

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the commission with respect to any matter considered at this hearing, he will need a record of proceedings, and for such purposes, 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68E-3.004 Review, Expiration, Revocation, Penalty.

(1) Permit applications will be reviewed and approved by the Directors of the Divisions of Law Enforcement and Marine Fisheries or designated representatives thereof. All approved permit holders are required to notify the Division of Law Enforcement office nearest the collection area prior to each collection trip.

(2) ~~Permits may be issued at any time during the year. All Permits are valid for up to one year from the date of issuance and may be renewed by application in the same manner as for the original permit automatically expire January 31 of each year and are renewable in writing each year.~~ Permits are nontransferable.

(3) Permits may be forfeited and revoked for cause by the Commission. Cause for forfeiture or revocation would include, but not be limited to, violating or otherwise failing to comply with the provisions of Rule 68E-3.

Specific Authority ~~Art. IV, Sec 9, Fla. Const. 370.02, 370.021 FS.~~ Law Implemented ~~Art. IV, Sec 9, Fla. Const. 370.101(2),(3), 370.021 FS.~~ History—New 11-27-80, Amended 8-6-81, Formerly 16B-43.04, 16B-43.004, 16R-3.004, 62R-3.004, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2002

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF BANKING AND FINANCE

##### Division of Securities and Finance

RULE NOS.:	RULE TITLES:
3C-560.902	Definitions
3C-560.903	Deferred Presentment Transactions
3C-560.907	Database Access
3C-560.908	Database Transaction Requirements
3C-560.909	Database Availability
3C-560.910	Database Transaction Fees
3C-560.911	Database Dispute Resolution for Customers
3C-560.912	Database Confidentiality

#### NOTICE OF CHANGE

Notice is hereby given that the Department has made the following changes to the above referenced rules, which were originally published in the January 28, 2002, Vol. 28, No. 3, issue of the Florida Administrative Weekly, based on comments made at the public hearing and written materials received by the Department.

3C-560.902 Definitions.

(1) The term “provider” means a deferred presentment provider as defined by Section 560.402(5), F.S.

(2) The term “close of business” means the time of day that a provider closes its office to the public ceases operations for that calendar day.

(3) The term “database” means the Department administered transactional database authorized by Section 560.404(23), F.S.

(4) The term “database vendor” means the vendor, which contracted with the Department for the purpose of developing and administering the daily operations of the database.

(5) The term “registered” means that a deferred presentment provider has provided to the database the information required to identify a valid deferred presentment transaction.

(6) The term “recorded” means that the database has assigned a transaction authorization number to a registered transaction, logged it as an open transaction, and communicated the transaction authorization number to the deferred presentment provider.

~~(7) The term “uniform service agreement” means the required uniform agreement executed between the database vendor and each provider outlining the terms of service regarding database usage by providers.~~

~~(7)(8)~~ The term “consumer credit counseling” means a confidential comprehensive personal money management review, including budget counseling resulting in a written

assessment of the client's financial situation by the consumer credit counselor which includes a suggested client action plan based upon a range of options chosen according to the best interests of the client. The suggested client action plan may include: the client handling their financial concerns on their own; enrollment in a debt repayment plan managed by the credit counseling agency; and/or information about bankruptcy other than legal advice.

(8) The term "notice" means written communication to the last address provided to the Department by regular mail, electronic mail, or facsimile; provided that notice to the Department must be to the DPP Database Contract Manager, Department of Banking and Finance, by mail to 101 East Gaines Street, Tallahassee, Florida 32399-0350, or by electronic mail to electronic\_licensing@mail.dbf.state.fl.us, or by facsimile to DPP Database Contract Manager, Department of Banking and Finance, (850)410-9279.

(9) The term "open transaction" or "open" means a transaction which has been registered and recorded but not terminated or pending.

(10) The term "pending transaction" or "pending" means an open transaction that is in the process of clearing the banking system, in the 60-day grace period pursuant to Section 560.404(22)(a), F.S., or returned to the provider pursuant to Section 560.406, F.S.

(11) The term "closed transaction" or "close" means a transaction terminated as provided in Rule 560.903(1), F.A.C.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.402, 560.404 FS. History--New 12-17-01, Amended \_\_\_\_\_.

3C-560.903 Deferred Presentment Transactions.

(1)(a) A deferred presentment transaction shall be considered terminated at such time as the check that is the basis of the deferred presentment agreement has been:

1. Redeemed by the drawer by payment to the provider of the face amount of the check in cash;
2. Exchanged by the provider for a cashier's check or cash from the drawer's financial institution;
3. Deposited by the provider and such provider has evidence that such check has cleared in accordance with subsection (2);
4. Collected by the provider through any civil remedy available under Part IV of Chapter 560, F.S.; or
5. Collected by means of a repayment plan between the drawer and the provider or as the result of credit counseling where the provider has been paid the amount required under such plan.

(b) In the event that the amount collected from the drawer exceeds the face amount of the check, the provider shall notify the drawer that he or she may retrieve such excess at the provider's location where the initial agreement between the drawer and provider was executed.

(2)(a) The drawer shall provide evidence to the provider that his or her check that was the basis of a previous deferred presentment transaction has cleared the drawer's account at least 24 hours prior to entering into a new deferred presentment transaction (except that the provider may obtain such evidence as provided in subparagraph 4. below). Evidence of a check having cleared the drawer's account may include, but shall not be limited to:

1. A copy of the drawer's bank statement showing the check has cleared;
2. The canceled check or a copy of the canceled check;
3. A copy of any other record provided by the drawer's financial institution or electronic network to which that financial institution subscribes such as an ATM inquiry that shows the check to have cleared; or
4. A verbal representation from the drawer's financial institution to the provider that the drawer's check has cleared, if the drawer's financial institution will provide such representation.

(b) Upon receipt of evidence that a drawer's check that is the basis of a previous deferred presentment transaction has cleared, the provider shall immediately update the database to close the transaction. The provider who deposited the drawer's check is the only provider that can close ~~out~~ the transaction on the database.

(c) The provider shall retain a copy of the evidence presented by the drawer, which it relies upon to terminate an existing deferred presentment transaction ~~or to enter into a new transaction.~~

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History--New \_\_\_\_\_.

3C-560.907 Database Access.

(1) The database vendor shall operate and maintain a website with the URL and domain name www.FLADPP.com on behalf of the Department, which shall be the means by which real-time access to the database is made available through an internet connection for providers to comply with Part IV, Chapter 560, F.S. The database vendor shall operate and maintain the database and shall give providers access to the database on the following terms and conditions:

(a) A provider shall designate to the database vendor a security administrator to assign employee user identification numbers and passwords to employees authorized by the provider to register transactions on the database, to maintain provider information on the website and database, and to ensure the accuracy of database transaction information, including that the user identification and password for the employee are associated with the appropriate location from which the transaction is conducted, except for a new location as provided in Sections 560.307(2) or 560.208(2), F.S. Only the security administrator identification and password will be administered by the database vendor. The provider's security

administrator will be responsible for all other employee user identification numbers and passwords within the provider's organization.

1. If the security administrator needs to be changed or a new security administrator needs to be designated, the provider shall request those changes from the database vendor.

2. If the security administrator forgets the password, the provider shall request the database vendor to reset the password;

(b) A provider's security administrator will not have access to the database until he or she has been certified by the database vendor. The database vendor shall initially provide certification to the provider for one security administrator at no cost. A provider may have one replacement security administrator certified by the database vendor per year at no cost;

~~(c)(1) A provider shall be Every person who engages in deferred presentment transactions with drawers located in the State of Florida after the time that the database becomes available shall, prior to conducting such transactions:~~

~~(a) Be and remain registered licensed pursuant to Part II or Part III of Chapter 560, F.S., and provide a "Declaration of Intent to Engage in Deferred Presentment Transactions" together with the required fee to the Department as provided by Rule 3C-560.108, F.A.C.;~~

~~(b) Enter into the uniform service agreement with the database vendor which agreement shall be legally binding and in full force and effect at the time of the transactions. A copy of such agreement shall be maintained by the provider;~~

~~(d)(e) Upon being given notice by the database vendor of the database being available to register existing open transactions, a provider shall accurately enter all required information required by into the database regarding each such open all open deferred presentment transactions, entered into on or after October 1, 2001, upon being given notice by the database vendor of the database being available to accept such open transactions; and~~

~~(e)(f) Thereafter, a provider shall accurately enter all new deferred presentment transactions into the database in accordance with the provisions of Rule 3C-560.908, F.A.C.~~

(2)(a) Every primary business location of a deferred presentment provider, and every branch office location of which the Department has been notified of, shall be permitted to register transactions on the database. The Department will provide the database vendor with nightly updates Monday through Friday of each week regarding primary business and branch office locations.

(b) It will be the responsibility of each provider's designated security administrator to assign user identification numbers and passwords to those employees at new branch office locations who may register deferred presentment transactions on the database after Form DBF-MT-2-01 (Location Notification Form) as to notice of such branch office location has been provided to the Department.

(3) The database vendor will make available limited predefined reporting capabilities to providers, but under no circumstances will these reporting capabilities extend beyond transactions entered by that provider. Any provider may request additional predefined reports from the database vendor, but the database vendor shall have discretion to deny these requests. Any reports made available on the database designed by the database vendor for one provider shall be made available to all providers.

(4) A provider's access to the Department's database, including all locations of such provider, will be restricted by the database vendor at such time as the Department provides notice to the database vendor via the nightly registration information update or electronic mail that the provider's:

(a) Registration pursuant to Part II or Part III of the code is surrendered, revoked, expired, rendered inactive or the registrant is denied renewal of such licensure; or

(b) "Declaration of Intent to Engage in Deferred Presentment Transactions" is not renewed with the Department.

(5) Any provider who has had its access to the Department's database restricted shall not have access reinstated until the next business day following resolution of the issue which caused the restriction.

~~(6) The database vendor may restrict a provider's access to the database after giving final written notice of not less than ten (10) business days for any material breach of the uniform service agreement between the provider and the database vendor which breach has not been cured within the 10-day period. The database vendor shall reinstate the provider's access to the database within one (1) business day from the time the provider has taken the necessary action to be in compliance with the uniform service agreement.~~

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History—New\_\_\_\_\_.

### 3C-560.908 Database Transaction Requirements.

(1) Each deferred presentment transaction shall be registered with the database and receive a transaction authorization number evidencing the transaction as being recorded in the database prior to a provider giving currency or a payment instrument (Part II registrants only) to the drawer except as set forth in Rule 3C-560.909, F.A.C. The purpose of this database is to:

(a) Prevent the practice of rollover transactions;

(b) Prevent simultaneous deferred presentment transactions with multiple providers by an individual drawer; and

(c) Prevent a new deferred presentment transaction by a drawer within 24 hours of the termination of a prior transaction.

(2) The provider will begin each transaction by:

(a) Accessing the database using the assigned user identification and password provided to each employee by the security administrator for the provider;

(b) Conducting a search of the database based upon either a social security number, alien registration number, or ITIN number of the person seeking a new deferred presentment transaction. The database will provide the result of the search indicating whether the person is eligible or ineligible to enter into a new deferred presentment transaction;

(c) If the person is eligible for a new deferred presentment transaction, the provider may submit all of the required information on a person necessary to have the transaction registered on the database; and

(d) Once all of the required information has been submitted to the database, the database will re-verify the search. If the drawer's eligibility is confirmed, the deferred presentment transaction will be recorded as open, assigned a transaction authorization number, and the transaction authorization number will be communicated to the provider as evidence that the transaction has been authorized by the database. The provider shall place the transaction authorization number on the deferred presentment agreement.

(3) Providers may cancel a deferred presentment agreement before the close of business on the date of the transaction without incurring a transaction fee; ~~but the database transaction fee shall still be assessed to the provider.~~ If a provider elects to cancel a deferred presentment agreement with a drawer, the provider shall not assess either the transaction fee or the verification fee to the drawer. The provider shall update the transaction fields to indicate that no fees were charged to the drawer and close the transaction on the database.

(4) Providers shall update open transactions on the database to ensure that all identifying information regarding both the drawer and the transaction are accurate, including any comments on the transaction, which the provider deems relevant. A provider shall also update the database by entering a pending reason when:

(a) The check that is the basis of the deferred presentment agreement has been deposited by the provider, in which case, the date on which the check was deposited shall also be entered;

(b) A drawer has requested the 60-day grace period in accordance with Section 560.404(22)(a), F.S.; and

(c) The drawer's check is returned to the provider as not collected.

(5) Providers shall be responsible for closing all transactions on the database when the transaction has terminated, in which case, the provider shall input the date and time a transaction closes, as well as the payment method, unless the provider has previously entered such payment method.

(6) Any inquiry that results in the person being deemed ineligible by the database will provide a printable message notice with a description of the reason for the determination together with the name, address and toll-free support number of the database vendor, 1-877-FLA-DPPI. At a minimum, the description shall state that the person is ineligible because he or she: (a) has an open transaction with the inquiring provider; (b) has an open transaction with another provider; or (c) has terminated a prior transaction within 24 hours of the inquiry. A copy of the printable message ~~The notice~~ shall be provided to the person at the any time the database renders a determination that the person is not eligible to enter into a new deferred presentment agreement.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History—New\_\_\_\_\_.

3C-560.909 Database Availability.

(1) The database shall be accessible 24 hours a day every day of the year except for routine scheduled system maintenance and upgrades performed by the database vendor. During times of scheduled maintenance or system upgrades, providers will be given no less than 24 hours notice in the form of electronic mail to the designated security administrator for each provider, or a broadcast message on the website.

(2) In the event the database is unavailable, providers shall adhere to the following procedures:

(a) The provider shall confirm that the database remains unavailable by attempting to access the database with every person seeking a new deferred presentment transaction unless they have been notified via electronic mail by the database vendor of an expected period of time necessary to correct whatever problem is causing the database to remain unavailable;

(b) The provider shall then contact the database vendor's toll-free help desk or voice response AVR (Automated Voice Response) system to obtain a temporary transaction authorization number directly from the database vendor; and

(c) Within 24 hours of obtaining the temporary transaction authorization number from the database vendor, the provider shall accurately enter the remaining transactional data into the database.

(3) In the event that either the Department or the database vendor notifies the provider that the database is unavailable and that all alternative methods for registering a transaction and receiving a transaction authorization number are also unavailable;

(a) The provider shall be authorized to conduct transactions during the specific period of unavailability, after receiving written authorization, via electronic mail or facsimile from either the Department or the database vendor with the Department's consent.

(b) Copies of the written authorization for any transactions conducted during such an unavailability period must be attached to the deferred presentment agreement for those transactions. One copy shall be provided to the drawer and another copy shall be kept as an audit record for the provider.

(c) Transactions created during a period of authorized unavailability must be registered with the database within 24 hours of notification, by the database, that the database is available; provided, however, that if the database is unavailable for more than 24 hours, then the period for registration shall be extended by 24 hours for each additional 24-hour period of unavailability.

(d) Once the transaction has been registered with the database, the transaction number assigned to that transaction must be placed on the provider's record copy of the deferred presentment agreement signed by the drawer for that transaction. If the drawer requests that transaction number, at any time, the provider must provide it to the drawer.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History--New\_\_\_\_\_.

3C-560.910 Database Transaction Fees.

(1) The database transaction fee shall be \$1.00 per transaction. A provider shall be assessed this fee for each transaction that has been both registered and recorded on the database. On behalf of the Department, the database vendor shall electronically submit an invoice to the provider for its transaction fees at least five (5) days before payment is due and the provider shall pay each such invoice within five (5) days of the invoice date. The database vendor shall submit such invoices for payment to the provider every seven (7) days.

(2) The database vendor shall collect all transaction fees on behalf of the Department. A provider has the option of paying for transactions by ACH payment to be initiated by the database vendor, at no cost to the provider; by EFT to be initiated by the provider, at the provider's expense; or by any other commercially electronic methods of payment. If the provider elects to pay by ACH, the provider must sign a form authorizing the database vendor to initiate debit entries for transaction fees and to initiate, if necessary, credit entries and adjustments for any debit entries made in error to the provider's bank account. The database vendor shall be responsible for all billing and collection of database usage fees from providers. The frequency and method of collection shall be included in the uniform service agreement between the vendor and provider.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History--New\_\_\_\_\_.

3C-560.911 Database Dispute Resolution for Customers.

(1) Any inquiry into the database where the person is deemed ineligible for a new deferred presentment transaction will provide a printable message notice describing the reason the person was deemed ineligible together with the toll-free

support number of the database vendor. The provider shall provide a copy of the message notice to the person any time the database deems the person to be ineligible for a new deferred presentment transaction.

(2) Only the person deemed ineligible may make a direct inquiry to the database vendor via the toll-free customer support number printed on the message notice.

(3) Any person deemed ineligible by the database may seek to dispute the determination by following the dispute resolution procedures of the database vendor.

~~(4) The In accordance with the terms of the uniform service agreement, the database vendor shall request any additional information from the person and the provider, regarding any negative eligibility determination, that the database vendor deems necessary.~~

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History--New\_\_\_\_\_.

3C-560.912 Database Confidentiality.

(1) Inquiries to the database by providers shall only state that a person is eligible or ineligible for a new deferred presentment transaction together with a description of the reason for such determination. Only information previously registered and recorded by the provider on the database shall be made available to the provider by the database, the database vendor, or the Department.

(2) Only the person seeking the deferred presentment transaction may make a direct inquiry to the database vendor to request a more detailed explanation of a particular transaction that was the basis for the database's ineligibility determination.

(3) Any information regarding any person's transactional history is confidential pursuant to Section 560.4041, F.S., and shall not be released to the public.

~~(4) Providers shall be able to receive reports prepared by the system, but only for transactions entered by that provider.~~

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History--New\_\_\_\_\_.

**DEPARTMENT OF INSURANCE**

RULE NO.:	RULE TITLE:
4-157.007	Conditions of Eligibility
	NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule(s), as noticed in Vol. 27, No. 41, October 12, 2001, of the Florida Administrative Weekly, have been withdrawn.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9B-72	Product Approval
RULE NOS.:	RULE TITLES:
9B-72.010	Definitions
9B-72.030	Local Product Approval Generally

9B-72.040	Product Evaluation and Quality Assurance for Local Approval
9B-72.045	Validation of Evaluation for Local Approval
9B-72.050	Product Approval by Local Jurisdiction
9B-72.060	Optional Statewide Approval Generally
9B-72.070	Product Evaluation and Quality Assurance for Optional Statewide Approval
9B-72.080	Product Validation by Approved Validation Entity for Optional Statewide Approval
9B-72.090	Product Approval by Building Commission
9B-72.100	Approval of product evaluation entities, product validation entities, testing laboratories, certification agencies, quality assurance agencies and accreditation bodies
9B-72.110	Criteria for certification of independence
9B-72.120	List of approved product evaluation entities, validation entities, testing laboratories, certification agencies, quality assurance agencies and accreditation bodies
9B-72.130	Forms
9B-72.160	Revocation or Modification of Product Approvals and Entity Certifications
9B-72.170	Investigation
9B-72.180	Equivalence of Standards
9B-72.190	Reference Standards

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. 31, August 3, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received at public hearing.

9B-72.010 Definitions.

The following terms have the meanings indicated.

(1) No change.

(2) Approved accreditation entity body means a Commission approved, third party entity, which initially accredits and subsequently monitors, on a continuing basis, the competency and performance of an agency related to carrying out specific tasks.

(3) through (12) No change.

(13) Comparative analysis means an engineering analysis that may ~~include~~ be interpolation based on testing of a product.

(14) Evaluation means an assessment ~~a comparison~~ of product conformance to the Code ~~compliance~~ by comparing against standards or intent of the Code using ~~by~~ testing or comparative analysis or rational analysis or a combination thereof.

(15) Evaluation report means a report based upon testing or comparative or rational analysis, or combination thereof, from an approved product evaluation entity or a professional engineer or architect licensed in this state indicating that the product was evaluated to be in compliance with the Code or the intent of the Code and that the product complies with the Code or is, for the purpose intended, at least equivalent to that required by the Code.

(16) Inspection means conformity evaluation to the applicable Code section by observation and judgment accompanied as appropriate by measurement, testing or gauging or any other method that will allow for determination of appropriate method for determining ~~appropriate method for determining~~ compliance with the Code.

(17) No change.

(18) Labeled means devices, equipment or materials to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards. Products to which a label, seal or symbol cannot be directly affixed shall be labeled by affixing the label, seal or symbol to both its primary and aggregate packaging.

(19) Listed means equipment or materials included in a list published by a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner. The means for identifying listed equipment may vary for each testing laboratory, inspection agency or other organization concerned with product evaluation, some of which do not recognize equipment as listed unless it is also labeled. The building official should use the system employed by the listing organization to identify a listed product.

~~(20) Peer review means a documented review by a registered architect or licensed professional engineer of the work performed by another registered architect or professional engineer.~~

~~(20)(21)~~ Product means any individual type of manufactured goods ~~product~~, system or method of construction.

~~(21)~~(22) Product Approval:

(a) Local product approval means the acceptance of the product for local use after review, performed by the building official or designee, of the method used to demonstrate that the product complies with the Code, including the use of approved product evaluation entities, testing laboratories, quality assurance entities and certification agencies. Information that addresses the requirements of the Code and the product or material is suitable for use in the location and project where it is proposed must be verified. The issuance of a signed permit denotes approval of any product shown on the approved construction documents on which the permit is based. Approval may be by inspection of ~~the approved~~ certification marks of approved certification agencies.

(b) Statewide product approval means the approval by the Commission for acceptance of a product on a statewide or regional basis consistent with that approval.

~~(22)~~(23) Rational analysis means a standardized or non-standardized method by which a Florida Registered Architect or Florida Professional Engineer uses mathematical or scientific analysis to evaluate the product behavior and to demonstrate that the product evaluated complies with the code for which the evaluation or engineering report is issued. Rational analysis shall be performed in accordance with well-established principles of mechanics and sound engineering practices.

~~(23)~~(24) Scope of Accreditation means the specific test standards, calibration services or other functions for which the organization is accredited.

~~(24)~~(25) Standard means a prescribed set of rules, conditions, or requirements concerning: definition of terms; classification of components; specification of materials, performance, or operation; delineation of procedures for measure the quantity or quality of materials, products, systems, services, or practices referenced in the Code.

~~(25)~~(26) Standardized test means a specified technical procedure for performing a test.

~~(26)~~(27) Structural component means any part, ~~material~~ or assembly of a building or structure used or intended to support or shelter any use or occupancy, and which affects the safety of such building or structure or which supports any dead or designed live load and the removal of which part, material or assembly could cause, or be expected to cause, all or any portion to collapse or to fail, or both.

~~(27)~~(28) Test means a technical operation that consists of the determination of one or more characteristics of a given product, process or service according to a specified procedure.

~~(28)~~(29) Test report means a report from an approved testing laboratory ~~or approved certification agency~~ which provides performance data showing compliance with a code requirement to a referenced standard as determined by a

referenced standard test or equivalent pursuant to Rule 9B-72.180, F.A.C., and which identifies which products are covered by the report and limitations on the products' use.

~~(29)~~(30) Third party means an entity independent of the manufacturer (first Party) and the buyer (second party) certified in accordance with Rule 9B-72.110, F.A.C.

~~(30)~~(31) Validation means determination of compliance pursuant to Rule ~~9B-72.050~~ 9B-72.045, F.A.C., for local approval and Rule 9B-72.080, F.A.C., for statewide approval.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History—New \_\_\_\_\_.

## 9B-72.030 Local Product Approval Generally.

All products are subject to approval by the authority having jurisdiction. Approval requires evaluation of product compliance with the Code by a method listed in Rule 9B-72.040, F.A.C., and validation of the evaluation as required by Rule ~~9B-72.045~~ 9B-72.080, F.A.C. Validation shall be by the authority having jurisdiction.

Specific Authority 553.842(1) FS. Law Implemented 553.842(5),(6),(8) FS. History—New \_\_\_\_\_.

## 9B-72.040 Product Evaluation and Quality Assurance for Local Approval.

(1) Compliance can be demonstrated through one of the methods established in subsection Rule 9B-72.040(2)-(4), F.A.C.; Local approval of products listed in subsection 9B-72.060(1)-(8), F.A.C., must be evaluated by the methods in subsection 9B-72.040(3)-(4), F.A.C., except; that panel walls, exterior doors, roofing, skylights, windows, shutters and

(a) Structural components covered by United States Department of Commerce Product Standards; and

(b) Structural components comprised of materials or products that are assembled or placed in the field and are subject to standardized field testing procedures contained within nationally recognized standards adopted within the Code may demonstrate compliance by a batch ticket or bill of lading made available at the site of assembly or placement must be evaluated by either Rule 9B-72.040(3) or 9B-72.040(4), F.A.C.

(2) Method 1. Products, except as provided in subsection Rule 9B-72.040(1), F.A.C., which are specifically addressed in the code through prescriptive provisions, may be approved for use in accordance with the building plan review and inspection process.

(3) Method 2. Products specifically addressed in the code through performance criteria and standardized testing or comparative or rational analysis methods, which cannot be approved through subsection 9B-72.040(2), F.A.C., the plan review and inspection process, shall demonstrate compliance with the Code through one of the following.

(a) A certification mark or listing from an approved certification agency indicating the product is in compliance with a specific standard or other normative document referenced in the Code.

(b) A test report from an approved testing laboratory, which identifies which products are covered by the test report and provides verifiable documentation indicating the product ~~or material~~ tested complies with the standards referenced in the Code and the product is manufactured under a quality assurance program audited by an approved quality assurance entity.

(c) An evaluation report from an approved product evaluation entity that covers the subject product and, based on testing or comparative or rational analysis, or combination thereof, ~~and~~ indicates that the product was evaluated to be in compliance with the intent of the Code and the product is manufactured under a quality assurance program audited by an approved quality assurance entity and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(d) An evaluation report from a Florida Registered Architect or a Florida Professional Engineer developed and signed and sealed, based upon testing or comparative or rational analysis, or a combination thereof which provides verifiable documentation indicating the product was evaluated to be in compliance with the Code and that the product is, for the purpose intended, at least equivalent to that required by the Code and is manufactured under a quality assurance program audited by an approved quality assurance entity and indicates that the product was evaluated to be in compliance with the intent of the Code and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(4) Method 3. Products for which there are no specific standardized tests or comparative or rational analysis methods of evaluation established as required by the Code shall demonstrate compliance with the intent of the Code through one of the following:

(a) An evaluation report from an approved product evaluation entity that covers the subject product based on testing or comparative or rational analysis, or combination thereof, which provides verifiable documentation indicating the product was evaluated to be in compliance ~~complies~~ with the intent of the Code and the product is, for the purpose intended, at least equivalent to that required by the Code and is manufactured under a quality assurance program audited by an approved quality assurance entity.

(b) An evaluation report from a Florida Registered Architect or a Florida Professional Engineer developed and signed and sealed, based upon testing or comparative or rational analysis, or a combination thereof which provides verifiable documentation indicating the product was evaluated to be in compliance ~~complies~~ with the Code and that the product is, for the purpose intended, at least equivalent to that

required by the Code and is manufactured under a quality assurance program audited by an approved quality assurance entity.

(5) Evaluation Report and Test Report ~~and Certification Agency Documentation Requirements.~~

All evaluation reports required in subsection Rule 9B-72.040(3)-(4), F.A.C., shall contain the information listed below. Design drawings submitted for permitting purposes are not an evaluation report and do not require this information.

(a) Name, address and phone number of the manufacturer, and the approved evaluation entity or approved testing laboratory.

(b) Statement of compliance with the appropriate section or standard of the Code.

(c) Description of the product, construction method or building system.

(d) Technical documentation supporting the compliance statement.

(e) Installation requirements.

(f) Limitations and conditions of use.

(g) Certification of independence in conformance with Rule 9B-72.110, F.A.C.

(h) Name, title and signature of person authorized to sign on behalf of entity or signature, registration number and seal in the case of architects and engineers.

~~(i) Copy of certification mark applied to products designating compliance with specific standards where such marks are used.~~

~~(j) Demonstration of listing of product where products are listed.~~

(6) The following documents shall be submitted for approval of listed products or products bearing a certification mark or an approved certification agency as complying with the standards established by the Code.

(a) Name, address and phone number of manufacturer and certification agency.

(b) Manufacturer's product model number or identifier and product description.

(c) Indication of the standard the product was tested to.

(d) Performance level of the product and conditions or limitations of use.

Specific Authority 553.842(1) FS. Law Implemented 553.842(5),(6),(8) FS. History—New \_\_\_\_\_.

9B-72.045 Validation of Evaluation for Local Approval. Validation of compliance with the Code shall be performed by approved validation entities through the following steps:

(1) Verification that the testing, evaluation and quality assurance requirements established by Rule 9B-72.040, F.A.C., are met and that all documentation is in order.

(2) Validation of the method of compliance using the validation checklist in subsection 9B-72.130(5), F.A.C.



(3) Certification of the building official that the documentation submitted for the product indicates the product complies with the Code.

Specific Authority 553.842(1) FS. Law Implemented 553.842(5),(6),(8) FS. History–New \_\_\_\_\_.

9B-72.050 Product Approval By Local Jurisdiction.

Approval of a product for local use shall be performed by the building code official or his/her designee by verifying that the product complies with the Code in accordance with Rule 9B-72.040, F.A.C.

(1) The authority having jurisdiction shall validate the method of compliance pursuant to Rule 9B-72.030, F.A.C.

(2) Upon acceptance of required documentation pursuant to subsection 9B-72.040(5) Rule 9B-72.030, F.A.C, the authority having jurisdiction may deem the product approved for use in accordance with its approval and limitation of use.

(3) Approval shall be valid until such time as the product changes significantly or the standards of the Code change or the approval is otherwise suspended or revoked. Changes to the Code shall not be construed as voiding the approval of products previously installed in existing buildings provided such products met building code requirements at the time the product was installed.

Specific Authority 553.842(1) FS. Law Implemented 553.842(8) FS. History–New \_\_\_\_\_.

9B-72.060 Optional Statewide Approval Generally.

Statewide approval requires evaluation of product compliance with the Code by a method listed in Rule 9B-72.070, F.A.C., validation of the evaluation as required by Rule 9B-72.080, F.A.C., and approval per Rule 9B-72.090, F.A.C. Validation of compliance with the Code shall be performed by approved Validation Entities. Approval shall be performed by the Commission. Approval by the Commission for statewide use shall be limited to the following products:

- (1) Panel Walls;
- (2) Exterior Doors;
- (3) Roofing Products;
- (4) Skylights;
- (5) Windows;
- (6) Shutters;
- (7) Structural components; and,
- (8) Products introduced as a result of new technology, or those of a type that have not previously been used in the State of Florida.

~~All products used in construction covered by the Code shall comply with the provisions or standards contained therein or with the intent of the Code.~~

Specific Authority 553.842(1) FS. Law Implemented 553.842(6) FS. History–New \_\_\_\_\_.

9B-72.070 Product Evaluation and Quality Assurance for Optional Statewide Approval.

(1) Method ~~1.2~~: Products specifically addressed in the code through performance criteria and standardized testing or comparative or rational analysis methods, which cannot be approved through the plan review and inspection process, shall demonstrate compliance with the Code through one of the following:

(a) A certification mark or listing from an approved certification agency indicating that the product is in compliance with the Code. Indication of compliance shall be by certification to standards adopted by the Code.

(b) A test report from an approved testing laboratory, which identifies which products are covered by the test report and provides verifiable documentation indicating the product ~~or material~~ tested complies with the Code and the product is manufactured under a quality assurance program audited by an approved quality assurance entity.

(c) An evaluation report from an approved product evaluation entity that covers the subject product and, based upon testing or comparative or rational analysis, or a combination thereof, ~~and~~ indicates that the product was evaluated to be in compliance with the intent of the Code and the product is manufactured under a quality assurance program audited by an approved quality assurance entity and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(d) An evaluation report from a Florida Registered Architect or a Florida Professional Engineer developed and signed and sealed, based upon testing or comparative or rational analysis, or a combination thereof and indicates that the product was evaluated to be in compliance with the intent of the Code and the product is manufactured under a quality assurance program audited by an approved quality assurance entity and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(2) Method ~~2.3~~: Products for which there are no specific standardized tests or comparative or rational analysis methods of evaluation established as required by the Code shall demonstrate compliance with the intent of the Code through one of the following:

(a) through (b) No change.

(3) Evaluation Report and Test Report ~~and Certification Agency~~ Documentation Requirements. All reports and documentation required in subsection Rule 9B-72.070(1) and (2)(a)-(d), F.A.C., ~~and Rule 9B-72.070(2)~~, F.A.C., shall contain the information listed below. Design drawings submitted for permitting purposes are not to be construed to be an evaluation report and do not require this information.

(a) through (h) No change.

~~(i) Copy of certification mark applied to products designating compliance with specific standards where such marks are used.~~

~~(j) Demonstration of listing of product where a product is listed.~~

(4) The following documents shall be submitted for approval of listed products or products bearing a certification mark or an approved certification agency as complying with the standards established by the Code.

(a) Name, address and phone number of manufacturer and certification agency.

(b) Manufacturer's product model number or identifier and product description.

(c) Indication of the standard the product was tested to.

(d) Performance level of the product and conditions or limitations of use.

Specific Authority 553.842(1) FS. Law Implemented 553.842(6) FS. History--New \_\_\_\_\_.

9B-72.080 Product Validation by Approved Validation Entity for Optional Statewide Approval. Validation of compliance with the Code shall be performed by approved validation entities through the following steps:

- (1) No change.
- (2) Validation of the method of compliance ~~pursuant to Rule 9B-72.080, F.A.C.~~, using the validation checklist in subsection Rule 9B-72.130(3), F.A.C.
- (3) No change.

(4) Products listed by approved certification agencies as complying with standards established by the Code shall be approved by the Commission absent compliance with this section.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History--New \_\_\_\_\_.

9B-72.090 Product Approval by the Commission.

(1) Approval of a product for statewide use shall be performed by the Commission through the following steps:

(a) A product manufacturer or owner of a proprietary system or method of construction, or its designee (applicant) shall apply to the Commission for product approval by filing an application in accordance with subsection Rule 9B-72.130(2), F.A.C., validated in accordance with Rule 9B-72.080, F.A.C. and submitting fees pursuant to subsection Rule 9B-72.090(2), F.A.C. Application shall be made through the Building Code Information System on the Internet and payment shall be by credit card.

- (b) No change.
- (c) Upon Commission acceptance of the required documentation pursuant to Rule 9B-72.070, F.A.C., and validation entity's certification of compliance with the Code pursuant to Rule 9B-72.080, F.A.C., a Florida Certificate of Product Approval shall be issued by the Commission indicating the product has been approved for use statewide in accordance with its approval and limitations of use.

(d) Approval shall be valid until such time as the product changes significantly or the standards or provisions of the Code affecting the product change or the approval is otherwise suspended or revoked.

- (2) Fees for optional statewide approval of products.
  - (a) Fee for approval, Three Hundred Dollars (\$300.00) Fifty Dollars (\$50.00) per product.
  - (b) through (c) No change.
  - (3) No change.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History--New \_\_\_\_\_.

9B-72.100 Approval of product evaluation entities, product validation entities, testing laboratories, certification agencies, ~~and~~ quality assurance agencies and accreditation bodies.

- (1) No change.
- (a) The following entities ~~are~~ recognized in Section 553.842(9)(a), F.S., are as approved product evaluation entities:
  - 1. through 5. No change.

- (b) No change.
- (c) Evaluation entities, other than architects and engineers registered in this state, shall apply to the Commission for approval as an evaluation entity by filing an application in accordance with subsection Rule 9B-72.130(1), F.A.C., and subsection 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and submitting fees pursuant to subsection Rule 9B-72.090(2), F.A.C.

(2) Approved Validation Entities.

(a) An entity shall be approved by the Commission as a validation entity if it is a Commission approved evaluation entity, testing laboratory or certification agency and it certifies to the Commission compliance with standards established by the Code or intent of the Code. Architects and engineers licensed in this state are also approved to conduct validation for the optional statewide approval.

(b) An entity may be approved as a validation entity after applying to the Commission for approval. Applications must be submitted in accordance with subsection 9B-72.130(1), F.A.C., and subsection 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., Section 8 and fees submitted pursuant to subsection 9B-72.090(2), F.A.C. section 14. Application shall be made through the Building Codes Information System on the Internet and payment shall be by credit card.

- (c) No change.
- (3) Approved Testing Laboratory Criteria. Approval by the Commission is limited to the scope of accreditation established by approved accreditation entities.
  - (a) No change.

(b) Testing laboratories shall apply to the Commission for approval by filing and application in accordance with subsection Rule 9B-72.130(1), F.A.C., and subsection 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and submitting fees pursuant to subsection Rule 9B-72.090(2), F.A.C.

(c) No change.

(4) Approved Certification Agency Criteria. Approval by the Commission is limited to the scope of accreditation established by approved accreditation entities.

(a) An entity shall be approved by the Commission as a certification agency if it complies with one of the following. Approval shall be limited to those procedures listed on the certificate of accreditation or accreditation listing issued by the accreditation body:

1. No change.

2. Certification Agencies accredited as meeting by Approved Product Evaluation Entities that meet the requirements of ISO/IEC Guide 65: General Requirements for Bodies Operating Product Certification Systems; or equivalent as certified by an approved product evaluation entity the accrediting entity

3. Certification Agencies accredited as meeting by other approved accreditation bodies that meet the requirements of ISO/IEC Guide 65: General Requirements for Bodies Operating Product Certification Systems; or equivalent as certified by other approved accreditation bodies the accrediting entity.

4. Lumber grading or inspection agencies approved by the American Lumber Standards Committee (ALSC) or equivalent, in accordance with United States Department of Commerce "Voluntary Product Standard: DOC PS 20-99," "American Softwood Lumber Standard."

(b) Certification Agencies shall apply to the Commission for approval by filing an application as provided by subsection Rule 9B-72.130(1), F.A.C., and subsection 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and submitting fees pursuant to subsection Rule 9B-72.090(2), F.A.C.

(c) Approvals shall be valid until such time as Commission approval requirements change, the certification agency no longer qualifies under current requirements or the approval is suspended or revoked.

(5) Approved Quality Assurance Agency Criteria. Approval by the Commission is limited to the scope of accreditation established by approved accreditation entities.

(a) An entity shall be approved by the Commission as a quality assurance agency if it complies with one of the following. Approval shall be limited to those procedures listed on the certificate of accreditation issued by the accreditation body.

1. Quality assurance agencies accredited as meeting by approved product evaluation entities that meet the requirements of ISO/IEC Guide TR 17020: 1998, General Criteria for the Operation of Various Types of Bodies Performing Inspection or equivalent as certified by an approved product evaluation entity accrediting entity.

2. Quality assurance agencies accredited as meeting by approved certification agencies that meet the requirements of ISO/IEC Guide TR 17020: 1998, General Criteria for the Operation of Various Types of Bodies Performing Inspection or equivalent as certified by an approved certification agency accrediting entity.

3. Quality assurance agencies accredited as meeting by other approved accreditation bodies that meet the requirements of ISO/IEC Guide TR 17020: 1998, General Criteria for the Operation of Various Types of Bodies Performing Inspection or equivalent as certified by other approved accreditation bodies an accrediting entity.

(b) Quality assurance agencies shall apply to the Commission for approval by filing an application in accordance with subsection Rule 9B-72.130(1), F.A.C., and subsection 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and submitting fees pursuant to subsection Rule 9B-72.090(2), F.A.C. Application shall be made through the Building Codes Information System on the Internet and payment shall be by credit card.

(c) No change.

(6) Approved Accreditation Body Criteria.

(a) The following are recognized by the Commission as approved accreditation bodies for accrediting testing laboratories, certification programs and quality assurance program auditors/inspection bodies:

1. Entities accrediting testing laboratories, certification agencies and quality assurance agencies pursuant to subsection 9B-72.100(3), (4) and (5), F.A.C.

~~2.4.~~ Bodies operating acceptance/accreditation programs for testing bodies pursuant to ISO/IEC Guide 58, Calibration and Testing Laboratory Accreditation Systems – General Requirements for Operation and Recognition.

~~3.2.~~ Bodies operating acceptance/accreditation programs for certification programs pursuant to ISO/IEC Guide 61, General Requirements for Assessment and Accreditation of Certification/Registration Bodies.

~~4.3.~~ Bodies operating acceptance/accreditation programs for quality assurance/inspection bodies pursuant to ISO/IEC Guide TR 17010: 1998, General Requirements for Bodies Providing Accreditation of Inspection Bodies.

(b) through (d) No change.

Specific Authority 553.842(9) FS. Law Implemented 553.842(9) FS. History—New \_\_\_\_\_.

9B-72.110 Criteria for certification of independence.

A certification of independence shall be provided by a ~~A~~ Florida registered architect or professional engineer as applicable or by an officer of the entity, agency or laboratory ~~that attests to~~ ~~shall attest to and certify~~ the following:

(1) through (2) No change.

(3) The Florida registered architect or professional engineer performing an evaluation ~~report~~ does not have nor will acquire, a financial interest in any company manufacturing or distributing products for which the reports are being issued.

(4) The Florida registered architect or professional engineer performing an evaluation ~~report~~ does not have nor will acquire, a financial interest in any other entity involved in the approval process of the product.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1),(9) FS. History–New \_\_\_\_\_.

9B-72.120 List of approved product evaluation entities, validation entities, testing laboratories, certification agencies, ~~and~~ quality assurance agencies and accreditation bodies.

The Commission shall make available a current list of approved product evaluation entities, testing laboratories, certification agencies, ~~and~~ quality assurance agencies and accreditation bodies on its web-site.

Specific Authority 553.842(14) FS. Law Implemented 553.842(14) FS. History–New \_\_\_\_\_.

9B-72.130 Forms.

The following forms are adopted for use in reference to the Product Evaluation and Approval System. Copies of these forms are available from the Department of Community Affairs, Codes and Standards Section, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399.

(1) through (3) No change.

(4) Florida Building Commission, Application for Local Product Approval.

(5) Florida Building Commission, Validation Checklist for Local Product Approval.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History–New \_\_\_\_\_.

9B-72.160 Revocation or Modification of Product Approvals and Entity Certifications.

(1) Product Approval Revocation or Suspension.

(a) No change.

(b) The Commission may suspend the approval of a product ~~any entity~~ based on any provision of subsection Rule 9B-72.160(1), F.A.C., until such time as the manufacturer demonstrates the product is currently in compliance with this document.

(c) through (d) No change.

(2) Revocation or suspension of evaluation entity, certification agency, testing laboratory, validation entity, quality assurance agencies or accreditation body approval.

(a) The Commission shall revoke or suspend the approval of any evaluation entity, certification agency, testing laboratory, quality assurance agency, or validation entity other than those specifically identified in s. 553.842(9)(a), F.S., ~~law~~ for one or more of the following reasons:

1. Failure to maintain accreditation by a Commission approved accreditation body.

2. Suspension or revocation of accreditation by a Commission approved accreditation body for failure to meet Commission accreditation standards or equivalent pursuant to Rule 9B-72.100, F.A.C. and Rule 9B-72.180, F.A.C.

3. through 7. No change.

(b) No change.

(c) ~~The Commission suspensions under~~ may suspend the approval of any evaluation entity, certification agency, testing laboratory, or validation entity based on subsection Rule 9B-72.160(2), F.A.C., shall remain in effect until such time as the entity demonstrates to the Commission that it is currently in compliance with said requirement.

(d) No change.

(e) The Commission shall clearly post the status of approved evaluation entity, certification agency, testing laboratory, validation entity, quality assurance agency and accreditation body approval, suspension or revocation on its web-site list of approved entities.

Specific Authority 553.842(15) FS. Law Implemented 553.842(15) FS. History–New \_\_\_\_\_.

9B-72.170 Investigations.

(1) Investigation of approved product non-compliance.

(a) through (c) No change.

(d) Substantially affected party complaints shall be based on one or more of the provisions of Rule 9B-72.160 ~~9B-71.160~~, F.A.C.

(2) Investigation of approved certification agency, evaluation entity, test laboratory or validation entity non-compliance.

(a) The Commission shall initiate an investigation of approved certification agency, evaluation entity, test laboratory, quality assurance agency or validation entity non-compliance on the basis of a written complaint including substantial material evidence provided by an substantially affected party.

(b) Investigation of approved certification agency, evaluation entity, test laboratory, quality assurance agency or validation entity deficiencies shall be conducted by its accrediting body.

(c) through (e) No change.

Specific Authority 553.842(15) FS. Law Implemented 553.842(15) FS. History–New \_\_\_\_\_.

9B-72.180 Equivalence of Standards.

(1) Equivalence of product standards. Where conformance to the code is based on standards then product evaluation shall rely on national and international consensus standards referenced in the Code. Product evaluation shall rely on national and international consensus standards referenced by the Code. Other standards which meet or exceed standards referenced by the Code, as determined by the Commission may be recognized as equivalent for determining Code compliance.

(2) No change.

Specific Authority 553.842(1) FS. Law Implemented 553.842(2) FS. History--New \_\_\_\_\_.

9B-72.190 Reference Standards.

(1) No change.

(2) International Organization for Standardization/ International Electrotechnical Commission, {ISO/IEC} Guide 65: 1996, General Requirements for Bodies Operating Product Certification Systems.

(3) through (4) No change.

(5) International Organization for Standardization/ International Electrotechnical Commission, {ISO/IEC} Guide 17025: 1999, General Requirements for the Competence of Testing and Calibration Laboratories.

(6) International Organization for Standardization/ International Electrotechnical Commission ISO/IEC Guide 58, Calibration and Testing Laboratory Accreditation Systems – General Requirements for Operation and Recognition.

Specific Authority 553.842(1) FS. Law Implemented 553.842(2) FS. History--New \_\_\_\_\_.

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: 10:05 a.m., March 26, 2002

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida

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

Florida Building Commission

RULE CHAPTER NO. 9B-74  
 RULE CHAPTER TITLE: Prototype Plan Review and Approval

RULE NO.: 9B-74.020  
 RULE TITLE: Administration and Fees

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. 50, December 14, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

9B-74.020 Administration and Fees.

(1) through (3) No change.

~~(4) Oversight and supervision shall be by a licensed Building Official.~~

Specific Authority 553.77(5) FS. Law Implemented 553.77(5) FS. History--New \_\_\_\_\_.

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., March 26, 2002

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida

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 TRANSPORTATION

RULE CHAPTER NO.: 14-98  
 RULE CHAPTER TITLE: Highway Traffic Safety Program

RULE NOS.: 14-98.003  
 14-98.005  
 14-98.008  
 RULE TITLES: Policy  
 Application and Award Procedures  
 Forms

SUMMARY OF CHANGE: The following changes are made in response to comments received from the Joint Administrative Procedures Committee:

1. 14-98.003(5) – Correction of a typographical error: The sentence is revised to add the word “how” between “. . . summarizes” and “the activities . . .”

2. 14-98.005(5)(a) – Include dates of publication: Wherever possible, the effective dates are added. The actual documents incorporated by reference and filed with the Department of State will be as they exist at the time of the filing.

3. Rule Section 14-98.005(5)(a)13. – Correction of title: The word “Completion” is changed to “Competition” to correct the title.

4. 14-98.005(5)(a)15. – The title of the document (definitions) should be inserted.: The word “Definitions” is added as requested.

5. 14-98.005(5)(a)16.-18. – Addition of titles: The titles are added as follows:

- “16.: Congressional Declaration of Goals and Policy
- 17.: Competition Requirements
- 18.: Congressional Finding and Declaration of Purpose”

6. Upon further review of the document listed in 14-98.005(5)(a)14., it was determined that the intent of that document was merely to prevent false statements from being made by applicants. Therefore, 14-98.005(5)(a)14. is being deleted and the subsequent numbers in that section, i.e. 15. through 20. are renumbered to 14. through 19., respectively.

7. 14-98.008 – Form revisions: In addition to the specific revisions to the rules themselves, several revisions were made to the actual forms and to the Part V Conditions of Agreement incorporated by reference under Rule 14-98.008. Most involved changing “may” to “shall” or “will” or other revisions to clarify language and remove language considered to be objectionable. Corrected forms showing the revised language will be filed.

Notice was published in Florida Administrative Weekly, Vol. 27, No.: 51, December 21, 2001.

**DEPARTMENT OF CITRUS**

RULE CHAPTER NO.: 20-13      RULE CHAPTER TITLE: Market Classification, Maturity Standards and Processing or Packing Restrictions for Hybrids

RULE NO.: 20-13.0011      RULE TITLE: Oranges: 2001-2002 Anhydrous Acid Maturity Standards

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule published in Vol. 28, No. 7, February 15, 2002, issue of the Florida Administrative Weekly:

Hearing date was incorrectly noticed. Correct hearing date is March 27, 2002.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.314      RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions

**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. 28, No. 3, January 18, 2002, issue of the Florida Administrative Weekly:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, “DC” means the maximum number of days of disciplinary confinement that may be imposed and “GT” means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

	Maximum
	Disciplinary
	Actions

Section 1. through Section 8. No change.

**SECTION 9 – MISCELLANEOUS INFRACTIONS**

9-1 through 9-32 No change.

9-33 Tampering with, defeating or depriving staff of any security device. Security devices include: locks; locking devices; electronic detection systems; personal body alarm transmitters and receivers; handheld radios; restraint devices such as handcuffs, waist chains, leg irons and handcuff covers; keys; video and audio monitoring and recording devices; security lighting; weapons; and any other device utilized to ensure the security of the institution. 60 DC + All GT

9-34 Tampering with or defeating any fire or other safety device. Safety devices include: fire, smoke, and carbon dioxide detection devices; alarm systems; fire suppression systems and devices such as fire sprinklers, fire extinguishers, and dry chemical systems; safety and emergency lighting; exit lights; evacuation route and warning placards; self-contained breathing apparatuses; personal protective equipment; first aid kits; eye wash stations; and any other device utilized to ensure the safety of the institution, staff and inmates. 60 DC + All GT

Section 10. through Section 11. No change.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.711      RULE TITLE: Legal Visits

**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. 28, No. 2, January 11, 2002, issue of the Florida Administrative Weekly:

33-601.711 Legal Visitors.

(1) No change.

(2) An agent of an attorney (a law student, law clerk, paralegal, legal assistant, legal investigator or interpreter) working under the supervision of an attorney may visit an inmate whom the attorney represents, subject to all conditions applicable to the attorney, if the attorney provides a signed statement for each visit stating that the visit is for the purpose of a legal consultation and agreeing to supervise the assistant and to accept ~~personal and~~ professional responsibility for business conducted by the agent on behalf of the attorney ~~all acts of the assistant that may affect the institution, its inmates and staff.~~

(3) through (6) No change.

**DEPARTMENT OF CORRECTIONS**

RULE NO.:                    RULE TITLE:  
33-601.725                    Permissible Items for Visitors  
   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. 28, No. 4, January 25, 2002, issue of the Florida Administrative Weekly:

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items include:

(a) through (f) No change.

(g) Visitors with authorized infants and small children shall be allowed to bring in:

1. Five diapers, three clear plastic baby bottles or two sipper cups for toddlers, one clear plastic baby pacifier and three clear jars of baby food with the original seal intact.

2. through 4. No change.

(h) through (2) No change.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of State Group Insurance**

RULE NO.:                    RULE TITLE:  
60P-6.0075                    Benefits  
   NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule published in Vol. 27, No. 49, December 7, 2001, Florida Administrative Weekly.

60P-6.0075 Benefits.

(1) through (3) No change.

(4) Subject to the appropriation of funds the State shall pay for the following insurance coverage for each full-time member of the Senior Management Service or Selected Exempt Service; in addition, the State may pay 100% of the

premium for an individual or family dental insurance plan, provided that premiums are funded by the Legislature through the appropriations act or otherwise absorbed within the existing budget authority of the employing agency:

(a) 100% of the premium for the state individual life insurance policy;

(b) 100% of the premium for the individual or family state group health insurance plan, or up to an equal dollar amount for a health maintenance organization premium; and

(c) 100% of the premium for the state individual disability insurance policy.

Specific Authority 110.161(5), 110.403(1), 110.605(1) FS. Law Implemented 110.161, 110.205(2), 110.403(1)(c), 110.603(2) FS. History--New 8-26-96, Repromulgated as Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE NO.:                    RULE TITLE:  
61G8-32.002                    Approved Courses  
   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. 28, No. 3, January 18, 2002 issue of the Florida Administrative Weekly. The change is in response to the Board's review of the rule text during their regularly scheduled public meeting held on February 13, 2002. Subsection (1) of the rule shall now read as follows:

61G8-32.002 Approved Courses.

(1) An approved communicable diseases and HIV-AIDS course must consist of a minimum 1-hour presentation for renewal and a minimum 2-hour presentation for initial licensure.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 01-53R  
RULE CHAPTER NO.:        RULE CHAPTER TITLE:  
62-620                                Wastewater Facility and Activities  
   Permitting  
RULE NO.:                    RULE TITLE:  
62-620.610                    General Conditions for All Permits  
   NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given of changes that have been made to the proposed rule published in Vol. 27, No. 51, December 21, 2001, issue of the Florida Administrative Weekly.

The full text of this notice, showing changes to the proposed rulemaking language, is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

For further information, please contact John Coates, P.E., Environmental Administrator, Division of Water Resource Management, 2600 Blair Stone Road, M.S. # 3550, Tallahassee, Florida 32399-2400, telephone (850)488-4520.

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-3.003  
RULE TITLE: Licensure Without Examination  
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. 28, No. 2, January 11, 2002 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 January 13, 2002.

The rule shall now read as follows:

64B17-3.003 Licensure By Endorsement.

An applicant demonstrating that he or she meets the requirements of Rule 64B17-3.001, F.A.C., may be licensed to practice physical therapy by endorsement by presenting evidence satisfactory to the Board that the applicant has passed an examination before a similar, lawful, authorized examining board in physical therapy in another state, the District of Columbia, a territory or a foreign country if their standards for licensure are as high as those maintained in Florida. The standard for determining whether the standards of another state, the District of Columbia, a territory, or a foreign country are as high as the standards in Florida shall be whether the written examination taken for licensure in such other jurisdiction by applicants meeting Florida's minimum educational qualifications was through the national physical therapy examination provider.

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

**Section IV  
Emergency Rules**

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 411, 24K  
RULE NO.: 53ER02-8

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 411, "24K," 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 estimated 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, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-8 Instant Game Number 411, 24K.

(1) Name of Game. Instant Game Number 411, "24K."

(2) Price. 24K lottery tickets sell for \$2.00 per ticket.

(3) 24K 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 24K lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any 24K lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The FAST \$50 play symbols and play symbol captions are as follows:

INSERT SYMBOLS