

3. By July 2005, when a Florida credentialed director is supervising multiple sites, the individual left in charge of the site during the director's absence must meet one of the staff credential qualifications as outlined in 65C-22.003(6)(a)1.-5., F.A.C.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 9-20-01, _____.

65C-22.004 Health Related Requirements.

~~(1) Tuberculosis:~~

~~(a) Upon hire each employee must provide documentation of a tuberculosis test administered within the past two years and this documentation must be in the employee's personnel file within 10 days of employment. If results are positive, the employee must provide written medical authorization to work in a child care facility.~~

~~(b) All child care facilities' personnel must be tested for tuberculosis at least every two years and provide documentation for their personnel file. If results are positive, the employee must provide written medical authorization to work in a child care facility.~~

(2) through (4) renumbered (1) through (3) No change.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-26-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Suzanne Bellamy Woodcock, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 392, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deborah Russo, Building 6, Room 389-A, 1317 Winewood Blvd., Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NOS:	RULE TITLES:
1S-2.027	Clear Indication of Voter's Choice on a Ballot
1S-2.031	Recount Procedures

NOTICE OF ADDITIONAL HEARINGS

ADDITIONAL HEARINGS WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 5:00 p.m. – 8:00 p.m., November 7, 2001

PLACE: Jacksonville City Hall, St. James Building, Renaissance Room, 1st Floor, 117 West Duval Street, Jacksonville, Florida 32202

TIME AND DATE: 5:00 p.m. – 8:00 p.m., November 8, 2001
PLACE: Tampa Port Authority, 1101 Channelside Drive, Tampa, Florida 33602

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.

NOTICE OF FULL TEXT OF RULES: Published in the Florida Administrative Weekly, October 5, 2001, Vol. 27, No. 40.

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-220.051	Conduct of Public Adjusters
4-220.201	Ethical Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 21, May 25, 2001, of the Florida Administrative Weekly:

4-220.051 Conduct of Public Adjusters.

Section 626.854 is deleted from Specific Authority.

4-220.201 Ethical Requirements.

Paragraph (4)(c) is changed to read:

~~(c) An adjuster shall never approach investigations, adjustments, and settlements in a manner prejudicial to the insured. An adjuster shall treat all claimants equally; an adjuster shall not provide favored treatment to any claimant. An adjuster shall adjust all claims strictly in accordance with the insurance contract.~~

Paragraph (4)(l), the second sentence is changed to read:

Further, the adjuster shall not conclude a settlement when such settlement would be disadvantageous or to the detriment of a claimant who is in the traumatic or distressed state described above.

Subsection (5) is changed to read:

(5) Public Adjusters, Other Ethical Constraints. In addition to considerations set out above for adjusters. ~~The following ethical considerations are specific to public adjusters, and shall be binding upon public adjusters, in addition to considerations set out elsewhere in this rule for adjusters.~~

~~(a) A public adjuster shall not prevent, or attempt to dissuade or prevent, a claimant from speaking privately with the insurer, company or independent adjuster, attorney, or any other person, regarding the settlement of the claim.~~

~~(b) A public adjuster's contract with a client shall be revocable or cancellable, without penalty or obligation, by the insured or claimant, for at least three business days after the contract is entered into for the insured to elect to settle the claim directly with an adjuster representing the insurer. If the insured elects to cancel the contract, prompt notice must be received by the adjuster. The public adjuster must disclose to the insured that the insured has the right to cancel with prompt notice within the revocation period. Nothing in this provision shall be construed to prevent an insured from pursuing any civil remedy after the three-day cancellation period.~~

~~(c)(e) A public adjuster shall advise the insured and claimant in advance of their right to choice of counsel to represent the insured or claimant, and that such choice is to be made solely by the insured or claimant. The full compensation to the public adjuster shall be stated in the contract with the client. If the compensation is based on a share of the insurance settlement, the exact percentage shall be specified. Any cost to be reimbursed to the public adjuster out of the proceeds, or to be paid by the consumer otherwise, must be specified by type, with dollar estimates set forth in the contract.~~

~~(b)(d) The public adjuster shall notify the insured or claimant in advance of the name and location of any proposed contractor, architect, engineer, or similar professional, before any bid or proposal by any of these persons may be used by the public adjuster in estimating the loss or negotiating settlement, and the insured or claimant may exercise veto power of any of these persons in which case that person shall not be used in estimating costs. Choice of counsel to represent the insured or claimant is to be made solely by the insured or claimant.~~

~~(c)(e) The public adjuster shall ensure that if a contractor, architect, engineer, or other licensed professional is used in formulating estimates or otherwise participates in the adjustment of the claim, the professional must be licensed by the Florida Department of Business and Professional Regulation. A public adjuster shall not enter into a contract or accept a power of attorney which vests in the public adjuster the effective authority to choose the persons who shall perform repair work.~~

~~(f) A public adjuster shall assure that all contracts for the public adjuster's services are in writing and set forth all terms and conditions of the engagement.~~

~~(d)(g) A public adjuster shall not prevent, or attempt to dissuade or prevent, a claimant from speaking privately with the insurer, company or independent adjuster, attorney, or any other person, regarding the settlement of the claim. A public adjuster shall not acquire any interest in salvaged property, except with the consent and permission of the insured.~~

~~(e)(h) A public adjuster shall not acquire any interest in salvaged property, except with the written consent and permission of the insured.~~

~~(f)(i) A public adjuster shall not accept referrals of business from any person with whom the public adjuster may conduct business where there is any form or manner of agreement to compensate the person, whether directly or indirectly, for referring business to the public adjuster. Except as between licensed public adjusters, or licensed public adjusters and members of the Florida Bar, no public adjuster may compensate any person, whether directly or indirectly, for the principal purpose of referring business to the public adjuster.~~

Section 626.989(6) is added to Specific Authority and Law Implemented.

The remainder of the rules reads as previously published.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-37	Firefighter Standards and Training
RULE NOS.:	RULE TITLES:
4A-37.0335	Qualification of New Employee
4A-37.0385	Termination of Employee
4A-37.039	Prescribed Forms for Training and Certification
4A-37.055	Minimum Curriculum Requirements for Training Firefighter Recruits or Firefighters
4A-37.059	Types of Instructor Certificates Issued
4A-37.060	Certification as an Approved Firefighter Recruit Training Facility
4A-37.064	Florida State Fire College
4A-37.065	Programs of Study and Vocational Courses

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. 26, June 29, 2001 edition of the Florida Administrative Weekly.

PART III QUALIFICATION FOR CERTIFICATE OF COMPLIANCE

4A-37.0335 Qualification of New Employee.

(1) No change.

(2) Upon the employment of a firefighter, the employing agency shall forward to the Bureau of Fire Standards and Training a completed Form DI4-1032 entitled "Notice of Employment as a Firefighter" which evidences that the new employee is certified as a firefighter and has met the requirements necessary to maintain the certification as

specified in Section 633.35(2)(3), Florida Statutes. This form shall be forwarded within 10 business days after the first day of employment. Form DI4-1032 is incorporated by reference in subsection 4A-37.039(2), Florida Administrative Code, and can be obtained where indicated in subsection 4A-37.039(1), Florida Administrative Code.

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

4A-37.0385 Termination of Employee.

Upon the termination of employment of a firefighter, the employing agency shall forward to the Bureau of Fire Standards and Training a completed Form DI4-1033, entitled “Notice of Termination as a Firefighter.” This form shall be forwarded within ten business days after date of termination. Form DI4-1033 is incorporated by reference in subsection 4A-37.039(2), Florida Administrative Code, and can be obtained where indicated in subsection 4A-37.039(1), Florida Administrative Code.

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

4A-37.039 Prescribed Forms for Training and Certification.

(1) No change.

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

(a) through (i) No change.

(j) DI4-1308 rev. 10/00 ~~8/96~~ (formerly FST-1C) “Application for Practical Examination for Retention of Firefighter Certification”

(k) through (t) No change.

~~(u) DI4-1444 rev. 01/01 “2001 Firefighter One Testing Schedule”~~

(v) through (mm) renumbered (u) through (ll) No change.

(mm) DI4-1023 rev. 07/00 “Application for Firesafety Inspector I Certification Examination.”

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

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

(1) through (5) No change.

(6) Firefighter I:

(a) No change.

1. No change.

2. NFPA Standard 1001, “Fire Fighter Professional Qualifications”, 1997 ~~1992~~ edition, and NFPA 1582, “Standard on Medical Requirements for Fire Fighters”, 2000 ~~1997-1992~~ edition, are hereby adopted and incorporated by reference. Copies of the NFPA publications can be obtained from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

PART IV TRAINING AND CERTIFICATION

4A-37.059 Types of Instructor Certificates Issued.

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

(1) Requirements for Instructor I Examination and Certification.

(a) through (d) No change.

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

(f) No change.

(2) Requirements for Instructor II Examination and Certification.

(a) through (d) No change.

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

(f) No change.

(3) Requirements for Instructor III Certification.

(a) through (d) No change.

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

Persons holding this certification may teach any class which is recognized as part of the curriculum established and developed by the Bureau of Fire Standards and Training, provided the instructor can verify successful completion of the same course by certificate or transcript.

(4) Requirements for Single Course Exemption Certification.

(a) through (d) No change.

(e) Extensive experience consisting of documentable proof of subject matter expertise as a result of at least 5 years of experience directly related to the subject or a bachelor's degree related to the subject, or a combination of both such experience and education to equal the required documentable proof set forth in this paragraph in a field directly related to the subject. ~~Minimum combination of education and experience as set by the Standards section.~~

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

(5) through (6) No change.

(7) Probation and Revocation of Instructor Certification.

(a) The Bureau of Fire Standards and Training of the Division of State Fire Marshal may place on probation any instructor whose students exhibit a lack of knowledge or skill in subject courses taught by such instructor, which shall be evidenced by a high student failure rate during participation in state administered examinations. A high student failure rate which comes to the attention of the Bureau will be analyzed to determine relationships between an individual instructor and his students' performance. If an instructor's students continue to exhibit high failure rates on state examinations in the subject matter taught by the instructor, a letter of concern will be provided to the instructor allowing an opportunity for explanation. In the absence of an explanation which accounts for the high student failure rate, the instructor will be placed on probation during which the instructor will be required to teach students at a level high enough to increase the pass rate.

(b) through (c) No change.

Specific Authority 633.45(2)(a) FS. Law Implemented ~~633.46~~ ~~633.45(1)(d)~~ FS. History—New 9-7-81, Formerly 4A-37.15, 4A-37.59, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, _____.

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

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

(a) through (f) No change.

(g) Have pumper apparatus, owned, or leased, or otherwise contracted for, rated at not less than 750 G.P.M. at 150 p.s.i., with hose compartments sufficient to practice appropriate hydrant lay evolutions, fully equipped as prescribed in National Fire Protection Association (NFPA) Standard 1901, ~~1999~~ ~~1996~~ edition, Chapter 4. The following changes to the equipment specified shall be adhered to:

1. through 4. No change.

5. All ladders used for training shall conform to the requirements of NFPA Standard 1931, ~~1999~~ ~~1994~~ edition and NFPA Standard 1932, ~~1999~~ ~~1994~~ edition.

(h) through (k) No change.

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

1. No change.

2. Two rescue carabiners that meet the requirements of NFPA Standard 1983, ~~2001~~ ~~1997~~ edition, which is hereby adopted and incorporated by reference and may be obtained by writing to the association, whose address is: National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 as adopted in Rule 4A-37.037, Florida Administrative Code.

3. No change.

(m) through (s) No change.

(t) Have protective hoods that meet the requirements of NFPA 1971, Standard on Protective Clothing for Structural Fire Fighting, ~~2000~~ ~~1997~~ edition, provided by the training center or made available for purchase, and shall be used by each student engaged in live fire training.

(u) through (v) No change.

(2) through (3) No change.

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

4A-37.064 Florida State Fire College.

(1) through (3) No change.

(4) College Registration and Fees.

(a) through (b) No change.

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

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

(e) through (f) No change.

~~(5) College Catalog.~~

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

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

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

~~(6) College Facilities.~~

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

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

~~(5)(7) College Faculty.~~

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

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

~~(6)(8) Programs of Study.~~

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

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

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

Specific Authority ~~633.45(1)(h) 633.45(2)(a)~~ FS. Law Implemented ~~633.43 633.45(1)(d)~~ FS. History–New _____.

4A-37.065 Programs of Study and Vocational Courses.

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

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

(a) through (c) No change.

(d) Requirements for Certificate of Competency:

1. through 2. No change.

3. Submission of the required application (Form DI4-1457), which is incorporated by reference in paragraphs 4A-37.039(2)(~~hh~~)(~~bb~~), (~~cc~~), and (~~dd~~), Florida Administrative Code, and can be obtained where indicated in subsection 4A-37.039(1), Florida Administrative Code, with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(2) through (4) No change.

(5) Special State Firesafety Inspector Program.

(a) No change.

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

section of the Bureau of Fire Standards and Training. Such mutually agreeable elective shall be an elective which has been proposed by the student to the faculty, reviewed by the faculty to determine relevance of content and duration of delivery, and approved by the faculty to be taken by the student.

(c) through (d) No change.

(6) through (9) No change.

Specific Authority 633.45(1)(~~h~~)(~~2~~)(~~a~~) FS. Law Implemented ~~633.43, 633.45(1)(d)~~, 633.46 FS. History–New _____.

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

The required forms for training and certification of firesafety inspectors are DI4-1020, Rev. 03/00; DI4-1023, Rev. 07/00; DI4-1459, Rev. 01/01; and DI4-1463, Rev. 01/01, all as adopted in Section 4A-37.039, Florida Administrative Code.

(1) DI4-1023 Form – “Application for Firesafety Inspector I Certification Examination.”

(2) DI4-1459 Form – “Application for Special Firesafety Inspector Certification Examination.”

(3) DI4-1463 Form – “Inspector Certification Renewal Application.”

(4) DI4-1020 Form – “Personal Inquiry Waiver.”

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

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

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-39	Firesafety Inspector Certification
RULE NO.:	RULE TITLE:
4A-39.005	Minimum Curriculum Requirements for Firesafety Inspector Certification
4A-39.010	Required Forms for Training and Certification of Firesafety Inspectors

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. 26, June 29, 2001 edition of the Florida Administrative Weekly.

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

(1) through (2) No change.

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

(a) through (b) No change.

(c) A mutually agreeable 40 hour elective to be approved by the Bureau of Fire Standards and Training. Such mutually agreeable elective shall be an elective which has been proposed by the student to the faculty, reviewed by the faculty to determine relevance of content and duration of delivery, and approved by the faculty to be taken by the student. If no elective is submitted for approval by the agency employing Special Firesafety Inspectors, the Fire College course which teaches 20 hours of Fire Protection Systems and 20 hours of Building Construction shall be the only acceptable alternative.

(4) No change.

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

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

The required forms for training and certification of firesafety inspectors are DI4-1020, DI4-1023, DI4-1459, and DI4-1463, the revisions as adopted in Section 4A-37.039, Florida Administrative Code.

~~(1) DI4-1023 Form —“Application for Firesafety Inspector I Certification Examination.”~~

~~(2) DI4-1459 Form —“Application for Special Firesafety Inspector Certification Examination.”~~

~~(3) DI4-1463 Form —“Inspector Certification Renewal Application.”~~

~~(4) DI4-1020 Form —“Personal Inquiry Waiver.”~~

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

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

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

RULE NO.: RULE TITLE:
 9B-7.003 Procedures

NOTICE OF ADDITIONAL PUBLIC HEARING

The Florida Building Commission hereby gives notice that an additional public hearing on the above-referenced rule will be held on November 6, 2001, 9:00 a.m., Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida. This hearing is being held to consider public comments. The rule was originally published in Vol. 27, No. 36 of the September 7, 2001 issue of the Florida Administrative Weekly.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

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

RULE NO.: RULE TITLE:
 9B-7.0042 Florida Accessibility Code for
 Building Construction

NOTICE OF ADDITIONAL PUBLIC HEARING

The Florida Building Commission hereby gives notice that an additional public hearing on the above-referenced rule will be held on November 6, 2001, 9:00 a.m., Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida. This hearing is being held to consider public comments. The rule was originally published in Vol. 27, No. 36, of the September 7, 2001 issue of the Florida Administrative Weekly.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
 33-208.506 Staff Housing Agreement Form

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. 26, No. 43, October 27, 2000 issue of the Florida Administrative Weekly:

The incorporated form DC2-803A, Staff Housing Agreement, is being amended to delete the requirement that staff provide their social security numbers in order to obtain staff housing, and to delete language requiring an agreement to comply “.with all applicable laws, rules, procedures, and institutional operating procedures..”

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:
 61C-4.023 Food Protection Manager
 Certification and Public Food
 Service Employee Training

NOTICE OF CORRECTION

Notice is hereby given that the following corrections have been made to the notice of change to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 33, August 17, 2001, issue of the Florida Administrative Weekly. An incorrect Notice of Change was published in Vol. 27, No. 39, September 28, 2001. The changes are in response to comments made at a public rule hearing held on September 10, 2001, written comments received from the public, and written comments made by the Joint Administrative Procedures Committee. The corrected Notice of Change reads as follows:

61C-4.023 Food Protection Manager Certification and Public Food Service Employee Training.

(4) Public Food Service Employee Training.

(a) All public food service employees must receive training on professional hygiene and foodborne disease prevention through a food safety training program administered by the division’s contracted training provider or another food safety training program approved by the division. Any food safety training program established and administered to food handler employees utilized at a public food service establishment prior to July 1, 2000 may provide food handler employee training and certification if the program is reviewed and approved by the division. For purposes of division approval, the program provider shall submit its training program to the division for review by providing a completed application using, which is DBPR Form HR 5026-011, entitled Food Safety Training Certification Program Application, incorporated herein by reference and effective 10-01-01 11-08-00, a copy of which is available by writing the Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, identifying the training components covered by the program in the application, as well

~~as an executed copy of the division’s applicant affidavit attesting to the accuracy of the application.~~ The division will approve programs that the division determines to be in substantial compliance with the division’s adopted minimum food safety standards and related rules. A provider’s approval is subject to the program provider’s continued compliance with the division’s minimum food safety standards and related rules. The division may conduct random audits of approved programs to determine compliance and may audit any program if it has reason to believe a program is not in compliance with the division’s minimum food safety standards. The division shall revoke its approval of any program which, upon examination, fails to substantially comply with the minimum food safety standards and related rules established by the division, as amended from time to time.

(b) Approved program providers must maintain training information for a period of at least three years from the date training is provided. If the program provider directly administers training to a food service employee, this information must include the name of the trained food service employee, the name of establishments where training has been provided, the date of training, and the specific course that was used for the training. If the program provider furnishes program materials but does not directly administer training to a food service employee, this information must include the name of establishments where program materials have been provided, the date these material were provided, and the specific course which was provided. The division shall revoke its approval of any program where ~~which~~, upon examination, the program provider is found to have failed to keep this required information or to have knowingly participated in falsifying any training record.

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:
 61D-2.021 Aggravating and Mitigating
 Circumstances

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 27, No. 31, August 3, 2001 issue of the Florida Administrative Weekly. The changes are in response to comments made at a public rule hearing held on August 28, 2001.

61D-2.021 Aggravating and Mitigating Circumstances.

Circumstances which may be considered for the purposes of mitigation or aggravation of any penalty shall include, but are not limited to, the following:

(1) The ~~severity impact~~ of the offense ~~to the integrity of the pari-mutuel industry.~~

(2) through (3) will remain as originally published.

(4) The number of complaints filed against the licensee ~~or permitholder, which have resulted in prior discipline.~~

(5) The length of time the licensee ~~or permitholder~~ has practiced.

(6) will remain as originally published.

~~(7) The effect of the penalty upon the licensee's livelihood.~~

~~(7)(8)~~ Any efforts at rehabilitation.

~~(8)(9)~~ Any other mitigating or aggravating circumstances.

Specific Authority 550.0251(3), 550.2415(13) FS. Law Implemented 550.0251, 550.1155, 550.2415 FS. History--New _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE NO.:	RULE TITLE:
62B-26.011	Description of the Pinellas County Coastal Construction Control Line

NOTICE OF CONTINUATION OF PUBLIC HEARING

The Office of Beaches and Coastal Systems of the Department of Environmental Protection announces the continuation of the rule adoption hearing for Rule 62B-26.011, F.A.C. published in Vol. 26, No. 51, FAW.

The Notice of Continuation of the public hearing was published in the March 16, 2001, Vol. 27, No. 11, F.A.W. The time, date and place of the continued hearing is November 19, 2001, 7:00 p.m., Pinellas County, Treasure Island Community Center, 1 Park Place, Treasure Island, Florida

Any information regarding this notice or hearing, may be obtained by writing: Office of Beaches and Coastal Systems, Attn: Rosaline Beckham, 3900 Commonwealth Blvd., Mail Station #300, Tallahassee, Florida 32399 or by calling (850)487-1262.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 72 hours before the hearing by contacting the Bureau of Personnel Services, (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771(TDD).

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-45.005	Performance of Pro Bono Service

NOTICE OF CORRECTION

The above-proposed rule was published in the October 12, 2001 issue for the Florida Administrative Weekly, Vol. 27, No. 41. The date Notice of proposed Rule Development published

in the Florida Administrative Weekly, which was originally published as March 9, 2001, instead, it should have been March 2, 2001. The foregoing change does not affect the substance of the proposed rule.

The person to be contacted regarding the above change is Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE NOS.:	RULE TITLES:
64B11-2.003	Fees; Application
64B11-2.008	Fees; Initial License
64B11-2.009	Fees; Renewal of License

NOTICE OF PUBLIC HEARING

The Board of Occupational Therapy Practice hereby gives notice of a public hearing on the above-referenced rules to be held on November 5, 2001 at 10:00 a.m., 4042 Bald Cypress Way, Room 301, Tallahassee, Florida. This public hearing is being held in response to a request for a public hearing. The rule notice was originally published in the Vol. 27, No. 39, September 28, 2001 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255. Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD)

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.:	RULE TITLE:
64B32-3.005	Fees for Application, Examination, Initial and Renewal Registration

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 the Vol. 27, No. 16, April 20, 2001 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on July 20, 2001.

The rule shall now read as follows:

64B32-3.005 Fees for Application, Examination, Initial and Renewal Registration.

(1) The application fee for a person desiring to be granted licensure as a respiratory therapy technician shall be \$50.00.

(2) The initial licensure fee for a person who becomes licensed shall be \$110.00.

(3) In addition to all other fees collected from each initial licensee, there shall be a \$5.00 fee collected upon initial licensure and each renewal for the purpose of combating unlicensed activity.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

Section IV Emergency Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Electronic Transmission of Election Materials
 RULE NO.: 1SER01-1
 SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The buildings comprising the World Trade Center were destroyed by a terrorist attack on September 11, 2001. Since that time, military personnel, including both active and reserve personnel, have been called to active duty. The largest deployment of military troops since Desert Storm has been ordered by the President of the United States. The ability of these Florida citizens to exercise their right to vote in Florida elections will be substantially and adversely affected by this emergency situation. The public welfare requires that the state make every effort to protect the right of its electors to vote. In light of the emergency situation and the large number of Floridians who are involved in this emergency situation, the public welfare requires that an alternative method for voting be extended to Florida's overseas voters.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: Adopting an emergency rule is the most equitable method to protect the absentee overseas electors and their voting rights due to the recent national emergency and the rapid deployment of military personnel. Although the Elections Canvassing Commission was able to certify the results of an election for a state office to comply with the distribution of absentee ballots, overseas citizens involved in this emergency situation were not able to receive that distribution of absentee ballots. Through this emergency rule, a ballot will be sent by facsimile to absentee electors overseas. By allowing facsimile transmission of ballots, the right to vote will be protected. The procedure outlined in the rule is the similar to that of the Federal Voting Systems Assistance Project ("FVAP"). The FVAP currently

processes electronic transmission of election materials for other states, and this procedure is substantially the same that was followed in Desert Storm, a similar emergency situation.

SUMMARY OF THE RULE: This emergency rule describes the process for a supervisor of elections to accept a request for an absentee ballot and a voted absentee ballot by facsimile machine. This includes faxing the blank absentee ballot by the supervisor to the voter.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Amy K. Tuck, Assistant General Counsel, Department of State, Division of Elections, Room 1801, The Capitol, Tallahassee, Florida 32399, (850)488-1402

THE FULL TEXT OF THE EMERGENCY RULE IS:

1SER01-1 Electronic Transmission of Election Materials.

(1) A qualified overseas voter who is otherwise qualified to apply for and vote by absentee ballot, may request an absentee ballot by facsimile transmission.

(2) A supervisor of elections may send and receive facsimile absentee ballot applications and accept voted ballots from eligible voters via facsimile.

(3) If a voter chooses to cast an absentee ballot by facsimile, that ballot must be received by the supervisor prior to the close of the polls on election day.

(4) An absentee ballot that is completed and returned by the voter via facsimile must contain the voter's signature, date of signature, and the following statement: "I understand that by faxing my voted ballot I am voluntarily waiving my right to a secret ballot."

(5) For voters and supervisors electronically transmitting election materials, unless otherwise noted, the procedures of electronic transmission for the Federal Voting Assistance Project shall be followed.

Specific Authority 101.62(5) FS. Law Implemented 101.62(5) FS. History--New 10-12-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: October 12, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 400, "HOLIDAY BINGO"
 RULE NO.: 53ER01-69

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 400, "HOLIDAY BINGO" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, procedures to be followed on how to play the game, and the number and size of prizes in the game.