

member, supported by attending physician's statement. Immediate family members of recipient include: spouse, children, parents, brother, sister.

Specific Authority 240.4076 FS. Law Implemented 240.4076 FS. History--New _____.

64E-24.003 Penalties for Defaulting.

The department shall provide additional time for repayment if the department determines that circumstances beyond the control of the recipient caused or contributed to the default. Circumstances that will be considered beyond the control of the recipient are: recipient chronic illness, injury or disease, supported by attending physician's statement; recipient dismemberment or death, supported by attending physician's statement or certified copy of death certificate; chronic illness, injury disease or death of a recipient's immediate family member, supported by attending physician's statement. Immediate family members of recipient include: spouse, children, parents, brother, sister. In the case of the death of a recipient, the recipient's surviving family or estate will not be responsible for the scholarship repayment.

Specific Authority 240.4076 FS. Law Implemented 240.4076 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Fairweather, Senior Management Analyst Supervisor
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Art Clawson, Division Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 7, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 21, 2001
P.O. G10454

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission

RULE CHAPTER NO.: RULE CHAPTER TITLE:
2B-1 Practice and Procedure
RULE NO.: RULE TITLE:
2B-1.0025 Complaints

NOTICE OF CHANGE

Notice is given that changes have been made to the proposed rules published in the August 31, 2001 edition of the Florida Administrative Weekly. The changes are technical in nature or are made in response to written comments received from the Florida Legislature Joint Administrative Procedure Committee. The rule changes were approved by the Florida Elections Commission at its November 7 and 8, 2001 meeting in Tallahassee.

When changed, Rule 2B-1.0025, F.A.C., shall read as follows:

(1) Any complaint of alleged violations of the Florida Election Code over which the Florida Elections Commission has jurisdiction shall be filed with the Commission. A complaint form, Complaint Form, FEC 001, effective _____, which is hereby adopted and incorporated by reference may be obtained by calling the Commission office during normal business hours or by writing to the Commission. The complaint form may also be obtained from the Commission's website www.fec.state.fl.us.

(2) through (3) No change.

(4) A complaint is legally sufficient if it meets the following criteria.

(a) The complaint alleges a violation of Chapter 104 or 106 or Section 105.071, Florida Statutes;

(b) The complaint was made under oath in the presence of a notary public or other person authorized by law to administer oaths;

(c) The complaint contains specific facts upon which the complainant bases the allegation of a violation of law; and

(d) The complaint alleges a violation that occurred within two years of the date the complaint is filed with the Commission.

(5) No change.

(6) In determining the legal sufficiency of a complaint, the executive director shall consider any document referred to in the complaint. In determining the legal sufficiency of a complaint alleging a violation of the campaign finance laws, the executive director shall also consider campaign treasurer's reports on file with the filing officer.

(7) through (9) No change.

Specific Authority 106.26(1) FS. Law Implemented 105.071, 106.25 FS. History--New 2-17-91, Amended 11-14-93, 3-19-96, 8-19-96, Formerly 1D-1.0025, Amended _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.:	RULE TITLES:
5F-11.060	Documentation of Training, General
5F-11.061	Master Qualifier Examinations; Applicant Qualifications
5F-11.062	Approved Courses of Continuing Education
5F-11.063	Approval of Outside Vendor Training Programs
5F-11.064	Renewal of Qualifier and Master Qualifier Certificates
5F-11.065	Examination Procedures

NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 27, No. 35, August 31, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee and comments received during the public rulemaking hearing. When adopted, the rules will read as follows:

PART VIEXAMINATIONS, TRAINING AND CONTINUING EDUCATION5F-11.060 Documentation of Training, General.

(1) Documentation of employee training, as required in Section 1-5, NFPA 58, and as adopted in Section 5F-11.002, shall include the following:

(a) Employee's Name;

(b) Employees primary job responsibilities and duties;

(c) Date of completed employee training;

(d) Description, copy or location of the materials used to conduct the training, including the topics covered by the training;

(e) Name, address and phone number of the person or organization conducting the training;

(f) Signature of employee supervisor or trainer verifying training and evaluation.

(2) Documentation shall be maintained at the employee's place of business and shall be available for inspection by the bureau upon request.

Specific Authority 527.02(4), 527.055, 527.06 FS. Law Implemented 527.02(4), 527.055, 527.06 FS. History--New _____.

5F-11.061 Master Qualifier Examinations; Applicant Qualifications.

(1) As evidence of reasonable competency and qualification, Master Qualifier applicants must be a Category I LP Gas Dealer or LP Gas Installer qualifier and shall have a minimum of one year's practical experience in the gas industry. Practical experience is defined as work with a gas company and which activities which fall within one or more of the following categories:

(a) Maintenance of gas facilities and equipment.

(b) Gas storage and distribution facility operations and safety.

(c) Gas transportation, delivery, product transfer.

(d) Gas tanks, cylinders and equipment.

(e) Gas liquid and vapor distribution systems and equipment.

(f) Gas equipment and appliance service, installation and repair.

(2) Each applicant for Master Qualifier examination shall provide documentation to the department certifying eligibility as a Master Qualifier for a licensed Category I LP Gas Dealer or LP Gas Installer in the State of Florida. Documentation shall be provided on department form DACS-03527, entitled Master Qualifier Declaration of Eligibility, effective December 1, 2001, and incorporated herein by reference, and shall include the following:

(a) Applicants Name;

(b) Mailing Address;

(c) Name and license number of employer, or date of application if pending;

(d) Statement of eligibility, signed by the applicant, as a supervisor, manager, owner, or other person primarily responsible for the daily operations of the licensee;

(e) Verification of Employment with a Licensed Category I LP Gas Dealer or LP Gas Installer;

(f) Copy of the applicants examination qualification card as a Category I LP Gas Dealer or LP Gas Installer qualifier. Copies of this form may be obtained by writing the Bureau of LP Gas Inspections, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650.

Specific Authority 527.02(4), 527.055, 527.06 FS. Law Implemented 527.02(4), 527.055, 527.06 FS. History--New _____.

5F-11.062 Approved Courses of Continuing Education.

(1) Courses, which cover one or more of the following topics, shall be approved for continuing education credit as required in Section 527, Florida Statutes, for Category I LP Gas Dealer Qualifiers, Installer Qualifiers and Master Qualifiers:

(a) Inspections and maintenance of LP gas facilities and equipment.

(b) State and federal LP gas laws, rules and regulations, codes and standards.

(c) Gas emergency procedures, fire protection, risk management planning.

(d) Gas storage and distribution facility operations and safety.

(e) Gas transportation and delivery.

(f) Gas liquid transfer.

(g) Gas tanks, cylinders and equipment.

(h) Gas liquid and vapor distribution systems and equipment.

(i) Gas equipment and appliance service, installation and repair.

(2) Twelve hours of continuing education during the three-year period must be attained in order for the qualifier or master qualifier to renew certification. Continuing education credits will be granted on an hour-for-hour basis for up to 4 hours credit per class. For each 12 hours of continuing education credits, a minimum of two hours shall be from items (a), (b) or (c) in Section (1) above.

(3) Continuing education classes provided by the employer shall be documented as outlined in Section 5F-11.060 and records shall be maintained at the employee's work location. These records shall be available for inspection by the bureau upon request.

Specific Authority 527.02(2),(4)(c), 527.055, 527.06 FS. Law Implemented 527.02(2),(4)(c), 527.055, 527.06 FS. History--New

5F-11.063 Approval of Outside Vendor Training Programs.

(1) Outside vendors providing training to industry personnel for the purposes of continuing education credits shall submit the following documentation to the bureau for review and approval:

- (a) Name and qualifications of each instructor.
- (b) Course Title as it is to appear on any advertisements or in internal company records.

(c) Course Time Table, which outlines the approximate schedule for the course, specifying the total number of training hours for the course.

(d) Course Description, which shall relate to the inspection and technical skills required for students and meet the criteria set forth in Section 5F-11.062.

(e) Course Objectives and Goals, which clearly and specifically state what skills or knowledge the applicants should be able to demonstrate when the course is successfully completed.

(f) Method of Course Presentation, which shall describe how the content will be presented, such as lecture, discussion, multimedia presentations, computer based training, or other specified methods.

(g) Method of Evaluation of Course Participants, which shall specify how students will be evaluated, such as written examination, demonstration of skills, observation, or other specified method.

(h) Topical Outline of the Course, which indicates the order in which the course subject matter will be presented to the course participants.

- (1) A copy of course materials to be used during training.
- (2) Courses which fail to meet the criteria of this section shall not be eligible for continuing education credits.

(3) The outside vendor shall immediately notify the bureau of any revisions to course materials or documents and shall provide copies of such revisions or documents to the bureau for review.

Specific Authority 527.02(2),(4)(c), 527.055, 527.06 FS. Law Implemented 527.02(2),(4)(c), 527.055, 527.06 FS. History--New

5F-11.064 Renewal of Qualifier and Master Qualifier Certificates.

(1) All category I LP gas dealer qualifiers, LP gas installer qualifiers and Master Qualifiers shall submit a renewal fee, renewal application and documentation of a minimum of 12

continuing education hours on department form DACS-03530, entitled Master Qualifier/Qualifier Renewal Form, effective December 1, 2001, and incorporated herein by reference, in order to renew their qualification. This form may be obtained by writing the Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650. The renewal fee, as prescribed in s. 527.02, Florida Statutes, is \$20 for each category I LP gas dealer qualifier and LP gas installer qualifier, and \$30 for each Master Qualifier. Additionally, each person designated as Master Qualifier for a license holder must submit documentation of eligibility on department form DACS-03527, entitled Master Qualifier Declaration of Eligibility, effective December 1, 2001, and incorporated herein by reference, as a manager, owner, or person otherwise primarily responsible for overseeing the operations of the licensed location. The Master Qualifier Declaration of Eligibility form may be obtained by writing the Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650.

(2) Master Qualifiers who wish to renew their qualification but who are not the designated Master Qualifier for a license holder or license applicant, may renew their qualification and maintain the qualification on inactive status.

Specific Authority 527.02(2),(4)(c), 527.055, 527.06 FS. Law Implemented 527.02(2),(4)(c), 527.055, 527.06 FS. History--New

5F-11.065 Examination Procedures.

An applicant who fails any part of an examination may be reexamined on those parts failed upon reapplication and payment of the required examination fee. Re-examinations must be completed within 90 calendar days of the original examination, however, no examinee may retake the failed examination more than two times within the 90-day period. If the applicant does not successfully complete the examination within the 90-day period, the examinee shall be given a failing grade. After a 30-day period, the applicant may reapply to retake the entire examination.

Specific Authority 527.055, 527.06 FS. Law Implemented 527.02(2),(4)(a), 527.055, 527.06 FS. History--New

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Vicki O'Neil, Bureau Chief, Bureau of Liquefied Petroleum Gas Inspections, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650

PUBLIC SERVICE COMMISSION

PSC Docket No.: 001574-EQ

RULE NO.:
25-17.0832

RULE TITLE:
Firm Capacity and Energy
Payments

NOTICE OF PUBLIC HEARINGS

The Public Service Commission gives notice of a public hearing on the above-referenced rule that is being held in response to requests for public hearing. The rule notice was originally published in the Vol. 27, No. 38, September 21, 2001, issue of the Florida Administrative Weekly.

TIME AND DATE: 9:30 a.m., May 15, 2002

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

An additional hearing will also be held at which the Commission will take its final action on the rule amendments. Staff participation only will be allowed at this additional hearing.

TIME AND DATE: 9:30 a.m., August 6, 2002

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

NAME OF PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Anne Helton, Florida Public Service Commission, Division of Legal Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0862

Any person requiring some accommodation at these hearings 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 hearing.

Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

DEPARTMENT OF MANAGEMENT SERVICES

Human Resource Management

RULE NOS.:	RULE TITLES:
60L-31.004	Position Descriptions
60L-31.005	Exercise of Classification Authority

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules published in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly.

Paragraphs (2) and (3) of Section 60L-31.004, Position Descriptions, were changed to read as follows:

(2) When a position description is prepared, it shall be completed and signed by the appropriate authority as determined by the agency to certify that the duties described are accurate and reflect the responsibilities officially assigned the position. ~~The agency shall make the current approved position description available to the incumbent of the position.~~

(3) Each position description and any attached information shall be maintained by the employing agency and a copy shall be made available to ~~be furnished~~ each incumbent of the position. Paragraph (1) of Section 60L-31.005, Exercise of Classification Authority, was changed to read as follows:

(1) Each employing agency shall have the authority and responsibility to classify positions authorized by the Legislature or authorized pursuant to Chapter 216, Florida Statutes, to classify positions that are added in lieu of positions deleted pursuant to Chapter 216, Florida Statutes, to reclassify established positions, and to correct errors in classification; provided, that absent an express written delegation of authority by the Department, agencies shall not have authority to (a) classify positions within the selected exempt service or senior management service or (b) reclassify positions between ~~from~~ selected exempt service or senior management service and ~~to~~ career service.

DEPARTMENT OF MANAGEMENT SERVICES

Human Resource Management

RULE NOS.:	RULE TITLES:
60L-32.003	Determining Salary Upon Appointment
60L-32.0032	Salary Additives
60L-32.005	Dual Employment and Compensation
60L-32.006	Perquisites
60L-32.008	Other Personal Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules published in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly.

Paragraph (1) of Section 60L-32.003, Determining Salary Upon Appointment, was changed to read as follows:

(1) Upon appointment, an agency shall set an employee's base rate of pay within the salary range for the class to which appointed; provided, that an employee given trainee status shall be paid during the training period in accordance with the individual training scheduled, subject to FLSA requirements. An agency may use an advanced appointment rate to set the base rate of pay above the minimum in the range.

Paragraph (2) of Section 60L-32.0032, Salary Additives, was changed to read as follows:

(2) For career service employees, salary additives include the following:

(a) Shift Differential Additive – Agencies may approve this ~~An~~ additive for a position ~~class~~ when justified by competitive labor practices ~~in accordance with Department guidelines.~~

(b) On-Call Additive – Agencies may approve positions to be placed on-call. ~~Employees placed on-call shall be compensated in accordance with the collective bargaining unit agreement to which they are assigned. If not covered by a collective bargaining agreement, the employee shall be compensated as determined by the agency.~~ Agencies may assign individual positions this additive when all of the following conditions are satisfied.

1. through 3. No change.

(c) No change.

(d) Leadworker Additive – An agency may approve this additive for individuals with sufficient knowledge and experience to lead others within the same class when assigned such responsibilities on a continuing basis. The leadership does not include evaluating other’s performance or administering disciplinary actions, and it does not justify reclassification. Duties must be reflected on the position description and in accordance with Chapter 60L-31.

(e) through (f) No change.

(g) Competitive Area Differential Additive – An agency shall not grant this additive without Department approval. This additive is justified for ~~An additive for~~ a class based on geographical, localized recruitment, turnover, or competitive pay problems. This additive shall apply to all positions in the approved class within the geographical area for which the Department approves the additive.

(h) Coordinator Additive – An agency may approve this additive for individuals with sufficient knowledge and experience to coordinate others across classes when assigned such responsibilities on a continuing basis. The coordination does not justify reclassification. Duties must be reflected on the position description and in accordance with Chapter 60L-31.

(i) Critical Market Pay Additive – An agency shall not grant this additive without Department approval. This additive is justified when pay is substantially below the prevailing market rate, resulting in hiring and retention difficulties. In considering requests for this additive, the Department shall conduct all relevant analyses to determine the need for a pay adjustment ~~s for particular classes~~. An agency requesting this additive shall assist the Department in any analyses the Department requests.

Paragraph (c) of subsection 60L-32.005(2), Dual Employment and Compensation, was changed to read as follows:

(c) The services must not give rise to the appearance of a conflict of interest or otherwise violate legislative intent.

Paragraph (1) of Section 60L-32.006, Perquisites, was changed to read as follows:

(1) Without prior Department approval, or a delegation of authority to approve, agencies in the executive branch shall not furnish perquisites or sell goods or services to state employees. The Department’s primary criteria for approval are the ultimate benefit to the state and the exceptional or unique requirements of the position.

Paragraph (3) of Section 60L-32.008, Other Personal Services, was deleted as follows:

~~(3) Each agency shall maintain accurate records of all individuals paid from other personal services appropriations.~~

DEPARTMENT OF MANAGEMENT SERVICES

Human Resource Management

RULE NOS.:	RULE TITLES:
60L-33.001	Scope
60L-33.002	General Principles
60L-33.003	Original Appointments
60L-33.0034	Criteria for Executive Search Firms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules published in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly.

The title of section 60L-33.001, Scope and Purpose, was changed to read as follows:

60L-33.001 Scope ~~and Purpose~~.

This chapter sets forth rules governing (1) appointments to and status within the State Personnel System, (2) Other Personal Services employment, (3) use of volunteers, and (4) use of executive search firms.

Changes were made to paragraphs of section 60L-33.002, General Principles, as follows:

~~(1) Agencies shall appoint personnel only to established positions.~~

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

~~(3)(4)~~ Employees on military leave shall be treated as if they had been continuously employed for purposes of ~~seniority~~, status, pay, and other benefits.

(5) through (6) renumbered (4) through (5) No change.

Paragraphs of section 60L-33.003, Original Appointments, were changed as follows:

(1) No change.

(2) Upon original appointment, as defined above, an employee shall be given status in accordance with the following:

(a) Probationary Status – An employee appointed to fill a career service position shall be given probationary status, unless all of the following criteria are satisfied: (i) the employee is moving from one career service position to another; (ii) the employee has permanent status before the move; and (iii) the move results from an event wholly beyond the employee’s control, for example, where the Legislature reorganizes agencies without intending to affect employees’ status. Rule 60L-33.004 governs changes from probationary status to permanent status.

(b) through (d) No change.

(e) Trainee Status – An employee appointed to a position as a trainee shall be given trainee status in accordance with the trainee program developed by the agency. The program shall include an outline of the proposed pay schedule for the training period, including justification for the proposed schedule. Upon successful completion of the trainee program, the employee may be appointed to a position in the same class requiring the same entry-level knowledge, skills, and abilities. An agency

may approve appointments with trainee status in the following programs: cooperative education program; vocational rehabilitation or blind services program; agency trainee program; or return to work program, provided the listed criteria are satisfied and further provided that the agency maintains an outline of the proposed pay schedule for the training period, including justification for the proposed schedule.

1. Recruitment trainee:

~~a. The appointee has some of the education and experience required but does not possess all the required entry level knowledge, skills, and abilities established for the position.~~

~~b. There are fewer than three available applicants who meet the minimum qualifications of the class and possess the required entry level knowledge, skills, and abilities established for the position, or the candidate pool does not enable the agency to fulfill its affirmative action plan.~~

~~e. The agency can document the action taken to recruit qualified applicants.~~

~~d. The agency maintains an outline of the proposed training program, which shall normally be limited to a period not to exceed twelve months.~~

2. Cooperative Education Program:

~~a. The agency has on file a cooperative education agreement with the educational institution.~~

~~b. The student is enrolled in the cooperative education program of an eligible post-secondary educational institution, as listed in the Accredited Institutions of Post-Secondary Education publication.~~

~~e. The student's major coursework is related to the duties and responsibilities of the position to which appointed.~~

3. Vocational Rehabilitation or Blind Services Program:

~~a. The employee has been referred to the employing agency by the department and division responsible for vocational rehabilitation or the blind services program.~~

~~b. The agency maintains the agreement between itself and either the department and division responsible for vocational rehabilitation or the blind services program.~~

4. Agency Trainee Program:

~~a. The employee meets some, but not all, of the minimum qualifications and required entry level knowledge, skills, and abilities.~~

~~b. The agency maintains an outline of the proposed training program.~~

5. Return to Work Program:

~~a. The employee is participating in the return to work program due to an inability to perform a previous position resulting from an injury covered by workers' compensation.~~

~~b. The employee has been referred by the department and division responsible for the return to work program.~~

~~e. The agency maintains the agreement between itself and the department and division responsible for the return to work program.~~

Paragraph (3) of section 60L-33.0034, Criteria for Executive Search Firms, was changed as follows:

(3) Evidence of successful placements in the public sector for the preceding three years by level and type of placement.

DEPARTMENT OF MANAGEMENT SERVICES

Human Resource Management

RULE NO.: RULE TITLE:
60L-34.0061 Disability Leave
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules published in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly.

Paragraph (2) of Rule 60L-34.0061, Disability Leave, was changed to read as follows:

(a) An agency with reason to believe that an employee is unable to perform ~~essential functions of~~ assigned duties, or is otherwise interfering with the operations of the work unit, due to physical or mental illness or injury, shall request a report from the employee's doctor concerning the employee's abilities or require the employee to submit to a medical examination by a physician selected and paid for by the agency. The agency may place the employee on compulsory disability leave pending the physician's report. If the medical examination confirms that the employee is unable, ~~even after reasonable accommodations that do not impose an undue hardship on the agency~~ to perform essential functions of assigned duties, the agency shall continue or place the employee on compulsory disability leave or take action to remove the employee from the position, including dismissal. The employee shall be notified in writing of the duration of the disability leave and the conditions under which the employee will be allowed to return to employment.

(b) No change.

(c) If the employee remains unable to perform ~~essential job functions~~ at the end of an approved leave, ~~even after reasonable accommodations that do not impose an undue hardship on the agency~~ the agency, based on a current medical certification, shall either request the employee's resignation for reasons of inability to perform assigned duties, or dismiss the employee for cause based on inability to perform assigned duties.

(d) through (e) No change.

DEPARTMENT OF MANAGEMENT SERVICES

Human Resource Management

RULE NOS.: RULE TITLES:
60L-35.001 Scope and Purpose
60L-35.002 Career Pathing System
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules published in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly.

Section 60L-33.001, Scope and Purpose, was deleted as follows:

~~60L-35.001 Scope and Purpose.~~

~~This chapter sets forth the rules governing the public employee performance evaluation system, which shall be known as Career Pathing.~~

The title and paragraphs in Rule 60L-35.002, Elements of Career Pathing System, were changed as follows:

60L-35.002 Elements of Career Pathing System.

(1) The public employee performance evaluation ~~Career Pathing~~ system is hereby established and shall be known as Career Pathing.

(2) No change.

(3) An agency's Career Pathing system shall provide employees with a formal ~~performance~~ career pathing plan anchored to the core missions of the work unit and agency. The plan shall contain specific performance expectations and standards based on the duties of the position, and it shall address training opportunities for the employee. ~~Career pathing Performance~~ plans shall not account for all assignments and work expectations, but only those identified as critical or of high priority. Every employee is expected to demonstrate agency values of fairness, cooperation, respect, commitment, honesty, excellence, and teamwork. Agencies shall include this expectation in each formal career pathing ~~performance~~ plan, and agencies shall evaluate each employee's performance against this expectation, along with others the agency deems appropriate.

(4) through (5) No change.

DEPARTMENT OF MANAGEMENT SERVICES

Human Resource Management

RULE NOS.:	RULE TITLES:
60L-39.002	General Requirements
60L-39.003	Statewide Steering Committee
60L-39.004	Eligibility Criteria for Participation by Charitable Organizations
60L-39.006	Duties and Responsibilities of the Fiscal Agent
60L-39.007	Appeals

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules published in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly.

Paragraphs (5), (6), and (7) of section 60L-39.002, General Requirements, were changed to read as follows:

(5) Charitable organizations and federations shall not permit, plan, or conduct distribution of any materials, solicitation, or services within State facilities as part of the campaign, except for the campaign materials approved by the Steering Committee. Organizations and federations are

encouraged, however, to publicize their activities and solicit employee participation in the FSECC through the news media or other private outlets outside State facilities.

(6) A geographical area campaign brochure Charitable organizations shall not list ~~in the same geographical area campaign brochure~~ both the state or national charitable organization and its local affiliate or other subunit. Similarly-named organizations shall not be listed, unless the Steering Committee determines they do not deliver services to overlapping or identical geographical areas. In cases where dual listings occur, and the organizations cannot resolve the issue themselves, the Steering Committee shall grant preference for listing in the following order: (a) local, (b) state, and then (c) national.

~~(7) For purposes of determining eligibility to participate in the FSECC, the Department shall not deem lobbying legislative bodies as a political activity.~~

Section 60L-39.003, Statewide Steering Committee, was changed to read as follows:

60L-39.003 Statewide Steering Committee.

The FSECC Steering Committee, whose members shall serve staggered four-year terms, shall:

(1) through (4) No change.

Subparagraph (1)(d) of section 60L-39.004, Eligibility Criteria for Participation by Charitable Organizations, was changed to read as follows:

(d) The organization must have reasonable expenses for fundraising. ~~The Steering Committee reserves the right to access organization fundraising and administrative cost report records from the Florida Division of Consumer Services.~~ Where administrative and fundraising expenses exceed 25%, the organization must demonstrate extraordinary circumstances that justify the expense ratio. ~~If the ratio is over 50%, or if it exceeds 25% for two consecutive years, the organization is not eligible to participate in the FSECC.~~

Paragraph (1) of section 60L-39.006, Duties and Responsibilities of Fiscal Agent, was changed to read as follows:

(1) The state fiscal agent, which the Department shall select through competitive procurement, shall provide state level coordination of the campaign and oversee the activities of area fiscal agents, which receive, account for, and distribute charitable contributions among participating charitable organizations. ~~The state fiscal agent coordinator~~ shall ensure that campaign brochures and materials treat all participating organizations and federations equally and fairly. Campaign brochures shall provide fair listing order and the same type, size, and color print for all participating organizations and for all federations.

Section 60L-39.007, Appeals, was changed to read as follows:

(1) An A-disappointed applicant declared ineligible to participate in the campaign by the Steering Committee may (a) submit additional information to the Steering Committee

within five working days after receipt of notice of ineligibility or (b) appeal within seven working days of notice. An applicant declared ineligible after submitting additional information may appeal within seven working days after the receipt of the new notice.

(2) All appeals shall be concluded by June 30 ~~July 15~~ to allow timely publication of authorized participating organizations in the FSECC brochures.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-20.010
 RULE TITLE: Disciplinary Guidelines
 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. 36, September 7, 2001, issue of the Florida Administrative Weekly. The changes are in response to written comments received from the Joint Administrative Procedures Committee.

Subsection (2) of the proposed rule has been changed so that when it is adopted it will read:

(2) AGGRAVATING AND MITIGATING CIRCUMSTANCES. The department shall be entitled to deviate from the disciplinary guidelines provided by this rule upon a showing of aggravating or mitigating circumstances by clear and convincing evidence presented to the department prior to the imposition of a final penalty. The department must make a specific finding of mitigating or aggravating circumstances in order to deviate from the disciplinary guidelines. Based upon consideration of the facts present in an individual case, the department shall consider the following factors in aggravation and mitigation when deviating from the disciplinary guidelines set forth in this rule:

- (a) Danger to the public;
- (b) Physical or financial harm resulting from the violation;
- (c) Prior violations committed by the subject;
- (d) Length of time the registrant or licensee has practiced;
- (e) Deterrent effect of the penalty;
- (f) Correction or attempted correction of the violation;
- (g) Effect on the registrant's or licensee's livelihood;
- (h) Any efforts toward rehabilitation;
- (i) Any other aggravating or mitigating factor which is directly relevant under the circumstances.

The remainder of the rule will read as published.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-5.002
 RULE TITLE: Criteria for Approval

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced rule amendment, as noticed in Vol. 27, No. 25, of the Florida Administrative Weekly on June 22, 2001 is hereby withdrawn.

**Section IV
 Emergency Rules**

NONE

**Section V
 Petitions and Dispositions Regarding Rule
 Variance or Waiver**

DEPARTMENT OF INSURANCE AND TREASURER

NOTICE IS HEREBY GIVEN that the Department of Insurance and Treasurer has received, pursuant to Section 120.542, Florida Statutes, a Petition for Emergency Temporary Waiver of Rule 4-190.061, F.A.C., from the Florida Rural Electric Self-Insurer's Fund concerning the retention level for self-insurers.

Comments on this Petition should be filed with the Division of Legal Services, Room 612, Larson Building, Tallahassee, Florida 32399-0333, within 14 days of publication of this notice.

For a copy of the Petition contact S. Marc Herskovitz at the above address, or telephone number (850)413-4122.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department has issued a Final Order in response to the Petition for Waiver filed by the CITY OF MIAMI. This petition was assigned the number DCA01-WAI-154. Notice of this petition appeared in the October 26, 2001, edition of the Florida Administrative Weekly. It is ordered that the Petition for Waiver by Petitioner CITY OF MIAMI be, and by this Final Order is, hereby DENIED.

A copy of the Final Order may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on November 6, 2001, the South Florida Water Management District (District) received a petition for waiver from the City of Lauderhill, for utilization of Works or Lands of the District known as the C-13 Canal, Broward County. The petition seeks relief from paragraph 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