

(2) "Harvest" means the catching or taking of a blue land crab by any means whatsoever, followed by a reduction of such blue land crab to possession.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New

68B-54.002 Statewide Open and Closed Seasons for Harvesting Blue Land Crabs.

(1) Blue Land Crabs shall only be harvested during the open season, which is from November 1 of each year through June 30 of the following year.

(2) No person shall harvest, attempt to harvest, or possess any blue land crab during the period beginning on July 1 and continuing through October 31 of each year.

(3) The prohibition against possession in subsection (2) of this rule shall not apply to blue land crabs that are possessed for experimental, scientific, or exhibitional purposes pursuant to a permit issued by the Fish and Wildlife Conservation Commission as authorized by Section 370.10(2), Florida Statutes, or as stock for artificial cultivation pursuant to a Special Activity License issued by the commission as authorized by Section 370.101(2), Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New

68B-54.003 Allowable Gear for Harvesting Land Crabs.

(1) Blue land crabs shall only be harvested by hand or with the use of a landing or dip net.

(2) No person shall harvest any blue land crab by or with the use of any gear other than those types specified in subsection (1). Any blue land crab harvested by or with the use of any other type of gear shall be immediately released free, alive and unharmed.

(3) No person shall harvest or attempt to harvest blue land crabs using or with the aid of bleach or any other chemical solution.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New

68B-54.004 Bag Limit.

(1) No person shall harvest in any one day or possess at any time more than 20 blue land crabs.

(2) The possession limit in subsection (1) shall not apply to any licensed wholesale or retail seafood dealer or restaurant, or to any person who has purchased blue land crabs from a licensed wholesale or retail seafood dealer or restaurant. The burden shall be upon the person claiming the benefit of this exemption to show, by receipts, bills of sale, or other appropriate documentation, that such blue land crabs were purchased from a licensed wholesale or retail seafood dealer or restaurant. Failure to maintain such receipts, bills of sale, or other appropriate documentation shall constitute a violation of this rule.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New

68B-54.005 Other Prohibitions, Exception.

(1) The harvest, possession, purchase, or sale of eggbearing blue land crabs is prohibited. The practice of stripping or otherwise molesting eggbearing blue land crabs in order to remove the eggs is prohibited and the harvest, possession, purchase or sale of blue land crabs from which the eggs, egg pouch, or union has been removed is prohibited.

(2) No person shall harvest or attempt to harvest any blue land crab on, upon, or from the right-of-way of any federal, state, or county-maintained road, whether paved or otherwise, or from any state park. The harvest or attempted harvest of any blue land crab while such crab is on or upon the right-of-way of any federal, state, or county-maintained road, whether paved or otherwise, or in a state park, is prohibited.

(3) The prohibitions of this chapter shall not apply to blue land crabs that have been legally harvested in another state or country and have entered the State of Florida in interstate or international commerce. The burden shall be upon any person possessing such blue land crabs for sale or exchange, to establish the chain of possession from the initial transaction after harvest by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, and to show that such blue land crabs originated from a point outside of the State of Florida and entered the state in interstate or international commerce. Failure to maintain such documentation or to promptly produce such documentation at the request of any duly authorized law enforcement officer shall constitute a violation of this chapter.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad, Executive Director.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 21, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 13, 2002

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

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.:  
1S-2.035

RULE TITLE:  
Polling Place Accessibility Survey

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.035 published in the F.A.W., Page 4452, Vol. 28, No. 42, on October 18, 2002, has been changed to reflect comments received from the public as well as the Joint Administrative Procedures Committee. Changes were made to Rule 1S-2.035 so that it now reads:

The Department of State, Division of Elections, is required to establish a polling place accessibility survey, Form DS-DE 43 (eff. \_\_\_\_\_) entitled “ADA Polling Place Survey Checklist”, which is hereby incorporated by reference and available from the Division of Elections, The Collins Building, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399.

Specific Authority 101.715 FS. Law implemented 101.715 FS. History—New \_\_\_\_\_.

The following is a summary of the major changes made to Form DS-DE 43 (eff. \_\_\_\_\_), Polling Place Accessibility Survey Checklist, incorporated by reference in Rule 1S-2.035:

1. An introduction setting forth the purpose and scope of the survey was added.
  2. The section titles have been changed so that the survey is clearly divided into three areas: (a) polling place approach (b) entrance to polling place and polling room, and (c) polling booth entrance and maneuverability.
  3. The order of the survey sections has been altered so that the survey sections are organized in the order followed by voters when arriving at the polling place and progressing through the voting process.
  4. The appendices to the survey have been eliminated from the survey because providing the facilities encompassed therein is not considered part of the primary function of voting or of the electoral process.
  5. All possible solutions listed have been categorized into temporary or long-term possible solutions.
  6. Numerous technical changes were made to make the language clearer, to delete unnecessary language, and to provide consistency.
- The remainder of the Polling Place Accessibility Survey reads as previously published.

**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-58	Firesafety in Educational Facilities
RULE NOS.:	RULE TITLES:
4A-58.001	Administration
4A-58.002	Scope: Existing Facilities
4A-58.003	Definitions
4A-58.004	Firesafety Inspections
4A-58.005	Serious Life Safety Hazards
4A-58.006	Inspections In General

4A-58.007	Counties, Municipalities, and Special Districts Having Firesafety Responsibilities, Without Firesafety Inspectors
4A-58.008	Standards and Requirements for Buildings
4A-58.009	Florida Firesafety School Evaluation System
4A-58.010	Other Applicable Codes and Standards

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 35, in the August 30, 2002, edition of the Florida Administrative Weekly.

In response to public comments received at and subsequent to the hearings held on September 24th and 26th, 2002, and also in response to comments received from the Joint Administrative Procedures Committee, when adopted, Rule Chapter 4A-58, F.A.C. will read as follows:

4A-58.001 Administration.  
No change.

Specific Authority 1013.12 235.06 FS. Law Implemented 1013.12 235.06 FS. History—New \_\_\_\_\_.

4A-58.002 Scope: Existing Facilities.  
(1) through (3) No change.  
(4) These rules apply to charter schools built on school district property and to charter schools electing to be constructed to State Requirements for Educational Facilities, ~~Chapter 7 Standards~~, or Florida Building Code, Section 423 Standards. Charter schools that are not located on school district property and elect not to be constructed under State Requirements for Educational Facilities, ~~Chapter 7 Standards~~, or Florida Building Code, Section 423 Standards, shall meet the firesafety standards set forth in NFPA 1 and NFPA 101, the editions as adopted in Section 4A-3.012, Florida Administrative Code.

(5) Existing educational and ancillary facilities shall comply with NFPA 101, the edition adopted in Section 4A-3.012, Florida Administrative Code, except as modified by Chapter 1013 235, Florida Statutes, and this rule chapter.

*EXCEPTION:* NFPA 101, horizontal exits, which are referred to in subdivision 15-2.2.5,” and exit passageways, which are referred to in subdivision 15-2.2.7,” are not permitted.

(6) No change.  
(7) These rules do not apply to any state-owned building.

Specific Authority 1013.12 235.06 FS. Law Implemented 1013.12 235.06 FS. History—New \_\_\_\_\_.

4A-58.003 Definitions.

As used in this rule chapter, the following definitions apply:

(1) through (2) No change.

(3) "Auxiliary facility" means the ~~spaces~~ buildings located at educational plants which are not designed for student occupant stations.

~~(4) "Board" means a district school board, a community college board of trustees, and the Board of Trustees for the Florida School for the Deaf and Blind, and includes any person legally authorized by the board to act on its behalf. The term "board" does not include the State Board of Education or any board of any university.~~

~~(4)(5)~~ "Building" or "board building" means any building or structure located on, upon, or in any educational facility, educational plant, ancillary plant, or auxiliary facility owned, rented, leased, or under lease-purchase agreement or lease-purchase option with a board. "Building" includes any permanent, fixed, relocatable, and manufactured building or structure.

~~(5)(6)~~ "Division" means the Division of State Fire Marshal.

~~(6)(7)~~ "Educational facilities" means the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by the boards.

~~(7)(8)~~ "Educational plant" comprises the educational facilities, site and site improvements necessary to accommodate students, faculty, administrators, staff, and the activities of the education program of each plant.

~~(8)(9)~~ "Existing" facility means a facility that has been occupied for one year or longer.

~~(9)(10)~~ "Florida Building Code" means the Florida Building Code as adopted in Section 9B-3.047, Florida Administrative Code, adopted pursuant to Section 552.73, Florida Statutes.

~~(10)(11)~~ "Florida Fire Prevention Code" means the Florida Fire Prevention Code as adopted in Section 4A-3.012, Florida Administrative Code.

~~(11)(12)~~ "Local fire official" or "fire official" means a firesafety inspector certified under Section 633.081(2), Florida Statutes, and employed by or under contract with a county, municipality, or special district having firesafety responsibilities, and includes the chiefs of county, municipal, and special district fire departments. The term does not include a special state firesafety inspector employed by the board certified to conduct inspections of buildings as defined herein under Section 633.081(3), Florida Statutes.

~~(12)(13)~~ "New" facility means a facility that has not been occupied for more than one year.

~~(13)(14)~~ "NFPA 101" means National Fire Protection Association Code 101, the Life Safety Code, the edition as adopted in Section 4A-3.012, Florida Administrative Code.

~~(14)(15)~~ "Special district that has firesafety enforcement responsibilities" means a special fire control district or a special district which was created for the purposes of fire prevention, fire suppression, or fire protection.

~~(15)(16)~~ The definitions in Section ~~1013.01~~ 235.014, Florida Statutes, of words and terms found in Section ~~1013.12~~ 235.06, Florida Statutes, or of words or terms found in this rule chapter apply to this rule chapter.

Specific Authority ~~1013.12~~ 235.06 FS. Law Implemented ~~1013.12~~ 235.06 FS. History—New \_\_\_\_\_.

4A-58.004 Firesafety Inspections.

(1) There shall be two annual inspections of educational facilities, ancillary plants, and auxiliary facilities, as follows:

(a) Pursuant to Section ~~1013.12(1)(b)~~ 235.06(1)(b), Florida Statutes, firesafety inspections of each building of each educational plant and each ancillary plant shall be made annually by a person certified by the division to conduct firesafety inspections of educational and ancillary plants pursuant to Section 633.081(3), Florida Statutes, which may be an employee of the board.

(b) Pursuant to Section ~~1013.12(2)(b)~~ 235.06(2)(b), Florida Statutes, each county, municipality, or special district having firesafety responsibilities shall, by and through a local firesafety inspector certified pursuant to Section 633.081(2), Florida Statutes, conduct at least one firesafety inspection of each building of each educational plant and each ancillary plant, whether owned or leased, each calendar year to determine compliance with this rule chapter.

(2) The inspections in subsection (1):

(a) through (c) No change.

(d) Are not applicable to new construction or new buildings. New construction and new buildings are subject to and controlled by Section 1013.38 ~~Sections 235.218 and 235.26~~, Florida Statutes.

(3) through (4) No change.

(5) Each inspection report and plan of correction shall contain, at a minimum, the following information:

(a) The Name of the School District or community college;

(b) through (h) No change.

(i) Each Violation or Deficiency Noted During the Inspection. Each Violation or Deficiency Report Shall Contain:

1. through 6. No change.

7. The date of the scheduled reinspection;

~~8.7~~ A statement that the District has or has not complied with Section ~~1013.12(1)(c)~~ 235.06(1)(e), Florida Statutes;

~~9.8~~ A statement that the local authority having jurisdiction has or has not complied with Section ~~1013.12(2)(c)~~ 235.06(2)(e), Florida Statutes;

~~10.9.~~ Verification that the Required Fire Drills have been Completed; and

~~11.10.~~ The Signature of the District Inspector if the Inspection was Made by the Special Inspector, or the Signature of the Local Fire Official if the Inspection was Made by the Local Fire Official. In the Inspection was Made by Both the Special Firesafety Inspector and the Local Fire Official, Each One Must Sign.

(6) When the violation or deficiency has been corrected, the ~~board inspector~~ sending the report required by paragraph (i) shall notify the division of such correction.

(7) No change.

Specific Authority 1013.12 235.06 FS. Law Implemented 1013.12 235.06 FS. History–New \_\_\_\_\_.

4A-58.005 Serious Life Safety Hazards.

(1) Serious life safety hazards as set forth in Section 1013.12 235.06, Florida Statutes, and in paragraph (b), below, require prompt corrective action by the board or withdrawal of the educational or ancillary plants from use until corrected.

(2)(a) through (b) No change.

(c) The criteria to be used by the division to determine whether such other condition shall be designated as a serious life safety hazard shall be ~~either the same criteria as is applied in Section 120.54(4), Florida Statutes, to determine whether a condition presents an immediate and serious danger to the health, safety, and welfare of the public or of persons within, or making use of, the educational facility, educational plant, ancillary plant, or auxiliary facility, requiring an emergency rule.~~

1. Those conditions located in Section 6.2, NFPA 101, the edition as adopted in Rule 4A-3.012, F.A.C., to-wit,

a. The relative danger to the start and spread of fire,

b. The danger of smoke or gases generated, and

c. The danger of explosion or other occurrence potentially endangering the lives and safety of the occupants of the building or structure. Hazard of contents shall be determined by the authority having jurisdiction on the basis of the character of the contents and the processes or operations conducted in the building or structure. For the purposes of these rules, where different degrees or hazard of contents exist in different parts of a building or structure, the most hazardous shall govern the classification unless hazardous areas are separated or protected as specified in Section 8.4 and the applicable sections of Chapters 11 through 42 of NFPA 101, the edition as adopted in Rule 4A-3.012, F.A.C.; or

2. The criteria located in NFPA 1, the Fire Prevention Code, Section 2-28.1, the edition as adopted in Rule 4A-3.012, F.A.C., for hazardous occupancies, to wit, the total amount of Class A combustibles and Class B flammables present, in storage, production, use, finished product, or combination thereof, is over and above those expected in occupancies classed as ordinary (moderate) hazard. Those occupancies

could consist of woodworking, vehicle repair, cooking areas, product displays, and storage and manufacturing processes such as painting and coating, including flammable liquid handling. Also included is warehousing of or in-process storage of other than Class I and Class II commodities as defined by NFPA 13, Standard for the Installation of Sprinkler Systems, Section 10:1-5.3, the edition as adopted in Rule 4A-3.012, F.A.C.

Specific Authority 1013.12 235.06 FS. Law Implemented 1013.12 235.06 FS. History–New \_\_\_\_\_.

4A-58.006 Inspections in General.

(1) Each building inspected shall be accounted for on the inspection ~~report form~~.

(2) through (6) No change.

Specific Authority 1013.12 235.06 FS. Law Implemented 1013.12 235.06 FS. History–New \_\_\_\_\_.

4A-58.007 Counties, Municipalities, and Special Districts Having Firesafety Responsibilities, without Firesafety Inspectors.

(1) Any county, municipality, or special district having firesafety responsibilities which does not employ or has not contracted with a firesafety inspector certified under Section 633.081(1), Florida Statutes, at the time of the adoption of this rule chapter may contact the division and request that the division perform the inspections required by Section 1013.12 235.06, Florida Statutes, and this rule chapter and performed under Section 633.081(1), Florida Statutes.

(2) through (4) No change.

Specific Authority 1013.12 235.06 FS. Law Implemented 1013.12 235.06 FS. History–New \_\_\_\_\_.

4A-58.008 Standards and Requirements for Buildings.

(1) No change.

(2) Means of Egress

(a) through (d) No change.

(e) Every corridor, aisle, balcony, and other means of egress to exits and exit discharges shall be in accordance with the following:

1. through 3. No change.

4. Exterior (open) corridors or balconies of 18 inches or more above grade serving as a required means of exit shall be open to the outside air and shall be enclosed only by a guardrail or balustrade.

5. through 6. No change.

(f) No change.

(3) through (4) No change.

(5) Doors and Windows

(a) Doors

1. through 12. No change.

13. Smoke Stop Doors.

a. through k. No change.

~~1. When smoke stop doors are held open by smoke detector at least 1 detector shall be installed on each side of the door opening.~~

~~1.m.~~ No change.

14. through 15. No change.

(b) through (f) No change.

(6) No change.

(7) Specialties.

(a) through (d) No change.

(e) Fire Protection Cabinets. Fire hose, fire blanket, and fire extinguisher cabinets when installed with glazed panels shall be have glazed panels of tempered glass, safety glass, or safety plastic. EXCEPTION: At lockable Fire Protection Cabinets glazing shall be tempered glass only.

(f) through (g) No change.

(8) No change.

(9) Special Construction

(a) through (d) No change.

(e) Child Care. Child care/day care facilities located on board-owned property shall comply with the requirements of Chapter 4A-36, F.A.C., 402, Florida Statutes and the specific requirements as follows:-

~~1. Construction Requirements.~~

~~1.a.~~ A residential-type kitchen, when provided, shall include:

~~a.(I)~~ A residential-type range hood vented to the outside, and

~~b.(II)~~ A fire extinguisher located within 15 feet of the range and within the same room.

~~2.b.~~ Areas designated for children's sleeping mats, cots, or cribs shall include a clearly marked exit passageway.

~~2. EXCEPTION: Child care/day care facilities requiring a Department of Health or Department of Children and Family license shall also be required to comply with local building codes and other agency construction requirements.~~

(f) through (j) No change.

1. through 3. No change.

4. EXCEPTION: Home Education Kitchens. A residential-type kitchen, when provided, shall include:

a. No change.

b. A fire extinguisher located within 15 feet of the range, ~~and within the same~~

(k) through (o) No change.

(p) Public Shelters

1. No change.

2. Fire alarms and Emergency ~~emergency~~ lights shall be inspected in accordance with NFPA 101.

(q) Relocatable Buildings. All relocatable buildings shall comply with the requirements of this rule chapter and the specific criteria below.

1. No change.

2. Separation of Units.

a. through b. No change.

c. Relocatable buildings shall be separated from each other and any permanent buildings by sufficient distance in each direction to prevent the spread of fire and to allow access by emergency vehicles, as determined jointly by the local fire fighting authority that services the site and district policy.

(I)(A) No change.

(B) EXCEPTION: Emergency vehicle access may be achieved for a cluster of relocatable buildings ~~relocatables~~ designed in accordance with the following. Vehicle access provided to within 200 feet ~~150'~~ of the entrance of the most remote relocatable unit and an independent fire alarm system with a manual pull station within 100' of each egress door provided the following conditions are met:

(i) through (vi) No change.

(II) through (III) No change.

3. through 7. No change.

8. No change.

a. through b. No change.

(I) Fire alarm systems shall be installed, ~~and~~ inspected, and tested in accordance with Rule 4A-48, F.A.C., and as required by NFPA 72, the edition as adopted in Section 4A-3.012, F.A.C.

(II) through (VI) No change.

9. through 10. No change.

(r) through (s) No change.

(t) Stages.

1. No change.

2. General requirements for all stages:

a. through f. No change.

g. Stages over 1,000 square feet:

(I) No change.

(II) Shall have at least:

~~(A) Two means of egress leading to separate atmospheres, available from every dressing room; and~~

~~(B) one~~ One means of egress from fly galleries.

(III) EXCEPTION: Fire sprinklers are not required if:

(A) through (B) No change.

h. through k. No change.

(u) through (w) No change.

(10) No change.

(11) Electrical. Electrical systems shall meet the following minimum safety requirements for illumination, fire alarms and detection systems, including electric systems ~~system~~ in relocatable buildings, as applicable.

(a) through (c) No change.

(d) Fire Alarms and Heat/Smoke Detectors.

Fire alarms and heat or smoke detectors shall be maintained in an operational condition at all times and shall be maintained in accordance with NFPA 72, the edition as adopted in Rule 4A-3.012, F.A.C. comply with the following:

1. A switch for silencing the alarm signal sounding equipment shall be provided only if it:
  - a. Is key-operated or in a locked cabinet;
  - b. Transfers the alarm indication to a lamp or other visual signal on the display panel; and
  - c. Allows subsequent alarm signals.
2. The fire alarm shall be capable of functioning independently of all other systems.
3. Manually operated sending stations maintained in an operable condition at all times shall be located:
  - a. Near all main exits; and
  - b. In the natural path of escape from fire at readily accessible and visible points, which points shall be free of any obstruction.
4. As authorized by NFPA 101, when facilities are provided with a 2-way communicating system between all normally occupied spaces and a continuously manned location where a general alarm can be sounded, the manual sending stations may be omitted; The exception of NFPA 101, Section 15.3.4.2.1 shall apply except in spaces with a capacity of 100 or more or in other spaces as required by the authority having jurisdiction, provided the following conditions are met:
  - a. The communication system shall be a two-way system with the capability of originating calls from any station.
  - b. Stations shall be located in all student occupied areas.
  - c. The manned location shall be attended continuously while the building is occupied.
  - d. The communication system shall be connected to emergency power.
  - e. The system shall be tested periodically to assure proper operation.
5. The fire alarm system shall be free of any drill switches.
6. a. Sending stations located inside student-occupied spaces shall:
  - (I) Be adjacent to the primary exit door;
  - (II) ~~have~~ Have a permanently affixed sign reading "FIRE ALARM PULL STATION INSIDE" placed outside that space, adjacent to the door.
    - a. The door to the occupied space shall be unlocked at all times the facility is occupied.
7. Required fire alarm system sounding devices shall be used for fire alarm purposes only.
  - a. The audible and visual alarm device shall be required in accordance with NFPA 101, the edition as adopted in Rule Section 4A-3.012, Florida Administrative Code.
    - b. Alarm sounding devices shall be distinctive in pitch and quality from all other sounding devices.

c. The recall signal shall be separate and distinct from, and cannot be mistaken for, any other signal.

d. The recall controls, push buttons, or other control shall be securely maintained at all times.

e. The recall system shall be:

(I) Capable of being heard in both the interior and exterior of all areas and buildings simultaneously; and

(II) Controlled from the central control panel for all areas and buildings.

f. The annunciator control panel shall be located in accordance with NFPA 101.

8. a. Activation of the fire alarm system shall be permitted to accomplish incidental functions such as:

(I) The release of self-closing doors. All doors in smoke and fire barriers, horizontal exits, and stairway enclosures shall be self-closing or release by a fail-safe door holder when activated by the alarm system.

(II) Elevator capture,

(III) Stairwell pressurization,

(IV) Smoke venting,

(V) Shutting off supplies of gas and fuel oil which may be hazardous or:

(A) Do not feed emergency power sources,

(B) Do not feed kitchen equipment, or

(c) Are not essential to preservation of life, and

(VI) Stopping air supply fans.

b. Elevator capture shall also be provided by smoke detector in elevator lobby.

c. Gas supply to the kitchen may not shut off upon activation of fire alarm.

(I) Kitchen hood fire suppression systems shall shut down required cooking appliances under the hood.

(II) The gas supply to the hood shall be controlled by the hood fire suppression system only.

9. Initial and back-up sources of emergency power shall be maintained and ready for operation at all times.

a. Back-up power shall be capable of operating the fire alarm system under maximum normal load for 24 hours and then operating in the alarm mode for 5 minutes.

b. The automatic transfer to back-up power shall occur within 10 seconds of power loss.

c. The backup source may be batteries or an automatic starting engine-driven generator.

10. Arrangements shall be made for notification of the public fire department or such other outside assistance as may be available in case of fire or other emergency.

11.a. Air-handling equipment (cooling and heating) shall immediately shut down upon activation of the building's fire alarm system by any manual or automatic station.

~~b. EXCEPTION: Air conditioning equipment serving a single student occupied space of capacity fewer than 50, including any related adjunct office, storeroom, or individual toilet room, need not be shut down upon activation of the building fire alarm system by any manual or automatic station.~~

~~12. a. Smoke detection devices shall be located in the supply and return systems of all air handling equipment.~~

~~b. EXCEPTION: Smoke detection devices need not be installed in supply and return systems of air handling equipment serving a single student occupied space of capacity fewer than 50, including any related adjunct office, storeroom, or individual toilet room.~~

~~c. Smoke detectors shall be maintained to operate reliably in case of smoke in any part of the air stream.~~

~~d. Smoke detectors shall be required only in the return systems for new construction.~~

~~e. Smoke detection devices are not required in 100 percent outside air supply ducts.~~

~~13.a. Rooms or spaces used for storage, custodial closets, spaces under stages with wood structures, and other unoccupied or unsupervised spaces in a building that have automatic fire or heat detection devices installed at the ceiling or these rooms shall be sprinklered, if they are in a fully sprinklered building.~~

~~b. Rooms for air handling equipment with detectors on supply and return air ducts which do not use the room for air plenums are exempt from this requirement.~~

~~14. Explosion proof detectors shall be installed in flammable storage rooms.~~

~~15. The fire alarm system may be activated by any or all of the following methods:~~

- ~~a. Activation of any automatic detector.~~
- ~~b. Activation of the fire sprinkler system.~~
- ~~c. Activation of an alarm manual pull station.~~
- ~~d. Activation of a kitchen automatic fire extinguishing system~~

~~16. Interference with or malfunction of any power or tamper switch or failure of any fire alarm system component shall illuminate a signal light on the fire alarm control panel.~~

~~17. Self closing fire and smoke stop doors shall be maintained in an operational condition at all times and shall release upon activation of the fire alarm system or the smoke detectors located on each side of the door.~~

~~18. Reports and certificates~~

~~a. Required periodic system test results and inspection reports shall be maintained on the premises.~~

~~b. The current inspection certificate shall be on file and available for review.~~

~~(e) Power. Electrical wiring and equipment shall be maintained in a safe and secure condition at all times and shall comply with the following:~~

~~1. Electrical outlets:~~

~~a. All outlets shall be grounded.~~

~~b. A ground fault circuit interrupt protection device (GFCI) shall be provided for all convenience outlets installed within 2 feet (within 6 feet for new construction under the 1997 SREF or later) of:~~

- ~~(I) Water supplies,~~
- ~~(II) Wet locations,~~
- ~~(III) Toilet rooms, and~~
- ~~(IV) The exterior with direct grade level access.~~

~~c. The ground fault circuit interrupt protection device is not required for grounded receptacles serving only water coolers, if the receptacle is single or covered behind the water cooler enclosure.~~

~~d. Outdoor ground fault interrupter protected outlets shall be provided for all buildings.~~

~~e. Flammable storage rooms shall be free of electrical receptacles.~~

~~f.(I) Extension cords shall not:~~

- ~~(A) Be stapled to any surface, or~~
- ~~(B) Run through or over doors, windows, or walls.~~

~~(II) Extension cords shall be used only in continuous lengths and without splice or tape.~~

~~(III) Adapters shall:~~

- ~~(A) Be listed by Underwriters Laboratories (UL), and~~
- ~~(B) Be equipped with over current protection with a total rating of no more than 15 amperes.~~

~~2. Lighting controls:~~

~~a. Electric panels, cabinets, and rooms shall be accessible only to authorized persons.~~

~~b. Main service panels and switches shall be located in a dedicated and lockable room.~~

~~c. Electrical rooms shall be free of any storage.~~

~~d. Unobstructed access shall be provided to all electrical panels.~~

~~3. Emergency Shut-Off Switches.~~

~~a. through b. No change.~~

~~(I) through (II) No change.~~

~~(III) Non-hazardous machines not requiring emergency shut-off include:~~

- ~~(A) Office machines,~~
- ~~(B) Computers,~~
- ~~(C) Sewing machines,~~
- ~~(D) Potter's wheels, and~~
- ~~(E) Residential cooking equipment in home economics labs.~~

~~c. (I) A "panic" switch to deactivate power to the heating equipment shall be provided inside sauna and steam room(s).~~

~~(II) The switch shall be labeled to indicate its intended function.~~

Specific Authority ~~1013.12 235.06~~ FS. Law Implemented ~~1013.12 235.06~~ FS. History-New \_\_\_\_\_.

4A-58.009 Florida Firesafety School Evaluation System

(1) Any Florida school building which was initially occupied prior to January 1, 1985, is permitted to use the Florida Firesafety School Evaluation System originally dated September 19, 2000, and Amended June 28, 2001, which is located in Form DI4-1546, Revised October, 2002, and which is hereby adopted and incorporated by reference, in lieu of or as an alternative to the requirements of Section 4A-58.008, Florida Administrative Code.

(2) The Florida Firesafety School Evaluation System, Form DI4-1546, may be obtained by writing to the Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

(3) The Florida Firesafety School Evaluation System must be authorized by the local fire official prior to the implementation of any of its alternative code provisions; however, a local fire official is not permitted to prohibit the use of the Florida Firesafety School Evaluation System for any building which was initially occupied prior to January 1, 1985.

Specific Authority 1013.12 235.06 FS. Law Implemented 1013.12 235.06 FS. History--New \_\_\_\_\_.

4A-58.010 Other Applicable Codes and Standards.

Except as otherwise provided in this rule chapter, the codes and standards adopted in Rules 4A-60.003, 4A-60.004, and 4A-60.005, F.A.C., which are not in conflict with any provision of this rule chapter are applicable to all buildings and structures to which this rule chapter is applicable.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History--New \_\_\_\_\_.

[NOTE REGARDING TECHNICAL CHANGES: In each instance in which the word "Section" was used to identify a section of the Florida Administrative Code, the word "Section" was changed to the word "Rule." In addition, in each instance in which the words "Florida Administrative Code" appear identifying a section of the Florida Administrative Code, "F.A.C." was substituted for "Florida Administrative Code." For example, in each case in which "Section 4A-3.012, Florida Administrative Code," appeared in the Notice of Hearing, it was changed to "Rule 4A-3.012, F.A.C." in the draft to be filed for adoption.]

**DEPARTMENT OF INSURANCE**

**Division of Workers' Compensation**

RULE NO.:                      RULE TITLE:  
 4L-6.022                      Confidentiality of Records  
    Produced by the Division

**NOTICE OF CORRECTION**

A notice of rule development for Rule 4L-6.022 was published in Vol. 28, No. 45 of the Florida Administrative Weekly on November 8, 2002. That notice indicated that a workshop would not be held. However, it has been decided that the decision whether to hold a workshop would best be made after

evaluating a request for a workshop, if one is received. Therefore, the Department will consider written requests for a workshop received within 14 days of this notice. Such a request should be sent to Don Davis at the address below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Don Davis, Office of Data Quality and Collection, Division of Workers' Compensation, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)488-3030, Ext. 164.

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER NO.:      RULE CHAPTER TITLE:  
 40E-7                              Suspension of District Contractor  
    from working with the District  
    for Material Breach of Contract

RULE NO.:                      RULE TITLE:  
 40E-7.215                      Definitions

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to District's proposed Rule "Suspension of District Contractors from working with the District for material breach of contract" Rule 40E-7, Part II, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., as originally published in the Florida Administrative Weekly (Vol. 28, No. 43, October 25, 2002, pg. 4651). The changes are in response to oral and written comments received from the Joint Administrative Procedures Committee of the Florida Legislature and are substantive in nature.

A) When adopted, the following paragraphs in Rule 40E-7.215, F.A.C., will read as follows:

(3) "Cure Notice": a letter citing the specific nature of the material breach, the corrective action required by the District and a thirty (30) day time frame for curing the breach, starting from receipt of the Cure Notice. The letter also shall state that if the contracting entity fails to cure the breach within the thirty (30) day period, the contracting entity will be found in default and may be placed on the District's Temporary or Permanent Suspension List. ~~The Cure Notice is Form No. 1111, "Cure Notice", effective date ....., which is hereby incorporated by reference.~~

(4) "Excusable Non-performance": a contracting entity's failure to perform an act that is an important part of the transaction or performing an act inconsistent with the terms



and conditions of the contract, due to some action or inaction by the District, making performance by the contracting entity impossible or beyond the contracting entity's control.

~~(5)~~(4) "Material Breach": any substantial, unexcused non-performance. The breach is either failing to perform an act that is an important part of the transaction or performing an act inconsistent with the terms and conditions of the contract.

~~(6)~~(5) "Statement of No Suspension": a document that all contracting entities shall sign at the time of bid or proposal submission to the District, affirming that the contracting entities and proposed subcontractors or subconsultants are not presently on the District's Temporary or Permanent Suspension List and that the District shall be notified of any changed circumstances prior to contract award. The "Statement of No Suspension" is Form No. 1112, "Statement of No Suspension", effective date....., which is hereby incorporated by reference. This form will be attached to all District solicitations. This form can also be accessed on the District's website at www.SFWMD.gov, Procurement and Contracts, overview.

~~(7)~~(6) "Obligor": an entity that has promised or is otherwise legally obligated to perform an act or deed for the benefit of a third party beneficiary. Obligors to the District include but are not limited to insurance companies and surety companies.

~~(8)~~(7) "Principal(s)": for purposes of this rule, a sole proprietor, partner, owner, officer or director of the contracting entity that breached a District contract.

~~(9)~~(8) "Re-Procurement Costs": the total amount of additional expense, over and above the contract price, which may include attorney's fees, that the District will incur in order to obtain substitute goods or services from another contracting entity to complete a requirement that can no longer be performed by the contracting entity that materially breached a District contract.

~~(10)~~(9) "Suspension Notice": a letter from the District to the contracting entity stating that the District will temporarily or permanently bar a contracting entity from doing business with the District because the contracting entity has materially breached its contract with the District. The letter also shall inform the contracting entity that its principals shall not attempt to do business with the District under a different name or form a new legal entity in order to do business with the District while the principals of the contracting entity remain on the Suspension List. ~~The "Temporary Suspension Notice" is Form No. 1113, "Temporary Suspension Notice", effective date....., and the "Permanent Suspension Notice" is Form No. 1114, "Permanent Suspension Notice," effective date....., which are hereby incorporated by reference.~~

~~(11)~~(10) "Suspension List": a list of contracting entities maintained by the District that are temporarily or permanently barred from doing business with the District.

~~(12)~~(11) "Termination for Default Notice": a letter from the District to the contracting entity stating that the contracting entity is in default for failing to cure the material breach within the thirty (30) day timeframe referenced in the Cure Notice. The letter also shall state that the District's Governing Board shall determine whether the contracting entity should be placed on the District's Temporary or Permanent Suspension List. ~~The Termination for Default Notice is Form No. 1115, "Termination for Default Notice", effective date....., which is hereby incorporated by reference.~~

~~(13)~~(12) "Third Party Beneficiary": for purposes of this rule, whenever the District is the intended beneficiary of a contract but is not a party to the contract.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.: 61G6-7.001  
 RULE TITLE: Specialty Electrical Contractors  
 NOTICE OF CHANGE

Notice is hereby gives notice that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 48, November 27, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments from the Board meeting held on November 21, 2002.

The changes are as follows:

1. Proposed subsection (4) shall now read "Limited Energy Systems Specialty. The scope of certification of a limited energy systems specialty contractor includes the installation, repair, fabrication, erection, alteration, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, conduit, and fiber optics (transmission of light over stranded glass) or any part thereof not to exceed 77 volts, when those items are for the purpose of transmitting data, proprietary video (satellite systems which are not part of a community antenna television or radio distribution system), radio frequency, central vacuum, or electric locks, data distribution networks, home theater systems, surround sound systems, public address systems or telephone systems."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 00-47R  
 RULE CHAPTER NO.: 62-341  
 RULE CHAPTER TITLE: Noticed General Environmental Resource Permits

RULE NO.: 62-341.476  
 RULE TITLE: General Permit for Private Single-Family Residences Within Jupiter Farms, Palm Beach County

**NOTICE OF CHANGE**

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 28, No. 39, (September 27, 2002), issue of the Florida Administrative Weekly. These changes are made in response to written and oral comments from the public or as the result of staff recommendations, and were discussed at an adoption hearing held on October 30, 2002.

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

CONTACT: Jeanese McCree, Department of Environmental Protection, Bureau of Beaches and Wetland Resources, MS #2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8486, facsimile (850)245-8499 or e-mail [jeanese.mccree@dep.state.fl.us](mailto:jeanese.mccree@dep.state.fl.us).

**DEPARTMENT OF HEALTH**

**Division of Children's Medical Services Program**

RULE NO.: 64C-4.002  
 RULE TITLE: Diagnostic and Treatment Facilities or Services – General

**SECOND NOTICE OF RULE CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 40, October 4, 2002, and amended in Vol.28, No. 50, December 13, 2002, issue of the Florida Administrative Weekly. The change is in response to comments from the Joint Administrative Procedures Committee. Subsection 64C-4.002(3), F.A.C., of the rule shall now read as follows:

(3) When a hospital within a CMS Service area is the only facility available within that area to admit CMS participants, a provisional exception to the designation criteria shall be made by the Deputy Secretary for Children's Medical Services, upon recommendation from the area CMS Medical Director, in order to provide participants access to health care not immediately available through CMS approved physician providers.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lynn B. Ellis, Registered Nursing Consultant, Children's Medical Services (CMS) Network, 4052 Bald Cypress Way, Bin #A06, Tallahassee, FL 32399-1707, (850)245-4444, Ext. 2222, or Fax (850)488-3813 P.O. # S 6480 B01247

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Vessel Registration and Boating Safety**

RULE NO.: 68D-24.136  
 RULE TITLE: Lee County Boating Restricted Areas

**NOTICE OF DEFERRAL**

The Florida Fish and Wildlife Commission announces that it has deferred the final public hearing on the above proposed rule as published in the October 25, 2002, issue of the Florida Administrative Weekly, until its regularly scheduled Commission Meeting on March 26, 27 and 28, 2003. This proposed rule was noticed in Vol. 28, No. 43, October 25, 2002, of the Florida Administrative Weekly.

**Section IV  
 Emergency Rules**

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Corporate Account Sales Incentive Program  
 RULE NO.: 53ER02-65

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for the Corporate Account Sales Incentive Program, which will be conducted from December 30, 2002, through June 29, 2003.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-65 Corporate Account Sales Incentive Program.

(1) From December 30, 2002, through June 29, 2003, the Florida Lottery will conduct a Corporate Account Sales Incentive Program. Corporate Accounts are defined as accounts that have a minimum of \$500,000 in annual sales of Florida Lottery tickets and, during the incentive period, have three or more distinct Florida Lottery retail locations. Up to \$520,000 will be awarded statewide among the Corporate Accounts that meet or exceed their incentive sales goal by the largest percentage increase in their assigned sales categories.

(2) The incentive period will be divided into two quarters: first quarter (December 30, 2002 through March 30, 2003) and second quarter (March 31, 2003 through June 29, 2003). Incentives will be awarded to winning Corporate Accounts at the end of each quarter as further described in subsection (5) below.

(3) Corporate Account Sales Categories. For the incentive period, each Corporate Account will be assigned to a sales category based upon its total annual Lottery ticket sales (the sum of the sales of all retail locations within each Corporate Account) for the fiscal year 2001-2002 as follows: