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PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2004 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation's 2003 Qualified Allocation Plan (QAP).

SPECIFIC AUTHORITY: 420.507 FS.
 LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

IF REQUESTED IN WRITING 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: 3:00 p.m., December 11, 2003
 PLACE: Hilton Key West Resort and Marina, 245 Front Street, Key West, Florida 33040

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact: Jean Salmonsens, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kerey Carpenter, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING'S WEB SITE WWW.FLORIDAHOUSING.ORG.

Section II Proposed Rules

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Fair Consumer Practices
 RULE NO.: 6E-1.0032

PURPOSE AND EFFECT: The proposed rule amendment intends to clarify the antihazing policy and make it consistent with Florida Statutes.

SUMMARY: The proposed rule amendment deletes language regarding antihazing policies for licensed colleges and universities.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 1005.22(1)(e)1., 1005.34 FS.

LAW IMPLEMENTED: 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-1.0032 Fair Consumer Practices.

(1) through (5) No change.

(6) Each prospective student shall be provided a written copy, or shall have access to an electronic copy, of the institution's catalog prior to enrollment or the collection of any tuition, fees or other charges. The catalog shall contain the following required disclosures, and catalogs of licensed institutions must also contain the information required in subsections 6E-2.004(11) and (12), F.A.C.:

(a) through (k) No change.

(7) through (8) No change.

~~(9) Licensed colleges and universities shall adopt, publish, and uniformly enforce an antihazing policy as required by Section 1005.31(13), Florida Statutes, and provide a copy to the Commission.~~

~~(9)(10) No change.~~

Specific Authority 1005.22(1)(e)1., 1005.34 FS. Law Implemented 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 FS. History—New 10-19-93, Amended 4-2-96, 11-5-00, 1-7-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: RULE NO.:

Approved Applicant Status 6E-2.001

PURPOSE AND EFFECT: The proposed rule sets forth a clarification of the process receiving an approved applicant status.

SUMMARY: The proposed rule is necessary to omit language relating to presentation of the application at the Commission meeting.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 1005.31(2),(3) FS.

LAW IMPLEMENTED: 1005.31(2),(3),(4) 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.001 Approved Applicant Status.

All new or out-of-state institutions applying for initial licensure to operate in Florida, whether planning to offer degrees or nondegree programs, must file an application for a Provisional License. When the application is deemed complete, as defined in subsection 6E-1.003(10), F.A.C., the institution will be placed on Approved Applicant status while final preparations are made.

(1) No change.

(2) Review and recommendation. If the initial application has omissions, staff shall contact the applicant and request all omitted materials. When the application for a Provisional License is deemed complete by Commission staff, and the background checks required by law for appropriate personnel have been completed and grounds for ineligibility for licensure have not been found, the application shall be presented to the Commission ~~at its next meeting with a recommendation to grant Approved Applicant status.~~

(3) through (8) No change.

Specific Authority 1005.31(2),(3) FS. Law Implemented 1005.31(2),(3),(4) FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(1)(a)-(e), Readopted 11-11-75, Amended 5-7-79, 10-13-83, Formerly 6E-2.01, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: RULE NO.:

Standards and Procedures for Licensure 6E-2.004

PURPOSE AND EFFECT: The proposed rule amendment intends to address changes to language and continuing education requirements.

SUMMARY: The proposed rule sets forth language changes and clarifies the required percentage of completed credits or hours of continuing education.

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

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

SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS.

LAW IMPLEMENTED: 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.004 Standards and Procedures for Licensure.

Each institution applying for a license or moving to a new level of licensure shall provide to the Commission the following specific information, in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.

(1) Standard 1: Name.

(a) An institution's name must clearly indicate that the primary purpose of the institution is education, and must not be misleading to the public. Noncollegiate schools shall not use the words "college" or "university" in their names. No institution shall use a name that may lead the student to believe that the institution is a public institution, unless it is an institution provided, operated, or supported by the State of Florida or its political subdivisions, another state, or the federal government. The license will be issued in the official corporate name, or an official fictitious name if the institution school provides documentation that such name is registered with the Florida Secretary of State, or comparable official in the appropriate jurisdiction. If using a fictitious name, the institution school must disclose its official corporate name in its catalog.

(b) through (d) No change.

(2) No change.

(3) Standard 3: Administrative Organization.

(a) No change.

(b) Each institution and additional location shall have as its designated administrator a person who has at least two years of supervisory experience in an executive or managerial position in a similar institution school or related business.

(c) through (d) No change.

(e) Pursuant to Section 1005.39, Florida Statutes, individuals holding the following or similar positions in licensed institutions shall complete at least eight continuing education contact hours of training related to their positions each year from the Commission or another provider which the Commission has determined to include relevant information in its training programs: school director, Florida director, or chief executive officer; chief education/academic officer or director of education or training; placement director; admissions director; and financial aid director. ~~Each institution shall provide, at the time of initial application or review of licensure, documentation that the required training was received.~~ If an individual holds more than one of these positions, the documentation shall indicate for which position the training was appropriate. Compliance with this requirement is a condition of licensure or renewal of licensure.

(f) through (h) No change.

(4) Educational programs and curricula. The following standards shall apply to all institutions licensed by the Commission for Independent Education, except as expressly stated otherwise.

(a) through (i) No change.

(j) At least 25 ~~20~~ percent of the credits or hours required for completion of a program must be earned through instruction taken at the institution awarding the credential, unless a different standard has been adopted by the recognized accrediting body accrediting the institution, or by a governmental agency whose policies apply to the institution. This standard shall not apply if any of the training was taken at accredited institutions as defined in Section 1005.02(1), Florida Statutes, while the student was a member of the U.S. armed services.

(k) through (r) No change.

(5) through (12) No change .

Specific Authority 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History—Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Outdoor Advertising Sign Regulation and Highway Beautification
 RULE CHAPTER NO.: 14-10

RULE TITLES: Licenses, Permits, Outdoor Advertising License and Permit Fees
 RULE NOS.: 14-10.003, 14-10.004, 14-10.0043

PURPOSE AND EFFECT: Rule 14-10.003, F.A.C., is being amended to delete language relating to submission of an application for initial license. Rule 14-10.004, F.A.C., is being amended to delete the fee references. The application fees are being increased from \$41.00 to \$44.00 (200 square feet or less) and from \$61.00 to \$64.00 (more than 200 square feet), but the fee structure itself is being adopted in more detail in a new rule. Rule 14-10.0043, F.A.C., is being adopted as a new rule to cover Outdoor Advertising License and Permit Fees. Form 575-070-04, Application for Outdoor Advertising Permit, also is being revised to reflect the revised application fees.

SUMMARY: Outdoor Advertising permit fees are being raised.

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

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

SPECIFIC AUTHORITY: 334.044(2), 479.02(7) FS.

LAW IMPLEMENTED: 334.044(28), 339.05, 479.01(14), 479.02, 479.07, 479.106(5), 479.24 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 RULES IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-10.003 Licenses.

(1) Outdoor Advertising License Required. A person is considered to be in the business of outdoor advertising and is required to have an outdoor advertising license if that person receives compensation from constructing, erecting, operating, using, maintaining, leasing, or selling outdoor advertising structures, outdoor advertising signs, or outdoor advertisements. Persons solely advertising their own businesses and general contractors who construct signs under contract to outdoor advertising licensees or permittees, are exempt from the licensing requirement.

(2) Application Form. An application for a license to engage in the business of outdoor advertising shall be made on an Outdoor Advertising License Application, Form 575-070-02, Rev. 07/01, incorporated herein by reference. Form 575-070-02 may be obtained from the State Outdoor Advertising License and Permit Office, Florida Department of Transportation, 605 Suwannee Street, Mail Station 22, Tallahassee, Florida 32399-0450.

~~(a) Submission of Application for Initial License. The completed application for a license shall be forwarded to the State Outdoor Advertising License and Permit Office, at the address in (2), above.~~

~~(b) Payment of the license fee may be made by cash, postal money order, bank draft, cashier's check, or a personal or business check. In the event a payment document is not honored for any reason by the bank on which it is drawn, a service fee of \$15.00, or 5% of the amount payable, whichever is greater, will be assessed. If an individual or company issues two checks to the Department which are not honored, no further personal or business checks will be accepted regardless of whether restitution has been made on previous checks.~~

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 120.60, 215.34(2), 334.044(28), 339.05, 479.02, 479.04, 479.05, 479.07 FS. History--New 3-28-76 (Formerly part of Rule 14-15.05, Right of Way Bureau Operating Procedures), Amended 4-21-77, 12-10-77, 1-1-86, Formerly 14-10.03, Amended 6-28-98, 8-19-01, _____.

14-10.004 Permits.

(1) An application for a new sign permit is made by completing and submitting an Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 08/03 ~~07/01~~, incorporated herein by reference, to the address listed in subsection 14-10.003(2), F.A.C. Applications may be obtained from the State Outdoor Advertising License and Permit Office.

~~(a) Payment of the permit fee shall be made in the same manner provided for license fees in Rule Section 14-10.003(2)(b). The annual permit fee for each sign facing is \$41.00 for 200 square feet or less and \$61.00 for more than 200 square feet. A permittee shall notify the Department in writing prior to making any changes in the dimensions of a permitted conforming sign which would increase the area of the sign facing to over 200 square feet, and shall submit an additional \$20.00.~~

~~(a)(b)~~ The applicant shall submit separate instruments of payment for each application for a new permit, in order to avoid denial of multiple applications for one application being denied.

~~(b)(e)~~ Prior to issuing any permit, the Department will inspect the proposed sign site to assure compliance with Chapter 479, Florida Statutes, and this rule chapter. To ensure that the site inspected is the same specified in the application, the applicant shall mark the proposed sign site in such a manner that the markings are visible from the main-traveled way. The markings shall be displayed from the time of

submission of the application, and shall be maintained by the applicant until the Department has approved or denied the application.

~~(c)(4)~~ The Department will act on permit applications in order of the date of receipt of complete applications.

1. An application will be considered complete when all items on the application form have been filled in, all required attachments have been received, and the correct permit fee has been submitted. All information provided on the application by the applicant must be certified as being true and correct.

2. Applications containing incorrect information will be denied.

3. Incomplete permit applications will be returned to the applicant along with any permit fees which were submitted with the application.

4. Completion of, or corrections to, the original submitted document must be initialed by the applicant on the original application.

5. The written statement from the landowner required by Section 479.07(3)(b), Florida Statutes, must have been issued to the applicant, or on behalf of the applicant. If a lease document is submitted as the statement from the landowner, the applicant must be the named lessee or the document must be accompanied by a properly executed transfer of the leasehold rights to the applicant. The written statement must:

a. Identify the property on which the sign is to be located;

b. Indicate that the person authorizing placement of the sign on the property is the owner or the person in lawful control of the property. If the person authorizing placement of the sign is not the owner of the property, the legal status which gives him or her lawful control of the property must be indicated;

c. Grant the permission to or on behalf of the applicant; and

d. Authorize placement of the sign on the subject property.

~~(d)(5)~~ Complete applications will be either approved or denied within 30 calendar days of receipt by the Department, unless an earlier application for that site or a competing site is under review, or the application falls within paragraph (h) or (i), below. If denied, the application will remain in a pending status until the time to request an administrative hearing has elapsed. If a hearing is requested, the application shall remain in a pending status until time to request an appeal of a final order has elapsed. If an appeal is taken, the application will remain in a pending status until mandate is issued by the appellate court. Subsequent applications for competing sites shall be held without action until the pending status of the earlier application is resolved.

~~(e)(6)~~ If an application is approved, all subsequently received applications for competing sites shall be denied.

~~(f)(7)~~ For purposes of ~~(c)(4)~~, above, when a valid permit is being conditionally canceled pursuant to subsection 14-10.004(9), F.A.C., the Outdoor Advertising Permit

Cancellation Certification, Form 575-070-12, Rev. 07/01, incorporated herein by reference, and Application for Outdoor Advertising Permit, Form 575-070-04, Rev. ~~08/03~~ ~~07/01~~, must be submitted simultaneously to the Department. Form 575-070-12 may be obtained from the address listed in subsection 14-10.003(2), F.A.C. The date the Department receives the cancellation and complete application documents shall be considered the date the application is received.

(h) When a permit application is received for a new sign site requiring vegetation management pursuant to Section 479.106, Florida Statutes, the permit application will not be considered complete until the applicant has been issued a vegetation management permit by the Department and has removed two nonconforming signs, which the Department has approved as meeting the requirements of Section 479.106(5), Florida Statutes.

(i) Applications for permits for locations which conflict with the location of an expired or canceled permit will not be processed until the sign for which the expired or canceled permit was issued is removed, unless a permit is being canceled as a condition for issuance of a new permit.

(j) A permit shall not be issued to an applicant for a location at which unpermitted cutting, removal, or trimming of vegetation has occurred until such time as payment of the administrative penalty and mitigation required by Rule 14-40.030, F.A.C., and Section 479.106(7), Florida Statutes, have been accomplished and the applicant has identified two nonconforming signs for surrender in accordance with Section 479.106(5), Florida Statutes.

(2) A permit shall be granted for an automatic changeable facing provided:

(a) The static display time for each message is a minimum of six seconds;

(b) The time to completely change from one message to the next is a maximum of two seconds;

(c) The change of message occurs simultaneously for the entire sign face; and

(d) The application meets all other permitting requirements.

Any such sign shall contain a default design that will hold the face of the sign in one position if a malfunction occurs.

(3) Notwithstanding any other provisions of this rule chapter, an outdoor advertising sign existing at a location which previously was not subject to the permitting requirements of this chapter, but which has become subject to the requirements of this chapter due to changes in the jurisdictional designation of highways, shall be granted a state permit in accordance with the process outlined below:

(a) The Department shall conduct an inventory of outdoor advertising signs on the highway section subject to jurisdictional change and, within 60 calendar days of the effective date of the proposed change, advise all affected sign

owners and local governments that the change is being considered, the regulatory effect of the change, and when the change may become effective.

(b) Upon approval of the jurisdictional change, the Department will provide a second notice to sign owners and local governments advising that the change in jurisdiction has become effective and that sign owners have 30 calendar days from receipt of the second notice to submit an application for a sign permit.

(c) When the Department is unable to provide the advance notice referenced in (a), above, the Department will advise the affected sign owners that they have 90 calendar days from receipt of the notice that the change in jurisdiction has become effective to submit an application for a sign permit.

(d) The Department shall issue an Outdoor Advertising Permit, Form 575-070-30, Rev. 07/01, to the sign owner upon receipt of a complete Application for Outdoor Advertising Permit, Form 575-070-04, Rev. ~~08/03~~ 07/01, together with all items required by Section 479.07(3)(b), Florida Statutes. For existing signs, the written statement required by Section 479.07(3)(b), Florida Statutes, shall be any written document from the appropriate local governmental official indicating compliance with local requirements as of the date of the permit application. A previously issued building permit shall be accepted as the statement from an appropriate local governmental official, except in cases where the local government has provided notice to the sign owner that the sign is illegal or has undertaken action to cause the sign to be removed. When a building permit is submitted as the statement of the local government, the applicant shall certify in writing that the local government has not provided notice that the sign is illegal, and that the local government has taken no action to cause the sign to be removed.

(4) When a change in the designation of a highway removes that highway from the Department's regulatory jurisdiction, a notice will be provided to all owners of outdoor advertising permits on the affected roadway. The notice will advise permit holders of the Department's intent to revoke the permits, and will include a statement of the recipient's right to appeal the Department's action.

(5) When a controlled road or any portion of a controlled road is designated as a scenic highway or scenic byway pursuant to Section 335.093, Florida Statutes, new permits will not be issued for outdoor advertising signs visible from the portion of the highway designated as a scenic highway or byway.

(6) Posting of Tags. The permanent metal permit tag issued by the Department must be posted by the permittee at the sign site within 30 calendar days of issuance, and must remain in place at all times, whether or not a sign has been erected. If a permit tag is lost, stolen, or destroyed, the permittee must apply to the Department for a replacement tag on Outdoor Advertising Permit Tag Replacement Request,

Form 575-070-01, Rev. 07/01, incorporated herein by reference, and shall include a replacement fee of \$3.00 per tag. Form 575-070-01 may be obtained from the address listed in subsection 14-10.003(2), F.A.C.

(7) Transfer of Permits. Authorization to transfer a permit shall be submitted on Outdoor Advertising Permit Transfer Request, Form 575-070-25, Rev. 07/01, incorporated herein by reference, to the State Outdoor Advertising License and Permit Office at the address listed in subsection 14-10.003(2), F.A.C. The request shall be made in accordance with Section 479.07(6), Florida Statutes. Form 575-070-25 may be obtained from the address listed in subsection 14-10.003(2), F.A.C.

(a) The transferee shall certify that written permission of the landowner, or other person in lawful control of the sign site, to maintain the sign on the site in accordance with Section 479.07(2), Florida Statutes, has been secured.

(b) Transfer requests will not be processed without payment of permit fees in the amount necessary to prevent permit expiration, if the transferee and transferor are on different billing cycles.

(c) If a transfer of permit is made when the permit is in violation of Chapter 479, Florida Statutes, or in violation of this rule chapter, or if a revocation proceeding is pending, the permit is subject to conditions existing at the time of transfer. The Department's approval of a permit transfer shall not constitute waiver of rights on the part of the Department, nor shall permit transfer in any way prohibit issuance of notices of violation or preclude the Department from revoking the transferee's permit in accordance with Section 479.08, Florida Statutes.

(d) If a transfer of permit is made during the initial 270 days from the date of permit issuance, the permit transferee receives the permit subject to all conditions which were applicable to the original applicant.

(8) Cancellation of Permits. Permit cancellation notification must be submitted to the State Outdoor Advertising License and Permit Office at the address listed in subsection 14-10.003(2), F.A.C., on Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 07/01, incorporated herein by reference. All canceled tags must be returned to the Department with the certification, or otherwise be accounted for in writing. Pursuant to Section 479.07(8)(b), Florida Statutes, if the sign has not been removed by the former permittee, it shall be removed by the Department and the cost assessed against the former permittee.

(9) Conditional Permit Cancellation. In instances where an applicant requests cancellation of one permit in order to obtain a new permit, the existing permit shall be canceled simultaneously with the issuance of the new permit. If a new permit does not meet current permitting requirements and cannot be issued, the existing permit will not be canceled.

(10) Permits Canceled, or Not Renewed, in Error Petition for Reinstatement. Pursuant to Section 479.07(8)(b), Florida Statutes, a petition for reinstatement of permits canceled, or not renewed, in error by the permittee shall be submitted to the State Outdoor Advertising License and Permit Office at the address listed in subsection 14-10.003(2), F.A.C. The petition must be in writing, must list the affected permit(s), and must certify that:

- (a) The permit was canceled, or not renewed, in error by the permittee;
- (b) The permit tag for the canceled or expired permit was returned to the Department or otherwise accounted for;
- (c) The sign has not been disassembled; and
- (d) The local government has not declared the sign illegal or taken any other action to have it removed.

If the Reinstatement Petition is denied by the Department, a new permit may be issued for a sign only if the sign meets all current permitting requirements. The reinstatement fee is \$200.00 for a sign facing of 200 square feet or less, and \$300.00 for a sign facing greater than 200 square feet.

(11) Pursuant to the criteria set forth in Section 479.105(1)(e), Florida Statutes, the Department may issue a permit for an unpermitted sign, which has been structurally unchanged and continuously maintained for a period of seven or more years.

(12) Where the expansion or relocation of a transportation facility causes a sign to be located in the right of way, or within fifteen feet of the right of way, and the permit holder desires to relocate the sign to a conforming location perpendicular to the roadway from the site of the existing sign, the Department shall allow the relocation of the permitted sign in conformance with the following:

- (a) The permit holder must submit a completed application for the relocated sign site in accordance with Section 479.07(3), Florida Statutes.
- (b) The Department must determine that the relocated sign site is in conformance with all requirements for permitting.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 334.044(28), 339.05, 479.01(14), 479.02, 479.07, 479.106(5), 479.24 FS. History—New 3-28-76 (Formerly part of Rule 14-10.04, Permits; 14-15.05, Right of Way Bureau Operating Procedures), Amended 4-21-77, 12-10-77, 6-26-78, 12-31-78, 1-1-86, Formerly 14-10.04, Amended 7-7-92, 6-28-98, 8-10-99, 8-19-01.

14-10.0043 Outdoor Advertising License and Permit Fees.

(1) The annual fee for an Outdoor Advertising License is \$300.00. Licenses expire on January 15 of each year.

(2) The annual permit fee for each sign facing is \$44.00 for 200 square feet or less, and \$64.00 for more than 200 square feet. A permittee shall notify the Department in writing prior to making any changes in the dimensions of a conforming sign which would increase the area of the sign facing to over 200 square feet, and shall submit an additional \$20.00.

(3) Permit fees for the year in which application is made may be prorated by paying one-fourth of the annual fee for each whole or partial quarter remaining in that year. Applications received after September 30 must include fees for the last quarter plus fees for the following year. The fee schedule is based on the date the application is received by the Department as follows:

(a) January 16 through April 15: \$44.00 for each sign facing of 200 square feet or less; \$64.00 for each facing greater than 200 square feet;

(b) April 16 through July 15: \$33.00 for each sign facing of 200 square feet or less; \$48.00 for each facing greater than 200 square feet;

(c) July 16 through September 30: \$22.00 for each sign facing of 200 square feet or less; \$32.00 for each facing greater than 200 square feet;

(d) October 1 through January 15: \$55.00 for each sign facing of 200 square feet or less; \$80.00 for each facing greater than 200 square feet.

(4) All payment instruments must be made out to the Department of Transportation. Payment of fees may be made by cash, postal money order, bank draft, cashier's check, or a personal or business check. In the event a payment document is not honored for any reason by the bank on which it is drawn, a service fee of \$15.00 or five percent of the amount payable, whichever is greater will be assessed. If an individual or company issues two checks to the Department which are not honored, no further personal or business checks will be accepted regardless of whether restitution has been made on previous checks.

Specific Authority 334.044(2), 479.07(2) FS. Law Implemented 479.07 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ken Towcimak, Director, Office of Right of Way

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lowell Clary, Assistant Secretary for Transportation Support, for José Abreu, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 12, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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."

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Minimum Surface Water Levels and Flows and Groundwater Levels

RULE NO.: 40C-8.031

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to establish minimum water levels for the following lakes in the following counties: Tusawilla, Alachua County; Bowers, Nicotoon and Smith, Marion County; and Indian, Volusia County. The proposed rule amendment would also establish minimum water levels for a wetland system known as "Hopkins Prairie" in Marion County.

SUMMARY: The proposed rule would establish minimum water levels for the above listed lakes and wetland pursuant to the mandate of Section 373.042, Florida Statutes. Each of these levels would have an associated hydroperiod category. The terms herein are already defined in Chapter 40C-8, F.A.C. As with all minimum levels established by the District, if adopted, the minimum levels in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the consumptive use permit regulatory process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

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

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

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

TIME AND DATE: Following the regularly scheduled Regulatory/Governing Board Meeting, which begins at 1:00 p.m., January 13, 2004

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting: Ann Freeman, (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma K. Messer, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459, email: nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT:

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

(1) No change.

(2) The following minimum surface water levels are established:

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
(a) through (j) No change.							
<u>(k) BOWERS</u>	<u>Marion</u>	<u>Temporarily Flooded</u>		<u>57.1</u>			
		<u>Typically Saturated</u>			<u>54.0</u>		
		<u>Semipermanently Flooded</u>				<u>52.7</u>	
(k) through (tt) renumbered (l) through (uu) No change.							
<u>(vv) HOPKINS PRAIRIE</u>	<u>Marion</u>	<u>Seasonally Flooded</u>		<u>25.8</u>			
		<u>Typically Saturated</u>			<u>23.4</u>		
		<u>Semipermanently Flooded</u>				<u>22.0</u>	
(uu) through (vv) renumbered (ww) through (xx) No change.							
<u>(yy) INDIAN</u>	<u>Volusia</u>	<u>Seasonally Flooded</u>		<u>37.0</u>			
		<u>Typically Saturated</u>			<u>36.1</u>		
		<u>Semipermanently Flooded</u>				<u>34.4</u>	
(ww) through (nnn) renumbered (zz) through (qqq) No change.							
<u>(rrr) NICOTOON</u>	<u>Marion</u>	<u>Seasonally Flooded</u>		<u>54.7</u>			
		<u>Typically Saturated</u>			<u>53.3</u>		
		<u>Semipermanently Flooded</u>				<u>51.9</u>	
(ooo) through (ffff) renumbered (sss) through (jjjj) No change.							
<u>(kkkk) SMITH</u>	<u>Marion</u>	<u>Temporarily Flooded</u>		<u>54.6</u>			
		<u>Typically Saturated</u>			<u>51.4</u>		
		<u>Semipermanently Flooded</u>				<u>50.0</u>	
(gggg) through (qqq) renumbered (lll) through (vvvv) No change.							
<u>(www) TUSCAWILLA</u>	<u>Alachua</u>	<u>Seasonally Flooded</u>		<u>77.6</u>			
		<u>Typically Saturated</u>			<u>74.6</u>		
		<u>Semipermanently Flooded</u>				<u>73.2</u>	
(rrrr) through (www) renumbered (xxxx) through (ccccc) No change.							

(3) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 272.0421 373.103, 373.415 FS. History—New 9-16-92, Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01, 3-19-02, 5-11-03,

NAME OF PERSON ORIGINATING PROPOSED RULE: Sonny Hall, Technical Program Manager, Department of Resource Management, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4368, Suncom 860-4368

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 11, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 19, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE TITLES: Financial Requirements

RULE NO.: 59A-4.203

PURPOSE AND EFFECT: The Agency proposes to amend Rule 59A-4.203, Florida Administrative Code, consistent with provisions of s. 400.235(5)(b), F.S. The legislation provides that a nursing home that is part of the same corporate entity as a continuing care facility and is accredited by a recognized accrediting organization satisfies the Gold Seal financial requirements so long as the accreditation is not provisional. The legislation also provides for the use of financial statements that are prepared in accordance with generally accepted accounting principles and that are reviewed or audited by certified public accountants.

SUMMARY: The proposed amendment allows facilities nominated for Gold Seal recognition to demonstrate financial soundness and stability by submitting an accreditation by a recognized accrediting organization so long as the accreditation is not provisional. This language conforms to CS/CS of Senate Bill 296 passed into law during the 2003 legislative session and signed into law on June 10, 2003. The proposed amendment also allows facilities to submit reviewed or audited financial statements by certified public accountants. This language conforms to CS of Senate Bill 2568 also passed during the 2003 legislative session and signed into law on May 30, 2003.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 400.235(9) FS.

LAW IMPLEMENTED: 400.235(5)(b) FS.

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

TIME AND DATE: 10:00 a.m., December 15, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Kelly, Long-Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida or (850)488-5861

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-4.203 Financial Requirements.

(1) To be eligible for a Gold Seal designation, a facility must have been in operation for a minimum of 30 months prior to the date of application and must provide evidence of financial soundness and stability. This subsection provides the criteria for use of financial statements. To demonstrate 30 months of financial soundness and stability prior to the date of the application:

~~(a)(2)~~ The licensee of the facility shall submit ~~certified public accountant (CPA) audited~~ financial statements prepared in accordance with Generally Accepted Accounting Principles (GAAP) for the three consecutive fiscal years immediately preceding the date of application, including: a balance sheet, income statement and statement of cash flows and all relevant notes. The licensee concurrently shall submit a report from a certified public accountant (CPA) who has audited or reviewed these financial statements. A report of audited financial statements ~~The CPA audit reports~~ must specify an unqualified opinion. A report on reviewed financial statements must be a standard report and must not contain any departure from GAAP. Each licensee shall also submit a one-year set of pro-forma financial statements, including balance sheet, income statement and statement of cash flows. For a licensee ~~whose that is audited or reviewed financial statements are prepared~~ as part of a consolidated entity, the licensee can satisfy the ~~audit~~ requirements for submitting financial statements by submitting the three most recent consecutive years of CPA audited or reviewed consolidated financial statements if the statements break out the balance sheet, ~~and~~ income statement and statement of cash flows of the individual licensee or submit accreditation documents in accordance with ss. 400.235(5)(b), Florida Statutes. In the event a continuing care retirement center has its designation as a CCRC revoked by the Department of Financial Services, the CCRC is required to submit financial statements as described in this rule.

~~(b)(3)~~ Each licensee must meet at least two of the three following financial soundness and stability thresholds listed below for at least two of three years of the statements, to include the most recent year submitted and the pro-forma

statements. Otherwise, its facilities cannot be recommended for the Gold Seal Award except as described in subsection ~~(2)(4)~~ below.

~~1.(a)~~ A positive current ratio of at least one (1). The current ratio is determined by dividing current liabilities into current assets. Current assets are those held for conversion within a year or less, such as cash, temporary investments, receivables, inventory, and prepaid expenses. Board designated assets of cash or near cash instruments, where the board of directors has the option to change the authorized use of the assets and the assets are otherwise unencumbered as disclosed by the auditor, can be considered current assets for this calculation. Current liabilities are short-term debts and unearned revenues to be paid out of current assets within a year or less.

~~2.(b)~~ A positive tangible net worth as determined by the balance sheet. This shall be determined as equity (total assets less total liabilities) net of intangible assets. An intangible asset is a capital asset having no physical existence, its value being dependent on the right that possession confers upon the owner. Examples include goodwill and trademarks.

~~3.(e)~~ A times interest earned ratio of at least 1.15 or 115 percent. This shall be determined by dividing interest expense into net income before deducting such interest and income tax. Net income is defined as revenues (receipts or earnings) less expenses (costs). Not-for-profit providers may include non-operating income, such as public or governmental support and foundation transfers in determining net income.

~~(2)(4)~~ If the licensee can meet only one of the three financial ratios in subsection ~~(1)(b)(3)~~ above for one of the two required years, the licensee may be recommended for a Gold Seal Award only if the most recent CPA prepared financial statements provided are for a period ending within six months of the date of the application and these financial statements meet all three of the financial criteria set forth in subsection ~~(1)(b)(3)~~ above ~~and the licensee received an unqualified CPA report.~~

~~(3)(5)~~ Neither the licensee nor its parent company shall have been the subject of bankruptcy proceedings during the period beginning 30 months prior to the date of the application and ending on the date of the award of the Gold Seal.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History—New 8-21-01, Amended 5-19-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard F. Kelly, Health Services and Facilities Consultant,
Managed Care and Health Quality

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 22, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Ambulatory Surgical Center Services
RULE NO.: 59G-4.020

PURPOSE AND EFFECT: The purpose of the proposed rule is to incorporate by reference the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, July 2003. Appendix A of the handbook contains the 2003 procedure codes and payment groups in effect for dates of service beginning on July 1, 2003. The effect will be to incorporate in the rule the current Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook.

SUMMARY: The proposed rule incorporates by reference the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, July 2003. The handbook update consists of covered code and payment group revisions to Appendix A, Ambulatory Surgical Center Procedure Codes and Groups, routinely updated every year. The revised code list is effective for dates of service beginning on July 1, 2003.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

TIME AND DATE: 9:00 a.m. – 10:00 a.m., December 8, 2003

PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ouida Mazzoccoli, Medicaid Program Administrator, Bureau of Medicaid Services, 2728 Fort Knox Boulevard, Building 3, Tallahassee, Florida 32308 (850)922-7351

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

(2) All ambulatory surgical center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, July 2003 ~~January 2002~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check Up 221, which is incorporated in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01, 7-26-01, 2-25-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ouida Mazzoccoli

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE CHAPTER TITLE: Florida State Employees' Charitable Campaign

RULE CHAPTER NO.: 60L-39

RULE TITLES: Statewide Steering Committee
Application Procedures
Duties and Responsibilities of the Fiscal Agent
Appeals

RULE NOS.: 60L-39.003
60L-39.005
60L-39.006
60L-39.007

PURPOSE AND EFFECT: Amend the rules regarding the Florida State Employees' Charitable Campaign.

SUMMARY: The amendments clarify the format of campaign brochures, streamline campaign application procedures (incorporating by reference the applicable application and renewal forms), clarify the duties and responsibilities of area fiscal agents, and streamline appeal procedures.

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: 110.181(3)(a) FS.

LAW IMPLEMENTED: 110.181 FS.

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

TIME AND DATE: 9:00 a.m., January 12, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department at least 2 calendar days before the workshop, by contacting: Julie Shaw, (850)487-3423.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Kuczanski, Chairman, Florida State Employees' Charitable Campaign, Department of Management Services, 4050 Esplanade Way, Suite 280L, Tallahassee, Florida 32399-0950, (850)414-6736

THE FULL TEXT OF THE PROPOSED RULES IS:

60L-39.003 Statewide Steering Committee.

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

(1) Establish the policies and guidelines of the campaign, which shall include the following:

(a) Arrange publication of information about the application process – including deadlines, address for obtaining materials, and criteria for eligibility – in sufficient time to prepare applications and supporting documentation.

(b) Review all new and renewing applications before June 1 on the basis of their compliance with the established criteria and their timely submission.

(c) Review the required documentation submitted by federations for each of their member organizations that participated in the prior year's campaign.

(d) Each year the committee will review the renewal applications and documentation for each independent or unaffiliated agency, whether new or renewing.

(2) Decide all applications by a simple majority vote of those members attending, so long as a quorum of the membership is present.

(3) Review and approve the campaign brochures, which shall:

(a) Include the words Florida State Employees' Charitable Campaign on the front cover,

(b) Include the official Campaign logo on the front cover,

(c) Exclude the area fiscal agent logo and name, except for contact information within the brochure.

(4) Notify applicants of decisions on applications within a period that allows time for an appeal in accordance with Rule 60L-39.007, F.A.C.

PROPOSED EFFECTIVE DATE: March 5, 2004

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History—New 1-6-02, Amended 3-5-04.

60L-39.005 Application Procedures.

(1) Annual applications for participation in the FSECC (Form DMS-ADM-100, Application for Participation in the Florida State Employees' Charitable Campaign, effective March 5, 2004, which is hereby incorporated by reference) shall be submitted to the Steering Committee Chair. Applications must be postmarked by April 1 of each year for a charitable organization to be considered eligible for that year's Campaign. A federation shall submit applications on behalf of its member organizations. Form DMS-ADM-100 can be obtained by writing to:

Florida State Employees' Charitable Campaign
Department of Management Services
4050 Esplanade Way, Suite 280
Tallahassee, Florida 32399-0950

(2) Any organizations that did not participate in the FSECC during the previous year and all independent/unaffiliated organizations shall submit a complete application with documentation verifying compliance with eligibility outlined in Section 110.181(1), F.S. and Rule 60L-39.004, F.A.C.

(3) Renewing applications (Form DMS-ADM-101, Renewing Organization Application for Participation in the Florida State Employees' Charitable Campaign, effective March 5, 2004, which is hereby incorporated by reference) must be postmarked by April 1 of each year for a charitable organization to be considered eligible for that year's Campaign. A federation shall may submit renewing applications on behalf of its member organizations. Form DMS-ADM-101 can be obtained by writing to:

Florida State Employees' Charitable Campaign
Department of Management Services
4050 Esplanade Way, Suite 280
Tallahassee, Florida 32399-0950

However, the application shall include the following for each renewing member organization:

- ~~(a) The percent of the total administrative cost and fundraising expenses for the previous year.~~
- ~~(b) Proof of proper registration with the Florida Department of Agriculture's Division of Consumer Services under the Solicitation of Contributions Act, Sections 496.401 through 496.424, F.S.~~
- ~~(c) A statement certifying that the organization complies with the criteria for eligibility outlined in Section 110.181(1)(c), F.S. and Rule 60L-39.004, F.A.C.~~

(4) If any member is new to a the federation, or did not participate in the FSECC during the previous year, the federation shall provide a complete application and sufficient documentation to verify that the member is in compliance with all relevant criteria.

(5) The Steering Committee shall request additional information from an applicant if necessary for purposes of clarifying eligibility. Requested information must be supplied with five working days of the receipt of the Committee's request.

PROPOSED EFFECTIVE DATE: March 5, 2004

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History--New 1-1-02, Amended 3-5-04.

60L-39.006 Duties and Responsibilities of the Fiscal Agent.

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

(2) The duties and responsibilities of the area fiscal agent shall include, ~~but are not limited to,~~ the following:

- (a) Selecting, training and managing a local steering committee composed of state employees in the fiscal agent area to assist in conducting the campaign and to direct the distribution of undesignated funds.
- (b) Training employee keyworkers and volunteers in the methods of non-coercive solicitation.
- (c) Honoring employee designations.
- (d) Helping to ensure that no employee is coerced or questioned as to the employee's designation or its amount, other than for arithmetical inconsistencies.
- (e) Responding in a timely and appropriate manner to inquiries from employees, participating organizations, federations and/or the Steering Committee.
- (f) Notifying participating organizations and federations of the name and address of the local steering committee chairperson and ensuring them access to the steering committee meetings. For meetings during which undesignated funds will be discussed, a two-week notice to participating organizations and federations is required.
- (g) Ensuring that distribution of undesignated funds is limited to participating organizations and federations in the FSECC.
- (h) Ensuring the timely distribution of campaign funds to participating organizations and federations.
- (i) Withholding the reasonable costs for conducting the campaign and for accounting and distribution to the participating organizations and federations. These costs shall be shared proportionately by the participating federations and independent/unaffiliated organizations based on their percentage share of the gross campaign.

PROPOSED EFFECTIVE DATE: March 5, 2004

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History--New 1-6-02, Amended 3-5-04.

60L-39.007 Appeals.

(1) An applicant declared ineligible to participate in the campaign by the Steering Committee may ~~(a) submit additional information to the Steering Committee within five working days after receipt of notice of ineligibility or (b) appeal within seven working days of notice. An applicant declared ineligible after submitting additional information may appeal within seven working days after the receipt of the new notice of ineligibility.~~

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

PROPOSED EFFECTIVE DATE: March 5, 2004

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History--New 1-6-02, Amended 3-5-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Kuczanski, Chairman, Florida State Employees' Charitable Campaign Steering Committee

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida State Employees' Charitable Campaign Steering Committee (as a whole)

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 12, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLES: Definitions RULE NOS.: 61G1-11.013
Time for Compliance with Final Order 61G1-11.017

PURPOSE AND EFFECT: The Board proposes to amend the rule to address registration number advertising requirements; also the Board proposes a new rule to address for time compliance with final orders.

SUMMARY: A rule will be amended to address registration number advertising requirements; a new rule will be added to address for time compliance with final orders.

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

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

SPECIFIC AUTHORITY: 455.227(2), 481.2055, 481.225 FS. LAW IMPLEMENTED: 455.227(2), 481.203, 481.211, 481.221(4), (8), 481.225(2) 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 RULES IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G1-11.013 Definitions.

(1) through (3)(b) No change.

(c) The registration number required to appear in any newspaper, telephone directory, or other advertising medium, pursuant to Section 481.221(8), F.S., shall be adjacent to the licensee's name and shall be legible. Rules 61G1-11.013(10)(a)1. and 61G1-11.013(10)(a)3. 14. shall become effective on October 1, 1991.

~~(d) Rule 61G1-11.013(10)(a)2. shall become effective on January 1, 1992.~~

(4) No change.

Specific Authority 481.2055 FS. Law Implemented 481.203, 481.211, 481.221(4),(8), 481.229(1)(c) FS. History--New 12-23-79, Amended 2-24-83, 10-27-83, 12-29-83, Formerly 21B-11.13, Amended 11-12-89, 2-14-91, 5-5-91, 12-26-91, Formerly 21B-11.013, Amended 11-15-93, 11-21-94, 1-10-99, _____.

61G1-11.017 Time for Compliance with Final Order.

(1) In cases where the Board imposes a monetary civil fine for violation of Chapter 455 or Chapter 481, Florida Statutes, or of the rules promulgated thereunder, the fine shall be paid within 30 days of its imposition by order of the Board, unless a later time for payment is specified in the Board's order. Moreover, unless otherwise addressed by the Board at hearings held pursuant to Section 120.57(2), F.S., whenever a civil fine is levied at said hearing, the respondent who is disciplined shall have all licensure to practice architecture or interior design suspended with the imposition of the suspension being stayed for thirty (30) days. If the ordered civil fine is paid within said thirty (30) day period, the suspension imposed shall not take effect. Upon payment of the civil fine after the thirty (30) days, the suspension imposed shall be lifted. If the licensee does not pay the civil fine, within said period, then immediately upon expiration of the stay, the licensee shall surrender his/her licensure to an investigator of the Department of Business and Professional Regulation or shall mail said license to the Board offices.

(2) Failure to pay the civil fine within the time specified in this rule or in the Board's order shall constitute grounds for further disciplinary action against the licensee.

(3) For purposes of this rule, the term “civil penalty” shall include the assessment of any fines, costs associated with investigation and prosecution of the complaint, and restitution.

(4) In cases where the Board imposes probation for violation of Chapter 455 or Chapter 481, Florida Statutes, or of the rules promulgated thereunder, the following conditions shall apply:

(a) The licensee shall be required to appear before the Probable Cause Panel, acting as the Probation Committee, of the Board at such times as directed by the Executive Director, or as specified in the Final Order. In connection with each probation appearance, the licensee shall answer questions under oath and shall provide copies of all signed and sealed documents, permit applications, contracts, and operations questionnaires since the entry of the Final Order if it is the first probation appearance or since the last probation appearance if it is other than the first probation appearance. In addition, the licensee shall provide such other information or documentation as is requested by either the Department, the Board or the Probation Committee. The licensee shall forward said documentation to the Board in advance of the probation appearance.

(b) The burden shall be solely upon the licensee to remember the requirement for said appearance, and to take the necessary steps in advance of said appearance to contact the Board office and ascertain the specific time, date, and place of said appearance. The licensee shall not rely on getting notice of said appearance from the Board or the Department.

(c) Should the licensee violate any condition of the probation, it shall be considered a violation of either Section 481.225(1)(j) or Section 481.2251(1)(g), Florida Statutes, and shall result in further disciplinary action by the Board.

(d) Should the licensee fail to make a satisfactory appearance as determined by the Board, the term of the probationary period shall automatically be extended by six (6) months. If there occurs a second such failure, then the term of the probationary period will be extended an additional year. Should the Board determine a third failure of the licensee to make a satisfactory appearance, then the stay of suspension of the licensee’s licensure to practice architecture or interior design shall be lifted and the license shall remain in suspended status unless and until a further stay is granted by the Board.

(e) Should the licensee’s licensure to practice be suspended or otherwise placed on inactive status, or if the licensee leaves the practice of architecture or interior design for thirty (30) days or more, the probation period shall be tolled and shall resume running at the time the licensee reactivates the license or returns to the active practice of architecture or interior design, and the licensee shall then serve the time remaining in the term of probation.

(f) The licensee’s licensure to practice architecture or interior design shall be suspended for the period of probation, with the suspension stayed for the period of probation. The

time of the suspension and the stay shall run concurrently with the period of probation, except as provided otherwise in the Final Order. If the licensee successfully completes probation, the suspension shall terminate. If the licensee fails to comply with the requirements set forth in this rule or in the Final Order, or fails to make satisfactory appearances as determined by the Board, the stay shall be lifted. Once the stay is lifted, the license shall remain in suspended status unless and until a further stay is granted by the Board.

Specific Authority 455.227(2), 481.225 FS. Law Implemented 455.227(2), 481.225(2) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 10, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: _____ RULE NO.: _____

Grounds for Disciplinary Proceedings 61G1-12.001

PURPOSE AND EFFECT: The Board proposes to add language to the rule to address violations of any rule.

SUMMARY: A rule will be amended to add language to address violations of any rule.

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

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

SPECIFIC AUTHORITY: 455.304, 481.2055 FS.

LAW IMPLEMENTED: 455.303, 455.304, 481.219, 481.225, 481.2251 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-12.001 Grounds for Disciplinary Proceedings.

(1) through (6)(e) No change.

(f) Violation of any law of the State of Florida directly regulating the practice of architecture, including, but not limited to, any rule adopted by the board;

(g) through (k) No change.

Specific Authority 455.304, 481.2055 FS. Law Implemented 455.303, 455.304, 481.219, 481.225, 481.2251 FS. History--New 12-23-79, Amended 12-19-82, Formerly 21B-12.01, Amended 9-23-86, 11-8-88, Formerly 21B-12.001, Amended 2-25-98, 4-1-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2003

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 10, 2003; September 19, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Examination Designated, General Requirements

RULE NO.: 61G1-14.001

PURPOSE AND EFFECT: The Board proposes to amend the rule to address the examination designated.

SUMMARY: A rule will be amended to address the examination designated.

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

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

SPECIFIC AUTHORITY: 455.217 FS.

LAW IMPLEMENTED: 455.217(1)(b),(c), 481.209 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-14.001 ~~Written~~ Examination Designated, General Requirements.

(1) Applicants for licensure by examination shall take and pass the examination prepared and administered by the National Council of Architectural Registration Boards (NCARB) ~~and which is administered by the Department of Business and Professional Regulation.~~

(2) No change.

Specific Authority 455.217 FS. Law Implemented 455.217(1)(b),(c), 481.209 FS. History--New 12-23-79, Amended 5-18-83, Formerly 21B-14.01, 21B-14.001, Amended 4-22-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 10, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Examination Designated

RULE NO.: 61G1-20.001

PURPOSE AND EFFECT: The Board proposes to amend the rule to address the examination designated.

SUMMARY: A rule will be amended to address the examination designated.

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

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

SPECIFIC AUTHORITY: 455.217 FS.

LAW IMPLEMENTED: 455.217(1)(b), 481.209 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-20.001 ~~Written~~ Examination Designated.

(1) The Board hereby determines that an a-written examination shall be taken and passed prior to any applicant receiving a license to practice interior design in the State of Florida except when said applicant applies for licensure by endorsement pursuant to Chapter 481, F.S. Examinations shall be prepared and administered by the National Council of Interior Design Qualification (NCIDQ) ~~or National Council for Architectural Registration Boards (NCARB)~~ and ~~shall be administered by the Department of Business and Professional Regulation.~~

(2) No change.

~~(3) For persons qualifying for licensure pursuant to Section 481.209(2)(c), F.S., the National Society of Interior Design (NSID) examination is approved by the board.~~

Specific Authority 455.217 FS. Law Implemented 455.217(1)(b), 481.209 FS. History—New 7-4-90, Formerly 21B-20.001, Amended 5-30-95, 5-4-97,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 10, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Continuing Education for Interior Designers RULE NO.: 61G1-21.001

PURPOSE AND EFFECT: The Board proposes to amend the rule to address continuing education requirements for interior designers.

SUMMARY: A rule will be amended to address continuing education requirements for interior designers.

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: 481.2055 FS.

LAW IMPLEMENTED: 481.215(5) 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-21.001 Continuing Education for Interior Designers.

(1) Each interior designer in Florida shall be required to establish the interior designer's his professional knowledge and competency in conformity with this rule by the completion of 20 contact hours of continuing professional education per biennium as secured through programs approved by the Board or by submission of proof of compliance with the continuing education requirements of another state in which the interior designer is licensed, provided that the requirements of the other state equal or exceed the completion of 20 contact hours in a two year period.

(2) through (3) No change.

Specific Authority 481.2055 FS. Law Implemented 481.215(5) FS. History—New 11-29-90, Amended 9-2-92, Formerly 21B-21.001, Amended 5-4-97,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 10, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Continuing Education for Architects RULE NO.: 61G1-24.001

PURPOSE AND EFFECT: The Board proposes to amend the rule to address continuing education requirements for architects.

SUMMARY: A rule will be amended to address continuing education requirements for architects.

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: 481.215 FS.

LAW IMPLEMENTED: 481.215 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-24.001 Continuing Education for Architects.

(1) Each architect in Florida shall be required to establish the architect's professional knowledge and competency in conformity with this rule by the completion of 20 contact hours of continuing professional education per biennium as secured through programs approved by the Board or by submission of proof of compliance with the continuing education requirements of another state in which the architect is licensed, provided that the requirements of the other state equal or exceed the completion of 20 contact hours in a two year period.

(2) through (3) No change.

Specific Authority 481.215 FS. Law Implemented 481.215 FS. History--New 1-17-96, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 10, 2003

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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."

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Inactive Status License

RULE NO.: 64B2-13.0049

PURPOSE AND EFFECT: The Board proposes to add new language to the existing rule text.

SUMMARY: The Board is adding new language which specifies who is not required to appear before the Board to place a license in active status.

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

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

SPECIFIC AUTHORITY: 456.017(1), 460.405 FS.

LAW IMPLEMENTED: 456.017(1), 460.406(1) 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: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.0049 Inactive Status License.

(1) No change.

(2) An inactive status licensee may change to active status at any time provided the licensee meets the continuing education requirements of Rule 64B2-13.004, F.A.C., pays the active status fees for each biennium during which the license was inactive, pays the reactivation fee, and if the request to change licensure status is made at any time other than at the beginning of a licensure cycle, pays the additional processing fee. However, a licensee whose license has been in inactive status for more than two consecutive biennial licensure cycles, and who has not practiced chiropractic medicine in any jurisdiction during the period of inactive status, shall be required to appear before the board before the license can be placed into active status. The board at the time of the appearance shall impose upon the licensee reasonable conditions necessary to insure that the licensee can practice with the care and skill sufficient to protect the health, safety and welfare of the public.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History--New 2-20-95, Formerly 59N-13.0049, Amended 7-11-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 10, 2003

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE TITLES:	RULE NOS.:
Definitions	66B-1.003
Policy	66B-1.004
Funds Allocation	66B-1.005
Project Eligibility	66B-1.008

PURPOSE AND EFFECT: The purpose of the proposed rule making is to include the following provisions in the program rule: Add specific definitions to the definitions section of the rule; Add specific waterways essential to the Inland waterway Navigation system to the definition of eligible waterways; Clarify the rule regarding third-party eligibility; revise funding ratios for dredging projects; revise the eligibility of certain items and applicant personnel and equipment costs; and limit the amount available to law enforcement vessels.

The effect of the rule making is to implement changes in the administratino of the District's Cooperative Assistance Program that will assist the District and program applicants in the review and evaluation of applicatoinis submitted pursuant to the rule.

SUMMARY: Cooperative Assistance Program rule sections: Definitions, Policy, Funds Allocation and Project Eligibility.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) FS.

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

TIME AND DATE: 11:00 a.m., December 10, 2003

PLACE: The District office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386

THE FULL TEXT OF THE PROPOSED RULES IS:

66B-1.003 Definitions.

The basic terms utilized in this rule are defined as follows:

(1) through (19) No change.

(20) "PUBLIC BUILDING" means a building or facility on government owned property that is owned or operated by a governmental entity, or operated by a third party operator. The building or facility must provide waterway related information, public meeting space, or educational services and be open to members of the public on a continual basis without discrimination.

(21)(20) "PUBLIC MARINA" means a harbor complex used primarily for recreational boat mooring or storage, the services of which are open to the general public on a first

come, first served basis without any qualifying requirements such as club membership, stock ownership, or differential in price.

(22)(21) "TRIM HEARING" means a public hearing required by Chapter 200, F.S., concerning the tax and budget of the District.

(23)(22) "WATERWAYS" means the Atlantic Intracoastal Waterway, the Okeechobee Waterway in Martin County, the Barge Canal in Brevard County west of the Port Canaveral Locks, the Rim Canal in Palm Beach County, the Dania Cut-Off Canal and the Hillsboro Canal in Broward County, all navigable natural rivers, bays, creeks or lagoons intersected by said waterways and all navigable natural creeks, rivers, bays or lagoons entering or extending from said waterways.

(24)(23) "WATERWAY RELATED ENVIRONMENTAL EDUCATION" means an interdisciplinary holistic process by which the learner: develops an awareness of the natural and manmade environments of waterways; develops knowledge about how the environment of the waterways works; acquires knowledge about the technological, social, cultural, political, and economic relationships occurring in waterway related environmental issues; obtains informatoin on the history, importance, economics, condition and future of the Intracoastal Waterway; and becomes motivated to apply action strategies to maintain a balance between quality of life and quality of the environment of waterways.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History-- New 12-17-90, Amended 2-6-97, Formerly 16T-1.003, Amended 5-17-98, 3-21-01, 3-20-03, _____.

66B-1.004 Policy.

The following constitutes the policy of the District regarding the administration of the program.

(1) through (6) No change.

~~(7) Non-Compliance: The District shall terminate a project agreement and demand return of program funds disbursed to the project sponsor for non-compliance with any of the terms of the project agreement or this rule, if such non-compliance calls into question the ability of the applicant to complete the project. Failure of a project sponsor to comply with the provisions of this rule or the project agreement shall result in the District declaring the project sponsor ineligible for further participation in the program until such time as compliance has been met to the satisfaction of the District.~~

(7)(8) Education Facilities and Programs: Waterways related environmental education facilities and programs sponsored by the District shall occur at specially designated environmental education facilities located adjacent and contiguous to the waterways. It is the District's intent to consolidate its environmental education efforts in the least number of facilities within an area that will adequately serve the education needs of that area of the District.

~~(8)(9)~~ Public Information Availability: Public information produced with assistance from this program shall not be copyrighted and shall be provided free of cost, except for the cost of reproduction, to the public.

~~(9)(10)~~ Third-Party Project Operators Agreements: Projects that are being developed and operated by a third party which is a not for profit agency shall have sufficient oversight by the eligible project sponsor. Such oversight at a minimum will include a project liaison that is a staff member of the eligible project sponsor, and oversight of the operating hours and admission fees of the facility by the eligible project sponsor through a legal agreement, and submission of the third party's most recent audited financial statement. All third party projects shall be open to the public in accordance with this rule.

(10) Non compliance: The District shall terminate a project agreement and demand return of program funds disbursed to the project sponsor for non-compliance with any of the terms of the project agreement or this rule, if such non-compliance calls into question the ability of the applicant to complete the project. Failure of a project sponsor to comply with the provisions of this rule or the project agreement shall result in the District declaring the project sponsor ineligible for further participation in the program until such time as compliance has been met to the satisfaction of the District.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1), (2) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.004, Amended 5-17-98, 3-31-99, 3-5-00, 3-21-01, 7-30-02, _____.

66B-1.005 Funds Allocation.

The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year. If funds are determined to be available for the program, the District will notify potential eligible state and regional agencies of the availability of program funding and the authorized submission period. Applications will be reviewed by the Board utilizing District Forms No. 00-25 Cooperative Assistance Program Application Evaluation and Rating Form (effective date 3-21-01) hereby incorporated by reference and available from the District office.

(1) through (4) No change.

(5) Public Navigation: Projects or project elements in the category of public navigation that will qualify for up to seventy-five (75%) ninety (90%) percent program funds must provide public access to public launching, mooring or docking facilities. In addition, the following shall apply include:

(a) Navigation channel dredging: ~~where~~ The project sponsor must demonstrate that the source of channel sedimentation has been identified and is in the process of or has been controlled, or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting

the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project.

(b) Navigation channel lighting and markers must be located on primary or secondary public navigation channels.

All other public navigation projects or project elements will only qualify for up to fifty (50%) percent program funding.

(6) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1),(3) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.005, Amended 5-17-98, 3-31-99, 3-21-01, 7-30-02, _____.

66B-1.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation, public recreation, environmental education, boating safety, and inlet management directly related to the waterways.

(a) Program funds may be used for projects such as acquisition planning, development, construction, reconstruction, extension improvement, operation or maintenance of the following for public use on land and water:

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization;
5. Public spoil disposal site development;
6. Waterway signs and buoys for safety, regulation or information;
7. Public boat ramps and launching facilities and land acquisition for additional trailer parking at an existing boat ramp;
8. Public boat docking and mooring facilities;
9. Derelict Vessel Removal;
10. Waterways related environmental education programs and facilities;
11. Public fishing and viewing piers;
12. Public waterfront boardwalks;
13. Waterways boating safety programs and equipment;
14. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and
15. Other waterway related projects.

(b) Ineligible Projects or Project Elements: Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, land acquisition that is not for additional trailer parking at an existing boat ramp, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat;

- 2. Restrooms for non-waterway users;
- 3. Roadways providing access to non-waterway users;
- 4. Parking areas for non-waterway users;
- 5. Utilities for non-waterway related facilities;
- 6. Lighting for non-waterway related facilities;
- 7. Maintenance equipment;
- 8. Picnic shelters and furniture;
- 9. Vehicles to transport vessels; ~~and~~
- 10. Operational items such as fuel, oil, etc.;

(11) Office space that is not incidental and necessary to the operation of the main eligible public building; and

(12) Conceptual project planning, including: public surveys, opinion polls, public meetings, and organizational conferences.

(c) Project Elements with Eligibility Limits: Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:

- a. Project management, administration and inspection;
- b. Design, permitting, planning, engineering or surveying costs for completed construction project;
- c. Restoration of sites disturbed during the construction of an approved project; and
- d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subparagraph 1. above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine law enforcement and other vessels are eligible for a maximum of \$30,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant. The following project costs will be eligible only as matching costs and can not exceed fifteen (15) percent of the applicants match:

- a. ~~Applicant's non-recurring personnel costs;~~
- b. ~~Applicant's equipment costs;~~
- c. ~~Applicant's In house project management administration and inspection costs;~~
- d. ~~Applicant's In house design, permitting, planning, engineering or surveying costs for completed construction project; and~~
- e. ~~Applicant's other in-kind services.~~

(3) Waterway related environmental education facility funding will be limited to those project elements directly related to the District's waterways.

~~Before reimbursement is made by the District on any of the costs listed in subparagraph 1. or 2. above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.~~

(d) Phasing of Projects: Applications for eligible waterway projects will be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work shall be submitted along with the Phase I application for Board review. Applicants for construction projects that include elements that require state or federal permits or exemptions will demonstrate that the environmental permitting will be completed by the District's final TRIM hearing. This demonstration will be by the submission of the required environmental permit(s) or by the submission of a letter from the agency(s) stating that a permit is not required. Should the environmental permitting element of an application for a construction project that includes elements that require state or federal permits or exemptions not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. The District will not deviate from the funding schedule, whereby funding decisions are completed at the final TRIM hearing, to accommodate any application deficiency.

(2) through (3) No change.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten (10%) percent of their slips or mooring areas available for transient vessels. Program funds to public marina projects shall not be utilized for maintenance of the facilities if revenues generated by the facility are not exclusively allocated to the operation, maintenance and improvement of the public marina facility. Certification that revenues generated by a marina facility are exclusively allocated to the operation, maintenance and improvement of the public marine facility will be required to be submitted with the application and, if approved, thereafter on an annual basis using form No. FIND 03-01 (effective date - -03), hereby incorporated by reference and available from the District office.

(5) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History--New 12-17-90, Amended 2-6-97, Formerly 16T-1.008, Amended 5-17-98, 3-31-99, 3-5-00, 3-21-01, 7-30-02, 3-20-03. _____

NAME OF PERSON ORIGINATING PROPOSED RULE: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE TITLES:	RULE NOS.:
Definitions	66B-2.003
Policy	66B-2.004
Funds Allocation	66B-2.005
Project Eligibility	66B-2.008

PURPOSE AND EFFECT: The purpose of the proposed rule making is to include the following provisions in the program rule: Add specific definitions to the definitions section of the rule; Add specific waterways essential to the Inland Waterway Navigation System to the definition of eligible waterways; Clarify the rule regarding third-party eligibility; revise funding ratios for dredging projects; revise the eligibly of certain items and applicant personnel and equipment costs; and limit the amount available to law enforcement vessels.

The effect of the rule making is to implement changes in the administration of the District’s Waterways Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUMMARY: Waterways Assistance Program rule sections: Definitions, Policy, Funds Allocation and Project Eligibility.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) FS.

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

TIME AND DATE: 11:00 a.m., December 10, 2003

PLACE: The District office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386

THE FULL TEXT OF THE PROPOSED RULES IS:

66B-2.003 Definitions.

The basic terms utilized in this rule are defined as follows:

(1) through (22) No change.

(23) “PUBLIC BUILDING” means a building or facility on government owned property that is owned or operated by a governmental entity, or operated by a third party operator. The building or facility must provide waterway related information, public meeting space, or educational services and be open to members of the public on a continual basis without discrimination.

(24)(23) “PUBLIC MARINA” means a harbor complex used primarily for recreational boat mooring or storage, the services of which are open to the general public on a first come, first served basis without any qualifying requirements such as club membership, stock ownership, or differential in price.

(25)(24) “TRIM HEARING” means a public hearing required by Chapter 200, F.S., concerning the tax and budget of the District.

(26)(25) “WATERWAYS” means the Atlantic Intracoastal Waterway, the Okeechobee Waterway in Martin County, the Barge Canal in Brevard County west of the Port Canaveral Locks, the Rim Canal in Palm Beach County, the Dania Cut-Off Canal and the Hillsboro Canal in Broward County, all navigable natural rivers, bays, creeks or lagoons intersected by said waterways and all navigable natural creeks, rivers, bays or lagoons entering or extending from said waterways.

(27)(26) “WATERWAY RELATED ENVIRONMENTAL EDUCATION” means an interdisciplinary holistic process by which the learner: develops an awareness of the natural and manmade environments of waterways; develops knowledge about how the environment of the waterways works; acquires knowledge about the technological, social, cultural, political, and economic relationships occurring in waterway related environmental issues; obtains information on the history, importance, economics, condition and future of the Intracoastal Waterway; and becomes motivated to apply action strategies to maintain a balance between quality of life and quality of the environment of waterways.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 2-6-97, Formerly 16T-2.003, Amended 5-17-98, 3-21-01, 3-20-03, _____.

66B-2.004 Policy.

The following constitutes the policy of the District regarding the administration of the program:

(1) through (6) No change.

(7) Education Facilities and Programs: Waterways related environmental education facilities and programs sponsored by the District shall occur at specially designated environmental education facilities located adjacent and contiguous to the waterways. It is the District's intent to consolidate its environmental education efforts in the least number of facilities within an area that will adequately serve the education needs of that area of the District.

~~(8)~~ (7) Public Information Availability: Public information produced with assistance from this program shall not be copyrighted and shall be provided free of cost, except for the cost of reproduction, to the public.

~~(9)~~ (8) Third-Party Project Operators Agreements: Projects that are being developed and operated by a third party which is a not-for-profit agency shall have sufficient oversight by the eligible project sponsor as determined by the Board. Such oversight, at a minimum, will include a project liaison that is a staff member of the eligible project sponsor, and oversight of the operating hours and admission fees of the facility by the eligible project sponsor through a legal agreement, and submission of the third party's most recent audited financial statement. All third party projects shall be open to the public in accordance with this rule.

~~(10)~~ (9) Non-compliance: The District shall terminate a project agreement and demand return of program funds disbursed to the project sponsor for non-compliance with any of the terms of the project agreement or this rule, if such non-compliance calls into question the ability of the applicant to complete the project. Failure of a project sponsor to comply with the provisions of this rule or the project agreement shall result in the District declaring the project sponsor ineligible for further participation in the program until such time as compliance has been met to the satisfaction of the District.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1), (2) FS. History—New 12-17-90, Amended 2-3-94, 2-6-97, Formerly 16T-2.004, Amended 5-18-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, _____.

66B-2.005 Funds Allocation.

The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year. If funds are determined to be available for the program, the District will notify potential eligible governmental agencies of the availability of program funding. Applications will be reviewed by the Board utilizing District Forms No. 91-25 and 91-25 (a thru e) Waterways Assistance Program Application Evaluation and Rating Form; 93-25 and 93-25 (a and b) Waterways Assistance Program Navigation Districts

Application Evaluation and Rating Form, (effective date 03-21-02), hereby incorporated by reference and available from the District office.

(1) through (6) No change.

(7) Public Navigation: Projects or project elements in the category of public navigation that will qualify for up to ~~seventy-five (75%)~~ ~~ninety (90%)~~ per cent program funds must provide public access to public launching, mooring or docking facilities. In addition, the following shall apply include:

(a) Navigation channel dredging: ~~where~~ The project sponsor must demonstrate that the source of channel sedimentation has been identified and is in the process of or has been controlled, or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project.

(b) Navigation channel lighting and markers must be located on primary or secondary public navigation channels. All other public navigation projects or project elements will only qualify for up to fifty (50%) percent program funding.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History—New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, _____.

66B-2.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation, public recreation, environmental education, boating safety, spoil site acquisition directly related to the waterways, inlet management, environmental mitigation and beach renourishment.

(a) Program funds may be used for projects such as acquisition, planning, development, construction, reconstruction, extension, improvement, operation or maintenance of the following types of projects for public use on land and water. These project types will be arranged into a priority list each year by vote of the Board. The priority list will be distributed to applicants with the project application.

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization;
5. Public spoil disposal site development;
6. Waterway signs and buoys for safety, regulation or information;
7. Public boat ramps and launching facilities and land acquisition for additional trailer parking at an existing boat ramp;

- 8. Public boat docking and mooring facilities;
- 9. Derelict Vessel Removal;
- 10. Waterways related environmental education programs and facilities;
- 11. Public fishing and viewing piers;
- 12. Public waterfront boardwalks;
- 13. Waterways boating safety programs and equipment;
- 14. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and
- 15. Other waterway related projects.

(b) Ineligible Projects or Project Elements. Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, land acquisition that is not for additional trailer parking at an existing boat ramp, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

- 1. Landscaping that does not provide shoreline stabilization or aquatic habitat;
- 2. Restrooms for non-waterway users;
- 3. Roadways providing access to non-waterway users;
- 4. Parking areas for non-waterway users;
- 5. Utilities for non-waterway related facilities;
- 6. Lighting for non-waterway related facilities;
- 7. Maintenance equipment;
- 8. Picnic shelters and furniture;
- 9. Vehicles to transport vessels; ~~and~~
- 10. Operational items such as fuel, oil, etc.;
- 11. Office space that is not incidental and necessary to the operation of the main eligible public building; and
- 12. Conceptual project planning, including: public surveys, opinion polls, public meetings, and organizational conferences.

(c) Project Elements with Eligibility Limits: Subject to approval by the Board of an itemized expense list:

- 1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:
 - a. Project management, administration and inspection;
 - b. Design, permitting, planning, engineering or surveying costs for completed construction project;
 - c. Restoration of sites disturbed during the construction of an approved project;
 - d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subsection 1. above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine law enforcement and other vessels are eligible for a maximum of \$30,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant. The following project costs will be eligible only as matching costs and can not exceed fifteen (15) percent of the applicants match:

- a. ~~Applicant's non-recurring personnel costs;~~
- b. ~~Applicant's equipment costs;~~
- c. ~~Applicant's In-house project management administration and inspection costs;~~
- d. ~~Applicant's In-house design, permitting, planning, engineering or surveying costs for completed construction project; and~~
- e. ~~Applicant's other in-kind services.~~

~~Before reimbursement is made by the District on any of the costs listed in subparagraph 1. or 2. above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.~~

(d) Phasing of Projects: Applications for eligible waterway projects will be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work shall be submitted along with the Phase I application for Board review. Applicants for construction projects that include elements that require state or federal permits or exemptions will demonstrate that the environmental permitting will be completed by the District's final TRIM hearing. This demonstration will be by the submission of the required environmental permit(s) or by the submission of a letter from the agency(s) stating that a permit is not required. Should the environmental permitting element of an application for a construction project that includes elements that require state or federal permits or exemptions not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. The District will not deviate from the funding schedule, whereby funding decisions are completed at the final TRIM hearing, to accommodate any application deficiency.

(2) through (3) No change.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten percent (10%) of their slips or mooring areas available for transient vessels. Program funds to public marina projects shall not be utilized for maintenance of the facilities if revenues generated by the facility are not exclusively allocated to the operation, maintenance and improvement of the public marina facility. Certification that revenues generated by a marina

facility are exclusively allocated to the operation, maintenance and improvement of the public marine facility will be required to be submitted with the application and, if approved, thereafter on an annual basis using form No. FIND 03-01 (effective date - -03), hereby incorporated by reference and available from the District office.

(5) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History--New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16F-2.008, Amended 5-17-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-20-03.

NAME OF PERSON ORIGINATING PROPOSED RULE: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Uniform Minimum Firefighter Employment Standards 69A-62

RULE TITLES: RULE NOS.:

PART I: Adoption of Uniform Firefighter Employment Standards 69A-62.0001

Definitions 69A-62.0001

Uniform Minimum Firefighter Employment Standards; Adoption of OSHA Standards 69A-62.001

Uniform Minimum Firefighter Employment Standards; Adoption of National Fire Protection Association Standards 69A-62.002

Uniform Minimum Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two and Additional Requirements Relating to Fire Scenes 69A-62.003

Requirements for Recognition as a Fire Department 69A-62.006

Minimum Requirements for Class 9 Protection 69A-62.007

PART II: Workplace Safety and Health Programs 69A-62.020

Definitions 69A-62.020

General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs 69A-62.021

Firefighter Employer Comprehensive Safety and Health Remediation Plan 69A-62.022

Criteria for Identifying Firefighter Employers

With a High Frequency or Severity of Injuries 69A-62.023

PART III: Safety and Health Compliance

Definitions 69A-62.030

Right of Entry 69A-62.031

Division Inspection or Investigation 69A-62.032

Recordkeeping Responsibilities of Firefighter Employers 69A-62.033

Notice of Violation 69A-62.034

Safety Training 69A-62.035

Procedures Relating to Penalties 69A-62.036

PART IV: Workplace Safety Committees

Definitions 69A-62.040

Scope 69A-62.041

Firefighter Employer Requirements 69A-62.042

Duties and Functions of the Safety Committee and Workplace Safety Coordinator 69A-62.043

Firefighter Employer Evaluation by the Division 69A-62.044

Penalties 69A-62.045

PURPOSE AND EFFECT: The purpose of these rules is to update existing rules based on statutory revisions and to implement and interpret Sections 633.801-633.821, Florida Statutes, as mandated by the Legislature in those sections. The effect of these rules is to provide for firefighter workplace safety and health programs, and to provide requirements for safety and health compliance by firefighter employers and firefighter employees.

SUMMARY: These rules provide for firefighter workplace safety, as mandated by Sections 633.801-633.821, F.S.

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

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

SPECIFIC AUTHORITY: 633.01, 633.45(1)(a), 633.804, 633.805, 633.806, 633.808, 633.809, 633.810, 633.811, 633.816, 633.821 FS.

LAW IMPLEMENTED 633.01, 633.45(1)(a), 633.802, 633.803, 633.804, 633.805, 633.806, 633.807, 633.808, 633.809, 633.810, 633.811, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, 633.821 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE A HEARING WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW (IF A HEARING IS NOT REQUESTED, NO HEARING WILL BE HELD):

TIME AND DATE: 7:00 p.m. (CST), Wednesday, December 17, 2003

PLACE: Walton County EOC, 75 S. Davis Lane, DeFuniak Springs, FL 32435

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact Bureau of Fire Standards and Training, 11655 N. W. Gainesville Road, Ocala, Florida or (352)369-2800, no later than 48 hours prior to the meeting or workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dave Casey, Chief, Bureau of Fire Standards and Training, 11655 N. W. Gainesville Road, Ocala, Florida, (352)369-2800

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I: Adoption of Uniform Firefighter Employment Standards

69A-62.0001 Definitions.

Unless the text or context clearly requires otherwise, the definitions in Section 633.802, Florida Statutes, are applicable to this rule chapter. In addition, for purposes of this rule chapter, the following definitions apply.

(1) "Act" means Sections 633.801-633.821, Florida Statutes.

(2) "Division" means the Division of State Fire Marshal of the Department of Financial Services of the State of Florida.

(3) "Exclusionary" zone or "hot" zone means the area immediately around the incident where serious threat of harm exists, which includes the collapse zone for a structure fire. Entry into such zone would require the use of breathing apparatus; protective clothing and specialized training required under Section 633.821(2), Florida Statutes, and this rule chapter.

(4) "Fire department" means any local fire department or fire district in the state responsible for municipal or county fire protection as recognized by the appropriate municipal or county government or the state. A fire department has the intent and purpose of carrying out the duties, functions, powers, and responsibilities normally associated with a fire department, and which is in compliance with Rule 69A-62.006, F.A.C. These duties, functions, powers, and responsibilities include but are not limited to the protection and saving of life and property against fire, explosions, and other hazards, the prevention and extinguishment of fires, and the enforcement of municipal, county, and state fire prevention codes, as well as of any law pertaining to the prevention and control of fires and hazardous materials incident mitigation.

(5) "Firefighter employee" means a firefighter employee as defined in Section 633.802, Florida Statutes, and includes a volunteer firefighter as referred to in Section 633.820, Florida Statutes.

(6) "IDLH" or "IDLH atmosphere" means an atmosphere which is immediately dangerous to life and health.

(7) "Trained commensurate to duty" means that the person must have documented training in the specific task assigned or combination of skills required to accomplish any series of tasks which may be assigned to that individual given a set of circumstances or which that individual may undertake.

(8) "Two-in, two-out rule" or "two-in, two-out" means and refers to 29 C.F.R. 1910.134(g)(4), Including Notes One and Two, as modified by Section 633.821(3), Florida Statutes.

Specific Authority 633.01(1), 633.45(1)(a), 633.821 FS. Law Implemented 633.45(1)(a), 633.802, 633.821 FS. History--New _____.

69A-62.001 Uniform Minimum Firefighter Employment Standards; Adoption of OSHA Standards.

No change.

Specific Authority 633.01(1), 633.45(1)(a), 633.821 FS. Law Implemented 633.45(1)(A), 633.821 FS. History--New 11-21-01.

69A-62.002 Uniform Minimum Firefighter Employment Standards; Adoption of National Fire Protection Association Standards.

No change.

Specific Authority 633.01(1), 633.45(1)(a), 633.821 FS. Law Implemented 633.45(1)(A), 633.821 FS. History--New 11-21-01.

69A-62.003 Uniform Minimum Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two and Additional Requirements Applicable to Fire Scenes.

(1) through (2) No change.

(3) With respect to 29 C.F.R. Section 1910.134(g)(4), the two individuals located outside the IDLH atmosphere may be assigned to an additional role, such as incident commander, pumper operator, engineer, or driver, so long as such individual is able to immediately perform assistance or rescue activities without jeopardizing the safety or health of any firefighter working at an incident.

(a)1. Except as provided in sub-paragraphs 2., 3., and 4., no firefighter or any other person under the authority of the firefighter employer at the scene of a fire is permitted to participate in any operation involving two-in, two-out as one of the two or more persons inside the IDLH atmosphere or as one of the two or more persons outside of the IDLH atmosphere unless such firefighter or other person at the scene of a fire is certified in this state by the division as a Firefighter I or a Firefighter II, as established in subsections (1) and (2) of Rule 69A-37.055, F.A.C. Such training shall consist of the training described in subsection (6) of Rule 69A-37.055, F.A.C. This requirement specifically applies to volunteer fire departments and volunteer firefighters but is also applicable to any other person working under the authority of the Firefighter Employer at the scene of a fire.

2. A volunteer firefighter who possesses the State Basic Volunteer certificate previously issued by the division is exempt from the Firefighter I and Firefighter II requirement in

subparagraph 1. Basic volunteer in itself may not meet “trained commensurate to duty” as defined depending upon duties or tasks assigned or undertaken in the exclusionary zone.

3. United States Department of Defense firefighters responding in their capacity as U.S. Department of Defense firefighters meeting equivalent U.S. Department of Defense qualifications are exempt from the Florida Firefighter I and Firefighter II requirement in subparagraph 1.

4. Volunteer firefighters having NWCG S-130, S-190, and Standards for Survival certification by the Florida Division of Forestry are permitted to participate in wild land fire suppression without the Firefighter I certification.

(b) It is each Firefighter Employer’s responsibility to be familiar with the training standards of commonly used mutual aid agreements, automatic aid agreements, and other similar resources. Each fire department responding pursuant to a mutual aid agreement or automatic aid agreement or similar document is responsible for the training and certification of its own personnel. Unless otherwise specified, requests for assistance shall constitute requests for personnel meeting the training standard required by these rules.

(4)(a) In addition to the prohibition in subsection (3), no firefighter employer, regardless of whether such firefighter employer employs firefighters certified under Section 633.34, Florida Statutes, or utilizes volunteer firefighters, is permitted to allow any firefighter or other person at the scene of a fire to participate in any activity which is included in the standards adopted in Sections 633.801-633.821, Florida Statutes, or pursuant to this rule chapter unless such firefighter or other person at the scene of a fire is a Florida certified Firefighter I as established in subsections (1) and (2) of Rule 69A-37.055, F.A.C. Such training shall consist of the training described in subsection (6) of Rule 69A-37.055, F.A.C. This requirement specifically applies to volunteer fire departments and volunteer firefighters, but is also applicable to any other person operating in the exclusionary zone of a scene that would require the use of breathing apparatus, protective clothing, or specialized training required under Section 633.821(2), F.S.

(b) This subsection does not prohibit a person who has not met the training requirements in paragraph (a) from taking any action at all at a fire scene. It merely prohibits a person who has not met such training requirements from engaging in any activity which is governed by the standards adopted in Sections 633.801-633.821, Florida Statutes. Persons not having met the training requirements in paragraph (a), but who are “trained commensurate to duty” to perform those activities they are assigned to, are permitted to engage in certain activities outside of the exclusionary zone. Those activities include pulling hoses, opening and closing fire hydrants, moving vehicles, carrying tools, carrying or moving equipment, directing traffic, manning a resource pool, and similar activities.

Also with respect to 29 C.F.R. Section 1910.134(g)(4):

(a) Each county, municipality, and special district shall implement such provision by April 1, 2002, except as provided in paragraphs (b) and (c).

(b) If any county, municipality, or special district is unable to implement such provision by April 1, 2002, without adding additional personnel to its firefighting staff or expending significant additional funds, such county, municipality, or special district shall have an additional six months within which to implement such provision. Such county, municipality, or special district shall notify the Division that the six month extension to implement such provision is in effect in such county, municipality, or special district within 30 days of its decision to extend the time for the additional six months. The decision to extend the time for implementation shall be made prior to April 1, 2002.

(c) If the extension granted in paragraph (b) expires, and the county, municipality, or special district, after having worked with and cooperated fully with the Division is still unable to implement 29 C.F.R. Section 1910.134(g)(4), without adding additional personnel to its firefighting staff or expending significant additional funds, such municipality, county, or special district shall be exempt from the requirements of 29 F.R. Section 1910.134(g)(4). Each year thereafter the Division shall review each exempt county, municipality, or special district to determine if such county, municipality, or special district has the ability to implement C.F.R. Section 1910.134(g)(4), without adding additional personnel to its firefighting staff or expending significant additional funds. If the Division determines that any county, municipality, or special district has the ability to implement 29 C.F.R. Section 1910.134(g)(4), without adding additional personnel to its firefighting staff or expending significant additional funds, the Division shall require such county, municipality, or special district to implement such provision. Such requirement by the Division under this paragraph constitutes final agency action subject to Chapter 120, Florida Statutes.

Specific Authority 633.01(1), 633.45(1)(a), 633.821 FS. Law Implemented 633.45(1)(A), 633.821 FS. History--New 11-21-01, Amended _____.

69A-62.006 Requirements for Recognition as a Fire Department.

(1) To be recognized as an organized fire department by the division, compliance with the following must be documented:

(a) Establishment in accordance with the provisions of the National Fire Protection Association Standard 1201, 2000 edition;

(b) Capability of providing fire protection 24 hours a day, seven days a week;

(c) Responsibility for response in an area capable of being depicted on a map; and

(d) Staffing with a sufficient number of qualified firefighters who are employed fulltime or part-time or serve as volunteers and who shall have successfully completed an approved basic firefighting course recognized by the Bureau of Fire Standards and Training.

(2)(a) A fire department shall meet the requirements of the Insurance Services Office (ISO) for Class 9 Protection which is hereby adopted and incorporated by reference.

(b) ISO measures the major elements of a community's fire-suppression system and develops a numerical grade ranging from 1 to 10. Class 1 represents the best public protection and Class 10 indicates no recognized protection.

(c) The requirements for ISO 9 may be obtained at the ISO website located at www.iso.com, or it may be obtained by writing to the Division of State Fire Marshal, Bureau of Fire Standards and Training, 11655 North Gainesville Road, Ocala, Florida 34482-1486.

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History—New _____.

69A-62.007 Minimum Requirements for Class 9 Protection.

(1) To be considered for Class 9 protection, the following minimum facilities must be available:

(a) Organization:

1. The fire department shall be organized on a permanent basis under applicable state or local laws. The organization shall include one person responsible for operation of the department, usually with the title of chief.

2. The fire department must serve an area with definite boundaries. If a municipality is not served by a fire department solely operated by or for the governing body of that city, the fire department providing such service shall do so under a contract or resolution. When a fire department's service area involves one or more municipalities, a contract shall be executed with each municipality served.

(b) Membership: The department shall have a sufficient number of firefighters/members to assure the response of at least 4 firefighters/members to alarms. The "alarms" to which this paragraph refers are first alarms for fires in structures. The chief may be one of the 4 responding firefighters/members.

(c) Training: Training for active members shall be conducted at least 2 hours every 2 months.

(d) Alarm Notification: Alarm facilities and arrangement shall be such that there is no delay in the receipt of alarms and the dispatch of fire fighters and apparatus.

(e) Apparatus:

1. The fire department shall have at least one piece of apparatus meeting the general criteria of NFPA 1901, 1999 edition.

2. Automotive Fire Apparatus: The apparatus shall have a permanently mounted pump capable of delivering 50 gpm or more at 150 psi, and a water tank with at least 300-gallon capacity.

(f) Records: Records shall indicate date, time and location of fires, the number of responding members, meetings, training sessions, and maintenance of apparatus and equipment. A roster of fire department members must be kept up-to-date.

(g) Equipment: Each fire department shall keep and maintain the following equipment:

1. At least two 150-foot lengths of 3/4 or 1 inch fire department hose, 1 1/2 inch pre-connected hose, or the equivalent, each with a nozzle capable of discharging either a spray or a straight stream.

2. Two portable fire extinguishers suitable for use on Class A, B and C fires. The minimum size shall be 20 BC rating in dry chemical, 10 BC rating in Co2, and 2A rating in water-type extinguishers.

3. One 12-foot ladder with folding hooks.

4. One 24-foot extension ladder.

5. One pick-head axe.

6. Two electric hand lights.

7. One pike pole.

8. One bolt cutter.

9. One claw tool.

10. One crowbar.

(h) Housing: Apparatus shall be so housed as to provide protection from the weather.

(2) In addition, the fire department must have:

(a) A minimum of four (4) self-contained breathing apparatus, and

(b) A minimum issue of personal protective clothing for structural firefighting for each firefighter.

(3) Each organized fire department shall maintain sufficient insurance coverage on each member of the fire department to pay claims for injuries sustained en route to, during, and returning from fire calls or other emergencies and disasters and scheduled training sessions.

(4)(a) The chief of the fire department shall annually submit a personnel roster to the SFM of all firefighters. The roster shall include: be provided on form DI4-xxxx

1. The fire department name,

2. The fire department identification number (FDID),

3. The complete fire department address,

4. The fire department contact telephone number and the fire department fax number, if any,

5. The and certification level for each firefighter reported, and

6. The firefighter certification number, the issue date of the certification, and the status of the certification, i.e., volunteer or career.

(b) The personnel roster need not be in any particular form; however, a personnel roster form containing the above information is available for the fire department's convenience and may be submitted if the chief of the fire department chooses. Such convenience form may be obtained at the division's website located at <http://www.fldfs.com/SFM/> or by writing to the Division of State Fire Marshal, Bureau of Fire Standards & Training, at 11655 N. W. Gainesville Road, Ocala, Florida 33482-1486.

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History—New _____.

PART II: Workplace Safety and Health Programs

69A-62.020 Definitions.

Unless otherwise specified herein, for purposes of this rule chapter the definitions of the words and terms contained in Section 440.02, Florida Statutes, apply. For the purposes of Part II of this rule chapter, unless the context clearly requires otherwise, the following definitions also apply:

(1) "Firefighter Employee Safety and Health Remediation Plan" means a written training program developed by a carrier, individual self-insurer, self-insurance fund, or firefighter employer or a combination thereof for a firefighter employer's implementation when the firefighter employer has been identified as having a high frequency or severity of injuries or workers' compensation insurance claims that is higher than the average for firefighter employers and includes any safety and health program which has been adopted by a firefighter employer and approved by the Division. It shall serve as a guide to safe work practices for firefighter employees.

(2) "Firefighter Employer Comprehensive Safety and Health Program" means a particular written plan developed from a Workplace Safety and Health Program provided by an insurance carrier, group self-insurance fund, individual self-insurer, or by an individual firefighter employer. It is designed to ensure that the firefighter employer has a structured and integrated safety and health management program within its organization, which is specifically designed to reduce or control the hazards of the firefighter employer's workplace and the frequency of workplace injuries and occupational diseases. Said plan is permitted to be part of an overall Workplace Safety and Health Program for the municipality, county, special district, or other unit of local government.

(3) "Frequency" means the number of workplace injuries and occupational diseases reported to the Division of Workers' Compensation, occurring over a one-year period, and resulting in a lost time case as defined in subsection (5), below.

(4) "Frequency Rate" means the figure, which results after using the formula for determining the frequency rate provided in Rule 69A-62.023, F.A.C.

(5) "Lost Time Case" means an injury or illness which results in the firefighter employee requiring medical care at a medical care facility and involves a loss of time or service beyond the time required for initial treatment and his or her inability to perform firefighting duties.

(6) "OSHA" means the Occupational Safety and Health Administration as created by the Occupational Safety and Health Act of 1970, 29 U.S.C. Sections 651-678.

(7) "Safety and Health Standard" or "Standard" means any of the safety and health standards adopted by rule of the division and which applies to a specific workplace. These standards are minimum standards upon which all safety and health risk assessments can be made.

(8) "Safety and Health Inspection" means the risk assessment process by division personnel of a firefighter employer's work environment as follows:

(a) Analyzing existing conditions and operations that may create hazards;

(b) Identifying signs of ineffective safety and health policies or practices; and

(c) Identifying safety and health program deficiencies.

(9) "Severity" means the extent of the workers' compensation medical and indemnity benefits which result or will result from the workplace injuries that a firefighter employer has reported to the Division of Workers' Compensation.

(10) "Shall" means that the application or procedure that follows is mandatory and "shall" is only used in this context in these rules.

(11) "Will" means that the application or procedure that follows is to take place in the future and in this context "will" is never used to indicate any degree of requirement of an application or procedure.

(12) "Workplace Safety and Health Program" means the written program of a workers' compensation carrier, group self-insurance fund, or individual self-insurer for a government unit. It is to be used by their policyholders, members or themselves as a guide in developing a specific firefighter employer's "Firefighter Employer Comprehensive Safety and Health Program."

Specific Authority 633.804 FS. Law Implemented 633.804 FS. History—New _____.

69A-62.021 General Guidelines For Firefighter Employer Comprehensive Safety and Health Programs.

The following are the guidelines for a Firefighter Employer Comprehensive Safety and Health Program. These guidelines shall be used by firefighter employers that are notified by the division that they have a high frequency or severity of workers' compensation claims to prepare their Firefighter Employer Comprehensive Safety and Health Remediation Plan.

(1) Safety Policy. Each firefighter employer shall issue and make available to all firefighter employees a safety policy containing a clear and concise view of the firefighter employer's determination that safety and health management shall be of primary importance and that all employment and places of employment shall be free of recognizable workplace and environmental hazards. The safety policy shall delegate responsibilities with respect to implementing the safety and health program.

(2) Safety Rules. Each firefighter employer shall develop and implement a set of safety rules which shall be equivalent to or exceed applicable standards found the Act or in rules adopted pursuant to the Act.

(3) Safety And Health Training Program. Each firefighter employer shall implement a safety and health training program, which shall address or include:

(a) Training, by supervisors or trained instructors, of new firefighter employees and firefighter employees transferring to new jobs, on the operating procedures of vehicles and equipment to be utilized by the firefighter employee.

(b) Instructional training for supervisors.

(c) Specialized training as required by the rules of the division and any OSHA Standards and other applicable laws, rules or regulations.

(d) An emergency vehicle operations course for all emergency vehicle operators as recognized by the division.

(e) Goals and objectives of the safety training program(s).

(f) Person(s) responsible for safety and the person(s) responsible for the conduct of safety training.

(g) Specific method(s) of presentation.

(h) An analysis of accidents, illnesses and injuries to determine specific additional training that may be needed.

(i) A training program outline.

(j) A comprehensive training program content.

(k) A hazard identification system.

(l) A new firefighter employee indoctrination program.

(m) Training. Each firefighter employer shall provide training and education for all firefighters and supervisory personnel commensurate with those duties and functions that such firefighters and supervisory personnel are expected to perform. Such training and education shall be provided to firefighters and supervisory personnel before they perform any emergency activities or other activities requiring such training. Supervisory personnel shall be provided with training and education which is more comprehensive than that provided to the general firefighters.

(4) Each firefighter employer shall assure that training and education is conducted frequently enough to assure that each firefighter is able to perform the firefighter's assigned duties and functions satisfactorily and in a safe manner so as not to endanger such firefighter or any other firefighter. Training shall be provided on as as needed basis an must be provided at

least annually. In addition, firefighters who are expected to perform interior structural firefighting shall be provided with an education session or training at least quarterly. All such training shall be documented and placed in each employee's personnel file.

(5) The quality of the training and education programs for firefighters and officers shall be similar to the courses or curriculum of the Florida State Fire College or those which use national consensus curriculums as recognized by the Division, such as the International Fire Service Training Association (IFSTA)©. The quality of the training for supervisory personnel shall generally conform to the standards enumerated in the National Fire Protection Association standards in NFPA 1021, "Fire Officer Professional Qualifications," for Fire Officer I, II, III, or IV, as applicable, or similar or equivalent standards.

(6) Each firefighter employer shall inform each firefighter about special hazards such as storage and use of flammable liquids and gases, toxic chemicals, radioactive sources, and water reactive substances, to which they may be exposed during fire and other emergencies. The firefighters shall also be advised of any changes that occur in relation to the special hazards. The firefighter employer shall develop and make available for inspection by firefighters written procedures that describe the actions to be taken in situations involving the special hazards and shall include these in the training and education program.

(7) Policy for enforcement of safety rules and regulations.

(a) Accident Investigation Program. Each firefighter employer shall implement an accident investigation program which shall investigate and record all accidents and near accidents involving personnel, including medical only injuries, and accidents in which equipment or motor vehicles are damaged. The investigation shall determine all obtainable facts of each accident and cite cause factors and recommend corrective action.

(b) Incident Reporting. Each firefighter employer shall implement the Firefighter Casualty Report, Form DFS-K4-1569, revised August, 2003, (which is substantially the same form as Form 902G, NFIRS-5), which is hereby adopted and incorporated by reference, revised August, 2003. Form DFS-K4-1569 may be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

(c) The Firefighter Casualty Report shall record all injuries, including type of accident, agencies, nature or type of injury, body location, the specific activity at the time of the injury or occurrence, cause of injury, and contributing causes of injury. Such reports shall also contain any event, injury, or occurrence enumerated in Section 112.181, Florida Statutes, to which the presumptions therein are applicable. These reports shall be submitted to the division within seven (7) days of the occurrence.

Specific Authority 633.804 FS. Law Implemented 633.804 FS. History—New

69A-62.022 Firefighter Employer Comprehensive Safety and Health Remediation Plan.

(1) All firefighter employers identified and notified by the division as having a high frequency or severity of work related injuries and illnesses shall submit their Firefighter Employer Comprehensive Safety and Health Program to the division for approval within one hundred twenty (120) days after receipt of notice. The division may approve additional time for the firefighter employer to complete specific elements of the program providing the firefighter employer is making progress on the other elements. This approval must be in writing.

(2) The Firefighter Employer Comprehensive Safety and Health Remediation Plan shall contain or address the specific components listed under the “General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs” set forth in Rule 69A-62.021, F.A.C.

(3) If a firefighter employer fails to submit a Firefighter Employer Comprehensive Safety and Health Remediation Plan to the division, the firefighter employer shall be subject to a penalty as prescribed in Section 633.811, Florida Statutes, or as otherwise provided by law.

(4) The division shall conduct a continuous evaluation of each approved plan to determine its overall effectiveness.

Specific Authority 633.809 FS. Law Implemented 633.809 FS. History—New

69A-62.023 Criteria for Identifying Firefighter Employers with a High Frequency or Severity of Injuries.

(1) Individual firefighter employers and groups of firefighter employers with a high frequency or severity of work related injuries and illnesses as identified by the division shall be subject to safety and health inspections. If a firefighter employer fails or refuses to implement or correct deficiencies identified by the division, the firefighter employer shall be subject to penalties as prescribed in Section 633.811, Florida Statutes, or as otherwise provided by law.

(2) The division will use the following procedures to determine which firefighter employers with a high frequency or severity of workers’ compensation claims will be selected to have their safety and health management program audited by the division and their workplace and records inspected.

(a) A firefighter employer high frequency of injury list shall be established using the most recent year’s data available. This shall be data for a year where there has been sufficient time allowed to receive and check the data for reliability. The list shall be derived by compiling lost time cases contained in the database in descending order of frequency from highest to lowest for the year.

(b) The frequency rate shall be calculated using the following formula: Rate of reported lost-time injuries by a firefighter employer in a year shall be determined by Frequency divided by Average Daily Staffing where:

Frequency = total lost time cases reported by a firefighter employer in a year.

Average Daily Staffing = the average number of personnel on duty at one given time per day multiplied by the number of days staffed.

Example 1: the average number of personnel on duty at one given time per day multiplied by 365 for a 24 hour full-time department.

[Please note this is intended for three platoon (24/48) or four platoon (10/14 or 24/72)]

Example 2: the average number of personnel on duty at one given time per day multiplied by 260 for Monday through Friday staffing.

Example 3: For volunteer firefighters it is the average staffing of all of their emergency responses times the number of responses they had in the year.

National Safety Council Frequency Computation:

$$\# \text{ INJ.} \times \text{Total Annual Man-Hours Worked} = \text{Injury Rate}$$

$$8760 \text{ (24hr svc) or } 2000 \text{ (40 hr wk)}$$

(c) The firefighter employer’s frequency rate will be compared with the statewide average frequency rate for all firefighter employers.

(d) If a firefighter employer is to be audited, the following shall be required of the firefighter employer:

1. The firefighter employer shall meet with a division representative within ten days of being notified of the decision to audit or on such other date as may be mutually agreed upon.

2. The firefighter employer shall assign a contact person to work with the representative of the division.

3. The firefighter employer shall provide to the representative the most complete copy of each of the first reports of injury for the past 3 years and a copy of the corresponding accident report if available.

4. Information pertaining to the following shall be provided by, and will be collected from, the firefighter employer:

a. Safety policy.

b. Safety rules and regulations.

c. Safety inspections, including regular and periodic inspections.

d. Safety training programs.

e. First aid programs.

f. Accident investigation programs.

g. Record Keeping.

h. Respiratory protection programs as required by the adoption of 29 C.F.R. 1910.134 in Rule 69A-62.011, F.A.C., and

i. Any other information pertaining to safety and health program management.

5. After the audit is complete, a closing conference will be scheduled to advise the firefighter employer on the results of the audit.

6. Suggestions and assistance will be provided to the firefighter employer to help improve the safety and health program management.

7. Abatement deadlines shall be set for the firefighter employer to take corrective action in regard to any safety and health program deficiencies that are identified.

8. To measure program effectiveness following the audit, the firefighter employer shall be required to submit copies of all first reports of injury and corresponding accident investigation reports to the division on a quarterly basis (every three months) for two years or until the firefighter employer's frequency/severity rate of lost time cases falls below the statewide average for firefighter employers, whichever occurs last.

Specific Authority 633.809 FS. Law Implemented 633.809 FS. History—New _____.

PART III: Safety and Health Compliance

69A-62.030 Definitions.

Part III of this rule chapter incorporates by reference the definition of "occupational disease" contained in Section 440.151(2), Florida Statutes, and the definitions contained in Section 440.02, Florida Statutes. Further, with respect to Part III of these rules, the division adopts the following definitions:

(1) "Abatement date" means a specific date provided by the division on the Notice of Violation on or before which the firefighter employer must correct a violation to avoid penalty. "Abatement" means and includes remediation.

(2) "Calendar year" means a given twelve month period that begins January 1 and ends December 31.

(3) "Establishment" means the single physical location of a workplace where the firefighter employer maintains records necessary to provide evidence of firefighter employer compliance with this rule chapter. Generally, an establishment is a single physical location where business is conducted. For firefighter employers engaged in activities that may be physically dispersed, the establishment shall be the Administrative Offices/Headquarters of the agency.

(4) "Fatality" means any firefighter employee death that occurs as a result of workplace injury, illness, or occupational disease. The term includes a firefighter employee death that results from workplace injury, illness, or occupational disease.

(5) "Hazard" means the risk of exposure to materials, processes, or operating procedures or practices that can produce a harmful effect by causing injury, illness, occupational disease, or fatality.

(6) "Illness" means any abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to environmental factors associated with employment. It includes acute and chronic illnesses or diseases that may be caused by inhalation, absorption, ingestion, or direct contact with an environmental factor.

(7) "Investigation" means verification of firefighter employer compliance with the Act or division rule by of a firefighter employer including firefighter employer requests, complaint investigations, fatality investigations, and serious incident investigations.

(8) "Multiple Injury Event." means either a single event during an incident that three or more firefighter receive serious incident level injuries such as a vehicle crash, or firefighters injured from a falling wall, or three of the same type of serious incident level injuries sustained during an entire incident such as three smoke inhalation injuries at the same fire.

(9) "Serious incident" means any event arising out of the work and in the course of employment, as the result of which a firefighter employee is admitted into a hospital for a minimum period of twenty-four hours.

(10) "Violation" means noncompliance with the Act, a division rule, or an order of the division.

(11) "Workplace" means the physical location in Florida where firefighter employees perform their duties and includes the scene of a fire or other emergency unless the context clearly requires otherwise.

Specific Authority 633.806 FS. Law Implemented 633.806 FS. History—New _____.

69A-62.031 Right of Entry.

A firefighter employer shall allow the division, on request and presentation of official credentials, without delay to enter and to inspect any place of employment at any reasonable time for the purpose of assuring compliance with the Act and this rule chapter.

Specific Authority 633.806 FS. Law Implemented 633.806, 633.815 FS. History—New _____.

69A-62.032 Division Inspection or Investigation.

(1) Under the Act, the division is authorized to conduct inspections or investigations for the purpose of ensuring compliance with the Act and division rules. The division shall conduct an inspection or investigation to determine jurisdiction, the occurrence of a violation, or to verify abatement. The division shall conduct an inspection or investigation by means of on-site inspection or investigation, telephone, correspondence, or personal interview, which may be in private.

(2) A firefighter employer may request the division to investigate the workplace to ensure compliance with the Act and division rules.

(3) The division shall not be required to provide notice of an inspection or investigation when the Division is advised that a condition or practice that creates an “imminent danger” to the safety and health of workers.

(4) Upon entering a workplace, the division shall advise the person in charge of the work being performed at the workplace that the division intends to conduct an inspection or investigation.

(5) The division shall conduct an opening conference, explaining the purpose of the inspection or investigation, inspection or investigation procedures, and firefighter employer obligations and responsibilities.

(6) The division may but is not required to invite a representative of the firefighter employer or a firefighter employee, or both, to accompany the division during an inspection or investigation.

(7) The division shall consider evidence observed in plain view or obtained during an inspection or investigation, or otherwise obtained from a telephone or personal interview, correspondence, firefighter employer record, maintenance record, insurance record, laboratory report, or electronic information.

(8) After the inspection or investigation, the division shall conduct a closing conference with the firefighter employer to discuss any violations noticed, answer questions, explain penalty assessments, and identify abatement verification procedures, including the potential for a subsequent inspection or investigation by the division to verify abatement.

(9) The division shall issue a Notice of Violation prescribed in Rule 69A-62.034, F.A.C., for each violation identified by the division during an inspection or investigation at the completion of the inspection or investigation.

(10) Complaint Investigation.

(a) The division shall consider a complaint from any person who alleges a violation of the Act or a division rule. The complainant may elect to remain anonymous. The complainant must identify the location of the workplace that gives rise to the complaint and allege known particular facts that constitute a violation. A complaint may be oral or written.

(b) The division shall conduct an investigation of any complaint that facially establishes reasonable cause to believe that a violation exists or occurred.

(11) Fatality or Multiple Injury Event Investigation or equipment failure.

(a) Each firefighter employer shall notify the division of any fatality or three (3) or more serious injuries at the same incident via the Division’s 24 hour “1 800” phone number which is 1-800-NET-FIRE (1-800-638-3473) within 4 hours of the occurrence.

(b) The division shall conduct an investigation of each fatality or multiple injury events, of which it is notified.

(c) Any injury or fatality that is reported to or appears to be the result of equipment failure shall be investigated by the division.

(12) If the division determines during an investigation that a firefighter employer’s failure to comply with the Act or a division rule directly contributed to a fatality or serious incident, the division shall issue to the firefighter employer a Notice of Violation specifying an immediate abatement date.

(13) The division shall conduct an investigation to verify abatement of a violation within six months after the issuance date of the Notice of Violation.

Specific Authority 633.45(1)(a), 633.806 FS. Law Implemented 633.801, 633.806, 633.815 FS. History—New _____.

69A-62.033 Recordkeeping Responsibilities of Firefighter Employers.

(1) Each firefighter employer shall maintain for review by the division upon request the “Fire Service Log and Summary of Occupational Injuries, Diseases, and Illnesses” DFS-K4-1568, revised August, 2003, (sometimes referred to in these rules as “log and summary”), adopted and incorporated herein by reference and available from the division at the Bureau of Fire Standards and Training, 11655 North Gainesville Road, Ocala, Florida 33482. Each firefighter employer shall record each injury, illness, occupational disease, and fatality for that establishment on the log and summary within six working days of learning an injury, illness, occupational disease, or fatality has occurred. A firefighter employer may maintain a form equivalent to the log and summary, which shall contain the same information and shall be as readable and comprehensible to a person unfamiliar with the log and summary. The firefighter employer or person who supervises the preparation of the log and summary shall execute the certification of the log and summary with his or her signature.

(2) In addition to the log and summary required in subsection (1), each firefighter employer shall maintain and make readily available upon request to the division the following supplementary records:

(a) “First Report of Injury or Illness,” Form DWC-1, Rev. 11/94, a form which was adopted and incorporated by reference by the Division of Workers’ Compensation and is available from the firefighter employer’s Workers’ Compensation insurance carrier or fund. The form may also be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

(b) The Firefighter Casualty Report, DFS Form DFS-K4-1569, (i.e., substantially the same as Form 902G, NFIRS-5), which shall be submitted for each injury, illness, occupational disease, or fatality at each establishment, within six (6) working days after a firefighter employee injury, illness, occupational disease, or fatality has occurred. The Notice of Injury shall be completed in the detail prescribed in the instructions on the Notice of Injury itself.

(c) The firefighter employee accident investigation records which were created by or submitted to the firefighter employer.

(3) Each firefighter employer shall establish and maintain records on a calendar year basis.

(4) Each firefighter employer shall maintain records required in subsections (1) and (2) in each establishment for three calendar years following the end of the calendar year during which the firefighter employee injury, illness, occupational disease, or fatality occurred.

(5) When a workplace is located apart from an establishment, the firefighter employer shall have available at the workplace the telephone number and address of the establishment where records are maintained.

Specific Authority 633.808(4) FS. Law Implemented 633.808(4) FS. History—New _____.

69A-62.034 Notice of Violation.

(1)(a) If the division determines that a firefighter employer is not in compliance with the Act or a division rule or order, the division shall issue to the firefighter employer a Notice of Violation on Form DFS-K4-1566, revised August, 2003, which the division hereby adopts and incorporates herein, and which may be obtained by writing to the division at 11655 N. W. Gainesville Road, Ocala, Florida 33482-1486.

(b) The Notice of Violation shall specify the section of the statute, the rule violated, or the division order and set forth particular facts that support the division's allegation of a violation, and set an abatement date not to exceed thirty calendar days from the date of issuance on the Notice of Violation.

(c) The Notice of Violation is not final agency action; rather, it is a notice provided as a courtesy to the firefighter employer to give notice of matters the division considers to be in violation of the applicable statutes, rules, codes, standards, or other applicable requirement.

(d) If a notice assessing a penalty, as provided for in Rule 69A-62.036, F.A.C., is given to the firefighter employer, such action constitutes final agency action and is subject to Chapter 120, Florida Statutes.

(2) The division shall serve a Notice of Violation on the senior firefighter employer official at the workplace where the violation occurred, or on a firefighter employer contact or representative, and shall mail or otherwise deliver a copy to the official headquarters mailing address of record. The division shall serve a Notice of Violation personally, via United States mail, or otherwise as provided by law.

(3) Each firefighter employer shall bring into compliance any violation identified in the Notice of Violation on or before its abatement date. The division may grant an extension of the original abatement date upon written request by the firefighter employer for good cause shown, which means an incident or occurrence beyond the control of the firefighter employer, such as in the event of an identified hazard, forthcoming delivery of

contracted services or materials, together with remedial action by the firefighter employer to remove firefighter employees from the hazard.

(4) A firefighter employer shall file the firefighter employer's copy of the Notice of Violation with the division, indicating the action taken by the firefighter employer to bring the noticed violation into compliance, the date action was taken, and the firefighter employer's signature certifying abatement. Filing under this subsection means receipt by the division within ten days after the abatement date.

(5) If the division determines that the firefighter employer abated the noticed violation on or before the abatement date, the division shall dismiss the notice. If the firefighter employer fails to correct the violation on or before the abatement date, the division shall assess against the firefighter employer a civil penalty commensurate with Section 633.811, Florida Statutes, unless otherwise provided by division rule.

(6) The firefighter employer who receives a Notice of Violation may request the division to withdraw the Notice of Violation. The request must be in writing and received by the division on or before the abatement date. The division shall withdraw a Notice of Violation for good cause shown by the firefighter employer.

(7) If the division finds no violation during an investigation on-site, the division will so indicate on a Notice of Violation if requested by the firefighter employer.

(8)(a) Each firefighter employee of a firefighter employer covered under the Act shall comply with:

1. Rules adopted or orders issued by the division;
2. Reasonable workplace safety and health standards, and
3. Rules, policies, procedures, and work practices established by the firefighter employer or the workplace safety committee.

(b) A firefighter employee who knowingly fails to comply with this subsection may be disciplined or discharged by the firefighter employer.

Specific Authority 633.808 FS. Law Implemented 633.808 FS. History—New _____.

69A-62.035 Safety Training.

After a firefighter employer has abated a noticed violation that created a particular hazard, the division shall require the firefighter employer to provide to each affected firefighter employee safety training designed to prevent recurrence of the violation within the time frame specified by the Division. Safety training shall include at least recognition and avoidance of the particular hazard and knowledge of the protective measures required to prevent injury. Abatement of a safety training violation under this subsection shall include completion and documentation of the training. If a condition for abatement of a noticed violation includes safety training and the firefighter employer fails to provide the training to all affected firefighter employees, each affected firefighter

employee not trained constitutes a separate violation. All training shall be documented and a copy placed in each effected employee's personnel file.

Specific Authority 633.808, 633.811 FS. Law Implemented 633.808, 633.811 FS. History--New _____

69A-62.036 Procedures Relating to Penalties.

(1) The division shall issue a notice assessing a penalty to a firefighter employer that fails to timely abate a violation of the Act or division rule.

(2) The division shall serve the notice assessing a penalty in the manner provided for by law and shall insure that such notice is provided to the administrative officer in charge of the fire department or his or her designee.

(3)(a) If an investigation to verify abatement reveals that a previously-noticed violation exists, the division shall assess against the firefighter employer a penalty for a continuing violation, which shall accrue from the original abatement date indicated on the Notice of Violation. If the firefighter employer demonstrates conclusively to the division by documentary evidence, such as purchase order, payment receipt, or work order, that the firefighter employer corrected the previously noticed violation on or before the abatement date, the division shall not assess a penalty for a continuing violation.

(b) Any previously noticed violation that recurs after the six-month abatement period constitutes a separate violation, which is independent of a previously noticed violation and shall be separately charged.

(4) Except as otherwise provided in this rule, the division shall assess against a firefighter employer who violates the Act, such penalty as is permitted in Section 633.011, Florida Statutes. If the division grants an extension of the abatement date and the firefighter employer fails to timely abate, the penalty shall accrue from the original abatement date on the Notice of Violation.

(5) The division shall assess against a firefighter employer a penalty for a violation that is commensurate with frequency or severity, or both.

(a) In assessing a penalty based on frequency, the division shall consider:

1. The number of safety and health violations cited against the firefighter employer as the result of a complaint or investigation; and

2. The number of identical, similar, or related safety and health violations for which the firefighter employer was prosecuted administratively, criminally, or civilly.

(b) Unless the firefighter employer violates a provision specifically enumerated in paragraph (5)(b), above, the division shall assess a penalty that considers:

1. The risk or potential risk of injury or exposure to injury that results from the violation or violations; and

2. The number of firefighter employees affected by the violation or violations.

(6) A firefighter employer that violates Rule 69A-62.031, F.A.C., (right of entry) is subject to criminal prosecution pursuant to Section 633.815, Florida Statutes, and to administrative prosecution under the act.

(7) The division has authority to seek remedies, including injunctive relief, by making appropriate filings with the Circuit Court of the Second Judicial Circuit (Leon County) to assure compliance with the Act or division rule or order.

(8) The firefighter employer may request mitigation of the penalty by filing a written request for mitigation with the division. The division shall determine whether to mitigate a penalty after considering:

(a) The knowledge of the firefighter employer of the violation or whether the firefighter employer ought to have known of the violation with due diligence;

(b) The remedial action taken by the firefighter employer in good faith to correct the violation or violations cited;

(c) The promptness of the firefighter employer's remedial action to correct the violation or violations cited; and

(d) The demonstrated commitment by the firefighter employer to avert recurrence of the violation or violations and to assure future compliance with the Act and division rules.

(9) A firefighter employer shall be assessed a penalty which must be paid to the division within 30 days of the issuance date of the Notice assessing a penalty. The payment must be made by certified check or money order, which shall be made payable to the "Division of State Fire Marshal" and include the case file number and penalty number(s) specified on the Notice assessing a penalty. Penalty payments shall be addressed to: Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340. The division shall deposit all penalties collected in the Florida Insurance Commissioner's Regulatory Trust Fund.

(10) The notice assessing a penalty shall be final agency action and shall be subject to Chapter 120, Florida Statutes.

Specific Authority 633.811 FS. Law Implemented 633.811 FS. History--New _____

PART IV: Workplace Safety Committees

69A-62.040 Definitions.

Part IV of this rule chapter incorporates by reference the definitions for "accident" and "injury" contained in Section 440.02, Florida Statutes, and the definition of "occupational disease" contained in Section 440.151(2), Florida Statutes. Furthermore, with respect to Part IV, the following definitions apply:

(1) "Calendar year" means a given twelve-month period that begins on January 1 and ends on December 31.

(2) "Firefighter employee representative" means a firefighter employee chosen to serve on a safety committee, who does not normally serve in a supervisory capacity.

(3) “Fatality” means a firefighter employee death that occurs as a result of workplace injury, illness, or occupational disease, and includes a firefighter employee death that results from workplace injury, illness, or occupational disease within one year of its report to the Division of Workers’ Compensation of the Department of Financial Services.

(4) “Hazard” means the risk of exposure to materials, processes, or operating procedures or practices that can produce injury, illness, occupational disease, or fatality.

(5) A firefighter employer “identified” means a firefighter employer identified by the division as having three or more compensable injuries in the period of three calendar years immediately preceding adoption of the rule chapter, or thereafter in the most recent period of three calendar years.

(6) “Incidence Rate” or “Frequency rate” shall be determined by the method described in Rule 69A-62.023, F.A.C.

(7) “Illness” or “occupational illness” means any abnormal condition or disorder, other than one resulting from an injury, caused by exposure to environmental factors associated with employment. Illness includes acute and chronic illnesses or diseases caused by inhalation, absorption, ingestion, or direct contact with an environmental factor.

(8) “Safety committee,” “workplace safety committee,” or “committee” means a group of firefighter employer and firefighter employee representatives organized pursuant to this rule chapter that actively participates in accident prevention and that recommends improvements and promotes safety and health in the workplace. The committee is permitted to be part of a government wide unit (municipality, county, or special district) workplace safety committee provided that the requirements herein specified are met.

(9) “Safety-related incident” means a condition, event, or series of events that indicates the existence or occurrence of a hazard, regardless of whether the incident contributes to an injury, illness, occupational disease, or fatality.

(10) “Safety program” means a particular written safety and health program, implemented by a firefighter employer, that:

(a) Provides the means to eliminate, reduce, or control recognized hazards in the work or workplace;

(b) Provides the means to eliminate, reduce, or control the frequency or severity of workplace injuries and occupational diseases;

(c) Is specific to the work being performed;

(d) Is specific to the environment where the work is being performed; and

(e) Is easily understood by firefighter employees.

(11) “Scheduled meeting” means a convening of a safety committee after reasonable notice to its members and publication of an agenda of subjects to be addressed.

(12) “Workplace” means the physical location in Florida where firefighter employees perform their duties, and includes the scene of a fire and any other emergency incident scene.

(13) “Workplace safety coordinator” means a person designated by the firefighter employer who actively participates in accident prevention, recommends improvements, and promotes safety and health in the workplace. In the same manner as subsection (8) above, the workplace safety coordinator is permitted to be a government entity-wide position.

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History—New

69A-62.041 Scope.

Except as provided in Rule 69A-62.042, Part IV of this rule chapter applies only to a firefighter employer of twenty or more firefighter employees or to a firefighter employer of fewer than twenty firefighter employees that the division “identified.”

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History—New

69A-62.042 Firefighter Employer Requirements.

(1) A firefighter employer shall establish, maintain, and administer a safety committee in the workplace. A firefighter employer of fewer than twenty firefighter employees may appoint a Safety Coordinator in lieu of a Safety Committee.

(a) The firefighter employer shall determine the total number of members that serve on the safety committee; determine the length of tenure for all members of the safety committee; and ensure that the number of firefighter employer representatives shall not exceed the number of firefighter employee representatives.

(b) The firefighter employer shall identify the firefighter employee representatives for the safety committee from firefighter employees who are volunteers or who are elected from their co-workers. When sufficient firefighter employee representation is not otherwise met, the firefighter employer shall select and appoint firefighter employees to the committee. If a collective bargaining agreement provides for the establishment of a safety committee, the establishment of the safety committee pursuant to this section shall be in accordance with the collective bargaining agreement.

(c) The firefighter employer shall ensure that the safety committee convenes in accordance with the following protocol:

1. The committee shall convene its first scheduled meeting not more than forty-five days after the date of its inception.

2. Thereafter, the committee shall convene its scheduled meetings at least once each quarter during the calendar year and at such other times as a majority of the committee membership agrees or the firefighter employer requires.

(d) The firefighter employer shall consider and issue a timely written response to each written recommendation of the safety committee issued.

(e) The firefighter employer shall maintain complete and accurate minutes of committee meetings and communicate the location and availability of the minutes to all firefighter employees. Safety committee records, or true copies thereof, shall be maintained by the firefighter employer for a period of not less than three calendar years.

(f) The firefighter employer shall maintain and administer a safety committee by assuring that the committee complies with these rules.

(2) If the firefighter employer operates multiple workplaces that are geographically separated, the firefighter employer is permitted to have a centralized safety committee represent the safety and health concerns of all the locations, or, alternatively, the firefighter employer is permitted to have a separate safety committee at each location.

(3) A firefighter employer of fewer than twenty firefighter employees that the division "identified" as having a high frequency rate for injuries shall establish and administer a workplace safety committee or designate a workplace safety coordinator.

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History—New

69A-62.043 Duties and Functions of the Safety Committee and Workplace Safety Coordinator.

(1) The safety committee, under the direction of the firefighter employer, shall:

(a) Establish and communicate procedures for conducting internal safety inspections of the workplace. When approved by the firefighter employer, these procedures shall be used to evaluate the effectiveness of engineering, administrative, and personal protective control measures provided by the firefighter employer to protect firefighter employees from recognized hazards in the work and work environment;

(b) Establish and communicate procedures approved by the firefighter employer by which the firefighter employer shall investigate all workplace accidents, safety-related incidents, reportable injuries, illnesses, diseases, and fatalities.

(c) Evaluate the effectiveness of and recommend improvements to the firefighter employer's safety rules, policies, and procedures for accident and illness prevention programs in the workplace and, when approved by the firefighter employer, ensure that written updates and changes to rules, policies, and procedures of the safety programs are completed;

(d) Establish and communicate guidelines for the training of members on the requirements of this rule chapter;

(e) Post the scheduled date, time, and location of committee meetings in a conspicuous place where firefighter employees normally gather;

(f) Provide minutes of the committee meetings in a conspicuous place where firefighter employees normally gather and provide a copy thereof to individual firefighter employees upon written request; and

(g) Retain in the workplace all original written communications between the firefighter employer and the committee, or true copies thereof, for a period of not less than three calendar years.

(2) A majority of the members which shall constitute a quorum of the membership of a committee is required before official business may be transacted at a meeting.

(3) A committee organized pursuant to this rule chapter shall operate solely for the purposes required herein and may not substitute as a collective bargaining representative of firefighter employees on unrelated matters.

(4) The workplace safety coordinator, under the direction of the firefighter employer, shall:

(a) Establish and communicate procedures for conducting internal safety inspections of the workplace. When approved by the firefighter employer, these procedures shall be used to evaluate the effectiveness of engineering, administrative, and personal protective control measures provided by the firefighter employer to protect firefighter employees from recognized hazards in the work and work environment;

(b) Establish and communicate procedures approved by the firefighter employer by which the firefighter employer shall investigate all workplace accidents, safety-related incidents, injuries, illnesses, diseases, and fatalities;

(c) Evaluate the effectiveness of and recommend improvements to the firefighter employer's safety rules, policies, and procedures for accident and illness prevention programs in the workplace and, when approved by the firefighter employer, ensure that written updates and changes to rules, policies, and procedures of the safety programs are completed; and

(d) Seek the input of firefighter employees in complying with the responsibilities of this section.

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History—New

69A-62.044 Firefighter Employer Evaluation by the Division.

(1) The division is permitted to conduct an evaluation of a firefighter employer to assure compliance with the provisions of this rule chapter.

(2) Firefighter employers subject to an evaluation by the division shall:

(a) Meet with a representative of the division;

(b) Assign a contact person to work with the division representative; and

(c) Provide requested information pertaining to firefighter employer responsibilities specified in this rule chapter.

(3) The evaluation of a firefighter employer shall be conducted at the firefighter employer’s place of business.

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History--New

69A-62.045 Penalties.

A firefighter employer who violates the Act, any provision of this rule chapter, or any lawful order of the division is subject to penalties authorized by the Act.

Specific Authority 633.810 FS. Law Implemented 633.810, 633.811 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dave Casey, Chief, Bureau of Fire Standards and Training,
11655 N. W. Gainesville Road, Ocala, Florida, (352)369-2800
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Randall A. Napoli, Director,
Division of State Fire Marshal, Department of Financial
Services
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 13, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 27, 2002

Section III
Notices of Changes, Corrections and
Withdrawals

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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.”

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-209.101	Staff Development – Definitions
33-209.102	Minimum Training Requirements
33-209.106	Contracting for Training Services

FOURTH NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 33, (August 15, 2003), Vol. 29, No. 43, (October 24, 2003), and Vol. 29, No. 44, (October 31, 2003) issue of the Florida Administrative Weekly:

33-209.101 Staff Development – Definitions.

For the purposes of this chapter:

(1) through (19) No change.

(20) “In-service Training” means all training approved by the ~~Office of Staff Development in the Bureau of Human Resources~~ or the CJSTC for all Department of Corrections employees and other specified personnel to enhance their knowledge, skills and abilities for the jobs they perform. All approved training except orientation training and pre-employment firearms training shall be recorded toward the department’s annual in-service training requirement.

(21) through (25) No change.

(26) “Range Master” refers to the CJSTC firearms certified instructor who meets the eligibility requirements and is responsible for all facets of firearm training on the firing range. Staff ~~D~~development, institutions, or circuits may designate more than one range master at each facility.

(27) “Regional Training Coordinator” refers to the ~~staff development~~ employee who has ~~overall~~ responsibility for managing training programs in a particular geographic location.

(28) through (32) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History--New 8-26-87, Formerly 33-25.001, Amended _____.

33-209.102 Minimum Training Requirements.

The following minimum training requirements are for the effective operation of the Department:

(1) All full-time Department employees who are assigned to community corrections, correctional institutions, and work release centers are required to involved in the American Correctional Association (ACA) accreditation, excluding designated clerical and support employees, shall successfully complete a minimum of 40 hours of in-service training each calendar year, with the first year prorated by the number of training year quarters worked. Clerical and support employees who are assigned to community corrections and institutional work locations ~~involved in the American Correctional Association (ACA) accreditation~~ and have minimum contact with inmates or probationers shall successfully complete a minimum of 16 hours of in-service training each training year, with the first year prorated by the number of fiscal training year quarters worked. Employees assigned to areas within central and regional offices are required to complete in-service training as designated by department requirements and as determined by their supervisors as necessary for their current duties. All part-time employees, volunteers and contract personnel shall receive formal orientation as appropriate to their assignments and additional training as needed.