40C-1.1009	9/21/01	10/11/01	27/3	
40C-1.603	9/21/01	10/11/01	27/35	27/35
40C-4.021	9/21/01	10/11/01	27/3	27/35
40C-4.041	9/21/01	10/11/01	27/3	27/35
40C-4.051	9/21/01	10/11/01	27/3	27/35
40C-4.091	9/21/01	10/11/01	27/3	27/35
40C-4.301	9/21/01	10/11/01	27/35	27/35
40C-4.302	9/21/01	10/11/01	27/35	27/35
40C-4.331	9/21/01	10/11/01	27/3	27/35
40C-40.011	9/21/01	10/11/01	27/35	27/35
40C-40.031	9/21/01	10/11/01	27/35	27/35
40C-40.042	9/21/01	10/11/01	27/35	27/35
40C-40.112	9/21/01	10/11/01	27/35	27/35
40C-40.302	9/21/01	10/11/01	27/3	27/35
40C-40.321	9/21/01	10/11/01	27/35	27/35
40C-40.351	9/21/01	10/11/01	27/35	27/35
40C-40.381	9/21/01	10/11/01	27/3	27/35
40C-41.063	9/21/01	10/11/01	27/3	27/35
40C-42.022	9/21/01	10/11/01	27/3	27/35
40C-42.0225	9/21/01	10/11/01	27/3	27/35
40C-42.026	9/21/01	10/11/01	27/3	27/35
40C-42.029	9/21/01	10/11/01	27/3	27/35
40C-42.091	9/21/01	10/11/01	27/35	27/35
40C-42.900	9/21/01	10/11/01	27/35	27/35
40C-400.447	9/21/01	10/11/01	27/3	27/35

Southwest Florida Water Management District

40D-4.041	9/21/01	10/11/01	27/31	
40D-4.091	9/21/01	10/11/01	27/31	
40D-4.381	9/21/01	10/11/01	27/31	
40D-45.011	9/19/01	10/9/01	27/26	
40D-45.021	9/19/01	10/9/01	27/26	
40D-45.031	9/19/01	10/9/01	27/26	
40D-45.041	9/19/01	10/9/01	27/26	
40D-45.051	9/19/01	10/9/01	27/26	
40D-45.053	9/19/01	10/9/01	27/26	
40D-45.054	9/19/01	10/9/01	27/26	
40D-45.091	9/19/01	10/9/01	27/26	
40D-45.101	9/19/01	10/9/01	27/26	
40D-45.301	9/19/01	10/9/01	27/26	
40D-45.321	9/19/01	10/9/01	27/26	
40D-45.331	9/19/01	10/9/01	27/26	
40D-45.351	9/19/01	10/9/01	27/26	
40D-45.381	9/19/01	10/9/01	27/26	
40D-45.461	9/19/01	10/9/01	27/26	
40D-45.471	9/19/01	10/9/01	27/26	
40D-45.481	9/19/01	10/9/01	27/26	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

AGENCY FOR HEALTH CARE ADMINISTRATION

Office of Licensure and Certification

59A-23.002	9/18/01	10/8/01	27/27	
59A-23.004	9/18/01	10/8/01	27/27	
59A-23.005	9/18/01	10/8/01	27/27	
59A-23.006	9/18/01	10/8/01	27/27	
59A-23.009	9/18/01	10/8/01	27/27	

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

65C-22.003	9/20/01	10/10/01	27/33	
------------	---------	----------	-------	--

Mental Health Program

65E-25.001	9/17/01	10/7/01	27/18	27/31
65E-25.002	9/17/01	10/7/01	27/18	27/31
65E-25.003	9/17/01	10/7/01	27/18	27/31
65E-25.004	9/17/01	10/7/01	27/18	27/31
65E-25.005	9/17/01	10/7/01	27/18	27/31
65E-25.006	9/17/01	10/7/01	27/18	27/31

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

FLORIDA HOUSING FINANCE CORPORATION

67-29.002	9/19/01	10/9/01	27/30	
67-29.003	9/19/01	10/9/01	27/30	
67-29.004	9/19/01	10/9/01	27/30	
67-29.005	9/19/01	10/9/01	27/30	
67-29.006	9/19/01	10/9/01	27/30	
67-29.0065	9/19/01	10/9/01	27/30	
67-29.007	9/19/01	10/9/01	27/30	
67-29.0071	9/19/01	10/9/01	27/30	
67-29.0072	9/19/01	10/9/01	27/30	
67-29.0073	9/19/01	10/9/01	27/30	
67-29.0074	9/19/01	10/9/01	27/30	
67-29.0075	9/19/01	10/9/01	27/30	
67-29.0076	9/19/01	10/9/01	27/30	
67-29.008	9/19/01	10/9/01	27/30	

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

68A-15.005	9/19/01	11/1/01	27/31	
68A-20.005	9/19/01	10/9/01	27/31	

Marine Fisheries

68B-27.015	9/17/01	10/7/01	27/31	
68B-39.002	9/17/01	10/7/01	27/31	
68B-42.001	9/17/01	10/7/01	27/31	