

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE: Comprehensive Shellfish Control Code

RULE CHAPTER NO.: 5L-1

RULE TITLES: Shellfish Harvesting Area Standards

RULE NOS.: 5L-1.003

Container Identification, Terminal Sale Date; Prohibitions

5L-1.007

Laboratory Procedures and Sample Testing

5L-1.019

PURPOSE AND EFFECT: These amendments propose to reclassify the Pensacola Bay System shellfish harvesting area in Escambia and Santa Rosa Counties, the North Bay shellfish harvesting area in Bay County, the Indian Lagoon shellfish harvesting area in Gulf County, the Ochlockonee Bay shellfish harvesting area in Franklin and Wakulla Counties, and the Wakulla County shellfish harvesting area in Wakulla County. Sanitary surveys have been conducted that evaluate current information on pollution sources and bacteriological water quality, and recommend reclassification of the Pensacola Bay System, North Bay, Indian Lagoon, Ochlockonee, and Wakulla County shellfish harvesting areas. Additionally, the four-digit area codes used on shellfish tags will be updated to identify the locations of where shellfish are harvested in the Pensacola Bay System, North Bay, Indian Lagoon, Ochlockonee, and Wakulla County shellfish harvesting areas.

These amendments also propose to incorporate the option to analyze water samples using the membrane filter method as recently adopted by the ISSC, to require consumer information statement labeling for all shellfish species, and to adjust the Apalachicola Bay System shellfish harvesting area map and legal description to reflect replacement of the Bryant Patton Bridge.

SUBJECT AREA TO BE ADDRESSED: The proposed reclassification and management of the Pensacola Bay System, North Bay, Indian Lagoon, Ochlockonee, and Wakulla County shellfish harvesting areas for shellfish harvesting is in accordance with 5L-1.003 to protect the health of shellfish consumers and to provide access to renewable and natural shellfish resources. If an illness outbreak occurs, the updated four-digit harvest area codes will provide for tracing of the shellfish back to where the shellfish were harvested.

SPECIFIC AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020, 597.010(15), 597.010(19) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD FOR THE PROPOSED RECLASSIFICATION OF THE INDIAN LAGOON SHELLFISH HARVESTING AREA AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m. – 11:30 a.m., Monday, March 8, 2004

PLACE: Apalachicola National Estuarine Research Reserve Facility, 261 7th Street, Apalachicola, Florida

A RULE DEVELOPMENT WORKSHOP WILL BE HELD FOR THE PROPOSED RECLASSIFICATION OF THE OCHLOCKONEE BAY AND WAKULLA SHELLFISH HARVESTING AREAS AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 6:30 p.m. – 8:30 p.m., Tuesday, March 9, 2004

PLACE: The Landing – Restaurant, 1160 Coastal Highway, Panama City, Florida

A RULE DEVELOPMENT WORKSHOP WILL BE HELD FOR THE PROPOSED RECLASSIFICATION OF THE NORTH BAY SHELLFISH HARVESTING AREA AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 5:30 p.m. – 7:30 p.m., Wednesday, March 10, 2004

PLACE: Gulf Coast Community College, 5230 West U.S. Highway 98, Student Union East Building, 2nd Floor, Room 244, Panama City, Florida

A RULE DEVELOPMENT WORKSHOP WILL BE HELD FOR THE PROPOSED RECLASSIFICATION OF THE PENSACOLA BAY SYSTEM SHELLFISH HARVESTING AREA AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 5:30 p.m. – 7:30 p.m., Thursday, March 11, 2004

PLACE: Pensacola Junior College, Milton Campus, 5988 Highway 90, Building 4900, Room 4902, Milton, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John McDowell, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301, (850)488-5471

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

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE TITLE: State Building Code Adopted

RULE NO.: 9B-3.047

PURPOSE AND EFFECT: To accomplish the tri-annual update of the Florida Building Code including integration of the 2003 International Code Counsel family of model codes,

2001 Florida Model Building Code, adopted statewide and local technical amendments and the updated Florida Fire Prevention Code.

SUBJECT AREA TO BE ADDRESSED: The Florida Building Codes.

SPECIFIC AUTHORITY: 553.73(1),(2),(7) FS.

LAW IMPLEMENTED: 553.72, 553.73(2),(3),(9) FS.

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

TIMES AND DATES: 4:00 p.m., March 1, 2004; 10:00 a.m., March 2, 2004

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

Any person requiring special accommodations at the workshop because of a disability of physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days prior to the date of the workshop using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Outdoor Advertising Sign Regulation and Highway Beautification

RULE CHAPTER NO.: 14-10

RULE TITLE: Permits

RULE NO.: 14-10.004

PURPOSE AND EFFECT: Rule 14-10.004 is being amended to incorporate by reference a revised Form 575-070-04, Application for Outdoor Advertising Permit.

SUBJECT AREA TO BE ADDRESSED: Form 575-070-04, Application for Outdoor Advertising Permit, is being revised.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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. ~~01/04~~ ~~08/03~~, 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) through (e) No change.

(f) For purposes of (c), 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. ~~01/04~~ ~~08/03~~, 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.

(g) through (2) No change.

(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) through (c) No change.

(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. ~~01/04~~ ~~08/03~~, 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) through (12) No change.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 215.34, 334.044(28), 339.05, 479.01(14), 479.02, 479.04, 479.07, 479.106(5), 479.24 FS. History—(Formerly part of Rule 14-10.04, Permits; 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, 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, 1-25-04, _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: 511 Traveler Information
 RULE CHAPTER NO.: 14-111

Phone Services
 RULE TITLE: 511 Traveler Information
 RULE NO.: 14-111.001

Phone Services

PURPOSE AND EFFECT: The new rule is being promulgated in accordance with Section 334.60, Florida Statutes, to provide for the uniform administration by the Department in the coordination of 511 traveler information phone services in the state.

SUBJECT AREA TO BE ADDRESSED: This is a new rule covering the implementation of 511 traveler services with the Department of Transportation serving as the state’s lead agency and point of contact.

SPECIFIC AUTHORITY: 334.60 FS.

LAW IMPLEMENTED: 334.03, 334.044, 334.60 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-111.001 511 Traveler Information Phone Services.

(1) Definitions.

(a) “Department” means the Florida Department of Transportation.

(b) “Governmental Entity” means as defined in Section 11.45, Florida Statutes.

(2) The 511 dialing code is reserved for the provision of traveler information. The 511 dialing code may not be used for any other purpose.

(3) Any person or entity, whether private or governmental, prior to providing 511 services anywhere within the state, shall notify the ITS Office of the Department, 605 Suwannee Street,

MS 90, Tallahassee, Florida 32399-0450, in writing, and negotiate with the Department for the authorization to implement 511 services. No person or entity may implement 511 services in the state, directly or through a governmental entity, without the Department’s written authorization.

(4) The provision of 511 services shall be in accordance with the Implementation and Operational Guidelines for 511 Services, Version 2.0, September 2003, published by the 511 Deployment Coalition; the Federal Communications Commission’s Third Report and Order, CC Docket No. 92-105, NSD-L-99-24, adopted July 21, 2000; and the Department’s Statewide 511 Services Conceptual Plan, issued 2004; incorporated herein by reference. All agreements entered with 511 service providers shall comply with the requirements of this rule chapter. The plan is available at: <http://www11.myflorida.com/IntelligentTransportationSystems/>.

(5) Any governmental entity authorized to disseminate traveler information through the use of the 511 dialing code may not license or transfer the authority to any person or entity without the written consent of the Department. The governmental entity shall be responsible for all costs to implement the 511 services, including tariff or other charges assessed by its provider of 511 services.

(6) At no time shall the authorized use of the 511 number or dialing code imply any ownership of the number or dialing code by a provider of 511 services, whether by a private or governmental entity.

Specific Authority 334.60 FS. Law Implemented 334.03, 334.044, 334.60 FS. History—New _____.

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 TITLE: Correctional Probation Officers
 RULE NO.: 33-302.104

Carrying Firearms
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to simplify and streamline the rule by removal of obsolete and unnecessary language, to allow for the carrying of 9mm semi-automatic firearms, and to remove the requirement that weapons be carried concealed.

SUBJECT AREA TO BE ADDRESSED: Correctional Probation Officers carrying firearms on duty.

SPECIFIC AUTHORITY: 20.315, 790.06, 944.09 FS.

LAW IMPLEMENTED: 20.315, 790.06, 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.104 Correctional Probation Officers Carrying Firearms.

(1) No change.

(2) Definitions.

~~(a) "Concealed firearm" means a firearm carried on or about a person in such a manner as to conceal the firearm from the ordinary sight of another person.~~

(b) through (c) renumbered (a) through (b) No change.

~~(c)(d) "Firearm card" means the document issued by the department pursuant to this rule to a correctional probation officer who has been authorized by the department to carry a firearm while on duty. Form DC3-223, Firearms Qualification and Authorization, shall be used for this propose. Form DC3-223 is hereby incorporated by reference. A copy of this form may be obtained from Department of Corrections, Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is August 13, 2003.~~

~~(e) "Deadly force" means force that is likely to cause death or great bodily harm and includes firing a firearm in the direction of a person or occupied vehicle.~~

~~(d)(f) Reviewing authority, for the purpose of this rule, refers to staff who are authorized to review and approve requests to carry firearms, issue firearm cards ~~Firearm Qualification and Authorization, DC3-223~~, maintain lists of staff under their supervision who have been authorized to carry a firearm, and permanently remove or temporarily suspend authorization for staff to carry a firearm.~~

1. through 3. No change.

(3) Authorization Procedures.

(a) No change.

(b) Any correctional probation officer who elects to carry a firearm while on duty shall obtain ~~complete Form DC3-226, Request for Authorization to Carry a Firearm on Duty, and submit it for such authorization through the circuit administrator. Form DC3-226, Request for Authorization to Carry a Firearm on Duty, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of~~

~~this form is March 4, 2001.~~ Any circuit administrator or deputy regional director of probation and parole who elects to carry a firearm while on duty shall obtain authorization from ~~make application utilizing Form DC3-226 to~~ the regional director of probation and parole. A regional director of probation and parole who elects to carry a firearm while on duty shall obtain authorization from ~~make application utilizing Form DC3-226 to~~ the director of community operations. The written request application shall contain documentation that the individual has complied with the training and qualification requirements set forth in paragraph (c) below. ~~The application shall also contain a statement that the officer has read and understands Rule 33-302.104 and 33-209.103, F.A.C.~~

(c) Correctional probation officers who elect to carry a firearms while on duty shall complete training and qualification requirements pursuant to Rule 33-209.103, F.A.C. Correctional probation officers shall not be allowed to carry a firearm on duty until firearms qualification is successfully completed and the firearm card ~~Firearms Qualification and Authorization, Form DC3-223~~, has been issued. Qualification, re-qualification and training shall be completed using the specific weapon that the officer will be using on duty and any type of ammunition approved by the local training center. Documentation of the model, make, and serial number of the weapon used, proof of ownership, and firearm inspection by a certified gunsmith or law enforcement armorer shall be submitted ~~on the Firearm Inspection/Repair Certificate, Form DC3-240~~, along with the documentation of training and qualification in the request application for authority to carry the firearm. A receipt of purchase or affidavit of ownership for the weapon shall also be provided. ~~Form DC3-240 is hereby incorporated by reference. A copy of the form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is March 4, 2001.~~

(d) If an officer temporarily or permanently replaces the firearm used for qualification, the officer shall notify the department of the replacement and provide the model, make and serial number of the replacement firearm. If the officer chooses to replace a revolver with a 9 millimeter semi-automatic firearm, the officer shall complete the department-approved 9mm transition course. The officer shall re-qualify with the replacement weapon and provide proof of ownership and inspection ~~submit a Firearms Inspection/Repair Certificate, Form DC3-240, and Firearms Re-qualification Certificate, Form DC3-241, for the replacement firearm to~~ the reviewing authority. Correctional probation officers shall not be authorized to carry more than one firearm at a time. ~~Form DC3-241 is hereby incorporated by reference. A copy of the form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is March 4, 2001.~~

(e) ~~Prior to approving a request to carry a firearm, the reviewing authority shall~~ Upon review of the request application, the documentation of training and qualification pursuant to Rule 33-209.103, F.A.C., and ~~shall complete after completing~~ a Florida Crime Information Center/National Crime Information Center (FCIC/NCIC) check on the firearm by serial number, and an FCIC/NCIC check ~~has been completed on the applicant, to determine if there is a domestic violence injunction that would disqualify the applicant from possessing a firearm if convicted of domestic violence, the reviewing authority shall approve the request within 10 working days and~~ Upon approval, the reviewing authority shall issue a firearm card Firearms Qualification and Authorization Card, Form DC3-223, which establishes that the officer has been authorized to carry a firearm. Each reviewing authority shall maintain a list of all staff under their supervision who have been authorized to carry firearms. Form DC3-224, Firearm Authorization List, will be used for this purpose. Form DC3-224 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is March 4, 2001. A copy of the application (Form DC3-226), documentation of qualification (Form DC3-240), firearms authorization card (Form DC3-223), and receipt or affidavit of ownership shall be placed in the employee's personnel file. Subsequent re-qualification documentation (Form DC3-241) will also be placed in the employee's personnel file.

(f) The firearms authorization card, Form DC3-223, shall expire the following year, on the last day of the month the firearms card was issued unless written documentation of re-qualification is submitted to the authorizing entity prior to the expiration of the firearms card. The officer shall be required to successfully re-qualify each year thereafter pursuant to Rule 33-209.103, F.A.C., and this rule in order to remain qualified to carry a firearm. ~~All correctional probation officers shall be provided the opportunity to prepare for annual firearms re-qualification by participating in firearms pre-qualification training if requested. A correctional probation officer who declines the opportunity to participate in firearms pre-qualification training shall sign a statement indicating that the opportunity was provided and was declined. Form DC2-902, Refusal of Firearms Pre-qualification Training, shall be used for this purpose. Form DC2-902 is incorporated by reference in Rule 33-209.103, F.A.C.~~

(g) Re-qualification must occur prior to the employee's firearm card expiration date. ~~Upon re-qualification, the firearms instructor will complete the Firearm Re-qualification Certificate, Form DC3-241, with the re-qualification score, and will sign the form as the trainer. The officer will certify that the firearm referenced on this form is the firearm used in the course of his or her duties and that he or she uses only authorized ammunition, and shall return the form to the~~

~~reviewing authority for issuance of a new Firearms Qualification and Authorization Card, Form DC3-223. An FCIC/NCIC check shall be conducted during the re-qualification process. The new firearm card will be issued effective the date of re-qualification. The firearm card ~~DC3-223~~ will expire the following year, on the last day of the month the firearms card was issued.~~

(h) No change.

~~(i) A correctional probation officer who fails to complete firearm pre-qualification after remedial training has been provided, and who wishes to renew authorization to carry a firearm, must re-attend and successfully complete the department approved basic correctional probation officer firearm course.~~

~~(j) A correctional probation officer who does not re-qualify prior to the date of expiration of the firearm card shall not be permitted to carry a firearm while on duty, except for firearm training purposes and must surrender the firearms card immediately to the range master. The range master or designee shall retain the firearms card from any officer failing to meet minimum qualification standards and notify the circuit administrator via interoffice memorandum or e-mail advising that the officer will be scheduled for remedial training. The officer shall have one year from the date the firearm card expired to successfully re-qualify to continue to carry a firearm. If the officer successfully re-qualifies, after the card expires, a new firearm card will be issued with an expiration date the following year, on the last day of the month the firearms card was issued. If the officer does not successfully re-qualify within that year, the officer will be required to re-attend and successfully complete the department approved correctional probation officer basic firearms training courses. The department shall pay for the pre-qualification training, the firearms re-qualification, any remedial training, and any subsequent qualification attempt if required.~~

~~(i)(k) The officer shall immediately notify his or her immediate supervisor in the case of theft or loss of the authorized firearm. The officer shall notify local law enforcement agencies and the Florida Department of Law Enforcement in writing of the theft or loss and provide a copy to the supervisor to ensure the notification has been made as required. A Community Corrections Incident Report, Form DC3-225, shall be prepared by the officer any time a loss or theft occurs and shall be submitted to his or her immediate supervisor within 24 hours. The supervisor shall forward Form DC3-225 to the circuit administrator, who shall complete a MINS report. Form DC3-225 is incorporated by reference in Rule 33-302.105, F.A.C.~~

(4) Carrying a Firearm While on Duty.

(a) The firearm shall be carried by the officer only while conducting field supervision and investigation. The firearm shall be carried ~~remain concealed out of the ordinary sight of another person~~ in a holster about the waist or under the

shoulder or in a purse or handbag or in a “fanny pack” fastened around the waist. All holsters that secure the firearm about the waist or under the shoulder shall be of a type which secures the firearm with a thumb break retainer. “Fanny packs” and purses or handbags shall have an internal holster with or without a thumb break retainer and shall have a snapped, zippered or velcroed enclosure concealing the firearm. Only the authorized firearm may be carried.

(b) No change.

(c) Each probation office shall have a designated secure space containing a secure locker for storage of firearms, ammunition, and reloading devices. Officers shall place their holstered firearms in the secure locker immediately upon entering the office. ~~It is not necessary for the officer to remove the firearm from the locker for those occasions when the officer leaves the office for personal time or when the firearm is not desired.~~ The firearm shall be removed from the locker at the conclusion of the duty day. No firearm shall be left in the probation office overnight.

(d) Any officer authorized to carry a firearm while on duty shall carry a Department of Corrections identification card and firearm authorization card while carrying the firearm on duty. ~~The officer may display the Department of Corrections issued badge on a belt or harness strap which shall remain concealed unless the firearm is visible or drawn from the holster.~~

(5) No change.

(6) Firearm Type and Ammunition.

(a) Correctional probation officers authorized to carry a firearm shall only be authorized to carry a five or six shot revolver of .38 or .357 caliber with a barrel length not to exceed four inches, or a 9 millimeter semi-automatic pistol, with the exception of weapons specified in Federal Firearms Regulations, 921(a)(30), as semi-automatic assault weapons.

(b) Correctional probation officers shall only be authorized to carry ~~.38 special~~ ammunition approved by the department for each respective weapon at standard velocity or plus p velocities with either a 125 to 158 grain semi-wad cutter hollow point or jacketed hollow point. The plus p rated ammunition shall not be authorized unless the firearm is rated for that type of ammunition. All ammunition shall be factory manufactured ~~except ammunition used for training, qualification, or re-qualification, which must be approved by the range facility for use. It shall be the correctional probation officer's responsibility to ensure that the ammunition used in his or her firearm complies with department guidelines as provided in this rule.~~

(c) Correctional probation officers are authorized to carry department approved reloading devices ~~speed loaders or speed strips~~ while carrying a firearm. These reloading devices and all accompanying ammunition shall be stored in the same secure locker as the officer's firearm immediately upon entering the

office. Only that ammunition stored in a firearm or reloading device ~~speed loader, or speed strip~~ may be brought into an office.

(7) Use of Firearm. For the purposes of this rule, “use of a firearm” means to discharge a firearm or to have a firearm readily accessible for immediate discharge, i.e., loaded and in a person's hand.

(a) In accordance with firearms training, the firearm is to remain in a holster or holstered in a purse or fanny pack ~~and concealed from the sight of another person~~ at all times except:

1. through 4. No change.

(b) If the firearm is drawn while the correctional probation officer is on duty, the officer shall clearly and loudly identify himself or herself as a state probation officer.

~~(c)(b) In accordance with firearms training, correctional probation officers are authorized to use deadly force only after all other reasonable efforts to avoid confrontation have been exhausted, including retreat, use of handcuffs to restrain the offender, use of defensive tactics or chemical agents.~~ Effective December 1, 2000, all officers authorized to carry firearms must be certified to carry chemical agents per Rule 33-302.105, F.A.C., and must carry chemical agents while carrying firearms. Effective August 13, 2003, all officers authorized to carry firearms must complete handcuff training requirements provided by the department and must carry department issued handcuffs on his or her person while carrying a firearm.

(c) through (d) renumbered (d) through (e) No change.

(8) Procedures Following Use of Firearm.

~~(a)~~ Except during authorized training, when a correctional probation officer displays or discharges a firearm, the officer shall report the incident to his or her immediate supervisor and route all necessary paperwork as required by Rule 33-302.105, F.A.C.

~~(b) An officer who caused death or injury through use of deadly force shall be given an opportunity to participate in the employee assistance program. Costs of counseling above those covered by insurance shall be borne by the state.~~

(9) Removal of Authorization to Carry a Firearm.

~~(a)~~ The reviewing authority shall permanently remove or temporarily suspend the authorization to carry a firearm for a correctional probation officer if:

1. through 5. renumbered (a) through (e) No change.

(10) Care and Maintenance of Firearm.

(a) through (b) No change.

(c) If an officer finds that his or her firearm needs repair, it shall not be carried or used for any reason. The officer shall advise his or her immediate supervisor of its condition ~~using Form DC3-240~~ and shall make arrangements to have it repaired. ~~The officer shall advise the supervisor when the repair has been completed via Form DC3-240.~~

(d) No change.

(e) Each officer shall be responsible for having the authorized firearm, including any temporary or replacement firearm, inspected annually by a certified gunsmith or law enforcement armorer to ensure that it performs properly and conforms with the manufacturer’s standards. The officer shall present certification of such inspection to the reviewing authority via Form DC3-240.

(11) No change.

Specific Authority 20.315, 790.06, 944.09 FS. Law Implemented 20.315, 790.06, 944.09 FS. History–New 5-28-86, Amended 7-7-92, 12-20-92, 03-30-94, 9-27-94, 12-19-94, 3-8-95, 2-15-98, Formerly 33-24.013, Amended 3-4-01, 12-5-01, 8-13-03.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES: RULE NOS.:
Permitted Medications for Greyhounds 61D-6.007
Permitted Medications for Horses 61D-6.008

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to the adoption of medication levels upon the receipt of a finalized study by the University of Florida pursuant to the Pharmacokinetic and Clearance Study Agreement.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the adoption of medication levels for caffeine and its metabolites in post race urine samples.

SPECIFIC AUTHORITY: 550.2415(13),(16) FS.

LAW IMPLEMENTED 550.2415 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: 10:00 a.m. – 12:00 Noon, March 4, 2004

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Secretary’s Conference Room, Room 312, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Rules of Horseracing 61D-13
RULE TITLES: RULE NOS.:
General Rules 61D-13.001
Stewards 61D-13.002
Jockeys 61D-13.003
Maintaining a Straight Course 61D-13.004
Disqualification 61D-13.005
Use of Whips 61D-13.006

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to the control, supervision and direction of all permittees and licensees holding, conducting and operating of horserace tracks, horserace meets and horse races conducted in this state.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in these rules are to provide for uniform enforcement of racing rules and to safeguard the welfare of racing animals. Specifically, the rules are intended to address the following subject matter areas:

- 1. General Rules applicable to all horseracing including, notification of post times, maintenance of racing surfaces, and security and cleanliness of stalls.
- 2. Rules for Stewards at horserace tracks.
- 3. Rules of conduct for jockeys and drivers.
- 4. Rules requiring jockeys and drivers to maintain a straight course.
- 5. Rules regarding disqualification for interference, possession of electrical or mechanical stimulating or shocking devices.
- 6. Rules regarding use of a whip.

SPECIFIC AUTHORITY: 120.80(4)(a), 550.0251(3),(11), 550.1155 FS.

LAW IMPLEMENTED 120.80(4)(a), 550.0251, 550.1155 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: 10:00 a.m. – 12:00 Noon, March 4, 2004

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Secretary’s Conference Room, Room 312, 1940 N. Monroe Street, Tallahassee, Florida 32399

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

Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

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 Clinical Laboratory Personnel

RULE TITLE: General Requirements of Clinical Laboratory Personnel Training Programs

RULE NO.: 64B3-3.001

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

SUBJECT AREA TO BE ADDRESSED: General Requirements of Clinical Laboratory Personnel Training Programs.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.811 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-3.001 General Requirements of Clinical Laboratory Personnel Training Programs.

(1) through (4) No change.

(5)(a) through (l) No change.

(m) In the combined categories of clinical chemistry, hematology, immunohematology, microbiology, and serology/immunology, provide ~~a minimum of one (1) year of~~ integrated instruction covering all categories.

(n) through (o) No change.

(p) In the category of andrology or embryology, a minimum of six months of instruction.

~~(q)(p)~~ Ensure that each student receives a copy of Chapter 483, Parts I and III, F.S., Chapter 456, F.S., and Chapters 59A-7 and 64B3, F.A.C.

(6) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.800, 483.809, 483.811 FS. History—New 12-28-94, Amended 7-12-95, 4-24-96, Formerly 590-3.001, Amended 1-11-99, 11-15-99, 9-29-02, 2-2-04.

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Examination; Passing Grade

RULE NO.: 64B11-2.006

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Examination; passing grade.

SPECIFIC AUTHORITY: 468.204, 468.211(4) FS.

LAW IMPLEMENTED: 468.211(3),(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Examination; Passing Grade

RULE NO.: 64B11-3.004

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Examination; passing grade.

SPECIFIC AUTHORITY: 468.204, 468.211(4) FS.

LAW IMPLEMENTED: 468.211(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Filing Procedures for Property and Casualty Insurance Rates, Rules, Underwriting Guidelines, and Forms

RULE NO.:

69O-170.013

PURPOSE AND EFFECT: To develop rules to adopt procedures and standards for the review and approval of rates for terrorism insurance coverage in accordance with the Terrorism Risk Insurance Act of 2002.

SUBJECT AREA TO BE ADDRESSED: Terrorism insurance endorsements and rates.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 624.604, 624.605, 627.062, 627.0645, 627.0651 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: 9:00 a.m., March 2, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jack Swisher, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, e-mail swisherj@dfs.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69O-170.013 Filing Procedures for Property and Casualty Insurance Rates, Rules, Underwriting Guidelines, and Forms.

(1) through (6) No change.

(7) This rule applies to that portion of a rate filing relating to terrorism coverage required under the Terrorism Risk Insurance Act of 2002. The Office recognizes the difficulty facing an individual insurer in demonstrating that its rates related to terrorism are not excessive, inadequate, or unfairly discriminatory. An insurer is free to use any generally accepted and reasonable actuarial technique in its filing which it believes demonstrates that the rates requested or implemented are in compliance with Section 627.062, Florida Statutes. If an insurer is unable to demonstrate through its own methodology that the rate requested or implemented complies with Section 627.062, Florida Statutes, then the insurer may, at its option, adopt the methodology, data, and rates of another insurer, as appropriate, that have been previously approved by the Office.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.604, 624.605, 627.062, 627.0645, 627.0651 FS. History—New 3-30-92, Amended 3-9-93, 8-23-93, 10-3-94, 8-3-95, 10-2-96, 6-19-03, Formerly 4-170.013, Amended _____.

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Mosquito Control Program

RULE CHAPTER NO.:

Administration

5E-13

RULE TITLES:

RULE NOS.:

Definitions

5E-13.021

Eligibility for State Approved Program

and/or Aid

5E-13.022

Certified Budgets, Filing

5E-13.027

State Aid Basis and Availability

5E-13.030

District or County Use of Funds

5E-13.031

Program Directors, Employment and Classification

5E-13.032