

amendments will also specify uniform procedures to be followed by DOH personnel when conducting on-site investigations regarding noncompliance of the law.

SPECIFIC AUTHORITY: 386.207 FS.

LAW IMPLEMENTED: 381.0012, 386.205, 386.206 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Donna Arnold, Bureau of Facility Programs, Department of Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (800)337-3742

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

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Historical Resources

RULE TITLES:

Grant Funding

Application Requirements

RULE NOS.:

1A-35.005

1A-35.007

PURPOSE AND EFFECT: The proposed revisions amend the applications incorporated into this rule to remove obsolete sections of the application, to and obtain more information for each application to streamline application review procedures. To revise the grant award agreements incorporated into this rule. To change references to the Historic Preservation Advisory Council to be in conformance with amendments to Section 267.0612, F.S., provide for a waiver of financial match requirements on Division grant programs for rural communities.

SUMMARY: Proposed amendments will incorporate revised Grant Award Agreements and grant application forms, replaces references to the former Historic Preservation Advisory Council with the Florida Historical Commission and Grant Review Panels in conformance with Section 267.0612, F.S., updates references to the National Register Programs Guidelines, NPS 49, 1995, to the current Historic Preservation Fund Grants Manual, 1997, specifies statewide preservation priorities, and provides for a waiver of financial match requirements on Division grant programs for rural communities.

SUMMARY OF STATEMENT OF ESTIMATED

REGULATORY COST: The proposed revisions do not incur any regulatory costs.

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

SPECIFIC AUTHORITY: 267.031(1) FS.

LAW IMPLEMENTED: 267.0617(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY ON JUNE 7, 2002.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robert C. Taylor, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6333

THE FULL TEXT OF THE PROPOSED RULES IS:

1A-35.005 Grant Funding.

(1) Source of Grant Funds.

(a) No change.

(b) Federal funds for historic preservation grants-in-aid are apportioned to the State of Florida by the U.S. Department of the Interior, pursuant to the National Historic Preservation Act, and are deposited in the Historical Resources Operating Historic Preservation Trust Fund pursuant to Section 267.0617, Florida Statutes.

(c) The use of federal funds provided by the U.S. Department of the Interior for historic preservation grants-in-aid is subject to the policies, procedures, and guidelines set forth by that agency in the 1997 1995 edition of the Historic Preservation Fund Grants Manual National Register Programs Guideline, NPS 49, incorporated by reference. A copy of the manual guideline may be obtained by writing or calling the Bureau of Historic Preservation and paying the cost of copying.

(d) State funds consist of funds in the Historical Resources Operating Historic Preservation Trust Fund which have been appropriated by the Florida Legislature, made available from dedicated sources, donated pursuant to Section 550.0351(2), F.S., or contributed from any other public or private source, except those federal funds for grants-in-aid received from the U.S. Department of the Interior, pursuant to the National Historic Preservation Act.

(e) An entity funded by the Florida Legislature outside the review of the Grant Review Panel, Florida Historical Commission, or Secretary of State shall not be eligible to receive historic preservation grant assistance from the Division for the same project within the same fiscal year in which the legislative funding is made available.

(2) Funding Categories.

(a) No change.

1. Acquisition and Development activities include acquisition, preservation, protection, restoration, rehabilitation, stabilization and construction of historical and archaeological sites and properties, and the excavation of archaeological sites, as well as the taking of photographs and the preparation of measured drawings and such other records as are necessary to record historical and archaeological sites and properties threatened with damage or destruction, and planning for any eligible Acquisition and Development activities. Eligible Acquisition and Development activities involving religious structures are limited to exterior activities and only those interior activities that are essential to the preservation of basic structural integrity. No Acquisition and Development projects for religious properties may be funded with Federal funds as described in (1)(b) above.

2. No change.

(b) Federal grant monies apportioned to the State by the U.S. Department of the Interior, pursuant to the National Historic Preservation Act, are authorized for up to ~~60%~~ 50% of the cost of all eligible ~~activities~~ Acquisition and Development projects and up to 70% of the cost of all eligible Survey and Planning projects.

1. No change.

2. In addition, to be eligible for federal Acquisition and Development, or Survey and Planning assistance, projects must conform to the policies, procedures, and guidelines contained in the ~~1997~~ 1995 edition of the Historic Preservation Fund Grants Manual National Register Programs Guideline, NPS-49 and to any special conditions required by the U.S. Department of the Interior in apportioning monies to the State of Florida from which such projects will be funded. Examples of special conditions include ending dates by which all costs charged against a federal grant must be incurred and any prohibitions against the use of federal grant funds for lobbying activities.

(c) No change.

(d) At least 80% of each donation to the Historical Resources Operating ~~Historic Preservation~~ Trust Fund pursuant to Section 550.0351(2), F.S., shall be available for allocation to eligible projects within a 50-mile radius of the racetrack or fronton which held the Charity Day from which the donation is derived. The remaining 20% of each donation may be used for eligible projects in other areas of the state.

(e) The Division will waive the financial matching requirements on state funds awarded from the Historical Resources Operating Trust Fund for an applicant that has been designated as a rural community in accordance with ss. 288.0656 and 288.06561, F.S. A request for waiver of matching requirements must be submitted with the grant application.

Specific Authority 267.031(1) FS. Law Implemented 267.0617(2) FS. History—New 10-18-83, Formerly 1A-35.05, Amended 9-4-96, \_\_\_\_\_.

1A-35.007 Application Requirements.

(1) Application Procedures.

(a) Applications for grants-in-aid from the Historical Resources Operating ~~Historic Preservation~~ Trust Fund shall be signed by the person or persons with legal authority to obligate the applicant and shall be made on a Historical Resources Grants-in-Aid Application Form HR3E21R0402 HR3E210695, effective April 2002 ~~July 1996~~, which is incorporated by reference, and a copy of which may be obtained from the Bureau of Historic Preservation.

(b) through (c) No change.

(d) Applicants may submit more than one application for grant assistance from the Historical Resources Operating ~~Historic Preservation~~ Trust Fund. An application for a Special Category grant project must be limited to a single site, or group of sites in which all the properties have the same owner(s).

(e) No change.

(f) Applications shall be submitted to the Division to the attention of the Bureau of Historic Preservation and shall include the original and the number of copies as specified in the grant solicitation letter ~~thirteen complete copies.~~

(g) Deadlines. There are two ~~three~~ funding cycles annually; one for Special Category grant funds, and one ~~two~~ for state and federal matching grant funds. Applicants must submit separate applications for each cycle.

1. through 4. No change.

(2) Application Review.

(a) No change.

(b) The Division shall send copies of the applications to each member of the Grant Review Panel or the Florida Historical Commission ~~Historic Preservation Advisory Council~~ in sufficient time for members to review all applications prior to the Panel or Commission Council ~~Council~~ convening in a public meeting for the purpose of considering the applications for funding.

(c) The Division shall also provide the following information to the Grant Review Panel or the Florida Historical Commission Council:

1. through 2. No change.

(d) The Grant Review Panel or the Florida Historical Commission Advisory Council shall convene in a public meeting to review and evaluate all applications for historic preservation grants-in-aid. The Grant Review Panel or the Florida Historical Commission Council shall annually hold separate meetings to consider applications for federal, state and Special Category grant assistance. Applications for Special Category grant assistance shall be reviewed by the members of the Florida Historical Commission. Applications for state and federal matching grant assistance shall be reviewed by a Grant Review Panel appointed by the Secretary of State.

1. The Grant Review Panel or the Florida Historical Commission Council shall meet to consider applications for grant assistance within 150 days of the relevant application deadline.

2. The Division shall publish a notification of the time and place of the meeting and where a copy of the agenda may be obtained in the Florida Administrative Weekly at least 30 days prior to the Grant Review Panel or the Florida Historical Commission Council meeting.

3. No change.

(e) The Grant Review Panel or the Florida Historical Commission Council shall evaluate each application based on the criteria relating to the site involved, the prospective grantee, and the anticipated public benefit, as follows:

1. through 2. No change.

3. Criteria related to public benefit:

a. Compatibility with statewide historic preservation priorities, including equitable geographic and demographic distribution of available grant funds. The statewide preservation priorities are:

(I) Survey Priorities.

(A) Surveys of broad areas where no previous surveys have been undertaken.

(B) Surveys located in areas subject to intensive development pressure.

(C) Surveys to identify, evaluate and document historic properties and archaeological sites associated with Florida's minority heritage.

(D) Surveys designed to complete comprehensive coverage of areas in which partial surveys have been made.

(E) Surveys that address historic themes not covered or under-represented in previous surveys.

(II) Registration (National Register) Priorities.

(A) Registration of historical resources identified by previous survey activity.

(B) Registration of properties of national significance.

(C) Registration of properties of statewide or local significance.

(III) Planning Priorities.

(A) Development of historic preservation elements (or historic preservation components of coastal management, future land use or housing elements) of Local Government Comprehensive Plans.

(B) Development of plans for informing the public as to the economic and other benefits of preserving historical resources.

(C) Development of protection tools, such as local ordinances.

(D) Implementation of automated information systems to facilitate the recording of site data or information on other historic preservation subjects.

(IV) Community Education Priorities.

(A) General publications about preservation.

(B) Historic preservation education programs for school children.

(C) Projects having to do with minority historic preservation.

(D) Self-guided tours of historic areas.

(V) Acquisition and Development Priorities.

(A) Assistance for stabilization or other appropriate preservation treatments for properties which are in imminent danger of being lost due to physical deterioration or planned development.

(B) Assistance in the development of plans for the restoration or rehabilitation of properties, particularly those which will be placed in public use.

(C) Assistance in the restoration and rehabilitation of properties for which appropriate preservation planning is complete or well underway, particularly those which will be placed in public use.

(D) Assistance for restoration or rehabilitation projects which will yield technical innovations which will have application in other projects.

b. through d. No change.

(f) The Grant Review Panel or the Florida Historical Commission Council shall develop a priority listing of all project applications by ranking each project relative to the others and shall recommend funding levels and any appropriate special conditions for each individual project. An example of a special condition is a requirement that the grantee must execute restrictive covenants prior to receiving grant funds for restoration or rehabilitation projects receiving grant funds of \$50,000 or more dollars in order to protect the investment of public funds in the restoration or rehabilitation of the historic property, or where grant funds are used to purchase a historic property. The Grant Review Panels Council shall establish sub-categories of the Acquisition and Development and the Survey and Planning categories of grant assistance for the purpose of establishing priority listings and recommending funding levels. The Grant Review Panels Council shall further recommend that overall sub-categories be funded to specific levels and then rank individual projects within each sub-category, also recommending funding levels for each individual project.

(g) The recommendations of the Grant Review Panel or the Florida Historical Commission Council shall be submitted by the Division to the Secretary of State (Secretary) for review and approval. At a minimum, the written recommendations shall include a ranking of all proposed projects, however categorized, and the recommended funding level for each proposed project.

(h) through (i) No change.

(j) If additional grant funds become available during the grant year for either federal or state grants-in-aid, the Director shall increase the grant award or award a new grant for

applications reviewed by the Grant Review Panel or the Florida Historical Commission Council during the normal review process or establish a special process for awarding such additional funds.

(3) Grant Award Agreement.

(a) All grant awards which have been approved in accordance with subsection 1A-35.007(2), FAC., of this chapter shall be formalized through grant award agreements, which ~~have been~~ is incorporated by reference: Operating Trust Fund Agreement, Form Number HR3E0290402, effective April 2002, and General Revenue Fund, Form Number HR3E0300402, effective April 2002.

(b) through (c) No change.

(d) Funds remaining in any grant allocation as a result of early termination or from completion of the project at less than anticipated cost shall revert to the Historical Resources Operating Historic Preservation Trust Fund or be distributed in accordance with the procedures set forth in paragraph 1A-35.007(2)(j), F.A.C.

Specific Authority 267.031(1) FS. Law Implemented 267.0617(2) FS. History—New 10-18-83, Amended 10-3-84, Formerly 1A-35.07, Amended 7-21-86, 11-24-87, 12-26-91, 8-11-93, 9-4-96,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert C. Taylor, Historic Preservationist Supervisor, Grants and Education Section, Bureau of Historic Preservation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janet Snyder Matthews, Ph.D., Director, Division of Historical Resources and Katherine Harris, Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 19, 2002

DATE NOTICES OF PROPOSED RULE DEVELOPMENTS PUBLISHED IN FAW: July 27, 2001 and October 26, 2001

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

RULE TITLE: Division of Cultural Affairs

RULE NO.: 1T-1.001

PURPOSE AND EFFECT: The purpose of this amendment is to detail the eligibility, evaluation, and scoring criteria, and the administrative requirements and procedures for the grants programs of the Division of Cultural Affairs.

SUMMARY: The proposed rule details the criteria for eligibility for Division grant programs, and also details the evaluation and scoring procedures for these programs; it details the programs' administrative procedures and incorporates by reference the required forms for those programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There are no regulatory costs associated with this proposed rule.

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

SPECIFIC AUTHORITY: 255.043(5), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609(1),(4),(6), 265.701(4) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-56, 265.601-607, 265.608, 265.609, 265.701, 286.011, 286.012, 286.25 FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., June 3, 2002

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Linda Downey (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling 850/488-5779 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Downey, Chief, Bureau of Grant Services, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

1T-1.001 Division of Cultural Affairs.

The purpose of the rule is to establish administrative procedures for all Division of Cultural Affairs (Division) activities.

(1) Florida Arts Council. This section provides guidelines for the organization, duties, and meetings of the Florida Arts Council (Council).

(a) The Chairperson, Vice Chairperson, and Secretary of the Council shall be elected annually by the Council membership and may be re-elected for subsequent terms. In the event of the resignation or term-expiration of an officer, interim elections may be held selected during the first meeting of each fiscal year, and shall serve a term of one year.

(b) through (c) No change.

(2) State Cultural Programs. This section provides procedures for state cultural programs administered by the Division.

(a) No change.

(b) Florida Artists Hall of Fame and Florida Arts Recognition Awards. This section provides nomination or application and selection procedures for the Florida Artists Hall of Fame and the Florida Arts Recognition Awards.

Nominations or applications to these awards programs shall meet the eligibility and application requirements as set forth in the Florida Artists Hall of Fame Nomination Form CA1E021, eff. 6/02 6/97, and the Florida Arts Recognition Awards Nomination Form CA1E015, eff. 6/02 10/98.

(c) No change.

(d) Florida Arts License Plate Program. This section provides guidelines for revenue distributions from the sales of Florida Arts License Plates. The Florida Arts License Plate Program Guidelines (Form CA1E006, eff. 6/02 2/96) outline procedures for the administration and distribution of license plate revenues to counties in Florida.

(3) Grant Application Procedures. The Division shall be responsible for the administration of all grant applications, procedures and awards, as recommended by the Council. Applicants shall meet all program deadlines as published in the Division's newsletter and posted on the Division's website; the posted deadlines will appear at least 90 days in advance of the deadline. Deadline dates are also available by calling the Division. Grant Review panel and committee meetings shall be noticed in the Florida Administrative Weekly and on the Division's website. Review panel meetings shall be ~~and~~ conducted in accordance with procedures outlined in ~~the Grant Panelist Handbook and~~ this rule and in Sections 112.313, 112.3143, 120.525, 286.012, and 265.285, Florida Statutes. All grant awards shall be subject to final approval by the Secretary of State.

(4) Guidelines publications shall contain information on eligibility requirements, application review procedures, evaluation criteria, funding methods and grant administration procedures, if applicable, and application forms. Applicants for grants shall meet the eligibility and application requirements as set forth in the following ~~guidelines publications for each grant program descriptions.~~

~~(a) Florida Guide to Cultural Programs for Organizations, eff. 10/25/98, which contains grant program instructions and application form #CA2E009, as well as Florida Artist Residency Directory guidelines and application form #CA2E050;~~

~~(b) Cultural Facilities Program Guidelines and Application, eff. 1/98, which contains instructions, application form #CA2E020, and panelist evaluation form #CA2E056;~~

~~(c) Florida Guide to Programs for Individual Artists, eff. 10/25/98, which contains Fellowship program instructions and application form #CA2E012;~~

~~(d) State Touring Program Brochure, eff. 7/97, which contains instructions for touring presenters and application form #CA2E014, and State Touring Program Guidelines, eff. 8/99, which contains instructions for touring roster applicants and application form #CA2E013;~~

~~(e) Cultural Endowment Program Guidelines and Applications, eff. 7/97, which contain instructions and application form #CA2E037;~~

~~(f) Grant Panelist Handbook, eff. 10/25/98, which contains instructions and forms used by the Division, Council and panels in the grant application review process. Guidelines publications and forms in this section are herein incorporated by reference and may be obtained from the Division.~~

~~(g) 1999-2000 Cultural Institutions Program Guidelines and Application, eff. 7/98, which contains instructions and application form #CA2E062, On-Site Evaluation Report #CA2E091, and Panel Evaluation Form #CA2E092.~~

(5) Basic Eligibility. This section applies to all grant programs that reference subsection (5) in their eligibility section. Some Division programs require additional eligibility criteria that are detailed in this rule under the program description. To be eligible to apply to the Division for grant funding, an applicant organization must: All grant awards except those under the Cultural Facilities and Cultural Endowment Programs shall be made through a grant award agreement and shall be administered in accordance with the Grants Management Handbook, eff. 8/99, which contains forms and instructions for the management of grant awards.

(a) Be a public entity governed by a county, municipality, school district, community college, college, university, or an agency of state government; or

(b) Be a not-for-profit, tax-exempt Florida corporation as a result of being incorporated or authorized as a not-for-profit corporation, in good standing, pursuant to Chapter 617, Florida Statutes, and designated as a tax-exempt organization as defined in section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1954, as amended;

(c) Submit a completed and signed application form (CA2E009, eff. 7/01) for each program to which application is made, including the required number of application copies, on or before the announced postmark deadline for that program;

(d) Have satisfied the administrative requirements of previous grants received from the Division;

(e) Agree and be able to match, at least dollar for dollar, the grant amount requested from the Division.

1. The documented fair market value of donated goods and services may contribute up to 50% of the required local match share, not to exceed 25% of the total project costs.

2. The Division of Cultural Affairs will waive the financial matching requirements on Division grants, except those noted in section 3, for an applicant that has been designated as REDI qualified in accordance with Sections 288.0656 and 288.0651, Florida Statutes. A written request for waiver of matching requirements must be submitted with each grant application.

3. Grants awarded in the Challenge Grant Program, the Underserved Arts Communities Assistance Program, and the State Touring Program have match requirements specific to those programs.

(f) Agree to comply with all requirements as set forth in the grant program guidelines; and

(g) Have been incorporated or operational for at least one year at the time of application, with the exception of applicants to the Quarterly Assistance or Underserved Arts Communities Assistance Programs.

(h) A person or entity funded by the Legislature outside the review of the Council or Secretary of State shall not be eligible to receive grant support for its activities from the Division within the same fiscal year in which legislative funding is made available.

(6) Grant Review Panels. The Secretary shall appoint panels to review and recommend grant applications for funding to the Council whenever it is determined that grant review panels are necessary to the process. Grant awards through the Cultural Facilities Program shall be made through Grant Award Agreement Form #CA2E038, eff. 8/99, and use Grant Amendment Form #CA2E047 and Report Form #CA2E048, both eff. 8/99. Grant awards through the Cultural Endowment Program shall be made through Grant Award Agreement Form #CA2E039, eff. 8/99. Grant award agreements shall specify the grants management requirements.

(a) Panelists will be appointed for 1-year terms, but may be reappointed for up to three successive years, including the original 1-year term.

(b) The Division shall seek nominations for panelists on an annual basis. Panelists shall be practicing artists, arts-related professionals, and educators, or other persons with current or prior active involvement in specific artistic disciplines that include, but are not limited to, dance, theatre, visual arts, music, folk arts, literature, media arts, and sponsor/presenter. In appointing panel members, the Secretary shall give due consideration to professional acumen, geographical representation, minority representation, and diverse aesthetic, institutional, and cultural viewpoints.

(c) Panelists shall not receive compensation, but shall be reimbursed for travel and per diem expenses when attending panel meetings pursuant to the provisions of Section 112.061(2)(e), Florida Statutes.

(d) Panels shall meet at the call of the Division.

(e) Panels shall be chaired by a Council member who shall be appointed by the Council Chair, but shall not vote on applications being reviewed by the panels. In the absence of a panel chair, a Division staff member will serve as the non-voting chair of the panel.

(f) Scoring of applications by panelists in any program area is subject to the following limits: Individual panelist ratings will be declared in whole integers and not include partial points, and panel averages will be rounded to one decimal place, rounding up in favor of the applicant when the second decimal is a 5, such as 93.35, would be rounded up to 93.4. Scores of "0" on any individual criterion are not acceptable.

(g) Each panel's chairperson shall report the panel's application rating recommendations to the Florida Arts Council. The Council will then review the recommendations and is authorized to amend such recommendations based on new information not made available to panels. Examples of new information are: a panelist's conflict of interest not disclosed at the meeting; misinformation presented at the panel meeting by someone other than a designated applicant representative; Division staff error discovered after the panel meeting; concerns raised as a result of a compliance review; bankruptcy or other fiscal concerns; or changes in the applicant's staff that would impair implementation of the proposed grant activity. After all panel reports have been made and amended, if applicable, the Council shall vote on each panel recommendation. The recommendations of the Council will then be submitted to the Secretary of State for approval.

(h) All members of panels shall comply with the Standards of Conduct for Public Officers and Employees of Agencies as set forth in Section 112.313, Florida Statutes, and voting conflict of interest laws as set forth in Sections 112.3143 and 286.012, Florida Statutes.

(7) Cultural Support Grants. The purpose of the Cultural Support Grant program is to foster excellence and diversity in art and culture for all the people in Florida. This program area includes the programs formerly known as Discipline-Based Arts Grants, Science/Youth and Children's Museums Grants, and Cultural Institutions Program. Two primary types of funding are offered: General Program Support and Specific Project. General Program Support applications are grouped in three funding categories referred to as Levels. There will be an annual application cycle for submission of Specific Project proposals and a multi-year application cycle General Program Support funding with Levels 1 and 2 on a two-year cycle and Level 3 institutions being evaluated on a four-year cycle.

(a) Specific funding eligibility and maximum requests.

1. General Program Support Funding. In addition to the basic eligibility requirements detailed in subsection (5), applicants for General Program Support must have received at least one non-capital program grant from the Division of Cultural Affairs, and must be a cultural organization or a recurring cultural program conducting programs on a regular basis that meet the intent of one of the disciplinary review categories as detailed in the guidelines. These categories include but are not limited to dance, folk arts, interdisciplinary, literature, media arts, multidisciplinary, museums, music, sponsor/presenter, theatre, visual arts, and discipline service. For the purpose of this program area, a recurring cultural program is one that is part of a multipurpose or state-supported institution. It must function as a discrete unit within its parent institution and present or produce a full season of programming on a yearly basis. The cultural program must have at least one paid full-time staff member, whose responsibilities are solely for the organization's services and

operations; have an advisory board which governs the activities of the program, and be able to separately and distinctly fulfill all eligibility and application requirements. Entire departments or schools within a university, college, or other multipurpose institution do not qualify as recurring cultural programs.

a. Level 1. Revenues from the organization's last completed fiscal year must be greater than or equal to \$15,000. Organizations may request up to 10% of their last completed fiscal year revenue, not to exceed \$50,000. Youth and Children's Museums may request up to 20% of their last completed fiscal year revenue, not to exceed \$50,000.

b. Level 2. Revenues from the organization's last completed fiscal year must be greater than or equal to \$500,000. Organizations must also have no less than three years of continuous programming history. Eligible applications may request up to 10% of their last completed fiscal year revenue, not to exceed \$100,000.

c. Level 3. The average Total Fund Revenue from the organization's last four completed and audited fiscal years must be at least \$750,000. Disciplines requiring higher minimum budgets are: \$1,000,000 for ballet companies and theatres; \$1,250,000 for museums; at least \$1,250,000 dedicated to producing/presenting within overall minimum budgets of \$3,500,000 for sponsor/presenters; \$2,500,000 for symphonies, operas, and pop orchestras; and \$1,500,000 for other music institutions. Organizations must also have no less than five years of continuous programming history and established endowments with minimum required values of at least \$75,000 at the time of application. Disciplines requiring higher minimum endowments are: \$100,000 for ballet companies and theatres; \$600,000 for museums and sponsor/presenters; and \$1,000,000 for music institutions. Eligible applicants may request up to 10% of their eligible 3-year average total fund revenue, not to exceed \$350,000. Eligible fund revenue is defined as all revenue received and recognized in the applicant's audits, excluding all state funds. All applicants to a Museum discipline must document by the application deadline that they have received accreditation by the American Association of Museums or the American Zoological Association.

d. The next application cycle for General Program Support will be for the fiscal year 2004-2005 funding for Levels 1 and 2. Actual deadlines will be announced not less than three months in advance and may be staggered by discipline group over the prior fiscal year.

2. Specific Project applications may be submitted annually by any organization meeting the requirements of subsection (5). The proposal activity must meet the intent of the discipline category to which the application is submitted.

a. Organizations may request up to \$25,000 for each Special Project application submitted. More than one Specific Project application may be submitted, but no more than \$25,000 will be awarded in a single year. Organizations may submit only one application to each discipline category.

b. Organizations receiving General Program Support from the Division of Cultural Affairs or the Division of Historical Resources are not eligible to receive funding for a Specific Project through this program.

c. The annual application deadline for Specific Project applications will be the first Monday of October.

(b) Review criteria, scoring, and funding. Complete grant applications shall be evaluated by discipline based review panels according to the following criteria: Program Excellence, up to 50 points; Public Impact, up to 30 points; and Program Management, up to 20 points.

1. Organizations conducting 50% or more of their proposed cultural project or programming in a financially underserved county, or REDI qualified community, will be awarded three (3) additional points to their Public Impact criterion. A financially underserved county is one that has received an average of less than \$10,000 in state cultural grant program funding in the last two state fiscal years preceding the deadline. REDI qualified means those counties or communities designated pursuant to Sections 288.0656 and 288.0651, Florida Statutes.

2. An average panel score of at least 75 points out of a maximum possible 100 points must be earned to receive funding. Award amounts recommended to the Council will be determined through the use of an iteration funding formula. The formula considers the relative average application scores within a category and distributes funds available to each eligible applicant in a manner that rewards higher quality proposals with a higher percentage of requested funding. All applications earning a panel average of 75.0 or higher will receive funding under the formula of not less than \$1,500.

3. For this program, a complete application is one that has a fully completed Organization Grant Application Form (CA2E009, eff. 7/02, incorporated by reference and available from the Division); support documentation in the form of financial statements or audits, investment account statements, and program materials as appropriate to substantiate specific program eligibility; and a response to at least one of the application narrative questions.

(8) Local Arts Agency Program. The purpose of this program is to assist in the development of local arts agencies and to strengthen and stabilize their statewide network to further local and statewide cultural goals and objectives. A local arts agency is defined as an umbrella agency that serves its county or counties' arts and cultural constituencies. This includes county arts councils established pursuant to Section 265.32, Florida Statutes. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must

be officially recognized by one or more county commissions as the local arts agency, commission alliance, or division of a county or city government.

(a) New applications will be reviewed for all eligible agencies on a three-year application cycle. New applications will be accepted annually from any agency not funded in this program in the current cycle, or an agency that qualifies mid-cycle to move up a higher funding category.

(b) Funding categories. The following four categories will be used to determine funding eligibility:

1. Pre-Level I has no minimum budget requirement. Organizations may only receive funding in this category once. The minimum grant request is \$1,500 and the maximum request is \$5,000.

2. Level I has no minimum budget requirement, but there must be at least one full-time or part-time paid staff member in the organization. The applicant may request up to 25% of their last completed fiscal year operating revenue, or \$25,000, whichever is less.

3. Level II is open to organizations whose last completed fiscal year operating revenue is at least \$100,000, has been in operation for at least three years at the time of application, and has at least one full-time paid staff member. The applicant may request up to 15% of their last completed fiscal year operating revenue, or \$40,000, whichever is less.

4. Level III is open to organizations whose last completed fiscal year operating revenue is at least \$1,000,000, has been in operation for at least five years at the time of application, and has more than one full-time paid staff member. The applicant may request up to 10% of their last completed fiscal year operating revenue, or \$60,000, whichever is less.

(c) Review Criteria and Scoring. New applications will be evaluated by a review panel consisting of Florida Arts Council members and other cultural professionals knowledgeable about local arts agencies. The panel will evaluate each new proposal according to how well the local arts agency demonstrates that its activities are community-based and mission-driven through the following criteria:

1. The agency's method for determining the needs of its community (Up to 20 points).

2. The agency's goals and objectives and the general methods for meeting community needs as referred to in 1. (Up to 20 points).

3. Activities such as services, programs, projects, or initiatives planned for the application cycle achieve the agency's goals and objectives (Up to 40 points).

4. Agency's method for managing and evaluating specific activities described in criteria 1 and 2. Management areas addressed may include the roles of staff and board members; professional development opportunities; and areas of evaluation such as "customer surveys" and quantitative or qualitative performance measurements (Up to 20 points).

(d) Funding Recommendations. All applications that receive an average score of at least 75 out of 100 possible points will be recommended for funding. Applications that score less than 75 will not be recommended for funding by the panel. Award levels will be determined by the amount of the applicants' grant requests and prorated according to funding allocated to the Local Arts Agency Program. Second and third year recommended funding amounts will be determined on a prorata basis according to the availability of funding for the program and the number of eligible local arts agencies.

(9) Quarterly Assistance Program. The purpose of this program is to provide funding to promote professional development for arts organizations. There are five funding categories in this program. In addition to the basic eligibility requirements detailed in subsection (5), the applicant must meet the category-specific eligibility criteria as stated below. For the purpose of this program, an arts organization is defined as a non-profit organization whose primary mission, or more than 50% of its operating budget, is dedicated to activity in the arts.

(a) Funding Categories:

1. Mini-Grant. This category is open only to arts organizations whose last completed fiscal year's total cash operating budget is \$150,000 or less. Applicants may request up to \$1,500. Evaluation is based on three criteria: Artistic Excellence, Public Impact, and Program Management.

2. Staff Exchange. This category is open only to arts organizations. Applicants may request up to \$1,000. Evaluation is based on how well the organization demonstrates the need for the exchange and how the organization will benefit.

3. Consultant Grant. This category is open only to arts organizations. Applicants may request up to \$1,000. Evaluation is based on the organization's demonstrated need for the consultant and how the organization proposes to utilize the knowledge gained from the consultant.

4. In-Service Training Grant. This category is open only to arts organizations. Applicants may request up to \$1,000. Evaluation is based on the organization's demonstrated need for the training and how the training will benefit the organization and its professional development.

5. Special Project. This category is open to both arts and non-arts organizations with requests greater than \$1,500. Applications to this category must have prior approval from the Division. Evaluation is based on three criteria: Cultural Excellence, Public Impact, and Program Management.

(b) Review panel, scoring, and funding recommendations. A committee of the Florida Arts Council will serve as the review panel for this program. The total maximum points that can be earned for any of the application categories is 20. Applicants must achieve a minimum of 10 to be considered for funding. Funding recommendations will be made by the panel



in consideration of the funds available and the relative merits of each proposal. The panel is not required to fund all proposals that achieve the minimum score.

(10) Underserved Arts Communities Assistance Program. The purpose of this program is to foster the development of underserved arts organizations. In addition to the basic eligibility requirements detailed in subsection (5), the applicant must also meet the following program-specific conditions. Funding is open only to arts organizations which are located within counties whose population is 100,000 or less or whose population density is less than 250 people per square mile, or are REDI qualified, or are a minority organization, or are otherwise able to demonstrate a lack of resources. REDI qualified means those counties or communities designated pursuant to Sections 288.0656 and 288.0651, Florida Statutes.

(a) There are four funding categories as outlined below.

1. Salary Assistance/Basic Level. This is a three-year program open to organizations with a last completed fiscal year cash operating budget of between \$10,000 and \$150,000. The first year award is \$10,000 with no match required; the second year is \$7,500 with \$2,500 match required; the third year is \$5,000 with \$5,000 required. The first year award may be less than \$10,000, depending on availability of funding, with the second and third years reduced accordingly.

a. Evaluation criteria for first year applications are: Artistic promise of the Organization (up to 30 points), Administrative Promise of the Organization (up to 30 points), Plan for Sustaining the Salaried Position (up to 20 points), and Organization's Potential for Sustainability (up to 20 points).

b. Evaluation criteria for second and third year applications are: First (or First and Second) Year Accomplishment due to the Salary Assistance Grant (up to 40 points), Job Description and Key Goals (up to 30 points), and Organization's Sustainability Plan for Position (up to 30 points).

2. Salary Assistance/Advanced Level. This \$7,500 one-year grant with \$1:\$1 match is designed for Local Arts Agencies, State Service Organizations, educational institutions, and other not-for-profit 501(c)(3) organizations to provide staff and services to underserved arts organizations. Evaluation criteria are: Consulting Plan (up to 50 points), Strength and Ability of the Organization (up to 30 points), and Impact of the Consulting Plan (up to 20 points).

3. Organizational Development. Grants of up to \$2,000 will be available to organizations with a last completed fiscal year cash operating budget of between \$10,000 and \$150,000 on a \$1:\$1 matching basis. Evaluation criteria are: How the Proposal will Directly Affect and Benefit the Organization, Artistic Excellence (up to 40 points), Program Management (up to 30 points), and Public Impact (up to 30 points).

4. Consultancy. Grants of up to \$1,500 are available to emerging organizations with no match required for the first time the grant is awarded; thereafter, the match required is

\$1:\$1. Emerging organizations are those that have at least one year's programming at the time of application and whose last completed fiscal year's cash operating budget was not over \$10,000. These grants are also available to organizations with a last completed fiscal year cash operating budget of between \$10,000 and \$150,000, and applicants can apply for up to \$2,500 on a \$1:\$1 matching basis. Evaluation criteria are: Demonstrated Need for the Consultancy, Strength of the Consultancy, and the Ability of the Organization to Implement the Information Provided by the Consultancy.

(b) Review panel, scoring, and funding recommendations. A committee of the Florida Arts Council will serve as the review panel for this program. The total maximum points that can be earned for any of the funding categories is 100 points. Applications must achieve a minimum average score of 75 to be considered for funding. Funding recommendations will be made by the panel in consideration of the anticipated funds available and the relative merits of each proposal. The panel is not required to fund all proposals that achieve the minimum average score.

(11) State Touring Program. This program is designed to provide performances, activities, and exhibitions, all by Florida artists, to as many communities as possible. This program has two components, the artist roster and the presenter application.

(a) Eligibility of appointment to the roster. Companies and individual artists, who are not established as for-profit, are eligible to apply for inclusion on the State Touring Program roster. The applicant must satisfy the following eligibility requirements to be considered for inclusion on the roster: be a public entity governed by a county, municipality, school district, community college, college, university, or an agency of state government; or be a not-for-profit, tax-exempt Florida corporation as a result of being incorporated or authorized as a not-for-profit corporation, in good standing, pursuant to Chapter 617, Florida Statutes, and designated as a tax-exempt organization as defined in section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1954, as amended; or, if an individual artist or group of artists, the applicant must certify that they have not formed a for-profit corporation and that the property offered for touring is not associated with a for-profit corporation; if a company, the applicant must be a professional company operating with full-time paid artistic/program staff and compensate all artistic, program, curatorial, technical, and managerial staff; the applicant must be a single disciplinary entity responsible for its own programming, administration, production, or exhibition; and the applicant must be able to substantiate past touring experience.

1. Applicants must submit a completed State Touring Program application form (CA3E013, eff. 7/02, incorporated by reference and available from the Division) with all required attachments and samples of work as described in the program guidelines, on or before the announced postmark deadline for the roster appointment program component;

2. Review criteria and scoring. Applications will be reviewed by a review panel according to the following criteria: Cultural or Curatorial Excellence (up to 50 points), Public Impact (up to 30 points), and Program Management (up to 20 points) for a maximum of 100 points possible. To be eligible for appointment to the roster an applicant must achieve an average panel score of at least 75.

3. Recommendations for appointment to the roster. The panel will make specific recommendations of companies and individual artists to the Florida Arts Council for appointment to the roster based on the review criteria and with consideration of the variety of programming available within the roster recommendations and the geographic orientation of the recommended appointees.

(b) Eligibility for presenter fee support applications. Organizations who wish to apply to present one of the companies or individual artists featured in the State Touring Program roster must meet the basic eligibility criteria described in subsection (5), and must submit a completed State Touring Program presenter application form (CA2E014, eff. 7/02, incorporated by reference and available from the Division), and documentation of roster company or artist intent to contract, on or before the announced postmark deadline for the presenter fee support program component. Private schools may qualify under Chapter 623, Florida Statutes.

1. Applicants are eligible to request up to one-third of the company or artist fee as stated on the company or artist contract. For performances that occur in underpopulated counties, presenters are eligible to apply for up to two-thirds of the fee. Underpopulated counties are those that have populations of 75,000 or less, or those counties that are REDI qualified. REDI qualified means those counties or communities designated pursuant to Sections 288.0656 and 288.0651, Florida Statutes. Funding priority consideration will be given to underpopulated county applications.

2. No presenting organization can receive more than five support grants or support fees totaling more than \$20,000, whichever is less, during a single grant year.

(12) Arts in Education Program. The purpose of the Arts in Education Program is to cultivate the learning and artistic development of students and teachers in pre K-12 and to support activities that promote that arts as an integral part of education and life-long learning to Florida's citizens and visitors. In addition, the program supports initiatives and proposals that help artists, educators, schools, colleges/universities, and community, social, and cultural organizations carry out individual or cooperative programs.

(a) Eligibility and funding requests. All applicants must meet the basic eligibility requirements detailed in subsection (5). Eligible organizations may submit no more than one application to each funding category. Organizations receiving more than \$100,000 in General Program Support (Cultural Support Program) may submit only one application to the Arts

in Education Program. There are three funding categories in this program: Artist Residency, Arts Education Partnerships, and School-Based Arts Education.

1. Artist Residency has two levels. Level I is a Short-term Residency where an organization may request from \$1,500 to \$5,000 for a residency of one to four weeks; Level II is a Long-Term Residency where an organization may request up to \$10,000 for a residency of five weeks or longer.

2. Arts Education Partnerships has two levels. Level I is a mini-grant for planning and design funding requests from \$3,000 to \$5,000. Level II is an in-depth development and project implementation grant of up to \$15,000.

3. School Based Arts Education proposals may request up to \$10,000.

(b) Review criteria, scoring, and funding recommendations. Complete applications will be evaluated by a multidisciplinary review panel according to the following program criteria: Educational Excellence, up to 50 points; Project Impact, up to 30 points, and Program Management, up to 20 points.

1. Applicant organizations conducting 50% or more of their proposed project in a REDI qualified community, or a rural or underserved county, will receive 5 bonus points added to the average panel score. For the purposes of this program, a rural county is one whose population is less than 100,000 or whose population density is less than 250 people per square mile, and an underserved county is one with no designated local arts agency or other means of acquiring arts education programming. REDI qualified means those counties or communities designated pursuant to Sections 288.0656 and 288.0651, Florida Statutes.

2. An average panel score of at least 80 points out of a maximum possible 100 points must be earned to be considered for funding in this program. Award amounts recommended to the Council will be determined by the review panel. Funding recommendations will be made in consideration of the overall group of applications, the relative merits of each proposal, and the anticipated funds available for the program. The panel is not required to fund all proposals that achieve the minimum average score of 80. For those applications recommended for funding, no award shall be less than \$1,500, except Level I Arts Education Partnerships mini-grants which shall not be recommended for less than \$2,500.

3. For this program, a complete application will be considered as all required pages of the Organization Grant Application form, incorporated by reference in subsection (5), and responses to all criteria-based narrative questions identified as required in the program guidelines. Incomplete applications will not be forwarded to the panel for review.

(13) Florida's Artist Residency Directory. The directory includes biographical and programmatic information about professional visual and performing artists from Florida and other states. These individuals are

experienced educators and are available for employment as artists-in-residence. The directory is intended to be used by organizations and schools interested in conducting residency programs.

An artist residency is defined as those projects that place practicing, professional artists in Florida schools at K-12 or community college/university levels to teach all aspects of their art form, to create or perform works of art so that participants may observe the creative process, and, where appropriate, relate their art forms to curriculum areas.

(a) Individual artists and not-for-profit arts organizations with a commitment to arts education may apply for inclusion in the directory.

(b) Applicant artists are approved for the Directory by a peer review panel, and may be appointed for up to four consecutive years, after which they must reapply for subsequent appointment terms.

(c) Directory artists are expected to be highly qualified practicing artists. They may not be students pursuing a degree.

(d) There are two application categories: K-12 level Artist Residencies and Community Artist Residencies.

(e) Applicants must submit a completed and signed application, using form CA2E050, eff. 7/02, incorporated by reference and available from the Division, including the required number of copies, on or before the announced postmark deadline.

(f) Review scoring and criteria: The required minimum average score for a single-level application is 50 of the 65 total points possible. A dual category application requires 80 of 100 total points. The panel will evaluate the application materials according to the following general criteria:

1. Background Information: Artistic abilities and applicability to a residency program (up to 10 points); educational background, experience as a professional artist, and experience as a residency artist (up to 10 points);

2. Proposed Residency: Quality of residency program, quality of lecture/demonstrations, workshops, or master classes (up to 10 points);

a. For K-12 Residencies: Applicability of program to a K-12 curriculum. Ability of artist to work with teachers in integrating proposal into curriculum; quality of pre- and post-residency materials; holistic information on the art form presented; integration of the arts with non-arts subjects; linkage to Sunshine State Standards (up to 15 points); Ability to communicate with children for target grade levels (up to 10 points); Appropriateness of residency length, grade level, and skills that students and teachers are expected to achieve (up to 10 points);

b. For Community Artist Residencies: Understanding of community arts programs; applicability of proposal to an adult learning curriculum or special needs of the community (up to

15 points); Experience as a community artist, working with all age levels (up to 10 points); Evaluation of short-term and long-term residencies (up to 10 points).

(14) International Cultural Exchange Program. The purpose of this program is to support international cultural exchange projects of outstanding artistic and cultural merit. Projects may be developed and originate in Florida for travel outside of the United States, or may be developed or originate in another country and be brought to the state by a Florida sponsor. The program aims to provide support for international cultural exchange projects of arts organizations, including museums, theatres, dance companies, sister city organizations, art centers, and others. Projects are expected to demonstrate the ability to build on the international reputation of Florida artists and organizations.

(a) In addition to the basic eligibility requirements detailed in subsection (5), the following proposal conditions are applicable: the application submitted is to fund a specific project, not international elements of existing programs; multiple applications from different organizations for the same general project at the same venue or facility are not appropriate; and the maximum amount requested cannot exceed \$25,000.

(b) Application review, scoring, and funding recommendations.

Applications will be evaluated by a multidisciplinary review panel according to the following criteria: Artistic and Cultural Merit (up to 50 points); Public Impact (up to 30 points); and Program Management (up to 20 points). The maximum total score is 100 and a minimum average score of 75 must be achieved to be considered for funding. Funding recommendations will be made by the panel in consideration of the overall group of applications, the relative merits of each proposal, and the anticipated funds available for the program. The panel is not required to fund all proposals that achieve the minimum average score of 75.

(15) Challenge Grant Program. This program provides funding support to arts and cultural organizations for projects that are designed as new initiatives or unique in nature to the organization's regular programming. The category does not support general program operations or other ongoing programming. In addition to the basic eligibility requirements detailed in subsection (5), the applicant organization must also demonstrate in the application the impact of its general programs on at least a local basis, defined herein to encompass at least the county of the residence. There are four funding categories for the program: a community capital challenge and three levels of cultural project support with each level requiring greater scope, impact, and local match. Cultural projects must be of an artistic nature or be consistent with the general mission of a museum. For the purposes of this program, regional is defined as at least the county of residence

and all counties with a 100 mile radius of the applicant's primary venue; and statewide is defined as at least 50% of the state's population, or 34 or more Florida counties.

(a) Specific eligibility and funding requests.

1. Level 1, the Local Challenge is for projects that carry significant and demonstrated local impact implemented by organizations that lack the financial resources to commit more than \$1:\$1 match. For this level only, up to 50% of the local match share may be in-kind contributions in the form of donated goods and services. Applicants to this category may request from \$10,000 up to \$50,000.

2. Level 2, the Regional Challenge is for projects of regional impact and require local cash match of \$2 for every \$1 of grant funding. Applicants may request from \$10,000 up to \$100,000.

3. Level 3, the Statewide Challenge is for projects of statewide impact and require cash match of \$3 for every \$1 of grant funding. Applicants may request from \$10,000 up to \$250,000.

4. Community Capital Challenge Projects also require \$3 of local cash match for every \$1 of grant funding. These projects are intended to support local endowment campaigns or other fiscal stabilization based capital fundraising projects significant to the applicant cultural organization or local cultural community. Such projects may involve partnerships with local community foundations. Applicants may request from \$10,000 up to \$100,000. This state award or any local funds raised as match for this award are not eligible to be included in match required to receive a State Matching Share through the Cultural Endowment Program, nor shall those funds be eligible as match for this award.

(b) Review criteria, scoring, and funding recommendations.

1. Applications will be evaluated by a multidisciplinary review panel according to the following criteria: Organizational Impact, up to 20 points; Proposed Challenge Grant Project, up to 50 points; and Impact of Challenge Grant Funds, up to 30 points. Applications must earn a minimum average panel score of 75 out of the 100 maximum points possible to be considered for funding.

2. Funding recommendations will be made by the panel in consideration of the overall group of applications, the relative merits of each proposal, and the anticipated funds available for the program. The panel is not required to fund all proposals that achieve the minimum average score of 75. In addition to providing specific funding recommendations, the panel will establish a priority ranking of all applications recommended for funding and forward such priority list to the Florida Arts Council for review and approval. Upon approval by the Secretary of State, the ranked list will be submitted to the next session of the Legislature for funding consideration. Should additional funds become available through partial or complete return of grants, the Secretary may increase current awards not

funded to the full request, or award new grants to projects on the approved list but not able to be funded as a result of limited appropriation.

(16) Cultural Endowment Program. The purpose of this program is to create an endowment matching funds program that will provide operating resources to participating cultural organizations. There are two components to the program, application for Cultural Sponsoring Organization Designation and State Matching Share application, receipt, and management.

(a) Cultural Sponsoring Organization Designation.

1. Administrative and Legal Eligibility. The applicant must:

a. Be a qualified corporation as defined in Section 265.603(5), Florida Statutes.

b. Have satisfied the administrative requirements of previous grants received from the Division.

2. Program Eligibility. An eligible application shall consist of the following documents and information:

a. A completed and signed Cultural Endowment Application Form (#CA2E037, eff. 7/02, incorporated by reference and available from the Division).

b. A letter from the chairman of the board or president of the sponsoring organization formally requesting designation as a Cultural Sponsoring Organization.

c. A copy of the organization's determination letter from the Internal Revenue Service confirming tax exempt status, pursuant to Section 501(c)(3) or (4) of the Internal Revenue Code of 1954.

d. A copy of documentation of eligibility to receive contributions pursuant to the provisions of Section 170 of the Internal Revenue Code of 1954.

e. The description and documentation of a program that qualifies the organization as a sponsoring organization. The description and documentation shall include printed performance or printed exhibition material such as brochures, programs, or catalogues.

3. The Division shall submit the names of all eligible applicants to the Florida Arts Council for review and recommendation.

4. The Florida Arts Council shall review the names of the eligible applicants and submit the recommendations to the Secretary of State.

5. The Secretary of State shall review the recommendations of the Florida Arts Council and designate the eligible applicants as Cultural Sponsoring Organizations.

6. The Division shall notify each applicant in writing of the Secretary of State's designation.

(b) State Matching Share.

1. Administrative and Legal Eligibility for receipt of a State Matching Share. The applicant for a State Matching Share must:

a. Satisfy the requirements for Cultural Sponsoring Organization Designation in paragraph (a) above, and

b. Have not been awarded a State Matching Share within the 23-month period preceding this application. The 23-month period commences on the day following the date the previous State Matching Share was awarded. For the purposes of this program, a State Matching Share is considered to have been awarded as of July 1 of the fiscal year for which the Florida Legislature appropriates sufficient funds for the Department to enter into a Trust Agreement with an eligible organization.

2. Program Eligibility. An eligible application shall consist of the following documents and information:

a. A completed and signed Cultural Endowment Application Form (#CA2E037, eff. 7/02, incorporated by reference and available from the Division), and submitted on or before the annual June 1 deadline.

b. A list of the applicant's current board members, including each member's full name, occupation, address, phone number, and position held with the applicant organization.

c. A copy of the organization's independent certified audit for the last completed fiscal year.

d. Documentation establishing that the organization has deposited, prior to the application deadline, new contributions having a market value of at least \$360,000 for each individual endowment.

e. Documentation of Cultural Sponsoring Organization designation or an application for designation.

f. A statement from the chairman of the board or president of the applicant certifying that all documentation is true and correct, and that the Department shall have access to the applicant's records for endowment program purposes.

3. Funding Request. The Division shall not accept two or more applications for a \$240,000 State Matching Share from the same organization under a single application deadline.

4. Matching Funds.

a. At the time of application, eligible applicants shall have on deposit in an applicant-owned cultural endowment program fund new contributions of at least \$360,000 cash, or cash equivalents with a market value of at least \$360,000.

b. Before the State Matching Share is transferred to the Cultural Sponsoring Organization, the Organization must provide documentation to the Division that the Organization has made prudent arrangements for the trusteeship of the entire endowment.

5. Compliance Date. The Compliance Date is the latest date of the following dates:

a. The date the applicant was designated a Cultural Sponsoring Organization; or

b. The date the applicant deposited new contributions having a total capital or assessed value of at least \$360,000 into the organization's cultural endowment program fund.

6. Priority List. The Division shall submit to the Secretary of State a list of all eligible Cultural Sponsoring Organizations in the order of their compliance date for each application deadline with the earliest date first. In the event that two or more Cultural Sponsoring Organizations have the same compliance date, the organizations will be ranked on the Priority List in the order of earliest-to-latest match deposit date. Once a State Matching Share is awarded by the Legislature, the organization is removed from the list.

7. Reporting Requirements. Each and every year, the Cultural Sponsoring Organization shall submit an annual report to the Division within 45 days after the expiration of the organization's fiscal year. The report shall detail:

a. How endowment fund interest was used.

b. The benefits of the endowment program to the organization.

c. How the \$600,000 endowment corpus is invested.

8. Audit.

a. An annual audit of the organization's financial accounts shall be conducted by an independent certified public accountant and submitted to the auditor general and the Division for review within nine months after the expiration of the organization's fiscal year.

b. The audit must specifically recognize the \$600,000 endowment corpus (State Matching Share: \$240,000 and local match: \$360,000) as an asset of the Cultural Sponsoring Organization.

9. Priority List Retention. If sufficient funds are not appropriated by the Legislature for distribution to the Cultural Sponsoring Organization, the Department shall maintain the organization on the Priority List for the subsequent release of one State Matching Share to the organization, pending appropriation. It is the obligation of the organization to maintain eligibility for a State Matching Share while on the Priority List. If the organization chooses to expend part or all of the \$360,000 match, the organization will be removed from the Priority List and the organization will be required to submit a new application.

10. Each organization shall enter into a trust agreement with the State of Florida for the management of the endowment fund. The trust agreement shall include:

a. An investment plan as detailed in 11. below.

b. Other provisions as agreed to by both the organization and the state.

11. Investment Plan. Each organization shall submit an investment plan that shall direct the Trustee to preserve the principal amount of each endowment while maximizing current income through the use of investment-quality financial instruments. For the purposes of this program:

a. Investment quality means instruments rated in one of the four highest classifications as established by a nationally recognized rating service.

b. Financial instruments means bonds, notes, or other obligations of the United States or those guaranteed by the United States or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof; state bonds pledging the full faith and credit of the State of Florida and revenue bonds additionally secured by the full faith and credit of the state; bonds of the several counties or districts in the State of Florida containing a pledge of the full faith and credit of the county or district involved; savings accounts in, or certificates of deposit of, any bank, savings bank, or savings and loan association incorporated under the laws of this state or organized under the laws of the United States doing business and situated in this state, the accounts of which are insured by the Federal Government or an agency thereof; commercial paper of prime quality of the highest letter and numerical rating as provided for by at least one nationally recognized rating service; common stock, preferred stock, and interest-bearing obligations of a corporation having an option to convert into common stock provided the corporation is organized under the laws of the United States, any state or organized territory of the United States, or the District of Columbia; or the corporation is listed on any one or more of the recognized national stock exchanges in the United States and conforms with the periodic reporting requirements under the Securities Exchange Act of 1934.

12. For Cultural Sponsoring Organizations that use the services of an investment manager or other fiduciary entity for the investment of any portion of the endowment corpus, the Cultural Sponsoring Organization must maintain ownership of the assets and have the authority to terminate the investment services agreement.

(17) Cultural Facilities Program. The purpose of this program is to coordinate and guide the State of Florida's support and funding of renovation, construction, or acquisition of cultural facilities. It is not intended to fund project planning, such as feasibility studies and architectural drawings, or operational support.

(a) Administrative and Legal Eligibility. The applicant for a cultural facilities grant must:

1. Be a public entity governed by either a municipality, county, or qualified corporation as defined in Section 265.701(2), Florida Statutes.

2. Have ownership or undisturbed use of the land and building. In the cases where either the land or building is leased and not owned, fee simple, by the applicant, all underlying owners must also meet the above criteria. Exception: Land or building owned by the State of Florida and leased to an eligible applicant. For the purposes of this program, the applicant must be autonomous and independent of the property owner.

3. Retain ownership of all improvements made under the grant (exception: land or building owned by the State of Florida and leased to an eligible applicant).

4. Have satisfied the administrative requirements of previous grants received from the Division.

(b) Program Eligibility. All eligible applications shall consist of the following documents and information:

1. A completed and signed Cultural Facilities Program Application Form (#CA2E020, eff. 7/02, incorporated by reference and available from the Division), including the number of required application copies, submitted to the Division on or before the announced postmark deadline.

2. A description of the Project Scope of Work which shall include a project narrative, current phases, and prior phases.

3. Project Budgets including a summary and detail, a matching funds statement, and match summary chart.

4. A description of the Need for the Project including an operating forecast detail, a list of the organization staff, and a statement on the fiscal stability of the organization.

5. A description of the project's impact on the city, county, or multi-county region.

6. Documentation of unrestricted ownership of the site and facility, or documentation of undisturbed use of a site and facility for the following specific period of time as measured from the application deadline:

a. For equipment or capital fixtures: minimum lease 10 years.

b. For building renovation, improvements: minimum lease 20 years.

c. For building renovation, increase of square footage: minimum lease 30 years.

d. For building construction where the land is leased: minimum lease 40 years.

7. An independent certified audit of the applicant's financial records according to the following provisions:

a. Not-for-Profit, tax-exempt Florida corporations must submit copies of the applicant organization's independent, certified audit or review for the last completed fiscal year.

b. Municipal or county governments shall submit either the audit for the last completed fiscal year, or an internally prepared financial statement of revenue and expenses.

8. An 8 1/2" x 11" reduction of current architectural plans.

9. Letters of Support: Submit letters or list of local officials lending support to this project.

(c) Funding Request.

1. The applicant shall not request more than \$500,000 in a single application. There is no minimum amount.

2. An applicant from the same organization shall not submit 2 or more applications under a single application deadline for the same facility, project, site, or phase.

(d) Time Limits and Funding Cap. No project shall receive more than \$1.5 million during 5 consecutive state fiscal years. "Receive" means measured from July 1 of the fiscal year in which grant funds were awarded.

(e) Matching Funds.

1. Eligible matching funds provided by the grantee or third parties shall be on at least a two-to-one match of the amount requested, except for eligible Rural Economic Development Initiative (REDI) applicants. REDI qualified means those counties or communities designated pursuant to Sections 288.0656 and 288.06561, Florida Statutes.

2. Eligible matching funds provided by eligible REDI applicants shall be at least a one-to-one match of the amount requested.

3. At least 50% of the required match must be in cash. For the purposes of this program, cash shall include cash-on-hand, and cash expenditures made on the project within the five year period prior to the application deadline.

4. At least 50% of the cash match must be cash-on-hand and dedicated to the project.

5. No more than 50% of the match may be irrevocable pledges or in-kind contributions. Irrevocable pledges and in-kind contributions must be documented in the application.

6. Municipalities and counties must submit a copy of the approved resolution or minutes from the commission meeting, with the original application, which includes the dollar amount dedicated and available to the project if the grant is awarded and the date the funds will be available. Resolutions that have not been approved by the application deadline can not be used as match documentation. Local funding, as indicated by the resolution, must be made available within 90 days of state award notification.

(f) Application Review Panel.

1. The application review panel shall review each eligible application based on the following criteria: Scope of Work, up to 15 points; Project Budget and Matching Funds, up to 25 points; Need for Program and Operating Forecast, up to 30 points; and Project Impact, up to 30 points.

2. All applications that receive an average score of at least of 75 out of 100 possible points will be recommended for funding.

3. The panel shall develop a priority list based on the average score for each application.

4. The panel shall submit the priority list to the Florida Arts Council for review and recommendation.

(g) Florida Arts Council shall review the priority list and submit the recommendations to the Secretary of State.

(h) The Secretary of State shall review the recommendations of the Council and provide the Legislature with an approved priority list with funding recommendations.

(i) Retaining Projects on the next grant cycle priority list.

1. Projects that are approved and recommended by the Secretary but are not funded by the Legislature shall be retained on the priority list for the next grant cycle only.

2. All projects that are retained shall be required by the Division to submit the information in subparagraphs (b)1.-3. above in order to reflect the most current status of the project.

3. The deadline for the receipt of updated information shall be the same annual deadline as for new applications.

4. Rollover updates will not be re-scored, but rather merged with the new applications using the original scores and recommended funding.

5. Rollover updates that are determined by the Division to be incomplete or ineligible, changed in scope or venue, or increased the funding request shall be removed from the priority list.

(j) No changes in project scope or venue will be permitted.

(k) Grant Award Agreement. The Grant Award Agreement is the document by which the organization enters into a contract with the State of Florida for the management of the grant funds which shall include:

1. An update of the application project narrative and budget.

2. A completed Assurance of Compliance and Signature Authorization Form (CA2E059, eff. 6/00, incorporated by reference and available from the Division).

(l) Reporting Requirements.

1. Interim Reports shall be submitted at six-month intervals until the project is complete. For the purpose of this program, a project is considered complete when all grant and match funds have been expended. The first Interim Report is due on January 31 of the fiscal year in which the grant was awarded.

2. Final Report. A Final Report shall be submitted 45 days after the completion of the project.

3. All reports shall include the following information:

a. A description of the work completed.

b. A financial statement showing the expenditure of grant and match.

c. A state grant expenditure log that includes check number, amount of check, date of check, name of payee, and a description of the expenditure.

(18) Fellowship Program. This program is designed to recognize the creation of new artworks by individuals of exceptional talent and demonstrated ability. Fellowship awards support the general artistic and career advancement of the individual artist.

(a) To be eligible for a fellowship, an applicant must:

1. Be a legal resident of Florida, as defined by Section 196.015, Florida Statutes, or Section 22.17, Florida Statutes, and agree to maintain Florida residency for the duration of the fellowship period;

2. Be at least 18 years of age;

3. Not be enrolled in any undergraduate or graduate degree-seeking program during the fellowship period;

4. Have not received a fellowship award during the five-year period preceding the new award period;

5. Not serve as a grant review panelist if he/she has an application before the same discipline panel.

(b) Eligible applicants must submit a completed Fellowship application form (CA2E012, eff 7/02, incorporated by reference and available from the Division) with all required samples of work in the discipline appropriate formats described in the program guidelines, on or before the announced postmark deadline. Samples of work must be original and authentic representations of the applicant's work.

(c) The panel reviews for the disciplines of dance, interdisciplinary, media arts, and folk arts are based on a combined rating of the following criteria: the quality and consistency in the body of work, as evidenced by each applicant's submission samples, professional achievements, reputation, and peer support and respect as evidenced through the application form and support materials. Folk arts applicants are also evaluated on the traditionality of the art form.

(d) Samples of work submitted by applicants in the visual arts and crafts, music, literature, and theatre categories are initially evaluated through a blind review process, which means that examples of the applicant's work are presented to the panelists without revealing the applicant's identity.

(e) During the first phase of all panel reviews the applications are rated on a scale of 1 to 10. Only applications ranked 8 or higher are eligible to be considered for fellowship awards or honorable mention during the second phase of the review.

(f) Fellowship awards of \$5,000 each are made based on the panel's recommendations. Funds are available through a grant agreement on a non-matching basis.

(19) Grant Awards to Organizations. The Division shall be responsible for the administration of all grant awards as recommended by the Council with the approval of the Secretary, pursuant to Section 265.286, Florida Statutes. The annual grant period shall be July 1 through June 30, or any grant activity start and end date within that time frame as stated in the award documents, or an approved amendment.

(a) All grant awards, except Cultural Facilities Program Grants, which have been approved in accordance with Chapter 1T-1, F.A.C., shall be made through a grant award agreement, as described in (b).

(b) The grant award agreement shall consist of a grant award letter, an Addendum describing grant requirements as set forth in this rule, the summary of matching and reporting requirements, and an Assurance of Compliance and Signature Authorization Form #CA2E059, eff. 6/00, incorporated by reference and available from the Division. The agreement shall contain all requirements and other conditions governing the grant award. Any amendment to the agreement shall be governed by the provisions of paragraph (e).

(c) No payment will be released unless all financial and program reports are filed in accordance with paragraph (m). The payment request will not be processed by the Division until the organization is in compliance with Department rules.

(d) Accounting Requirements. The Grantee shall maintain an accounting system which provides for a complete record of the use of all grant and match funds connected with the grant.

(e) Revisions to grant. The Division shall consider Grant Amendment Requests on the basis of adherence to the goals of the funded application. The Grantee shall be required to request prior written approval from the Division for the following changes to the grant:

1. Any substantial deviation from the proposal as outlined in the grant. Examples of substantial deviations are: major reductions in the program activities, or number of proposed events; revision in scope, goals, or objectives; reduction in key personnel; changes in specific artists or proposed exhibitions and productions that are not artistically equivalent to the original proposal; the inability to complete the project; or budget changes resulting from such deviations.

2. Introduction of an expense line item where none existed in the approved budget.

3. Travel or equipment costs exceed the figure in the approved budget by more than 25%.

4. Introduction of a subcontractor or subgrantee relationship where none existed in the grant.

5. Charging admission or fees when the proposed activity was "free to the public."

6. Project start and end dates outside the established grant period.

(f) Administrative Change Notice. Change in the organization's name, address, phone number, authorizing officials, or contact person requires a written notice of change. This may be done by filing an administrative change notice form or a letter on grantee letterhead. The Division will not change the organization's name without documentation from both the Division of Corporations and the IRS that reflects the organization name change.

(g) The grantee shall return all grant funds expended on disallowed activity or grant funds not matched as a result of disallowed expenditures for failure to comply with the provisions of (e). However, the Department shall allow an exception in the event the grantee can clearly demonstrate extenuating circumstances. Extenuating circumstances encompass situations beyond the control of the grantee which prevent the timely notification of the request. These instances include but are not limited to natural disaster, death or serious illness of the individual responsible for the request, or mail service failure. Extenuating circumstances do not include failure to read or understand grant administrative requirements, the absence of a required form or inability to obtain an authorized signature, or other similar circumstances.

(h) Allowable costs. All necessary and routine costs shall be allowed for the purposes of a grant provided that:

1. They occur or are obligated within the grant period, provided, however, that no cost incurred prior to the execution of the grant by both parties shall be reimbursed.



2. They are solely for the purposes of the grant and can be easily identified as such.

3. For the Challenge Grant Program only, otherwise eligible matching funds may have been obligated or expended prior to the beginning of the grant year. The period may not exceed two years before the start of the grant year for the Challenge Grant Program.

(i) Non-allowable costs. Project costs shall not include the following:

1. Expenses incurred or obligated prior to or after the grant period.

2. Lobbying or attempting to influence federal, state or local legislation, the judicial branch or any state agency.

3. Building, renovation, or remodeling of facilities.

4. Bad debts, contingencies, fines and penalties, interest and other financial costs.

5. Private entertainment, food, beverages, plaques, awards, or scholarships.

6. Capital expenditures, including acquisitions.

7. Projects which are restricted to private or exclusive participation, which shall include restricting access to programs on the basis of sex, race, creed, national origin, disability, age, or marital status.

8. Regranting.

9. Contributions and donations.

(j) School systems may use paid in-classroom teacher time and release time, including substitute salaries, as a part of the cash match for Arts in Education grant projects.

(k) Grant and matching funds may be used for the following with prior approval by the Director or when specifically contained and approved in the grant application.

1. Travel outside the continental United States.

2. Equipment purchases that cost in excess of \$5,000 and have a life of more than one year.

3. Approval for inclusion of the above cost items will be based on the proposed costs being reasonable and the applicant's ability to demonstrate that travel or equipment is essential to achieving the goals of the proposal. Prior approval by the Director for inclusion of these cost items in a funded grant shall also require the grantee to demonstrate why these cost items could not have been included in the original proposal.

(l) It shall be understood that all funds, regardless of source, connected with the grant shall be required to comply with this section.

(m) Reporting. For all programs, unless otherwise specified, the grantee shall file a final report no more than 30 days following the project ending date. Interim reports will be required for grants with ending dates after June 30. These interim reports shall contain program financial and statistical results as of June and must be submitted no later than July 30. A final report will also be required 30 days after the project

ending date. Requests for report due date extensions must be submitted in writing prior to the original due date. Interim and final reports shall be completed and submitted on the Grant Report Form (CA2E004, eff. 7/02, incorporated by reference and available from the Division).

(n) Sponsorship statement. All publications, media productions, and exhibit graphics associated with activity described in the grant award agreement shall include the following statement: "Sponsored in part by the State of Florida, Department of State, Division of Cultural Affairs and the Florida Arts Council" according to Section 286.25, Florida Statutes.

(o) Expenditures from grant funds shall in no circumstances exceed 50% of the project costs unless otherwise provided in this rule or as part of the stipulations in the grant award agreement.

(p) The Division shall notify grantees, in writing, specifying administrative deficiencies with each type of grant award document, request, or report.

1. Grantee has 30 days in which to respond to the Division concerning the written notice of deficiencies.

2. If there is no response from the grantee, within 30 days from the date of the letter, the document, request, or report will be rejected.

(q) The Grant Award is subject to rescission if the Award Letter and the Assurance of Compliance and Signature Authorization Form are not properly signed and, therefore, not accepted by the grantee.

(r) Failure to obtain prior approval on a Grant Amendment Request may result in full or partial refund to the state if expenditures of state or matching funds do not meet program requirements. See paragraph (e).

(s) Failure to respond to report deficiencies will place the grantee in a non-compliance status, and payment on current grants shall be withheld until the deficiencies are resolved.

(t) Any new applications will be declared ineligible if an organization is in non-compliance for failure to submit a final report of any Division application deadline.

Specific Authority 255.043(5), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609(1),(4),(6), 265.701(4) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-56, 265.601-.607, 265.608, 265.609, 265.701, 286.011, 286.012, 286.25 FS. History--New 11-23-82, Formerly 1T-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Linda B. Downey, Chief, Bureau of Grant Services  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Katherine Harris, Secretary of State and JuDee Pettijohn, Director, Division of Cultural Affairs  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 29, 2002

**DEPARTMENT OF INSURANCE**

Annual Audited Financial Reports 4-137.002

PURPOSE AND EFFECT: The rule adopts the form which is required by statute for insurers to claim exemptions and meet reporting requirements.

SUMMARY: The rule adopts Form DI4-1431 "Audited Financial Statements Exemption Affidavit," to be completed by insurers wishing to claim exemption from filing audited financial statements as permitted by Section 624.424(8)(e), Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1), 624.424(8)(e) FS.

LAW IMPLEMENTED: 624.307(1), 624.324, 624.424(8) FS.

IF REQUESTED IN WRITING 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., June 3, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lee Roddenberry, Bureau Chief of P & C Insurer Solvency, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0329, phone (850)413-5200 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White at (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-137.002 Annual Audited Financial Reports.

(1) through (13) No change.

(14) Exemptions and Effective Dates.

(a) through (b) No change.

(c) Form DI4-1431, (rev. 7/01), "Audited Financial Statements Exemption Affidavit", is hereby incorporated by reference to be the form specified in Section 624.424(8)(b), F.S., for exemptions from compliance with the filing of an annual audited financial statement.

(15) No change.

Specific Authority 624.308(1), 624.424(8)(e) FS. Law Implemented 624.307(1), 624.324, 624.424(8) FS. History--New 3-31-92, Amended 3-14-94, 8-17-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lee Roddenberry, Bureau Chief of P & C Insurer Solvency, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Beth Vecchioli, Deputy Division Director, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 22, 2002

**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

RULE CHAPTER TITLE: Firefighter Employment Standard

RULE CHAPTER NO.: 4A-62

RULE TITLE: Exemption from 29 Code of Federal

RULE NO.:

Regulations, Section 1910.134(g)(4) 4A-62.005

PURPOSE AND EFFECT: To provide procedures for fire departments which have certified to the Department of Insurance that they cannot implement 29 Code of Federal Regulations, Section 1910.134(g)(4) referred to as the "two in, two out rule," without expending significant additional funds or hiring additional employees, and have taken the six-month exemption provided for in Rule 4A-62.003, Florida Administrative Code, to come into compliance with the Regulation or to gain a continuance of the exemption.

SUMMARY: Provides procedures for the Division of State Fire Marshal, the Firefighters Health and Safety Task Force and the Fire Standards and Training Council, to form a "special exemption subcommittee" to investigate the fire departments which have certified to the Department of Insurance that they cannot implement 29 Code of Federal Regulations, Section 1910.134(g)(4). The Division shall review annually each fire department continued on the exempt list until compliance.

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

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

SPECIFIC AUTHORITY: 633.01(1) FS.

LAW IMPLEMENTED: 633.45(1)(a) FS.

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

DATE AND TIME: 9:00 a.m., May 28, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340. Phone: (850)413-3604; Fax: (850)922-1235

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Millicent King, (850)922-3171.

THE FULL TEXT OF THE PROPOSED RULE IS:

4A-62.005 Exemption from 29 Code of Federal Regulations, Section 1910.134(g)(4).

(1) This section is applicable to all fire departments which have notified the Division of State Fire Marshal that they are exempt from the applicability of 29 Code of Federal Regulations, Section 1910.134(g)(4) for six months beginning April 1, 2002.

(2) The Division shall provide the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, with the names of all fire departments which are exempt.

(3) Pursuant to paragraph 4A-62.003(3)(c), Florida Administrative Code, the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, shall assign one or more of its members as a "special exemption subcommittee" to investigate the circumstances surrounding the reason why such fire department or local government is not able to implement 29 Code of Federal Regulations, Section 1910.134(g)(4) without adding additional firefighters to its staff or expending significant additional funds. In such investigation, the special exemption subcommittee shall, assisted by a member of the staff of the Division, investigate and take into consideration the following factors:

(a) Whether the fire department or local government submitting the letter or certification has made any attempt to enter into any interlocal agreement with any surrounding fire department or local government or to take any other measures which would assist it in implementing 29 Code of Federal Regulations, Section 1910.134(g)(4) without adding additional firefighters to its staff or expending significant additional funds;

(b) If no attempt, or an insufficient attempt, has been made to enter into an interlocal agreement with a surrounding fire department or local government or to take any other measures, the special exemption subcommittee shall investigate the feasibility and capability of the fire department or local government entering into such an agreement with one or more surrounding fire departments or local governments so that the fire department or local government seeking the exemption

would be able to implement 29 Code of Federal Regulations, Section 1910.134(g)(4) without adding additional firefighters or expending significant additional funds.

(c) The special exemption subcommittee may also consider any other factor or take any other action the special exemption subcommittee deems reasonably necessary to complete its charge from the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate.

(d) The special exemption subcommittee, assisted by a member of the staff of the Division, shall prepare and submit a report of its investigations to the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate. The report need not be in any particular form but shall contain:

1. The action taken by the special exemption subcommittee in performing its investigation;

2. The results of the investigation; and

3. The recommendation or recommendations of the special exemption subcommittee.

(4) The Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, shall consider the actions taken by the special exemption subcommittee together with the results and any recommendation or recommendations by the special exemption subcommittee. The Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, shall take one of the following three actions:

(a) Adopt any recommendation or recommendations made by the special exemption subcommittee in full as its recommendation or recommendations to the State Fire Marshal; or

(b) Adopt any recommendation or recommendations made by the special exemption subcommittee with any changes, additions, or deletions the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, makes as its recommendation or recommendations to the State Fire Marshal; or

(c) Request that the special exemption subcommittee revisit the fire department or local government which alleges that it cannot comply with 29 Code of Federal Regulations, Section 1910.134(g)(4) without adding additional firefighters to its staff or expending significant additional funds, and take any further reasonable steps in its investigation. If the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, takes the action provided for in this subparagraph, it shall provide specific guidance to the special exemption subcommittee as to the factors and actions it is directing the special exemption subcommittee to consider and take.

(5)(a) Upon receipt of any recommendation or recommendations of the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, the Division shall notify the subject fire department or local government of the recommendation or recommendations of the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, and shall, if it approves of the recommendation or recommendations of the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, request the fire department or local government to comply with such recommendation or recommendations.

(b) If the Division does not approve the recommendation of the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, it shall return the recommendation to the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, with specific directions to consider any other reasonable factors or take any other reasonable action.

(6) If the subject fire department or local government complies in full with the recommendation or recommendations within a reasonable time and determines that it is able to implement 29 Code of Federal Regulations, Section 1910.134(g)(4) without adding additional firefighters to its staff or expending significant additional funds, it shall be removed from the list of exempt fire departments or local governments.

(7) If the subject fire department or local government has cooperated fully with the Division and the Firefighters Health and Safety Task Force or Firefighters Employment, Standards and Training Council, as appropriate, and has complied in full with the recommendation or recommendations within a reasonable time but finds that it still is unable to implement 29 Code of Federal Regulations, Section 1910.134(g)(4) without adding additional firefighters to its staff or expending significant additional funds, it shall be continued on the exempt list for an additional year. The Division shall review the circumstances of each fire department continued on the exempt list after October 1, 2002, each year thereafter until compliance can be achieved.

(8) If the subject fire department or local government fails or refuses to comply with the recommendation or recommendations within a reasonable time, the Division shall take such action that is permitted and that may be appropriate under Chapter 633, F.S.

(9) If a special exemption subcommittee of the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, is unable to complete an investigation of any fire department or local government which alleges that it is unable to comply with 29 Code of Federal Regulations, Section 1910.134(g)(4) without

adding additional firefighters to its staff or expending significant additional funds prior to the expiration of the six-month automatic exemption period from April 1, 2002, to October 1, 2002, such fire department or local government shall continue on the exempt list until a disposition is made in accordance with this section.

(10) Each year after the year 2002, the Division shall review the list of exempt fire departments or local governments and shall take the same action as set forth in this section with respect to those fire departments and local governments which remain on the list.

Specific Authority 633.01 FS. Law Implemented 633.45(1)(a) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall A. Napoli, Director, Division of State Fire Marshal, Department of Insurance  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2002  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 22, 2002

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Emergency Management**

RULE CHAPTER TITLE: Comprehensive Emergency Management Plan  
 RULE CHAPTER NO.: 9G-2

RULE TITLE: State Comprehensive Emergency Management Plan Adopted  
 RULE NO.: 9G-2.002

PURPOSE, EFFECT AND SUMMARY: To add three new Annexes to the State Comprehensive Emergency Management Plan. These are Repatriation, Wildfires and Terrorism.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 252.35(2)(u) FS.

LAW IMPLEMENTED: 252.35(2)(a) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m. – 12:00 noon, May 27, 2002

PLACE: Room 310M, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Charlie Worthen, Planner IV, Bureau of Preparedness and Response, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 (850)413-9973, SUNCOM 293-9973 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: Charlie Worthen, Planner IV, Bureau of Preparedness and Response, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 (850)413-9973, SUNCOM 293-9973

THE FULL TEXT OF THE PROPOSED RULE IS:

9G-2.002 State Comprehensive Emergency Management Plan Adopted.

(1) The Department hereby adopts and incorporates by reference into this Chapter the State Comprehensive Emergency Management Plan (\_\_\_\_\_ February 1, 2000 Edition).

(2) No change.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(2)(a) FS. History--New 1-4-01, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charlie Worthen, Planner IV, Bureau of Preparedness and Response, Division of Emergency Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Craig Fugate, Director, Division of Emergency Management, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 12, 2002

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Incorporation by Reference 14-15

RULE TITLE: RULE NO.:

Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways 14-15.002

PURPOSE AND EFFECT: The *Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways*, commonly referred to as "the Green Book," is being revised.

SUMMARY: The rule adopts the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, commonly referred to as "the Green Book." Because the manual has been revised, that revised edition has to be incorporated by reference.

SPECIFIC AUTHORITY: 334.044(2), 336.045(1) FS.

LAW IMPLEMENTED: 336.045 FS.

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

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., June 3, 2002

PLACE: Suwannee Room, Second Floor, Room 250, 605 Suwannee Street, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULES IS:

14-15.002 Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.

The *Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways*, May - ~~2002~~, ~~2001~~ edition, is hereby incorporated by this rule and made a part of the rules of the Department of Transportation. Copies of this Department manual and any amendments thereto are available from the Department of Transportation, Maps and Publications Sales, 605 Suwannee Street, Mail Station 12, Tallahassee, Florida 32399-0450, at no more than cost.

Specific Authority 334.044(2), 336.045(1) FS. Law Implemented 336.045 FS. History--New 1-22-76, Amended 7-13-81, 6-24-84, Formerly 14-15.02, Amended 8-25-86, 11-29-89, 11-1-94, 5-15-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rob Quigley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 15, 2002, Page 1540-1541, as corrected.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Rules of Conduct  
RULE NO.: 33-208.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise the requirements and process for staff to report arrests or criminal charges.

SUMMARY: The proposed rule increases the minimum fine or bond forfeiture which requires a written report and clarifies how charges or arrests are to be reported.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.215, 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

**THE FULL TEXT OF THE PROPOSED RULE IS:**

33-208.002 Rules of Conduct.

The Department of Corrections requires all employees to familiarize themselves with all rules and regulations pertaining to their positions and duties, and that employees abide by these rules and regulations. The following rules of conduct and performance standards are applicable both on and off the job to all Department of Corrections employees. Some of these rules of conduct are found again in abbreviated form in the next section titled "Range of Disciplinary Actions," however, all rules of conduct are enforceable by appropriate disciplinary action regardless of whether they are listed in the range of disciplinary actions.

(1) through (2) No change.

(3) Each employee shall make a full written report within 3 calendar days ~~to the secretary, warden, regional director, circuit administrator or officer in charge,~~ of any criminal charge filed against him or any arrest for any violation of any law or ordinance except minor traffic violations for which the fine or bond forfeiture is \$200 ~~\$100.00~~ or less. In field locations this report shall be submitted to the warden, regional

director, circuit administrator or officer in charge; in central office this report shall be submitted to the employee's bureau chief or director.

(4) through (27) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS. History--New 10-8-76, Amended 10-11-77, 4-19-79, 6-18-83, Formerly 33-4.02, Amended 8-15-89, 10-20-90, 1-31-91, 3-20-91, 1-30-96, 3-24-97, 4-19-98, Formerly 33-4.002, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Peggy Ball

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 29, 2002

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Home and Community-Based  
RULE NO.: 59G-8.200

Services Waivers

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Developmental Services Waiver Services Coverage and Limitations Handbook, June 2002, and to repeal portions of the rule that are duplicated in the Medicaid handbooks, other Medicaid rules of general applicability, Florida Statutes, or federal regulations. The effect will be to incorporate by reference in the rule the current Florida Medicaid Developmental Services Waiver Services Coverage and Limitations Handbook and to eliminate duplication.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Developmental Services Waiver Services Coverage and Limitations Handbook, June 2002, and to repeal portions of the rule that are duplicated in the Medicaid handbooks, other Medicaid rules of general applicability, Florida Statutes, or federal regulations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906(12), 409.912(7) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD.)

TIME AND DATE: 10:00 a.m. – 1:00 p.m., May 28, 2002

PLACE: 2727 Mahan Dr., AHCA Building #3, Conference Rm. D, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn Stephens, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)921-4464

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-8.200 Home and Community-Based Services Waivers.

(1) through (11) No change.

(12) Developmental Services Waiver – General. This rule applies to all Developmental Services Waiver Services providers enrolled in the Medicaid program. All Developmental Services Waiver Services providers enrolled in the Medicaid program must comply with the Florida Medicaid Developmental Services Waiver Services Coverage and Limitations Handbook, June 2002, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, until required to use HCFA-1500, which is incorporated by reference, in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

~~(a) Program Summary. This program provides HCB waiver services to recipients with developmental disabilities who are clients of the Department of Health and Rehabilitative Services (HRS) developmental services (DS) program, and who are eligible for admission to an intermediate care facility for the mentally retarded developmentally disabled (ICF/MR-DD). The recipients have elected to receive services in the community rather than in an ICF/MR-DD.~~

~~(b) Covered Services and Provider Qualifications. Providers of the DS waiver services must be certified by the HRS DS program in each district where it applies to provide services. Additional provider requirements are noted below by the respective service:~~

~~1. Adult Day Training and Child Day Training. Agencies or centers providing these services must be designated by the DS program as adult day training centers or child day training centers and must be certified by DS.~~

~~2. Behavioral Analysis Services. Providers must be psychologists licensed in accordance with Chapter 490, F.S.; clinical social workers, marriage and family therapists, or mental health counselors licensed in accordance with Chapter 491, F.S.; or providers certified by the HRS DS behavior analysis certification program as having a Master's degree in behavior analysis, health or human services, or education.~~

~~3. Chore Services. Providers must have at least one year of experience directly related to the area of work they will be performing. College, or vocational/technical training, equal to 30 semester hours, 45 quarter hours, or 720 classroom hours can substitute for the required experience.~~

~~4. Companion Services. Private vendors must be registered as a "companion" or "sitter" with the Agency in accordance with s. 400.509, F.S., and Rule 59A-8, F.A.C.~~

~~5. Environmental Modification. Providers must be licensed contractors, electricians, plumbers, carpenters, handymen or medical supply companies. Contractors and electricians will be licensed in accordance with Chapter 489, F.S.; medical supply companies will be licensed in accordance with Chapter 205, F.S.; and plumbers will be licensed in accordance with Chapter 553, F.S., by the Department of Business and Professional Regulation. Handymen shall have experience in providing the required service and shall be licensed according to local community requirements.~~

~~6. Homemaker. Providers must be registered as a "homemaker" with the Agency in accordance with s. 400.509, F.S., and Chapter 59A-8, F.A.C.~~

~~7. Non-Residential Support Services. Persons providing this service must have at least one year of experience working in a medical, psychiatric, nursing, or childcare setting, or in working with developmentally disabled persons. College, or vocational/technical training, equal to 30 semester hours, 45 quarter hours, or 720 classroom hours can substitute for the required experience.~~

~~8. Occupational Therapy. Providers must be occupational therapists or occupational therapy aids licensed under Chapter 468, Part III, F.S.~~

~~9. Personal Care Assistance. These services are provided pursuant to the requirements in Chapter 393, F.S. Providers must be employees of Medicaid participating home health agencies or individuals with at least one year of experience working in a medical, psychiatric, nursing or child care setting or in working with developmentally disabled persons. College, or vocational/technical training, equal to 30 semester hours, 45 quarter hours, or 720 classroom hours can substitute for the required experience.~~

~~10. Personal Emergency Response Systems. Vendors of this service must be licensed by the Department of Business and Professional Regulation in accordance with Chapter 489, F.S.~~

~~11. Physical Therapy. Providers must be licensed as physical therapists or physical therapist assistants, either independently or as employees of licensed and Medicaid participating home health agencies. Physical therapists and physical therapist assistants must be licensed under Chapter 486, F.S., and home health agencies must be licensed under Chapter 400, F.S.~~

12. Private Duty Nursing. Providers must be licensed and Medicaid-participating home health agencies or licensed nurses. Individual nurses must be licensed in accordance with Chapter 464, F.S.; home health agencies must be licensed under Chapter 400, F.S.

13. Psychological Assessment Services. These services must be provided by a psychologist licensed under Chapter 490, F.S.

14. Residential Habilitation. Providers must be group home facilities or foster care facilities licensed under Chapter 393 or Chapter 400, F.S., and Chapter 10F-6, F.A.C. Persons providing this service must have at least one year of experience working in a medical, psychiatric, nursing, or child care setting or in working with developmentally disabled persons. College, or vocational/technical training, equal to 30 semester hours, 45 quarter hours, or 720 classroom hours can substitute for the required experience.

15. Respite. Agencies providing respite care services must be home health agencies, group homes, assisted living facilities (ALF's), nursing registries, or independent vendors. Home health agencies must be Medicaid certified and licensed in accordance with Chapter 400, F.S. Group homes must be licensed in accordance with Chapter 393, F.S. The ALF's must be licensed in accordance with Chapter 400, F.S. Nurses must be licensed in accordance with Chapter 464, F.S. Aids providing respite services must have at least one year of experience working in a medical, psychiatric, nursing, or child care setting, or in working with developmentally disabled persons. College, or vocational/technical training, equal to 30 semester hours, 45 quarter hours, or 720 classroom hours can substitute for the required experience.

16. Skilled Nursing Services. Providers must be licensed home health agencies, or independent licensed nurses. Individual nurse providers must be licensed in accordance with Chapter 464, F.S. Home health agencies must be licensed under Chapter 400, F.S., and Medicaid certified.

17. Special Medical Equipment and Supplies. Providers must be medical supply companies, licensed pharmacies or independent vendors. Medical supply companies and independent vendors must be licensed under Chapter 205, F.S.; pharmacies must be licensed under Chapter 465, F.S. Supplies and equipment will be purchased from vendors based on availability and best price.

18. Special Medical Home Care. Providers must be licensed group homes employing registered nurses, licensed practical nurses and nurses aides. The group home must be licensed in accordance with Chapter 393, F.S. Registered nurses and licensed practical nurses must be licensed in accordance with Chapter 464, F.S. Nurse's aides must work under the supervision of either a registered nurse or a licensed practical nurse.

19. Speech and Language Therapy. Providers must be licensed as speech pathologists, either independent or as employees of licensed and Medicaid-participating home health agencies. Speech pathologists and speech therapy assistants must be licensed under Chapter 468, Part I, F.S.; home health agencies must be Medicaid certified and licensed under Chapter 400, F.S.

20. Support Coordination (also known as case management). Support coordinators must have a baccalaureate degree from an accredited college or university and have two years of professional experience in developmental disabilities, mental health, counseling, social work, guidance, or health and rehabilitative services. A master's degree can substitute for one year of the required experience. Within 120 days of assuming support coordination functions, support coordinators must complete the required support coordination training program provided by the Department's DS program.

21. Transportation. Providers of private autos, wheelchair vans, buses, and taxis must be licensed under Chapter 322, F.S., and meet Department of Highway Safety and Motor Vehicles rules for operation.

(c) Recipient Eligibility.

1. Developmental Services waiver services are available only to individuals who are not residing in an institution or an ICF/MR-DD, who are financially eligible for Medicaid in accordance with Chapter 10C-8, F.A.C., who are clients of developmental services, and who meet the level of care criteria for an ICF/MR-DD.

2. Recipients determined financially eligible for DS waiver services must also meet admission criteria for ICF/MR-DD services as defined in Rule 59G-4.170, F.A.C.

(d) Provider Enrollment. Prospective providers of DS waiver services will submit a completed DS provider application, Medicaid Provider Enrollment Application, and a Medicaid Non-Institutional Technical and Professional Agreement to the DS program in the district where the provider intends to provide services. When the prospective provider is certified by DS, the district DS office forwards the completed Medicaid forms together with the DS certification to the Medicaid fiscal agent.

(e) Program Operations. The HCB services program under this waiver shall comply with the standards established in Chapter 10F-13, F.A.C.

(13) through (15) No change.

Specific Authority 409.919 FS. Law Implemented 409.906(12), 409.912(7) FS. History—New 4-20-82, Formerly 10C-7.527, Amended 3-22-87, 11-23-89, Formerly 10C-7.0527, Amended 1-16-96, 7-23-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kathryn Stephens

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Rhonda M. Medows, MD, FAAFP,  
Secretary



DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2002  
DATE NOTICES OF PROPOSED RULE DEVELOPMENTS PUBLISHED IN FAW: Dec. 28, 2001, Jan. 25, 2002, and Feb. 8, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE TITLE: Continuing Education Credit Requirements      RULE NO.: 61G10-18.001

PURPOSE AND EFFECT: The Board has determined that it is necessary to reword the text to this rule to clarify the continuing education credit requirements.

SUMMARY: The Board is substantially rewording this rule to clarify the requirements for continuing education.

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

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

SPECIFIC AUTHORITY: 455.2124, 481.306, 481.313 FS.

LAW IMPLEMENTED: 481.313, 553.841 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Executive Director, Florida Board of Landscape Architecture, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G15-15.003 follows. See Florida Administrative Code for present text.)

61G10-18.001 Continuing Education Credit Requirements for Biennial Renewal.

Every person licensed pursuant to Chapter 481, Part II, Florida Statutes, must obtain at least sixteen (16) continuing education credits per biennium. There shall be no carryover of hours permitted from one licensure renewal biennium to the next.

(1) Licensees whose license period ends during the biennium ending November 30, 2003 must complete the following continuing education requirements:

(a) Four (4) of the required sixteen credits must be obtained by either completing the four (4) hour core curriculum course on the Uniform Building Code or passing

the equivalency test of the Building Code Training Program prescribed by Sections 553.841 and 481.313(5), Florida Statutes; and

(b) Two (2) of the required sixteen credits must be obtained by completing a course on Florida’s laws and rules affecting the practice of landscape architecture according to Chapter 481, Florida Statutes per biennium; and

(c) A minimum of six (6) of the remaining hours of continuing education credits must be obtained from the following:

1. The completion of courses in landscape architecture subjects at universities and colleges shall be accredited by an accrediting agency that is recognized by the United States Office or Department of Education, including accredited junior and community college programs. No more than six (6) continuing education credits may be obtained for each semester hour or quarter hour equivalent thereof. A fifty minute instructional class shall equal one academic hour and each 15 academic semester or quarter hours or an equivalent shall equal one hour of continuing education credit. A “course in a landscape architecture subject” is a course that is defined in subsection 61G10-18.006(4), F.A.C.:

i. Any continuing education credit from an academic institution must be submitted to the Department ninety (90) days prior to the licensees renewal on November 30th of odd-numbered years.

ii. A certified copy of the transcript from the registrar of the academic institution shall be evidence of the continuing education credit for the academic institution.

2. The completion of courses approved by the Board and offered by continuing education providers approved by the Board for the provision of continuing education credit hours. The number of hours of credit shall be consistent with Rule 61G10-18.003, F.A.C.

(2) Upon renewal after a licensee has completed the core curriculum course on the Uniform Building Code or passed the equivalency test of the Building Code Training Program, the licensee shall take the following continuing education courses per biennium:

(a) A minimum of four (4) of the sixteen (16) required credits must be obtained by completing an approved provider’s advanced or specialized course on the Uniform Building Code approved by the Florida Commission; and

(b) Two (2) of the required sixteen (16) credits must be obtained by completing a course on Florida’s laws and rules affecting the practice of landscape architecture according to Chapter 481, Florida Statutes; and

(c) A minimum of six (6) of the remaining hours of continuing education credits must be obtained from the following:

1. The completion of courses in landscape architecture subjects at universities and colleges shall be accredited by an accrediting agency that is recognized by the United States

Office or Department of Education, including accredited junior and community college programs. No more than six (6) continuing education credits may be obtained for each semester hour or quarter hour equivalent thereof. A fifty (50) minute instructional class shall equal one academic hour and each fifteen (15) academic semester or quarter hours or an equivalent shall equal one hour of continuing education credit. A "course in a landscape architecture subject" is a course that is defined in subsection 61G10-18.006(4), F.A.C.:

i. Any continuing education credit from an academic institution must be submitted to the Department ninety (90) days prior to the licensees' renewal on November 30th of odd-numbered years.

ii. A certified copy of the transcript from the registrar of the academic institution shall be evidence of the continuing education credit for the academic institution.

2. The completion of courses approved by the Board and offered by continuing education providers approved by the Board for the provision of continuing education credit hours. The number of hours of credit shall be consistent with Rule 61G10-18.003, F.A.C.; and

(3) A first time Florida license; licensed 12 or more months prior to the end of a biennial period, shall take the core curriculum courses or pass the equivalency test of the Building Code Training Program established by Section 553.841, Florida Statutes, within two (2) years of initial licensure and shall complete the following eight (8) hours of continuing education as a condition of renewal.

(a) Two (2) of the required eight (8) credits must be obtained by completing a course on Florida's laws and rules affecting the practice of landscape architecture according to Chapter 481, Florida Statutes per biennium.

(b) Hours spent taking the core curriculum Building Code Training Program shall count toward hours of continuing education for license renewal.

(c) The remaining hours of continuing education credits must be obtained from the following:

1. The completion of courses in landscape architecture subjects at universities and colleges shall be accredited by an accrediting agency that is recognized by the United States Office or Department of Education, including accredited junior and community college programs. No more than six (6) continuing education credits may be obtained for each semester hour or quarter hour equivalent thereof. A fifty (50) minute instructional class shall equal one academic hour and each fifteen (15) academic semester or quarter hours or an equivalent shall equal one (1) hour of continuing education credit. A "course in a landscape architecture subject" is a course that is defined in subsection 61G10-18.006(4), F.A.C.:

i. Any continuing education credit from an academic institution must be submitted to the Department ninety (90) days prior to the licensees' renewal on November 30th of odd-numbered years.

ii. A certified copy of the transcript from the registrar of the academic institution shall be evidence of the continuing education credit for the academic institution.

2. The completion of courses approved by the Board and offered by continuing education providers approved by the Board for the provision of continuing education credit hours. The number of hours of credit shall be consistent with Rule 61G10-18.003, F.A.C.

(4) A person initially licensed for less than twelve (12) months prior to the end of a biennial period need not complete any continuing education as a condition of renewal.

(5) Non-Qualifying Activities For Continuing Education Hours Activities that do not qualify as continuing education hours include but are not limited to the following:

(a) Self-generated courses, that being courses generated and presented by the licensee to himself or herself for continuing credit.

(b) Personal self-improvement courses.

(c) Equipment demonstrations or trade show displays.

(d) Enrollment without attendance.

(e) Repetitive attendance or teaching of the same course within the applicable biennium.

(f) Tours of buildings, structures, schools, museums and such unless there is a clear objective to maintain and strengthen competency in a technical field.

(g) Regular employment.

(6) Demonstrating Compliance.

In order to demonstrate compliance, licensees must execute a signed statement accompanying their renewal form and return it to the Board office with their renewal. For each qualifying activity listed, the following information must be included:

(a) Title of activity and a description.

(b) The date, location and provider of the activity.

(c) The area of practice to which the activity applies.

(d) The number of continuing education credits claimed for each activity.

Specific Authority 455.2124, 481.306, 481.313 FS. Law Implemented 481.313, 553.841 FS. History--New 9-19-01, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Landscape Architecture

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 19, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 8, 2002

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 01-57R  
RULE CHAPTER TITLE: PERMITS RULE CHAPTER NO.: 62-4  
RULE TITLE: REGULATORY PROGRAM AND SURVEILLANCE  
Fees for Wastewater Facilities or  
Activities Discharging to  
Surface Waters RULE NO.: 62-4.052

The Department of Environmental Protection has proposed language amending Rule 62-4.052, F.A.C., to increase annual fees paid by Phase I Municipal Separate Storm Sewer System (MS4) facilities and to include individually permitted Phase II MS4 facilities within the fee structure.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.is/> under the link or button entitled “Official Notices.” The person to be contacted regarding the proposed rule is: Fred Noble, P.E., NPDES Stormwater Section, Florida Department of Environmental Protection, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE TITLE: PROCESSING FEE RULE NO.: 64B2-12.017

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

SUMMARY: The Board clarifies that the \$350 processing fee is for the physician and the assistant’s fee is \$55, which does not exceed the biennial renewal fee.

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

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

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-12.017 Processing Fee.  
A licensee shall pay a processing fee of ~~\$350.00 three hundred fifty dollars (\$350.00)~~ when the licensee applies for a change in licensure status at any time other than during licensure renewal, except a certified chiropractic physician assistant shall pay \$55. The renewal period shall begin ~~90 ninety (90)~~ days prior to the end of the biennium and shall end on the last day of the biennium.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History–New 2-20-95, Formerly 59N-12.017, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 22, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE TITLE: CONTINUING EDUCATION RULE NO.: 64B2-13.004

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

SUMMARY: The Board proposes to allow course instructors, text examiners, and former Board members serving on probable cause panels to obtain continuing chiropractic education credits for these activities.

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

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

SPECIFIC AUTHORITY: 460.408(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.036(10), 460.408 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.004 Continuing Education.  
(1) through 10) No change.

(11) In addition to the continuing chiropractic education credits authorized above, a course instructor, for one presentation only per biennium, will receive credit for a continuing education program sponsored by a provider approved by the Board, except that credit will be limited to the number of credits for which the instructor was personally responsible and shall not exceed the credit allowed for attending the program.

(12) In addition to the continuing chiropractic education credits authorized above, test examiners who have passed their trainee period and were used by the Department during the biennium will receive eight hours of credit for the biennium.

(13) In addition to the continuing chiropractic education credits authorized above, former Board members will receive eight hours of credit per biennium for annual service on a Probable Cause Panel.

Specific Authority 460.408(3) FS. Law Implemented 456.013(6), 456.036(10), 460.408 FS. History–New 1-10-80, Amended 11-25-80, 1-13-82, Formerly 21D-13.04, Amended 6-22-86, 7-5-87, 1-25-88, 10-17-90, 10-15-92, Formerly 21D-13.004, Amended 10-26-93, Formerly 61F2-13.004, Amended 3-16-95, 7-18-95, 6-11-96, Formerly 59N-13.004, Amended 6-24-98, 8-4-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Chiropractic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 22, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

**DEPARTMENT OF HEALTH  
Board of Chiropractic Medicine**

RULE TITLE: Inactive Status License

RULE NO.: 64B2-13.0049

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

SUMMARY: The Board proposes to remove a prohibition on inactive licensees returning to active status at times other than the renewal period.

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

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

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.0049 Inactive Status License.

(1) through (2) No change.

~~(3) Any inactive licensee who elects active status is not eligible to elect to return to inactive status until the next licensure renewal period.~~

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History–New 2-20-95, Formerly 59N-13.0049, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Chiropractic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 22, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

**DEPARTMENT OF HEALTH  
Board of Chiropractic Medicine**

RULE TITLE: Citations

RULE NO.: 64B2-16.0075

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

SUMMARY: The Board proposes to add citations for failure to review and correct any factual inaccuracies in the practitioner profile within 30 days and to remove citations for deceptive advertising.

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

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

SPECIFIC AUTHORITY: 456.077, 460.405 FS.

LAW IMPLEMENTED: 456.035, 456.072(3), 456.073 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-16.0075 Citations.

(1) through (2) No change.

(3) The Board designates the following as citation violations, which shall result in a penalty of five hundred dollars (\$500.00) if the citation is accepted by the licensee:

(a) through (b) No change.

(c) Failure to review and correct any factual inaccuracies in the practitioner profile within 30 days of when furnished Sections 460.413(1)(i), 456.041(7), 456.042, F.S. False, deceptive or misleading advertising, s. 460.413(1)(d), F.S.

(d) through (g) No change.

(4) through (9) No change.

Specific Authority 456.077, 460.405 FS. Law Implemented 456.035, 456.072(3), 456.073 FS. History–New 1-19-92, Amended 4-26-93, Formerly 21D-16.0075, 61F2-16.0075, Amended 7-18-95, Formerly 59N-16.0075, Amended 2-11-9, 5-31-00.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Chiropractic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: March 22, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: April 26, 2002

**DEPARTMENT OF HEALTH**

**Board of Hearing Aid Specialists**

RULE TITLE:

Definitions

RULE NO.:

64B6-8.001

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

SUMMARY: The Board proposes to clarify the meaning of the rule by specifying that the work is “dispensing” hearing aids, that the sponsor must be licensed, and that there is an approval process for the sponsor.

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

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

SPECIFIC AUTHORITY: 484.0445(1), 484.044 FS.

LAW IMPLEMENTED: 484.041, 484.0445, 484.045 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Hearing Aid Specialist, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-8.001 Definitions.

(1) through (2) No change.

(3) Direct Supervision: A relationship in which the sponsor is responsible for all work being done and gives final approval to all hearing aid dispensing work performed by the trainee. The sponsor or hearing aid specialist designated by the sponsor must be physically present in the same room at the time a hearing aid is delivered to the client, and the receipt required by Section 484.051, Florida Statutes, must have the signature and license number of the sponsor or hearing aid specialist designated by the sponsor.

(4) Designated hearing aid specialist: An active Florida licensed hearing aid specialist designated by the sponsor of a trainee and approved by the Board, or its designee to assist in the training of a trainee pursuant to Section 484.0445, Florida Statutes, and this chapter ~~and who meets the qualifications established by this chapter.~~

Specific Authority 484.0445(1), 484.044 FS. Law Implemented 484.041, 484.0445, 484.045 FS. History–New 2-12-84, Amended 4-18-85, Formerly 21JJ-8.01, Amended 8-12-87, 9-13-90, Formerly 21JJ-8.001, 61G9-8.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Hearing Aid Specialists

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Hearing Aid Specialists

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: April 5, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: April 26, 2002

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE:

Requirements for Board Approval of

Continuing Education Programs

RULE NO.:

64B7-28.010

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

SUMMARY: The Board proposes to update Requirements for Board Approval of Continuing Education Programs.

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

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

SPECIFIC AUTHORITY: 456.013(8), 456.025(7), 480.035(7), 480.0415 FS.

LAW IMPLEMENTED: 456.013(8), 456.025(7), 480.0415 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.010 Requirements for Board Approval of Continuing Education Programs.

(1) No change.

(a) Submit a completed Massage Continuing Education Provider Application, BMT5, and Approved Provider Supplemental Program/Instructor Information, BMT6, incorporated herein by reference, and a non-refundable ~~an~~ application fee of \$250 ~~400~~. The forms will be effective 2-18-98, copies of which may be obtained from the Board office at: 4052 Bald Cypress Way, BIN #C06, Tallahassee, FL 32399-3256 ~~2020 Capital Circle, SE, Bin C09, Tallahassee, Florida 32399-3259.~~

(b) No change.

(2) Each program presented by a Board ~~an~~ approved provider shall:

(a) Meet the standards of Rule 64B7-28.009(2), (3)(a), (b), or (c);

(b) through (5) No change.

(6) A Board approved provider must submit a completed Form C, a part of the Massage Continuing Education Provider Application, BMT5, list of titles and brief descriptions of any new courses to the Board office prior to offering such courses for credit. The submitted information must also identify any new continuing education instructor and show that such instructor meets the criteria set forth in the rule. Whenever an instructor and his/her course has obtained approval by the Board, the instructor may teach the course at any time, in whole or in part, so long as the materials being taught do not deviate from course materials originally approved, there is no change of instructor, and the documentation of attendance clearly indicates the original course approval number and the hours of credit given for this version of the course. Therefore, the number of continuing education hours awarded for the course may be the original number of hours approved, or less. An increase of the number of continuing education hours awarded will require submission of forms for approval of a course.

(7) A Board approved provider must revise and up-date all course materials that are affected by changes occurring during the biennial renewal period. The Board may rescind approval of any provider or course that is found to be obsolete, erroneous, and/or outside the scope of practice or for other

causes as determined by the Board. The revised course materials must be submitted with the biennial renewal form and renewal fee.

~~(8)~~(7) Provider numbers must be renewed biennially on or before August ~~January~~ 31 of the biennial renewal year. The provider must return the renewal form provided by the department together with a renewal fee of \$250 ~~50~~. If the renewal form and renewal fee are not received by the department on or before August ~~January~~ 31 of the biennial year, the provider must submit a new application and, if approved, receive a new provider number.

Specific Authority 456.013(8), 456.025(7), 480.035(7), 480.0415, ~~480.0425~~ FS. Law Implemented 456.013(8), 456.025(7), 480.0415, ~~480.0425~~ FS. History--New 4-21-86, Amended 9-14-87, 8-29-88, 2-8-89, 3-12-90, 1-3-91, Formerly 21L-28.010, Amended 9-30-93, 8-16-94, 6-12-95, 2-12-97, Formerly 61G11-28.010, Amended 2-18-98, 10-26-98, 9-20-99, 11-4-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24-25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE CHAPTER TITLE: Eligibility and Fee Assessment for

RULE CHAPTER NO.:

Services Offered by County

Public Health Units

64F-16

RULE TITLE:

RULE NO.:

Sliding Fee Scale

64F-16.006

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate changes required by the U.S. Department of Health and Human Services program guidelines for family planning services provided under Title X of the Public Health Services Act. These guidelines require that family planning services are offered at a discounted rate for people whose income is between 100% and 250% of poverty.

SUMMARY: Chapter 64F-16, F.A.C., outlines eligibility and fee assessment for services provided at county health departments. Rule 64F-16.006, F.A.C., covers sliding fee scales. The proposed amendment to Rule 64F-16.006, F.A.C., provides a sliding fee rate for family planning services only for people whose income is between 200% and 250% of poverty, while the sliding fee scales for people between 100% to 200% of poverty remain the same for all services, including family planning.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There are no regulatory costs.

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

SPECIFIC AUTHORITY: 154.011(5) FS.

LAW IMPLEMENTED: 154.011 FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., May 29, 2002

PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723. Telephone: (850)245-4444, ext. 2965

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-16.006 Sliding Fee Scale.

(1) Persons with net family incomes between 100 and 200 percent of the Federal Office of Management and Budget poverty guidelines shall be charged a fee on a sliding scale based on the following increments. For family planning services only, persons with incomes between 200 and 250 percent of poverty shall be charged on a sliding fee scale as described in paragraph 64F-16.006(3)(h), F.A.C., below:

- (a) through (g) No change.
- (2) No change.

(3) This sliding fee scale applies to recipients of integrated family health and communicable disease control services, with the following exceptions:

- (a) through (g) No change.

(h) For family planning services only, persons with net family incomes between 100 and 200 percent of the Federal Office of Management and Budget poverty guidelines shall be charged a sliding fee scale as outlined in (1)(a)-(g) above, and persons with net family incomes between 200 and 250 percent shall be charged a fee on a sliding scale based on the following increments:

1. Persons with incomes at 200 to 224 percent of the OMB poverty guidelines shall pay 90 percent of the full fee for family planning services.

2. Persons with incomes at 225 to 249 percent of the OMB poverty guidelines shall pay 95 percent of the full fee for family planning services.

3. Persons with incomes at or above 250 percent of the OMB poverty guidelines shall pay the full fee for family planning services.

(4) Persons with net family incomes above 200 percent of the OMB poverty guidelines shall be charged the full fee promulgated by the department or the relevant board of county commissioners, with the exception of those groups listed in (a) through ~~(h)(g)~~ above.

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History--New 10-14-93, Amended 8-2-94, 4-29-96, Formerly 10D-121.007, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723. Telephone: (850)245-4444, ext. 2965

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annette Phelps, Acting Director, Family Health Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 5, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 5, 2002

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

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.:	RULE TITLE:
IS-1.003	Florida Administrative Weekly (FAW)

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 March 1, 2002, Vol. 28, No. 9, issue of the Florida Administrative Weekly.

Paragraph (2)(e) is changed as follows:

1S-1.003 Florida Administrative Weekly (FAW).

(2)(e) All documents submitted shall use “underscore” and “overstrike” character attributes to denote inserted and deleted text, respectively. Documents shall not contain “redlining” or other revision markers, or automatic numbering.

**DEPARTMENT OF INSURANCE**

RULE NO.:	RULE TITLE:
4-191.037	Mandatory Coverage of Diabetes Treatment

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, October 2, 2001, of the Florida Administrative Weekly. These changes are being made to address concerns expressed: