

licensee must either renew this exemption, before expiration, by submitting a current set of orders establishing eligibility for the exemption or reactivate the license. The licensee may reactivate the license by submitting an application for change of status from inactive to active and will not be required to pay the fee set forth in paragraph 61G15-24.001(2)(l), F.A.C., nor be required to comply with any rules setting setting conditions for reactivation of licensure, including continuing education requirements imposed by s. 455.271(10), F.S. If a license is not reactivated nor the exemption renewed by the expiration date, the license shall become delinquent. Reactivation of the delinquent license will not require payment of the fee set forth in paragraph 61G15-24.001(2)(f), F.A.C.

Specific Authority 455.02(2) FS. Law Implemented 455.02(2) FS. History--New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Disciplinary Guidelines
RULE NO.: 61J1-8.002

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to clarify or modify the disciplinary guideline recommendations.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to disciplinary guidelines.

SPECIFIC AUTHORITY: 455.2273, 475.614 FS.

LAW IMPLEMENTED: 455.227, 475.622, 475.624, 475.626 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, February 4, 2003

PLACE: Division of Real Estate, Conference Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AT THE WORKSHOP.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Determination of Continued Eligibility
RULE NO.: 65A-4.219

PURPOSE AND EFFECT: This rule amendment will revise redetermination requirements.

SUBJECT AREA TO BE ADDRESSED: The department is adopting revised procedures for redetermination of eligibility requirements for temporary cash assistance.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.095 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 11:00 a.m., February 3, 2003

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IS AVAILABLE, IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, (850)488-3090

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

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE TITLES: Definitions
RULE NOS.: 5E-14.102

Contractual Agreements in Public's Interest –

Control and Preventive Treatment for Wood-Destroying Organisms 5E-14.105

Use of Pesticides – Labels, Limitations, Precautions 5E-14.106

Fumigation Requirements – General Fumigation 5E-14.108

Fumigation Requirements – Prefumigation

Inspections, Evacuation, Warning

Notices (Signs), Special Safety

Precautions and Responsibilities 5E-14.112

Fumigation Requirements – Final

Post-Fumigation Clearance Inspection 5E-14.113

Examinations 5E-14.123

Responsibilities and Duties – Records,

Reports, Advertising, Applications 5E-14.142

PURPOSE, EFFECT AND SUMMARY: The purpose and effect is to amend Rule 5E-14, F.A.C., to address changes to the Statute and fumigation product label directions, to improve consumer protection provisions by increasing fumigation safety procedures, expanding the provisions of the Wood Destroying Organism contract to include all preventative

treatments for new construction, and deleting the social security number requirement in application to the Department. The rule amendment also adds a definition section to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC 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: 482.051, 482.071, 482.111, 482.141, 482.155, 482.156, 482.091 FS.

LAW IMPLEMENTED: 482.051, 482.071, 482.111, 482.141, 482.151, 482.155, 482.156 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:

TIME AND DATE: 10:00 a.m., February 26, 2003

PLACE: George Eyster Auditorium, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Steven Rutz, Director, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, Room 130, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, (850)488-3731

THE FULL TEXT OF THE PROPOSED RULES IS:

5E-14.102 Definitions.

(1) through (9) No change.

(10) "Multi-unit dwelling" is defined as a multi-unit structure whose primary function is to serve as living quarters for people, such as apartment buildings, condominiums, duplexes, and townhomes.

(11) "Direct Supervision" requires the personal presence of either the certified fumigation operator or his or her special fumigation identification cardholder at the fumigation job site.

(12) "Breathing Zone" is defined as the area of space in each room of a fumigated structure located anywhere between the floor and ceiling.

(13) "Secondary Locking Device" is defined as any device, method or barricade, in addition to existing locking mechanisms, that is demonstratively effective in preventing an exterior door or entrance from being opened or entered by normal means by anyone other than the certified operator in charge or his special fumigation identification cardholder.

(14) "Barricade and Barring" is defined as the use of any material(s) that would physically prevent a person's access to the structure by way of any entrance or opening by normal means.

(15) "Access device" is defined as a lockbox or other on-site device that stores the key to the fumigated structure.

Specific Authority 482.051 FS. Law Implemented 482.051(1) FS. History—New 1-1-77, Amended 6-27-79, 6-22-83, Formerly 10D-55.102, Amended 8-11-93,_____.

5E-14.105 Contractual Agreements in Public's Interest – Control and Preventive Treatment for Wood-Destroying Organisms.

(1) through (2) No change.

(3) In contracts covering ~~pre-construction soil~~ treatments for the prevention of subterranean termites for new construction, it shall clearly set forth that should subterranean termite infestation occur ~~to in, on, or under~~ the structure treated during the warranty period, additional treatment shall be performed to control the ~~applied to the soil in the area of~~ infestation. The warranty shall show the date of treatment and shall be for a period no less than one year from date of treatment. The property owner at the time of each renewal, if a previous renewal was purchased, shall have the option of extending the warranty annually after the first year for no less than 4 additional years. The contract shall conform with Section 482.227, F.S., and paragraphs 5E-14.105(2)(a), (b), (c), (g), (i), (j), and (k), F.A.C. This section applies only to ~~pre-construction soil~~ treatment for the prevention of subterranean termites for new construction ~~of areas~~ which do not physically attach to or adjoin existing structures.

(4) through (7) No change.

Specific Authority 482.051 FS. Law Implemented 482.051(3) FS. History—New 1-1-77, Joint Administrative Procedures Committee Objection Withdrawn – See FAW, Vol. 3, No. 30, July 29, 1977, Amended 6-27-79, 10-25-90, Formerly 10D-55.105, Amended 8-11-93,_____.

5E-14.106 Use of Pesticides – Labels, Limitations, Precautions.

(1) through (5) No change.

(6) Pesticides used for treatment for the prevention of subterranean termites for new construction ~~pre-construction soil treatments for prevention of subterranean termites~~ shall be applied in the specific amounts, concentration, and treatment areas designated by the label. The pesticide, in its original formulation, shall be mixed at the ~~pre-construction~~ treatment site immediately prior to application. A copy of the label of the registered pesticide being used shall be carried in the vehicle from which the application is performed. The licensee shall maintain records for 3 years of each treatment for the prevention of subterranean termites for new construction ~~pre-construction soil treatment~~ indicating the date of treatment, address of property treated, total square footage of structure treated, pesticide used, percent concentration of mixture applied and total volume applied as well as maintaining records of all termiticides purchased obtained, or available for its use; the total amount of the area treated; and the total number of sites treated using this and any other method of treatment for the prevention of subterranean termites.

Specific Authority 482.051 FS. Law Implemented 482.051(1) FS., P.L. 92-516, Section 1, Chapter 92-203, Laws of Florida. History--New 1-1-77, Amended 6-27-79, 6-22-83, 10-25-90, Formerly 10D-55.106, Amended 7-5-95,_____.

5E-14.108 Fumigation Requirements – General Fumigation.

(1) No change.

(2) During a general fumigation, whenever the presence of two (2) persons trained in the use of the fumigant is required by the fumigant label, at least one of these persons must be either the certified operator in charge of fumigation or his designated special fumigation cardholder, and the second trained person can be a certified fumigation operator, a special identification cardholder or an identification cardholder. Two (2) trained persons shall be present at each fumigation site for the introduction of the fumigant, entry during fumigation and from the start of aeration (first opening of the seal) until the active aeration period is completed and the structure is secured for passive aeration, if active aeration is required by the fumigant label. The certified operator in charge of fumigation or his designated special identification cardholder shall be present at those times required by the fumigant label or by subsections, 5E-14.108(1), 5E-14.111(4), 5E-14.112(1), and 5E-14.113(1) and (2), F.A.C. The provisions of subsections 5E-14.108(1), 5E-14.109(6), 5E-14.111(3), 5E-14.112(1), and 5E-14.113(1) and (2), F.A.C., requiring the personal presence of the certified fumigation operator in charge or in his absence the personal presence of a special fumigation identification cardholder designated by and under the direction and supervision of the certified fumigation operator in charge, shall apply at all times.

(3) It shall be the duty of the certified operator in charge of fumigation to carry out the following:

(a) Train and/or verify training to each special fumigation identification cardholder in proper fumigation procedures as required by regulations and fumigant label directions, and to know the location, purpose, use and maintenance of personal protective equipment and fumigation detection and safety devices and when and how to use this equipment.

(b) Train each identification cardholder, assigned to fumigation work, in basic fumigation procedures, SCBA (self contained breathing apparatus) use and the proper use of fumigant safety equipment and to report immediately to the certified operator in charge or his special identification cardholder any irregularities or emergencies.

(4) Fumigators must have in their possession any keys or an access device necessary to gain the immediate access to a structure, including secondary locking devices, during the entire time that the structure is under fumigation (fumigant release, exposure period, aeration and until properly determined clear of all fumigant), unless a waiver is issued for specialized structures by the Department of Agriculture and Consumer Services.

(5) When crew members are present on the fumigation site, two properly functioning, positive pressure, self-contained breathing apparatus (SCBA) must be available at the fumigation site at all times when the structure is under fumigation (fumigant release, exposure period, aeration and at other times when state law or the fumigant label requires the use or presence of a SCBA).

(6) Each business licensee location performing fumigation must possess and maintain at least two, label-approved, clearance devices so that at least one is properly functioning at all times in accordance with either the device manufacturer or the fumigant label directions, whichever is more restrictive.

Specific Authority 482.051 FS. Law Implemented 482.021(7)(6), (25)(20), 482.051(1), 482.152 FS. History--New 1-1-77, Amended 6-22-83, Formerly 10D-55.108, Amended 7-5-95,_____.

5E-14.112 Fumigation Requirements – Prefumigation Inspections, Evacuation, Warning Notices (Signs), Special Safety Precautions and Responsibilities.

(1) Final pre-application of fumigant and evacuation inspection: Before immediately before the fumigant(s) is to be applied, the certified operator in charge or his designated special fumigation identification card holder must make a final, personal inspection of the structure and shall ensure that:

(a) All preparations for fumigation as directed by the label have been completed.

(b) through (c) No change.

The final inspection must be conducted immediately before the fumigant is to be applied, unless the structure is a multi-unit dwelling, in which case, the following special provision shall apply:

On multi-unit dwellings, the certified fumigation operator in charge and/or his designated special fumigation identification cardholder shall conduct a thorough, systematic inspection of each room in every unit to ensure that all provisions specified above have been completed. Then, exterior doors and/or entrances of each inspected unit shall be secured against unauthorized re-entry while preparations and inspection of other units or areas of the structure are completed. This may require the temporary use of secondary locks on entrances that are to be left unattended between the time of inspection and the introduction of the fumigant. If an individual unit or units cannot be safely secured while preparations of other areas are taking place, then those units must be re-inspected immediately before the fumigant is to be applied.

(2) Prior to the application of fumigant(s), suitable ~~clearly legible~~ warning signs of stiff, weather-proof material must be securely affixed and conspicuously posted as follows:

(a) No change.

(b) In tent fumigation operations and also including commodity fumigations: at least one (1) warning sign posted at or on all doors and entrances to the structure or enclosed space

and at least one (1) warning sign on all sides of the outside of the tents or sealing covers ~~on all sides~~ of the structure, enclosed space or commodities being fumigated;

(c) through (d) No change.

(e) On multi-unit dwellings, warning signs must be posted at or on all exterior doors or entrance(s) of the structure which, depending on construction, might require sign(s) on all exterior doors or entrances of each individual unit or apartment.

(3) through (4) No change.

(5) All information displayed on warning signs must be accurate and legible. The name and day and night telephone number of the certified operator in charge of fumigation, or a certified fumigation operator, or a special fumigation identification cardholder who introduced the fumigant at the fumigation site must be displayed on the warning sign. Additional numbers and other contact information may be placed on the sign. All emergency phone numbers must be a phone number, mobile/cell phone number or beeper number in the possession of a person familiar with the job and trained to respond to fumigation emergencies and equipped with label required respiratory protection and gas detection equipment. Answering machines, beepers or voice mail systems that do not provide a mechanism for immediate notification to an individual as described above are prohibited. A 24 hour manned answering service that can immediately contact a certified fumigation operator or a special fumigation identification cardholder of the company who can respond to the emergency is acceptable.

~~(6)(5)~~ Such warning signs posted on the outside of tents or sealing covers shall not be removed prior to commencement of ventilation: and such warning signs posted on or at entrances to the structure (itself), enclosed space or commodities being fumigated shall not be removed until the end of the fumigation period, when ventilation has been completed and the premises declared safe for reoccupancy as required by subsections 5E-14.113(1) and (2), F.A.C. Ventilation shall be conducted with due regard for the public safety.

~~(7)(6)~~ Special safety precautions, responsibilities.

(a) No change.

(b) All exterior doors and entrances to the fumigated structure(s) being fumigated shall be posted with a warning sign on or at each door or entrance prior to the release of the fumigant, locked, and secured with a secondary locking device(s) or barred or otherwise secured against entry until the end of the exposure period, then opened for ventilation and relocked, barred or otherwise secured against reentry, including the reinstallation of the secondary locking device(s), until declared to be safe for reoccupancy by the person exercising direct and personal supervision of the fumigation operation as required by subsections 5E-14.113(1) and (2), F.A.C. A door or entrance, that, once locked from the interior with a lock that is not accessible from the exterior, does not require a secondary locking device or barricade.

(c) Entrances which do not have existing locking mechanisms or are inoperable must still be secured with a secondary locking device.

(d) If a multi-unit dwellings with internal stairwells accessing each floor can be secondarily locked or secured, barred or barricaded at all ground level entrances, then no other secondary locking devices are necessary, provided that the requirements of Section 5E-14.112(1), F.A.C. are met. Multi-unit dwellings with exterior stairwells or fire escapes must be secured or otherwise barricaded or barred to prevent entry from both ground and first floor levels and from any entrance to the structure accessed from the stairwell or fire escape. If neither of these conditions can be met, then all entrances to individual units and all exterior entrances must be locked or secured, barricaded or barred with secondary locking devices.

Specific Authority 482.051 FS. Law Implemented 482.051(1), 482.111(3),(4), 482.152, 482.241 FS. History—New 1-1-77, Amended 6-27-79, Formerly 10D-55.112, Amended _____.

5E-14.113 Fumigation Requirements – Final Post-fumigation Clearance Inspection.

(1) The certified operator in charge or his designated special fumigation identification card holder shall personally determine by using label-approved recommended gas-detecting ~~or monitoring~~ devices, verified and/or calibrated as required by either the device manufacturer or the fumigant label directions, whichever is more restrictive, or materials that the entire structure or enclosed space fumigated, and also including beds and bedding therein, has been ~~monitored and~~ safely ventilated as required by fumigant label directions, sufficiently to permit safe human entry and occupancy or reoccupancy. No person, other than the certified fumigation operator in charge, his designated special fumigation identification cardholder, or trained identification cardholder, utilizing the label-approved respiratory protective equipment or gas detecting device, may enter, occupy or reoccupy the fumigated structure for any reason prior to completion of the aeration procedure(s) and declaration of clearance. All warning agent containers shall be removed from the structure. In no instance shall ventilation or aeration time be less than that recommended by manufacturer of fumigant on the registered label.

(2) Declaring structure or enclosed space fumigated safe for entry and occupancy or reoccupancy: The certified operator in charge or his designated special fumigation identification card holder shall not permit or allow any unauthorized person to enter or occupy or reoccupy the structure or enclosed space fumigated until the aeration procedures as required by the fumigant product label are completed, and he has personally checked the breathing zone of each room within the fumigated structure for fumigant levels with suitable gas-detecting equipment or device required by the fumigant label or monitoring device and found the structure to be safe for human

entry and occupancy, and he shall personally certify by his own signature as a result of his final personal inspection and monitoring examination of the entire structure or space fumigated that the same and adjacent structures are safe for human entry, occupancy or reoccupancy. Such notice of clearance shall be in writing and shall be conspicuously posted by the certified fumigation operator in charge or his designated special fumigation identification cardholder on all entrances of the fumigated to such structure or enclosed space. Clearance notices may not be posted prior to performing the clearance inspection with the label required gas-detection equipment. The signature of the certified operator in charge or his designated special fumigation identification card holder and the exact date and hour of release for reentry and reoccupancy shall be set forth in all notices. In no case shall the notice of clearance be post-dated.

Specific Authority 482.051 FS. Law Implemented 482.051(1), 482.152, 482.241 FS. History—New 1-1-77, Formerly 10D-55.113, Amended.

5E-14.123 Examinations.

(1) through (7) No change.

(8) All examinations shall consist of theoretical questions and sections, practical questions sections, and ~~practical demonstrations~~. All applicants for examination for certification or special identification card will be examined on or required to demonstrate satisfactory knowledge of the following:

(a) Pest Control Act, Chapter 482, Florida Statutes.

(b) Rules of the Department, Chapter 5E-14, F.A.C., Pest Control Regulations, Parts No. 1 through 6.

(c) Precautions necessary and required by law, rules and good industry practice for the safeguard of life, health and property in the conduct of pest control.

(d) Pests, their habits, recognition of damage caused, and identification by accepted common names.

(e) Building construction terminology.

(f) Accepted good industry methods and practices founded upon recognized publications of the industry.

(9) In order to receive a passing grade on any examination, ~~each of~~ the following must be attained:

(a) A total point score, equal to or exceeding seventy-five (75) percent of the total number of examination questions ~~comprising the theoretical section.~~

~~(b) A total point score, equal to or exceeding seventy-five (75) percent of the total number of questions comprising the practical section.~~

(10) through (12) No change.

Specific Authority 482.051 FS. Law Implemented 482.141(2), 482.151(4) FS. History—New 1-1-77, Formerly 10D-55.123, Amended 8-11-93, 7-5-95, 5-28-98, 4-29-02, Amended.

5E-14.142 Responsibilities and Duties – Records, Reports, Advertising, Applications.

(1) through (4) No change.

(5) Business license application: In accordance with Section 482.071(1), F.S., the following information shall be submitted on, attached to and made a part of the Department's pest control business license application form, DACS 13605, Rev. 3/02, incorporated by reference.

(a) Correct legal business name or trade name, complete business mailing address, including the street or rural route, city and county, complete mailing address and telephone number of licensed business location.

(b) Complete name and address of all owners or corporation officers.

(c) Complete name, home address, residence telephone number, certificate number, categories in which certified, primary occupation, ~~social security number~~ and date of birth of each certified operator attached to the licensee.

(d) The categories of pest control which each certified operator will be in charge of and in which the licensee will be active, when one or more than one certified operator is attached to and in charge of various categories of pest control to be performed by the licensee.

(e) The complete name, residence address, date of birth, ~~social security number~~ and primary duty of each employee (identification card and special identification card holders) engaging in or performing pest control in any form for the licensee.

(f) The exact location address where the licensee's records, including contracts, for pest control work are kept and the exact location address of storage of chemicals.

(g) A statement signed by the certified operator(s) in charge that all information given in Department business license application is true and correct and that he will promptly notify the Department in writing of any subsequent changes thereof, except change of home address and primary duty of identification card holders other than certified operators.

(h) The issuance fee for each original license shall be \$250. An applicant may request his application to be immediately expedited and processed by paying a special handling fee in the amount of \$50.

(i) The renewal fee for each original license shall be \$250.

(6) through (8) No change.

Specific Authority 482.051 FS. Law Implemented 482.061, 482.071, 482.091, 482.111(5),(9), 482.161(1)(g),(h), 482.226(1),(6) FS. History—New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, 4-29-02, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Steven Dwinell, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steven Rutz, Director, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: Sections 5E-14.102, 5E-14.108, 5E-14.112, 5E-14.113 approved December 20, 2001; Sections 5E-14.105, 5E-14.106, 5E-14.123, 5E-14.142 approved October 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Sections 5E-14.102, 5E-14.108, 5E-14.112, 5E-14.113 noticed January 18, 2002. Sections: 5E-14.105, 5E-14.106, 5E-14.123, 5E-14.142 noticed May 17, 2002

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Teacher Certification Examinations

RULE NO.: 6A-4.0021

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt an updated examination application form and to adopt new and revised competencies and skills for professional teacher certification in Florida. The effect is that a current application form will be available for examination applicants, and new and revised competencies and skills will be used on the Florida Teacher Certification Examinations.

SUMMARY: An updated application examination form will be adopted, and new and revised competencies and skills will be adopted.

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 the notice.

SPECIFIC AUTHORITY: 1012.52, 1012.55(1), 1012.56, 1012.59 FS.

LAW IMPLEMENTED: 1012.56 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., February 18, 2003

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathy Fearon, Curriculum, Instruction, and Assessment, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-8198

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examinations.

(1) No change.

(2) Description of the examinations and competencies to be demonstrated.

(c) The following competencies are to be demonstrated by means of the written examinations:

1. Beginning with the July 2003 ~~2002~~ test administration, the general knowledge competencies and skills as contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Eighth ~~Seventh~~ Edition."

2. Before July 1, 2003 ~~2002~~, the professional competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Seventh ~~Sixth~~ Edition" which is hereby incorporated by reference and made a part of this rule. Beginning July 1, 2003 ~~2002~~, the professional competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Eighth ~~Seventh~~ Edition" which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained from the Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a price to be established by the Commissioner not to exceed actual cost, and

3. Before July 1, 2003 ~~2002~~, the subject area competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Seventh ~~Sixth~~ Edition" which is hereby incorporated by reference and made a part of this rule. Beginning July 1, 2003 ~~2002~~, the subject area competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Eighth ~~Seventh~~ Edition" which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained as described in subparagraph (2)(c)2. of this rule.

(4) Registration, late registration and refunds.

(a) Registration for the examinations shall be for the initial examinations or for one (1) or more examinations not previously passed. To register to take the examinations, an applicant shall submit a completed application which shall be received by the test administration agency at least fifty (50) days preceding the examination date.

1. Before July 1, 2003 ~~2002~~, a complete application shall consist of the following:

a. A completed application Form CG-20-0204, Registration Application: Certification Examinations for Florida Educators, which includes the applicant's signature. Form CG-20-0204, Registration Application: Certification Examinations for Florida Educators is hereby incorporated by reference and made a part of this rule to become effective July 2002 ~~2001~~. This form may be obtained without cost from the Bureau of Educator Certification, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

b. A twenty-five (25) dollar fee for each registration for a subject area specialty examination and for each registration for the professional skills examination.

c. A charge of one hundred (100) dollars in addition to the fees described in Rule 6A-4.0021(4)(a)1.b., F.A.C., for certification applicants taking a supplemental examination.

2. Beginning July 1, 2003 ~~2002~~, a completed application shall consist of the following:

a. A completed application Form CG-20-0302, Registration Application: Certification Examinations for Florida Educators, which includes the applicant's signature. Form CG-20-~~0302~~ is hereby incorporated by reference and made a part of this rule to become effective July 2003 ~~2002~~. This form may be obtained without cost from the Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

b. A twenty-five (25) dollar fee for each registration for a subject area specialty examination or any combination of subtests for a subject area specialty examination; and each registration for the professional skills examination.

c. A charge of one hundred (100) dollars in addition to the fees described in sub-subparagraph 6A-4.0021(4)(a)2.b., F.A.C., for certification applicants taking a supplemental examination.

3. An incomplete application shall be returned to the applicant. Applications which are completed and resubmitted to the test administration agency after the fifty (50) day deadline shall be acceptable only if the applicant complies with requirements specified in paragraph 6A-4.0021(4)(b), F.A.C.

(9) Scoring of the subject area specialty examinations.

(n) Before July 1, 2003 ~~2002~~, the subject area specialty examinations approved for use in the Florida Teacher Certification Examinations are listed by subject area in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Seventh ~~Sixth~~ Edition."

(o) Beginning July 1, 2003 ~~2002~~, the subject area specialty examinations approved for use in the Florida Teacher Certification Examinations are listed by subject area in the publication "Competencies and Skills Required for Teacher Certification in Florida, Eighth ~~Seventh~~ Edition."

(11) Score reports for the reading, writing, mathematics, professional skills, and subject area examinations.

(b) The examinee shall be sent two (2) authenticated score reports as described in paragraph 6A-4.0021(10)(a), F.A.C. In addition, a copy of the score report may be issued by the test administration agency without a fee to one (1) Florida college or university and to one (1) Florida school district provided the examinee identifies the recipient or recipients of the score report on the either the CG-20-~~0204~~, Registration Application: Certification Examinations for Florida Educators or the CG-20-0302, Registration Application: Certification Examinations for Florida Educators.

Specific Authority 1012.52, 1012.55(1), 1012.56, 1012.59, 231-15(1), 231-17(4)(5)(8)(11), 231-30 FS. Law Implemented 1012.56, 231-145, 231-15, 231-17, 231-30 FS. History—New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, Amended 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00, 7-16-01, 3-24-02, 7-16-02.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kathy Fearon, Curriculum, Instruction, and Assessment,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: John Winn, Deputy Secretary,
Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 7, 2002

DATE NOTICE OF PROPOSED DEVELOPMENT
PUBLISHED IN FAW: October 25, 2002

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Florida Educational Leadership Examination 6A-4.00821

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt an updated examination application form. The effect is that a current application form will be available for examination applicants.

SUMMARY: An updated application examination form will be adopted.

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 the notice.

SPECIFIC AUTHORITY: 1012.56, 1012.59 FS.

LAW IMPLEMENTED: 1012.56 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND
PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., February 18, 2003

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Kathy Fearon, Curriculum, Instruction,
and Assessment, Department of Education, 325 West Gaines
Street, Tallahassee, Florida 32399-0400, (850)488-8198

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.00821 Florida Educational Leadership Examination.

(1) through (3) No change.

(4) Registration, late registration, and refunds.

(a) Registration for the examination shall be for the initial examination or for one (1) or more subtests not previously passed. To register to take the examination, an applicant shall submit a completed application to the test administration

agency. The completed application shall be received by the test administration agency at least fifty (50) days preceding the examination date.

1. Before July 1, 2003 ~~2002~~, a completed application shall consist of the following:

a. A completed application Form CG-20-0204, Registration Application: Certification Examinations for Florida Educators, which includes the applicant's signature. Form CG-20-0204, Registration Application: Certification Examinations for Florida Educators is hereby incorporated by reference and made a part of this rule to become effective July 2002 ~~2004~~. This form may be obtained without cost from the Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

b. A fifty (50) dollar registration fee.

c. A charge of one hundred (100) dollars in addition to the fees described in sub-subparagraph 6A-4.00821(4)(a)1.b., F.A.C., for certification applicants taking the examination on a supplemental administration date.

2. Beginning July 1, 2003 ~~2002~~, a completed application shall consist of the following:

a. A completed application Form CG-20-0302, Registration Application: Certification Examinations for Florida Educators, which includes the applicant's signature. Form CG-20-0302 is hereby incorporated by reference and made a part of this rule to become effective July 2003 ~~2002~~. This form may be obtained without cost from the Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

b. A fifty (50) dollar registration fee.

c. A charge of one hundred (100) dollars in addition to the fees described in sub-subparagraph 6A-4.0021(4)(a)2.b., F.A.C., for certification applicants taking a supplemental examination.

3. An incomplete application shall be returned to the applicant. Applications which are completed and resubmitted to the test administration agency after the fifty (50) day deadline shall be acceptable only if the applicant complies with requirements specified in paragraph 6A-4.00821(4)(b), F.A.C.

(b) Late registration for the examination shall be for the initial examination or for one (1) or more subtests not previously passed. Before July 1, 2003 ~~2002~~, an applicant who did not submit a completed application to the test administration agency within the fifty (50) day deadline may register for the examination by completing the requirements listed in subparagraph 6A-4.00821(4)(a)1., F.A.C., and submitting a thirty (30) dollar late charge. Beginning July 1, 2003 ~~2002~~, an applicant who did not submit a completed application to the test administration agency within the fifty (50) day deadline may register for the examination by completing the requirements listed in subparagraph 6A-4.00821(4)(a)2., F.A.C., and submitting a thirty (30) dollar late charge. All items shall be received by the test

administration agency at least thirty (30) days preceding the examination date. Late registration shall be accepted on a space available basis.

(c) Refunds. Fees shall be refunded provided written requests for refunds are received by the test administration agency at least thirty (30) days preceding the examination date. Failure to appear for or to complete an examination shall result in forfeiture of fees.

(9) Score reports.

(b) The examinee shall be sent two (2) authenticated score reports. In addition, a copy of the score report may be issued by the test administration agency without a fee to one (1) Florida college or university and to one (1) Florida school district provided the examinee identifies the recipient or recipients of the score report on either the CG-20-0204, Registration Application: Certification Examinations for Florida Educators or the CG-20-0302, Registration Application Certification Examinations for Florida Educators.

Specific Authority 1012.56, 1012.59, 231.15(1), 231.17(8)(11), 231.30(1) FS. Law Implemented 1012.56, 231.15, 231.17, 231.30 FS. History--New 12-25-86, Amended 1-11-89, 5-19-98, 10-5-99, 7-17-00, 7-16-01, 3-24-02, 10-17-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kathy Fearon, Curriculum, Instruction, and Assessment,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: John Winn, Deputy Secretary,
Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 7, 2002

DATE NOTICE OF PROPOSED DEVELOPMENT
PUBLISHED IN FAW: October 25, 2002

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: Campus Security/Police Department

RULE NO.: 6D-12.002

PURPOSE AND EFFECT: The purpose of this Rule is to indicate that the Policies and Procedures Manual of the Campus Security/Police Department of the Florida School for the Deaf and the Blind has been revised.

SUMMARY: This rule establishes guidelines and directives for the Florida School for the Deaf and the Blind Campus/Security Police Department.

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: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(d) FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., February 22, 2003

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-12.002 Campus Security/Police Department.

(1) through (5) No change.

(6) The Board of Trustees shall satisfy all requirements specified in s. 1002.36(8) 242.343(6), F.S.

(7) No change.

(8) Each campus security/police officer shall be provided with the "Florida School for the Deaf and the Blind Campus Security/Police Manual" revised October 2002 January 1997, adopted by the Board of Trustees pursuant to the provisions of Sections 1002.36(4)(c) 242.331(3), F.S., shall be incorporated by this rule and made a part of the rules of the Board of Trustees.

(9) No change.

Specific Authority 1002.36(4)(c) 242.331(3) FS. Law Implemented 1002.36(d) 242.331(4), 242.343 FS. History—New 4-8-92, Amended 10-26-94, 4-28-97.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 28, No. 46, November 15, 2002

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: Transportation Policies and Procedures

RULE NO.: 6D-14.002

PURPOSE AND EFFECT: The purpose of this Rule is to establish written Policies and Procedures to be followed by the Transportation Department of the Florida School for the Deaf and the Blind.

SUMMARY: This rule establishes guidelines and directives for the Transportation Department of the Florida School for the Deaf and the Blind.

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: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(d) FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., February 22, 2003

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-14.002 Transportation Policies and Procedures.

(1) The Transportation Department shall have a written policies and procedures manual for the transportation component in the school program of the Florida School for the Deaf and the Blind. The policies shall be reviewed annually by FSDB staff and revised as necessary to meet the needs of the population.

(2) The policies and procedures shall contain:

(a) Operational authority,

(b) Personnel

(c) Staff transportation services,

(d) Student transportation services,

(e) Safety program,

(f) Training program,

(g) Homegoing program,

(h) Communications,

(i) Quality assurance monitoring,

(j) Vehicles and maintenance

(k) Forms

(3) The Florida School for the Deaf and the Blind Transportation Manual revised October 2002, adopted by the Board of Trustees pursuant to the provisions of section 1002.36(4)(c), F.S., shall be incorporated by this rule and made a part of the rules of the Board of Trustees.

Specific Authority 1002.36(4)(c) 242.331(3) FS. Law Implemented 1002.36(4)(d) 120.531(1)(a) 242.331(4) FS. History—New 12-20-92, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 28, No. 46, November 15, 2002

DEPARTMENT OF REVENUE

Child Support Enforcement Program

RULE TITLE: Overpayment Recovery
RULE NO.: 12E-1.022

PURPOSE, EFFECT AND SUMMARY: The purpose of the proposed amendment to Rule Chapter 12E-1.022, F.A.C., is to update departmental policies and procedures concerning the method that is used to recover overpayments that are erroneously or fraudulently made to obligees in order to comply with federal directives. The proposed amendment provides a definition of overpayment; allows for obligees to agree in writing to withholding for overpayments; provides notice to the obligee of the overpayment; requires the obligee to contact the department in writing or withholding of 25% will occur from future collections; provides a repayment agreement with the notices; adds a third notice provision; and provides that overpayments in public assistance cases will be reported to the Department of Children and Families. The effect of the rule change requires obligees to respond to notices from the department or the department will withhold from future collections to repay overpayments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Because this amended rule creates no new regulatory costs, 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: 409.2557(3)(i),(j),(o),(p), 409.2558(7), 409.2564(14) FS.

LAW IMPLEMENTED: 409.2558(6), 409.2564(13)(b) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., February 17, 2003

PLACE: Room 301, 4070 Esplanade Way, Tallahassee, Florida 32399

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding is asked to advise the Department at least five (5) calendar days before such proceeding by contacting: Lynn D. Chang, (850)922-9573. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lynn D. Chang, Government Analyst II, Policy and Rules Formulation, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, (850)922-9573

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 12E-1.022 follows. See Florida Administrative Code for present text.)

12E-1.022 Overpayment Recovery.

(1) For purposes of this rule:

(a) "Department" means the Department of Revenue or a contractor or a subcontractor when authorized by the Department of Revenue.

(b) "Overpayment" means the amount of a disbursement that is received by an obligee in a Title IV-D case that the obligee is not entitled to receive. The term includes, but is not limited to, a disbursement resulting from fraud or mistake, a disbursement made based on a non-sufficient funds instrument or electronic funds transfer, and a disbursement made from a collection that was partially or fully reversed by the Internal Revenue Service.

(2) When an obligee receives an overpayment for a period during which the obligee was receiving temporary cash assistance, the department shall report the amount of the overpayment to the Department of Children and Families.

(3) When an obligee receives an overpayment for a period during which the obligee was not receiving cash assistance, the department shall send the obligee a written notice of overpayment by regular mail to the obligee's last known address. The written notice of overpayment must state:

(a) The amount of the overpayment;

(b) The date of the overpayment;

(c) That the obligee is required to repay the overpayment;

(d) That the obligee may repay the overpayment in one lump sum;

(e) That the obligee may sign a repayment agreement to withhold a percentage of future collections or repay in installments;

(f) That recovery of the overpayment will be pursued whether the obligee's child support case is open or closed; and

(g) That if the obligee does not repay the overpayment, sign a repayment agreement, or respond to the department in writing, the department shall withhold 25% of future collections received until an overpayment has been repaid.

(4) When an obligee has agreed in writing to repay overpayments by withholding future collections received by the department that would otherwise be disbursed to the obligee, the department shall send the obligee a written notice of overpayment in compliance with subsection (3). The written notice of overpayment must also state:

(a) That the obligee has previously agreed in writing to withholding future collections to repay the overpayment;

(b) That the obligee must respond to the department in writing within 60 days from the date of the written notice of overpayment;

(c) The method by which the obligee can request a reconsideration as provided by Rule 12E-1.006, F.A.C., Request for Reconsideration;

(d) That if the obligee makes a timely request for reconsideration, no further collection action will be taken until the reconsideration process is concluded;

(e) That if an overpayment is established when the reconsideration process is concluded, and the obligee does not repay the overpayment, sign a repayment agreement, or respond to the department in writing, the department may attempt to recover the overpayment by withholding future collections or by pursuing other collection actions or legal remedies to recover the overpayment from the obligee; and

(f) That if the obligee is not satisfied with the reconsideration decision, the obligee may request an administrative hearing as provided by subsection 12E-1.006(10), F.A.C., Request for Reconsideration.

(5) When an obligee has not agreed in writing to repay overpayments by withholding future collections received by the department that would otherwise be disbursed to the obligee, the department shall send the obligee a written notice of overpayment in compliance with subsection (3).

(a) The first written notice of overpayment must also state:

1. That the obligee must respond to the department in writing within 20 days from the date of the written notice of overpayment;

2. The method by which the obligee can request a reconsideration as provided by Rule 12E-1.006, F.A.C., Request for Reconsideration;

3. That if the obligee makes a timely request for reconsideration, no further collection action will be taken until the reconsideration process is concluded;

4. That if an overpayment is established when the reconsideration process is concluded, and the obligee does not repay the overpayment, sign a repayment agreement, or respond to the department in writing, the department may attempt to recover the overpayment by withholding future collections or by pursuing other collection actions or legal remedies to recover the overpayment from the obligee; and

5. That if the obligee is not satisfied with the reconsideration decision, the obligee may request an administrative hearing as provided by subsection 12E-1.006(10), F.A.C., Request for Reconsideration.

(b) If the obligee does not respond to the first written notice of overpayment sent pursuant to paragraph (5)(a), the department shall send the obligee a second written notice of overpayment in compliance with subsection (3). The second written notice of overpayment must also state:

1. The date of the first written notice of overpayment;

2. That this is a second written notice of overpayment;

3. That the obligee must respond to the department in writing within 20 days from the date of the second written notice of overpayment.

(c) If the obligee does not respond to the second written notice of overpayment sent pursuant to paragraph (5)(b), the department shall send the obligee a third and final written notice of overpayment in compliance with subsection (3). The third and final written notice of overpayment must also state:

1. The dates of the first and second written notices of overpayment.

2. That this is the third and final written notice of overpayment that will be sent;

3. That the obligee must respond to the department in writing within 20 days from the date of the third and final written notice of overpayment; and

4. That the department may pursue other collection actions or legal remedies to recover the overpayment from the obligee.

(6) The department shall provide a repayment agreement with each written notice of overpayment that is sent to the obligee. The obligee may use the repayment agreement to respond to the department in writing.

(7) The obligee may request to sign a repayment agreement to repay the overpayment in installments. Upon request and after full disclosure by the obligee of available income and resources, the department shall agree to a repayment agreement with the obligee that is reasonably related to the obligee's current ability to pay.

(8) The department shall withhold 25% of future collections received until an overpayment has been repaid if the obligee does not respond to the written notices sent pursuant to subsection (4) or paragraph (5)(c).

(9) Amounts withheld from future collections received by the department that would otherwise be disbursed to the obligee shall be applied toward the overpayment until it has been repaid. The remaining amount of each collection will be disbursed as required by 42 United States Code, Section 657.

(10) If an overpayment is not repaid, the department may pursue other collection actions or legal remedies to recover the overpayment from the obligee.

Specific Authority 409.2557(3)(i),(j),(o),(p), 409.2558(7), 409.2564(14) FS. Law Implemented 409.2558(6), 409.2564(13)(b) FS. History--New 6-17-92, Amended 7-20-94, Formerly 10C-25.019, Amended 10-22-00, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE:

Definitions

RULE NO.:

61G4-21.002

PURPOSE AND EFFECT: The Board proposes to add a definition for "same transaction" as used in Section 489.143(3), F.S.

SUMMARY: The term "same transaction" as used in Section 489.143(3), F.S., is defined.

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: 489.108 FS.

LAW IMPLEMENTED: 489.141, 489.143 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: Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-21.002 Definitions.

(1) through (3) No change.

(4) "Same Transaction" as used in Section 489.143(3), F.S., and for purposes of this rule, means a contract, or any series of contracts, between the claimant and a contractor or qualified business, where such contract or contracts involve the same property, or contiguous properties and are either entered into at one time or serially.

Specific Authority 489.108 FS. Law Implemented 489.141, 489.143 FS. History—New 7-11-95, Amended 11-13-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 20, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Payment of Claims

RULE NO.: 61G4-21.005

PURPOSE AND EFFECT: Language is added to the rule to set forth the terms under which a claimant will be eligible to recover from the Fund if he is eligible for, or currently receiving, restitution under a civil or criminal restitution order or payment.

SUMMARY: This rule amendment prohibits a claimant from recovering from the Fund if he is eligible for, or currently receiving, restitution under a civil or criminal order or payment, until the restitution is no longer being paid to the claimant.

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: 489.108 FS.

LAW IMPLEMENTED: 489.141, 489.143 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-21.005 Payment of Claims.

(1) through (2) No change.

(3) No claimant eligible for, or currently receiving, restitution under a civil or criminal restitution order or payment plan shall be eligible to recover from the Fund until two or more payments have been missed. Prior to receiving any payments, such a claimant shall provide the Board with a sworn affidavit stating how much has been received to date under such an order, the date and amount of the last payment, and how much is still due and owing under such an order.

Specific Authority 489.108 FS. Law Implemented 489.141, 489.143 FS. History—New 7-11-95, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 20, 2002

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-11R

RULE CHAPTER TITLE: Drinking Water Standards,
Monitoring, and Reporting

RULE CHAPTER NO.:

62-550

RULE TITLE: Consumer Confidence Reports
RULE NO.: 62-550.824
SUMMARY: The Department is developing rule amendments to clarify and update consumer confidence report (CCR) requirements for public water systems.
 Rule 62-550.824 is being amended to make this rule consistent with 40 CFR 141, Subpart O – Consumer Confidence Reports, to clarify the reporting of analytical results, to include informational and educational statements, to incorporate by reference the *FRWA/DEP CCR Template Instructions and Template*, to clarify reporting requirements for community water systems issued variances and exemptions, to revise requirements for Internet distribution of CCRs, and to clarify CCR distribution requirements. A Notice of Proposed Rulemaking is being issued concurrently with this notice for proposed revisions to Forms 62-555.900(19) and (21).
 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.us/> under the link or button titled "Official Notices." For more information, contact Greg Parker, P.E., (850)245-8635.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-12R

RULE CHAPTER TITLE: Permitting and Construction of
RULE CHAPTER NO.: Public Water Systems

RULE TITLE: Forms and Instructions
RULE NO.: 62-555.900

SUMMARY: The Department is developing rule amendments to clarify and update consumer confidence report (CCR) requirements for public water systems. Changes to Forms 62-555.900(19) and (21) will be necessary to reflect the proposed amendments.

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.us/> under the link or button titled "Official Notices."

For more information, contact Greg Parker, P.E., (850)245-8635.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Disciplinary Guidelines; Range of
 Penalties; Aggravating and
 Mitigating Circumstances
RULE NO.: 64B10-14.004

PURPOSE AND EFFECT: The Board proposes to review and update the disciplinary guidelines language.

SUMMARY: New text is being added to this rule pursuant to Section 468.1755(1)(f), Florida Statutes.

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: 456.079, 468.1685(1) FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.1685(4), (5), (6), 468.1755(1)(a), (j), (q) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-1753

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-14.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) No change.

(2) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

	Minimum	Maximum
(a) through (nn) No change.		
<u>(oo) Authorizing the discharge or transfer of a resident for a reason other than those provided in ss. 400.022 and 400.0255, F.S. (Section 468.1755(1)(f), F.S.)</u>		
<u>First Offense</u>	<u>reprimand</u>	<u>reprimand and \$1000 fine</u>
<u>Second Offense</u>	<u>probation and \$1000 fine</u>	<u>1 month suspension</u>

(3) No change.

Specific Authority 456.079, 468.1685(1) FS. Law Implemented 456.072, 456.079, 468.1685(4), (5), (6), 468.1755(1)(a), (j), (q) FS. History—New 11-23-86, Amended 4-22-87, Formerly 21Z-14.004, 61G12-14.004, 59T-14.004, Amended 10-12-97, 10-16-00, 2-13-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2002

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: RULE NO.:

Hours Requirement 64B13-5.001

PURPOSE AND EFFECT: The Board proposes to amend this rule to change the required time limit for licensees to maintain records of completed continuing education from four years to the past two bienniums.

SUMMARY: This rule sets forth requirements for continuing education and states the Board's authority to monitor licensees randomly to ensure that requirements are being met by the licensee.

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: 463.005(1), 463.007(3),(4), 456.013(7) FS.

LAW IMPLEMENTED: 463.007, 456.013(7) 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-5.001 Hours Requirement.

(1) through (1)(c) No change.

(d) All licensees are responsible for maintaining appropriate records of completed continuing education for the past two bienniums ~~a period of 4 years~~.

(2) through (8) No change.

Specific Authority 463.005(1), 463.007(3),(4), 456.013(7) FS. Law Implemented 463.007, 456.013(7) FS. History--New 11-13-79, Amended 5-28-80, 9-16-80, 1-13-81, 2-14-82, Formerly 21Q-5.01, Amended 12-16-86, 12-11-88, 4-19-89, 12-20-89, 9-22-92, 10-28-92, Formerly 21Q-5.001, Amended 8-31-93, Formerly 61F8-5.001, Amended 11-29-94, 7-5-95, 8-18-96, Formerly 59V-5.001, Amended 3-21-00, 10-2-01, 1-8-02, 5-8-02.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 1, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 11, 2002

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE NOS.: RULE TITLES:
3F-8.004 Preneed Contracts; Miscellaneous
Provisions

3F-8.006 Description of Merchandise on
Preneed Contracts

NOTICE OF CORRECTION

The above-proposed rules were published in the November 27, 2002 issue of the Florida Administrative Weekly, Vol. 28, No. 48, on page(s) 4729-30. The date the Notice of Proposed Rule Development was published in the Florida Administrative Weekly was incorrectly stated as 11/02/02. The correct date the Rule Development was published is 11/01/02. The foregoing change does not affect the substance of the proposed rule.

The person to be contacted regarding the above change(s) is Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, FL 32399-0350.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.: RULE CHAPTER TITLE:
4A-64 Firefighters; Death Benefits

RULE NOS.: RULE TITLES:
4A-64.002 Definitions
4A-64.003 Ability to Pay Benefits

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. 42, October 18, 2002, edition of the Florida Administrative Weekly.

THE FULL TEXT OF THE PROPOSED RULE IS:

4A-64.002 Definitions.

For purposes of this rule chapter, the following words or terms found this rule chapter or in Section 112.191, Florida Statutes, have the following definitions.

(1) through (2) No change.

~~(3) "Employer" means each state board, commission, department, division, bureau or agency, and each county, municipality, or other political subdivision of the state employing firefighters and includes each private, non-profit corporation, state board, commission, department, division,~~