

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF FINANCIAL SERVICES

Office of Financial Regulation

<p>RULE TITLES: Mortgage Lender License, Mortgage Lender License Pursuant to Saving Clause, and Branch Office License Renewal and Reactivation Correspondent Mortgage Lender License and Branch Office License Renewal and Reactivation</p>	<p>RULE NOS.: 3D-40.205 3D-40.225</p>
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PURPOSE AND EFFECT: The amendments to the rules revise and update the renewal forms to provide for certification upon license renewal that the continuing education requirements have been met. The amendments also update mailing addresses.

SUBJECT AREA TO BE ADDRESSED: Mortgage Broker and Mortgage Lender Renewals.

SPECIFIC AUTHORITY: 494.0011(2), 494.0064(2) FS.

LAW IMPLEMENTED: 494.0011(2), 494.0064 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., Tuesday, August 3, 2004

PLACE: Office of Financial Regulation, The Fletcher Building, 101 E. Gaines St., Room 547, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Greg Oaks, 200 E. Gaines St., Tallahassee, FL 32399-0300, (850)410-9805

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

<p>RULE CHAPTER TITLE: Entomology – Pest Control Regulations</p>	<p>RULE CHAPTER NO.: 5E-14</p>
<p>RULE TITLES: Contractual Agreements in Public’s Interest – Control and Preventive Treatment for Wood Destroying Organisms Responsibilities and Duties – Records, Reports, Advertising, Applications</p>	<p>RULE NOS.: 5E-14.105 5E-14.142</p>

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to add amendments to the rule establishing requirements for contracts offered by pest control companies to homeowners upon treatment of properties for wood destroying organisms.

SUBJECT AREA TO BE ADDRESSED: Wood Destroying Organism contracts.

SPECIFIC AUTHORITY: 482.051, 482.163, 482.165 FS.

LAW IMPLEMENTED: 482.051, 482.161, 482.163, 482.227 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES S

HOWN BELOW:

TIME AND DATE: 10:00 a.m. – 3:00 p.m., September 7, 2004

PLACE: Department of Agriculture and Consumer Services, Eyster Auditorium, 3125 Conner Blvd., Tallahassee, Florida 32399, (850)488-7447

TIME AND DATE: 10:00 a.m. – 3:00 p.m., September 8, 2004

PLACE: Auditorium of the Florida Research and Education Center, 2725 Binion Road, Apopka, Florida 32703, (407)884-2034

TIME AND DATE: 10:00 a.m. – 3:00 p.m., September 9, 2004

PLACE: Room 130, Ft. Lauderdale Research and Education Center, 3205 College Avenue, Ft. Lauderdale, Florida 33314, (954)577-6300

NOTE: These workshops will be combined with workshops for Rule 5E-14.149, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Steve Dwinell, Assistant Director, Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, FL 32311

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) No change.

(2) Such contract or an exact facsimile thereof must be given to the property owner or his authorized agent for acceptance or rejection before any portion of the work is done and before payment, in part or in full, is received by the licensee. The contract shall clearly set forth the following information:

(a) through (d) No change.

(e) The complete common name(s) of the wood-destroying organism(s) to be controlled or for which preventive treatment is intended under the contract. If termites are to be controlled or preventive treatment applied for termites, the contract must clearly state on the first page if the contract covers subterranean termites, dry wood termites, or both, or any other type of termite.

(f) through (k) No change.

(3) No change.

(4) In contracts covering spot treatments for wood-destroying organism(s), the requirements of subsections 5E-14.105(1) and (2), F.A.C. shall apply. In addition to these, specific areas in, on or under the structure to be treated shall be listed in the written contract and a statement that a spot treatment only was performed shall be made on the treatment sticker posted as required by Section 482.226(5), Florida Statutes.

(5) through (7) No change.

(8) Each licensee shall comply with the terms of each pest control contract it issues. Unless otherwise clearly stated in the contract, and clearly disclosed to and the pertinent disclosure initialed by the property owner to which the contract applies:

(a) A licensee must provide written notice to a contract holder within seven days of discovery of a condition that is the subject of a limitation, exclusion, or condition to the licensee's responsibility for the repair or re-treatment under a contract and provide an opportunity for the property owner to correct the condition. If the condition is not corrected within 90 days or by the time of the renewal of the contract (whichever is a longer time period), the licensee shall either cancel the contract or waive the exclusion, condition, or limitation that applies.

(b) A licensee must inspect for a infestation that is the subject of a re-treatment provision of a contract within 14 days of notification by the property owner to which the contract applies, and must perform a re-treatment required under a contract within 30 days of discovery of an infestation subject to the re-treatment provision of a contract, unless access to the property is prevented by the property owner, or the treatment is waived in writing by the property owner.

(c) A licensee must clearly disclose to the signer of each contract if a mandatory arbitration provision applies to the contract. Demonstration of this disclosure may be made by the initialing by the signer of the contract of this provision of the contract or by initialing or signature of a separate disclosure document that describes the mandatory arbitration provision.

(d) A licensee may not use a limitation, exclusion, or condition clause of a contract to deny treatment of a termite infestation or repair of termite damage to the holder of a contract, unless the termite infestation or damage was a result of failure of treatment clearly caused by the subject of the limitation, exclusion, or condition clause in the contract.

Specific Authority 482.051 FS. Law Implemented 482.051(3) FS. History—New 1-1-77, Joint Administrative Procedures Committee Objection Withdrawn – See FAW Vol. 3, No. 30, July 29, 1977, Amended 6-27-79, 10-25-90, Formerly 10D-55.105, Amended 8-11-93, 4-17-03, _____.

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

(1) Records:

(a) Pest control records of the licensee pertaining to pest control activities and including contracts shall be kept at the licensed business location or at the exact Florida address specified in the application for business license for inspection by Department inspectors. Additionally, available for inspection by appropriate state officials at reasonable times there shall be maintained for a period of at least two years routine operational records containing information on kinds (names), amounts, uses, dates, and places of application of restricted-use pesticides.

~~(b) Each licensee shall comply with the terms of each pest control contract it issues.~~ (Moved to subsection 5E-14.105(8), F.A.C.).

(2) through (8) No change.

Specific Authority 482.051 F.S. Law Implemented 482.071, 482.091, 482.161(1)(g), 482.226(1),(2),(4),(5),(6) FS. History—New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, 4-29-02, 4-17-03, 6-2-04, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Entomology – Pest Control REGULATIONS

RULE CHAPTER NO.: 5E-14

Enforcement and Penalties

RULE NO.: 5E-14.149

PURPOSE AND EFFECT: The purpose of the rule amendment is to adopt the enforcement guidelines and penalties into rule. The Department's purpose in applying these guidelines is to achieve compliance with Chapter 482, Florida Statutes (F.S.), and Chapter 5E-14, Florida Administrative Code (F.A.C.).

SUBJECT AREA TO BE ADDRESSED: Enforcement and penalties are being adopted into rule to facilitate compliance. SPECIFIC AUTHORITY: 482.051, 482.163, 482.165 FS. LAW IMPLEMENTED: 482.161, 482.163, 482.165 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 3:00 p.m., September 7, 2004 PLACE: The Department of Agriculture and Consumer Services, Eyster Auditorium, 3125 Conner Blvd., Tallahassee, Florida 32399, (850)488-7447

TIME AND DATE: 10:00 a.m. – 3:00 p.m., September 8, 2004 PLACE: Auditorium of the Florida Research and Education Center, 2725 Binion Road, Apopka, Florida 32703, (407)884-2034

TIME AND DATE: 10:00 a.m. – 3:00 p.m., September 9, 2004
PLACE: Room 130, Ft. Lauderdale Research and Education Center, 3205 College Avenue, Ft. Lauderdale, Florida 33314, (954)577-6300

NOTE: These workshops will be combined with workshops for Rules 5E-14.105 and 5E-14.142, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Steven Rutz, Director, Division of Agricultural Environmental Services, Room 130, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-14.149 Enforcement and Penalties.

(1) List of Penalties. The Department will apply one or more of the following penalties for violation of Chapter 482, F.S., or Chapter 5E-14, F.A.C.

(a) Denial of an application for licensure or license renewal and/or permits or refusal of a pest control registration, license, and/or permit.

(b) Revocation or Suspension of any license including permits.

(c) Warning Letter.

(d) Probation for a specified period of time not to exceed two years subject to conditions.

(e) Administrative fine not to exceed \$5,000 for each violation.

(f) Criminal prosecution by referral to the State Attorney under Sections 775.082 and 775.083, F.S.

(g) Injunctive relief.

(h) Issuance of a Cease and Desist Order, Immediate Stop Use or Stop Work Orders.

(i) Institution of an action under Chapter 501, Part II, F.S., for violations involving deceptive and unfair trade practices where the legal remedies provided under Chapter 501, Part II, F.S., are needed to further protect consumers or recover damages associated with identified violations.

(2) Violation and Repeat Violation. Each and every breach of F.S. 482 and related rule, or part thereof, is a violation. A repeat violation is a violation for which the person has been previously disciplined within the last three (3) years.

(3) Category of Violations. Minor violations are all violations other than those classified as major violations. Major violations are violations where:

(a) Death or injury occurs requiring medical attention to humans or veterinary attention to animals.

(b) A reasonable probability of death or injury may occur to humans or animals, but where the death or injury does not occur.

(c) The licensee, certificate holder, permit holder or applicator causes serious harm to an ecological system, or contamination of water or soil requiring corrective action or monitoring to protect human health or the environment.

(d) The licensee, certificate holder, permit holder or applicator has habitual intemperance or addiction to narcotics.

(e) The licensee, certificate holder, permit holder or applicator is or has been convicted in any state or federal court of a felony unless civil rights have been restored.

(f) The licensee, certificate holder, permit holder or applicator knowingly makes false or fraudulent claims with respect to pest control; misrepresenting the effects of materials or methods used in pest control or failing to use materials or methods suitable for the pest control undertaken.

(g) The licensee, certificate holder, permit holder or applicator performs pest control in a negligent manner or uses a structural fumigant in a manner that is inconsistent with its label directions.

(h) The licensee, certificate holder, permit holder or applicator fails to give the Department or representative true information upon request regarding methods and materials used, work performed, or other information essential to the administration of Chapter 482, F.S.

(i) The licensee, certificate holder, permit holder or applicator performs or causes fraudulent or misleading advertising relative to pest control or advertises in an unauthorized category of pest control.

(j) The licensee, certificate holder, permit holder or applicator whose action results in estimated economic or property damage exceeding \$1,000.

(k) The licensee, certificate holder, permit holder or applicator violates any Immediate Final Order, Emergency Suspension Order, Stop Use, Stop Work, Settlement Agreement, Consent Order, Final Order, or any other order of the Department, issued under the authority of Chapters 120 or 482, F.S., or Chapter 5E-14, F.A.C.

(l) The licensee, certificate holder, permit holder or applicator commits fraud or deceptive trade practices which contribute to an economic loss estimated to be greater than \$500 for one or more consumers.

(m) An individual or business performs pest control without holding a valid license from the Department.

(4) Stop Use or Stop Work Orders.

(a) Use of Stop Use, Stop Work Orders shall be issued in accordance with subsection 5E-14.108(4), F.A.C., for: Fumigation activities performed in violation of fumigant label requirements or department rules, or in a manner that presents an immediate serious danger to the health, safety, or welfare of the public, including but not limited to, failure to use required personal protective equipment, failure to use required warning agent, failure to post required warning signs, failure to secure a

structure's usual entrances as required, or using a fumigant in a manner that will likely result in hazardous exposure to humans, animals, or the environment.

(b) The Department shall issue a release of a Stop Use or Stop Work Order when the deficiencies cited have been corrected and the violator is in compliance with the provisions of Chapter 482, F.S., and associated rules.

(5) Default. A violator's failure to respond to an administrative complaint may result in a waiver of rights to a hearing and the Department may enter a Final Order imposing up to the maximum penalties as authorized by Florida law, including suspension of the violator's license and/or permit.

(6) Denial. If a person fails to comply with the licensing and/or permit requirements of Chapter 482, F.S., or Chapter 5E-14, F.A.C., the person's application for licensing and/or permit will be denied. Applications for any licensing and/or permit issued by the Department will be denied until all outstanding fines owed to the Department are paid in full.

(7) Warning Letters. For first time, non-major violations, the Department will issue a Warning Letter that is the equivalent of a Notice of Noncompliance. These may be issued to violators who fail to respond to an administrative complaint.

(8) Fines. For repeat non-major violations, multiple violations including at least one major violation, and all major violations, including those violators who do not respond to an administrative complaint, the Department will impose an administrative fine not to exceed \$5,000 per violation plus any other penalty allowed by law including suspension or revocation. When imposing a fine, the Department will consider the degree and extent of harm, or potential harm, that was or could have been caused by the violation, the cost of rectifying the damage, whether the violation was committed willfully, the compliance record of the violator, and the costs to the Department of investigating the violation. The Department will use the attached Fine Guide to assist it in determining the appropriate amount of the fine.

(9) Probation. In lieu of or in addition to fines or any other applicable penalty, the Department will impose up to a two-year probation on a violator when it will assist in ensuring compliance with the law. Probation will include requiring the violator to do one or more of the following: attend continuing education classes, demonstrate competency through a written or practical examination, provide prior notice of certain regulated actions, satisfy existing or future consumer complaints, engage in other corrective measures, or pay investigative costs.

(10) Investigative Costs. As part of probation the Department will charge for investigative costs where appropriate to insure compliance. Investigative costs are comprised of the following: Inspectors time, Bureau personnel time, travel expenses, and all other incidental expenditures related to the case.

(11) Suspension and Revocation. Suspension or Revocation will be imposed when:

(a) The violation results in death of humans or animals, or injury requiring hospitalization to humans or animals.

(b) The violation results in serious harm to an ecological system, or contamination of water or soil requiring corrective action or monitoring to protect human health or the environment.

(c) The compliance record of the violator shows two or more prior violations for similar major violations within the last (3) years.

(d) To prevent ongoing or future violations.

(e) To protect the public health, safety or welfare.

(f) When a permit holder pursuant to Section 482.0815(4) or (6), F.S., meets the conditions therein.

(12) Quarterly List. All violators disciplined, and their employer at the time of the violation will be named on the next available quarterly list. The list will specify whether the employer was disciplined, and it will also state all the violations, fines or terms for each, and any suspensions, probation or revocation.

(13) Resolution of Violations, Settlement, and Additional Enforcement Remedies. The Department and the violator may agree to resolve violations prior to administrative action, or to enter into settlement pursuant to Section 120.57(4), F.S. The willingness of a violator to resolve violations prior to initiation of administrative action, or to settle will be considered in determining the appropriate penalty because early resolution of violations furthers compliance and results in savings of time, costs, and expenses for the Department. The Department will enforce a failure to comply with an agreement to resolve violations or a settlement agreement with the penalties and remedies provided in the agreement and/or as authorized by law. These enforcement guidelines shall not be construed to limit the authority of the Department to resolve violations prior to or after initiation of any administrative action or to settle with any party. The Department may utilize all available remedies to ensure voluntary compliance including administrative action, civil actions, referrals for criminal prosecution, and deceptive and unfair trade practices actions pursuant to Chapter 501, Florida Statutes.

(14) Follow-Up Compliance Inspections. If the violator agrees to corrective actions and subsequent inspection reveals that corrective actions have not been taken, then the Department will enforce the penalties and remedies provided in the agreement and as authorized by law.

(15) Notification of Licensees, Certificate Holders, and Identification Card Holders of Complaint.

When the Department receives a written complaint from a consumer regarding a licensee, certificate holder, permit holder or applicator, the Department will send a notice to the responsible person stating the complaint, identifying the complainant and requesting a written response within 10 days.

(16) Fine Guide.

FINE GUIDE = A(B+C+D+E+F)G. This guide shall apply for each violation for which a fine is imposed. The maximum fine is \$5,000 per violation. Multiple minor violations of the same statute or rule and identified during the same investigation, will be consolidated in determining the appropriate fine.

A = Degree & Extent of Harm – Human, animal & environmental hazards

1 Human, animal or environmental harm not identified or not probable

2 Reasonable probability of human or animal death or injury, or reasonable probability of serious environmental harm

5 Death of animals or injury to humans or animals requiring hospitalization, or serious harm to an ecological system, or contamination of water or soil requiring corrective action or monitoring to protect human health or the environment

7 Human death

B = Degree & Extent of Harm – Toxicity of the pesticide involved

0 No pesticide involved in complaint

1 Category III or IV – Signal Word “Caution”

2 Category II – Signal Word “Warning”

3 Category I – Signal Word “Danger”

C = Estimated cost of rectifying the damage to consumer minus any mitigation provided by the violator

1 Unknown or under \$1,000

2 Over \$1,000 and under \$5,000

3 Over \$5,000 and under \$10,000

4 Over \$10,000

D = Whether the violation was committed willfully

1 No evidence of willful intent

2 Apparent evidence of willful intent

5 Evidence of willful intent

E = Compliance record of the violator

0 No prior violations

1 One prior violation for a dissimilar violation

2 Two or more prior violations dissimilar to current violation

3 One prior violation for a similar violation

4 Two or more prior violations for similar violations

F = Investigative Costs

0 Payment of all investigative costs

2 No payment of costs

G = Entity Category

500 Business licensee responsible for violation

250 Certified Operator or Special Identification Cardholder responsible for violation

100 All others

Compliance record. The compliance record is established by prior disciplined violations, within the three (3) years preceding the date of the current violation, of Chapter 482, F.S., or of Chapter 5E-14, F.A.C., or of federal or other Florida law addressing pest control or pesticide use or disposal. Violations will be considered final on acceptance of the applicable penalty, or the date of final agency action or the conclusion of any appeals thereof.

Specific Authority 482.051, 482.163, 482.165 FS. Law Implemented 482.161, 482.163, 482.165 FS. History–New

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Salary Incentive Program

RULE CHAPTER NO.: 11B-14

RULE TITLES: Definitions

RULE NOS.: 11B-14.001

General Program Provisions

11B-14.002

Authorized Salary Incentive Payments

11B-14.003

Annual Salary Incentive Compensation Report

11B-14.005

PURPOSE AND EFFECT: Clarifies definitions, revises forms, and clarifies existing rule language.

SUBJECT AREA TO BE ADDRESSED: Rule definitions; form revisions; rule references; and clarification and grammar modifications.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.22(2)(h), 943.22(i) FS.

LAW IMPLEMENTED: 943.22 FS.

IF REQUESTED, IN WRITING AND IS 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., July 27, 2004

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting: Donna Hunt, (850)410-8615 or TDD (850)656-9597.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-14.001 Definitions.

For the purpose of this rule chapter, the definitions of “employing agency,” “law enforcement officer,” “correctional officer,” “correctional probation officer,” and “Commission,” pursuant to Section 943.10, F.S., and the definitions of “community college degree or equivalent,” “bachelor’s degree,” and “accredited college or university or community college,” pursuant to Section 943.22, F.S., shall be deemed controlling. The definition of “law enforcement officer” also includes those elected officers who, pursuant to Section 943.253, F.S., choose to participate in the Salary Incentive Program. In addition, for the purpose of this rule chapter, the term “officer” is limited to include “law enforcement officer,” “correctional officer,” or “correctional probation officer,” pursuant to Section 943.10(14), F.S. Further, in order to provide effectively for the administration of the Salary Incentive Program, certain additional definitions are necessary, therefore, the following words or phrases shall have these meanings:

(1) “Career Development Training Course” means any course in the Commission-approved Career Development Training Program ~~that approved by the Commission and~~ consists of advanced or technical training related to promotion to a higher rank or position pursuant to Section 943.17(1)(c), F.S.

(2) “Federal or Private Training” means a Commission-approved training program ~~that enhances approved by the Commission to enhance~~ an officer’s knowledge, skills, and abilities for the job performed and is approved by the Commission for salary incentive payment. Commission-approved Federal or Private Training Programs are listed in subsection 11B-14.002(4)(3), F.A.C.

(3) “Advanced Training Course” means a course in the Commission-approved Advanced Training Program ~~that approved by the Commission,~~ which enhances an officer’s knowledge, skills, and abilities for the job performed, pursuant to Section 943.17(1)(b), F.S.

(4) No change.

(5) “Officer” means an individual who meets the statutory requirements pursuant to Section Chapter 943.13, F.S.

(6) through (8) No change.

(9) For Commission-approved Basic Recruit and Advanced Training Program Courses, ~~advanced training courses~~ the terms “successfully completed,” and “successfully complete,” and “pass” are defined in subsection 11B-35.001(7), F.A.C., as being denoted with a “Pass” on the Training Report, form CJSTC-67, revised February 7, 2002, hereby incorporated by reference, or for federal or private training programs, a letter from the agency head attached to the Certificate of Completion that confers the successful completion of a federal or private training program.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History--New 8-19-72, Repromulgated 1-5-75, Amended 1-13-81, 5-16-83, 9-1-83, 1-7-85, Formerly 11B-14.01, Amended 7-13-87, 9-3-87, 12-13-92, 1-2-97, 7-7-99, 11-5-02, _____.

11B-14.002 General Program Provisions.

(1) Section 943.22, F.S., establishes the Salary Incentive Program requirements for continued professional development of a full-time officer who is eligible to receive maximum aggregate monthly salary incentive payments in the amount of \$130 for completion of Commission-approved Advanced and Career Development Training Program Courses, Federal or Private Training Programs, Educational Training, and Commission-approved ~~the~~ Law Enforcement Basic Recruit Training Programs pursuant to Section 943.22 (2)(a), F.S.

(2) Career Development Training Program Courses, as defined in subsection 11B-14.001(1), F.A.C., and Advanced Training Program Courses, as defined in subsection 11B-14.001(3), F.A.C., ~~and;~~ that have been successfully completed, as defined in subsection 11B-14.001(9), F.A.C., by eligible officers, shall be verified by the training center director or ~~the training center director’s~~ designee, as defined in paragraph 11B-21.005(8)(a), F.A.C. To verify successful completion of Commission-approved ~~an approved~~ Advanced or Career Development Training Program Course, and to authorize salary incentive payments, a Training Report, form CJSTC-67, revised May 6, 2004, hereby incorporated by reference, shall be electronically transmitted to Commission staff through the Commission’s ATMS.

(3) Pursuant to Section 943.17, F.S., Commission staff shall award 40 hours of advanced training credit for each 40 hours of criminal justice executive or management training successfully completed and approved by the Commission. Eligible officers who request to receive salary incentive payments for programs listed in paragraphs (4)(a)-(v) below, shall submit to Commission staff a written request from the officer’s agency administrator and submit a copy of the officer’s Certificate of Completion that indicates the hours completed. ~~The following federal or private training has been approved by the Commission and is recognized for advanced training that enhances an officer’s knowledge, skills, and abilities for the job performed. Individuals successfully completing federal or private training shall submit documentation to Commission staff for a determination of course completion eligibility entitling the individual to salary incentive payments, however, the cost of these courses are not approved for expenditure from the Criminal Justice Standards and Training Trust Fund Officer Training Monies pursuant to Rule Chapter 11B-18, F.A.C.:~~

(4) The following Commission-approved federal or private training is recognized as training that enhances an officer’s knowledge, skills, and abilities for the job performed. Individuals successfully completing federal or private training shall submit documentation to Commission staff for determination of course completion eligibility entitling the

~~individual to receive salary incentive payments, however, the cost is not approved for expenditure from the Criminal Justice Standards and Training Trust Fund Officer Training Monies pursuant to subsection 11B-18.0053(3), F.A.C.:~~

<u>Federal or Private Training</u>	<u>Code</u>	<u>Hours</u>
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(a) through (v) No change.

~~(4) Full-time officers are eligible to receive training and educational salary incentive payment based on their date of certification, provided the officer notifies the agency of his or her eligibility to receive salary incentive payments.~~

(5) Training Salary Incentive Payments.

~~(a) Full-time officers are eligible to receive training salary incentive payment based on their date of certification, provided the officer notifies the agency of his or her eligibility to receive salary incentive payments. The date of eligibility for salary incentive payments shall be determined by:~~

~~1. Determined by the The date of "successful completion," defined in subsection 11B-14.001(9), F.A.C., of a Commission-approved training course, pursuant to subsection 11B-14.001(9), F.A.C., indicated on the Training Report form CJSTC-67, which has been issued by a Commission-certified training school, or the date of certification, whichever is later; or-~~

~~2. Determined by the The date indicated on a Commission-approved training Certificate(s) of Completion, or the date of certification, whichever is later; and-~~

3. No change.

(b) through (c) No change.

~~(d) Salary incentive monies for Commission-approved Advanced Training Program Courses are transferable from one discipline to another.~~

(6) Educational Salary Incentive Payments.

(a) No change.

~~(b) To claim eligibility for educational salary incentive payment, an officer shall provide the employing agency an official transcript(s) issued by the institution conferring the degree, or providing academic credit for successful completion of courses.~~

~~(b)(e) The employing agency is responsible for ensuring that the documents submitted for educational salary incentive payments are authentic and accurately reflect the credit given for academic courses successfully completed by the officer, and shall submit or electronically transmit to Commission staff through the Commission's ATMS to Commission staff, a completed Higher Education for Salary Incentive Report, form CJSTC-63, revised May 6, 2004 February 7, 2002, hereby incorporated by reference.~~

~~(c)(4) Educational salary incentive payments shall begin on or after the date of notice of eligibility indicated on the transcript approval or the date of certification, whichever is~~

later, pursuant to Section 943.22(2)(f), F.S., and no other date shall be used to calculate ~~educational training~~ salary incentive payments.

~~(d)(e) The employing agency shall obtain an official sealed transcript directly from the educational institution conferring the degree, or providing the academic credit for successful completion of courses. The employing agency shall not forward the transcript to Commission staff.~~

(7) through (11) No change.

(12) Workers' compensation. An officer that is paid while on workers' compensation is entitled to salary incentive payments in the same proportion as a paid salary, pursuant to Section 943.22(2)(h), F.S.

(13) No change.

(14) Sheriffs eligible to qualify for special qualification salary, pursuant to Sections 943.253, F.S., and 145.071, F.S., may request salary incentive payment pursuant to Section 943.22(2)(d), F.S., and shall be entitled to salary incentive payment under the programs provided in subsection (3) of this rule section. However, any executive or management courses completed to satisfy the requirements of Section 145.071, F.S., regarding special qualification salary for sheriffs, shall not be credited for salary incentive payments. Documentation shall be provided to sheriffs, by Commission staff, that verifies Commission staff shall provide sheriffs with documentation that verify the number of hours credited for salary incentive payments pursuant to Section 943.22(2)(d), F.S., and the number of hours credited toward continuing education pursuant to Section 145.071(2)(c), F.S.

(15) All forms referenced in this rule chapter may be obtained on the following web site: http://www.fdle.state.fl.us/cjst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History—New 10-16-78, Amended 9-11-79, 1-13-81, 5-16-83, 1-7-85, Formerly 11B-14.02, Amended 7-13-87, 9-3-87, 5-23-88, 5-14-92, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.

11B-14.003 Authorized Salary Incentive Payments.

Full-time law enforcement, correctional, and correctional probation officers satisfying the certification requirements of Chapter 943.13, F.S., who are not excluded from eligibility pursuant to Section 943.22(4), F.S., shall be eligible to participate in the Salary Incentive Program.

(1) No change.

(2) Pursuant to Section 943.22(2)(b) and (c), F.S., the maximum amount of educational salary incentive payments an officer may receive shall be limited to \$80 each month for a bachelor or higher degree. Full-time officers who possess an associate degree or equivalent, or a higher degree from an accredited post-secondary institution, are eligible for

educational salary incentive payments. However, state officers whose job specifications require a four-year degree are not eligible to receive educational salary incentive payment pursuant to Section 943.22(2)(e), F.S. Pursuant to Section 943.22, F.S., the employing agency is responsible for verifying that the accrediting association is recognized.

(3) Section 943.22(1)(c), F.S., defines an associate college degree or equivalent as “graduation from an accredited community college or successful completion of 60 semester hours or 90 quarter hours and eligibility to receive an associate degree.” To qualify for educational salary incentive payment, a letter from the awarding institution shall be submitted to the employing ~~criminal justice~~ agency, defined in Section 943.10, F.S., stating that the hours completed by the officer are equivalent to a two-year degree and would qualify the officer for a degree if the institution had a two-year degree program.

(4) Pursuant to Section 943.22(2)(d), F.S., officers shall receive the sum of \$20 each month for each successfully completed 80-hour unit of Commission-approved Advanced or Career Development Training, which has been verified by the employing agency defined in Section 943.10, F.S., agency through the Commission’s ATMS. Commission staff shall recognize, only once, the successful completion of any specific training course for salary incentive payment.

(5) The maximum amount of salary incentive payments an officer is entitled to receive each month is based on the completion of the following Commission-approved training: Commission-approved Training Maximum Salary Incentive Payment

(a) No change.

(b) Career Development Training Program Courses on or before June 30, 1985 \$120 maximum
Advanced Training Program Courses on or after July 1, 1985
Federal or Private Training

(c) through (d) No change.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History—New 9-11-79, Amended 1-13-81, 5-16-83, 9-1-83, 4-26-84, 1-7-85, Formerly 11B-14.03, Amended 7-13-87, 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

11B-14.005 Annual Salary Incentive Compensation Report.

(1) Employing agencies, defined in Section 943.10(4), F.S., shall be responsible for the correct salary incentive payments to full-time officers pursuant to Section 943.22(2)(j), F.S., and shall annually submit to the Commission a Salary Incentive Compensation Report that contains information relative to compensation of full-time officers pursuant to Section 943.22(2)(I), F.S.

(2) Salary incentive courses successfully completed by an officer are reported on the Annual Salary Incentive Compensation Report and are denoted by a code that corresponds with the course code reported by a

Commission-certified training school, defined in Section 943.10(16), F.S., or a code that corresponds with federal or private training.

(3) The active Commission-approved Advanced Training Program Courses ~~advanced training courses~~ approved for salary incentive payments are listed in subsection 11B-35.006(2)(4), F.A.C.

(4) The following inactive Advanced Training Program Courses ~~advanced training courses~~ were eligible for salary incentive payments for the dates as indicated:

Course Title	Course Code	Course Hours	Inactive Date
Field Training Officer 40 hours	051	40	7/1/02

Specific Authority 943.03(4), 943.12(1), 943.22(2)(i) FS. Law Implemented 943.22 FS. History—New 11-5-02, Amended _____.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Criminal Justice Standards and Training Trust Fund

RULE CHAPTER NO.: 11B-18

RULE TITLES: Operational Definitions

Regional Training Areas

Establishment of Regional Training Councils

Development of Budgets

Officer Training Monies Budget and Expenditure Categories

Development of Officer Training Monies Budgets and Required Reports

Areas of Responsibility

Criminal Justice Standards and Training Commission Fiscal Program Audits and Instruction and Facility Evaluations

PURPOSE AND EFFECT: Clarifies rule language, revises forms, clarifies membership criteria, and revises audit procedures.

SUBJECT AREA TO BE ADDRESSED: Operational definitions; regional training areas; establishment of regional Training councils; eligible support personnel; Commission forms; grammatical and clarification modifications; operating capital outlay; fiscal program audits; and Commission-certified training schools.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1),(2), 943.25(2), (4),(5),(5)(b) FS.

LAW IMPLEMENTED: 943.12(5), 943.25, 943.25(4),(5) 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., July 27, 2004
 PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489
 NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting: Donna Hunt, (850)410-8615 or TDD (850)656-9597.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-18.003 Operational Definitions.

For the purpose of this rule chapter, the definitions of "Auxiliary Law Enforcement Officer," "Auxiliary Correctional Officer," "Auxiliary Correctional Probation Officer," "Commission," "Correctional Officer," "Correctional Probation Officer," "Criminal Justice Training School," "Commission staff," "Program," "Employing Agency," "Law Enforcement Officer," "Officer," "Part-time Law Enforcement Officer," "Part-time Correctional Officer," "Part-time Correctional Probation Officer," "Private Criminal Justice Training School," "Public Criminal Justice Training School," "Support Personnel," and "Training Center Director," pursuant to Section 943.10, F.S., shall apply. The operational definitions are as follows:

(1) "Advanced Training Program" means Commission-approved courses that are curriculum approved by the Commission that is limited to training that enhances courses enhancing an officer's knowledge, skills, and abilities for the job an officer performs pursuant to Section 943.17(1)(b), F.S.

(2) through (4) No change.

(5) "Criminal Justice Standards and Training Trust Fund" means "Officer Training Monies" appropriated by the Legislature to provide Commission-approved Advanced and Specialized Training Program Courses for law enforcement, correctional, and correctional probation officers pursuant to Section 943.25(2), F.S.

(6) through (21) No change.

(22) "Advanced Training Course" on or after July 1, 1985, means a Commission-approved course approved by the Commission that enhances an officer's knowledge, skills, and abilities for the job performed, pursuant to Section 943.17(1)(b), F.S., and for the purpose of this rule chapter, means shall means Commission-approved Ttraining Program Courses.

(23) "Commission-certified training school" means shall mean a training school pursuant to Section 943.10(16), F.S.

(24) "Training funded with Officer Training Monies" means Commission-approved Advanced and Specialized Training Program Courses funded in whole or in part with Officer Training Monies.

(25) "Student fees funded with Officer Training Monies" means payment for tuition, lab fees, and other related fees, for Commission-approved Advanced and Specialized Training Program Courses, that have been approved by a community college or school district.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(5), 943.25(4) FS. (Supp. 1998). History--New 1-13-81, Amended 7-28-82, 1-26-83, 1-7-85, 1-28-86, Formerly 11B-18.03, Amended 7-13-87, 5-23-88, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02,_____.

11B-18.004 Regional Training Areas.

For the purposes of Officer Training Monies activities, there are established the following sixteen regional training areas:

(1) through (12) No change.

(13) Region XIII.

(a) No change.

(b) Commission-certified training school within Region XIII: Broward Community College Criminal Justice Institute of Public Safety and Broward Sheriff's Office Institute for Criminal Justice Studies.

(14) through (16) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.25(5) FS. (Supp. 1998). History--New 1-13-81, Amended 7-28-82, 1-7-85, Formerly 11B-18.04, Amended 7-13-87, 1-2-97, 7-7-99, 8-22-00, 11-5-02,_____.

11B-18.005 Establishment of Regional Training Councils.

(1) through (4) No change.

(5) Each Local Regional Training Council shall be comprised of the following:

(a) through (b) No change.

(c) Not more than three members representing Commission-certified training schools. Members representing Commission-certified training schools shall be training center directors.

(d) A single Commission-certified training school, correctional agency, or law enforcement agency shall not have more than two voting members ~~one representative unless, in the view of the Commission, the addition of other representatives from the same agency does not adversely impact the representative nature of the Regional Training Council.~~

(e) through (g) No change.

(6) through (7) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.25(5) FS. History--New 1-13-81, Amended 7-28-82, 1-7-85, (7),(8) Transferred to 11B-18.051, Formerly 11B-18.05, Amended 7-13-87, 5-23-88, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02,_____.

11B-18.0052 Development of Budgets.

(1) through (3) No change.

(3) All forms referenced in this rule may be obtained on the following web site: http://www.fdle.state.fl.us/cjst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(4),(5)(b) FS. Law Implemented 943.25 FS. History—New 1-13-81, Amended 7-28-82, 1-26-83, 1-7-85, Formerly 11B-18.052(2)(a),(b), Amended 1-28-86, 7-13-87, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

11B-18.0053 Officer Training Monies Budget and Expenditure Categories.

(1) through (2) No change.

(3) Category II, Training Expenses. Each region shall not budget less than 80% of the total regional allocation of Officer Training Monies for the purpose of delivering regional Commission-approved Advanced ~~Training Courses~~ and Specialized Training Program Courses.

(a) Criminal justice officers and support personnel, pursuant to Section 943.10, F.S., are authorized to expend Officer Training Monies to attend Advanced ~~Training Courses~~ and Specialized Training Program Courses delivered through a Commission-certified training school, provided ~~that~~ the support personnel does ~~do~~ not displace a certified officer. The Criminal Justice Standards and Training Commission has further authorized the following personnel to attend courses funded with Officer Training Monies:

1. through 3. No change.

4. Department of Banking and Finance, Office of Financial Investigations, on a space available basis, provided a Florida officer is not displaced.

(b) Officer Training Monies, pursuant to subsection 11B-18.003(24) or (25), F.A.C., shall be expended for Commission-approved Advanced ~~Training Courses~~ and Specialized Training Program Courses set forth in Rules 11B-35.006 and 11B-35.007, F.A.C., and shall not be used for reoccurring expenses incurred by a Commission-certified training school.

(c) Each training region shall offer Commission-approved Advanced ~~Training Courses~~ and Specialized Training Program Courses funded with Officer Training Monies, to officers within its respective region, prior to accepting officers or support personnel from other regions.

(d) No change.

(e) If Commission-approved Advanced ~~Training Courses~~ and Specialized Training Program Courses are funded with Officer Training Monies, the training and room or board costs may not be assessed against the officer, support personnel, or their employing agency, pursuant to Section 943.25(6), F.S. If an officer is not employed or appointed by an employing

agency of Florida, the officer may attend a course funded with Officer Training Monies, provided the officer pays for all training costs associated with course attendance, pursuant to Section 943.25(6)(b), F.S. Reimbursement of these costs, excluding out-of-state tuition, shall be deposited in the Commission-certified training school's Officer Training Monies account.

(4) Category III, Operating Capital Outlay Expenses. Each region shall not budget more than 15% of the total regional allocation to purchase items that are non-consumable and non-expendable. Category III Operating Capital Outlay Expenses fall into the following categories:

(a) "Expense" Operating Capital Outlay. Expense operating capital outlay purchases that cost less than \$500 with a life expectancy of one year or more, shall be limited to items purchased that are required for delivery of Commission-approved Advanced ~~Training Courses~~ and Specialized Training Program Courses. Officer Training Monies shall not be used for training school expenditures used to fulfill the certification and recertification requirements of Rule 11B-21.005, F.A.C.

(b) No change.

(c) Operating Capital Outlay property purchased for use other than for the direct support of Commission-approved Advanced Training Program Courses pursuant to Rule 11B-35.006, F.A.C., and Specialized Training Program Courses pursuant to Rule 11B-35.007, F.A.C., are not appropriate purchases.

(d) No change.

(e) Operating Capital Outlay Property shall not be disposed of or transferred without prior notification to and approval by Commission staff. An Operating Capital Outlay Property Disposal Request, form CJSTC-311, created May 6, 2004, hereby incorporated by reference, shall be completed and submitted to Commission staff when disposing or transferring Operating Capital Outlay Property.

1. Usable Operating Capital Outlay Property. Usable Disposal of all usable property shall be offered to other Commission-certified training schools in Florida prior to selling or disposing of the property. To transfer Operating Capital Outlay Property from one training school to another, the transferring training school shall forward to Commission staff a completed form CJSTC-311, which shall be signed by the training center director a letter identifying the property, the value of the item, purchase date, present physical location, and proposed transfer location. The training center director and Regional Training Council Chairman shall sign the letter.

2. Obsolete or Unusable Operating Capital Outlay Property. A Commission-certified training school shall notify Commission staff on form CJSTC-311, in writing to request disposal of obsolete property. A written verification of the condition of the property shall be included. Commission staff shall physically view the property and approve the written

verification of the condition of the property prior to disposal or trading of the property. Obsolete property may be traded for credit on the purchase of new property. Money received from the disposal of property purchased with Officer Training Monies shall be returned to Commission staff for deposit into the Criminal Justice Standards and Training Trust Fund.

3. No change.

(f) Audit of Operating Capital Outlay ~~P~~property. Operating Capital Outlay ~~P~~property purchased by a Commission-certified training school, using Officer Training Monies, shall be made available to Commission staff and inventoried during the audit for the fiscal year the property was purchased.

1. No change.

2. ~~Annual audits shall be completed and submitted to Commission staff by October 1 each year.~~ Commission staff may ~~also~~ conduct spot inventories, on demand, of items purchased with Officer Training Monies.

3. through 5. No change.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(2),(4),(5) FS. Law Implemented 943.25 FS. History—New 11-5-02, Amended.

11B-18.0071 Development of Officer Training Monies Budgets and Required Reports.

(1) Operating Budget. No later than February 1 of each year, the Officer Training Monies Operating Budget, form CJSTC-310, revised February 7, 2002, hereby incorporated by reference, shall be submitted to Commission staff by each Regional Training Council and shall reflect the region's proposed operating budget for the upcoming fiscal year, beginning July 1 and ending June 30 of the next year, based on the Officer Training Monies available and projected for the region pursuant to subsection 11B-18.0052(1), F.A.C. The region shall also include a request to expend the previous year's accrued interest pursuant to subsection (5) of this rule section. Each Regional Training Council is responsible for including in its approved budget, the Criminal Justice Standards and Training Commission's priority budget issues as they relate to the training needs of the region. The region's projected annual operating budget shall list items in order of priority within each budget category as set forth in Rule subsections 11B-18.0053(1) and (2), F.A.C. A region that fails to meet the required deadline, or fails to receive an extension of the submission deadline from Commission staff, shall forfeit the opportunity to propose an operating budget for the region and Commission-certified training schools for that fiscal year. Officer Training Monies forfeited by a region due to noncompliance with the February 1 deadline shall be distributed to other regions in the state based on the statewide distribution formula set forth in subsection 11B-18.0052(2), F.A.C.

(2) Budget Amendment and Programmatic Change. The Officer Training Monies Programmatic Change and Budget Amendment, form CJSTC-302, revised February 7, 2002,

hereby incorporated by reference, shall be used by a Commission-certified training school through its Regional Training Council to reflect changes to its annual operating budget.

(a) through (c) No change.

(3) No change.

(4) Year-End Fiscal Report. Each Regional Fiscal Agent shall submit to Commission staff a completed Officer Training Monies Year-End Fiscal Report, form CJSTC-301, revised February 7, 2002, hereby incorporated by reference, reporting all expenditures, to include a list of all Operating Capital Outlay ~~P~~property purchased pursuant to subsection 11B-18.0053(4), F.A.C. The report shall be filed by October 30 of each year and shall include interest earned for the previous fiscal year ending June 30.

(a) No change.

(b) Unencumbered Officer Training Monies. Officer Training Monies not expended and not encumbered on June 30, shall be reported on form CJSTC-301 and filed by a training school on or before October 30 of each year. The training school shall attach a check or warrant payable to the Criminal Justice Standards and Training Trust Fund in the amount equal to the unexpended unencumbered funds for the year.

(5) Interest Earned. A training school may deposit Officer Training Monies in interest bearing accounts based on the authority granted by the State Comptroller. Interest earned shall be expended consistent with Category II and Category III expenditures set forth in subsections 11B-18.0053(3) and (4), F.A.C., and are not subject to the distribution formula. A separate operating budget for accrued interest shall be submitted by the Regional Training Councils. The training school shall report interest earned and corresponding expenditures to Commission staff on the following forms:

(a) The Officer Training Monies Semi-annual Expenditure Report, form CJSTC-300, pursuant to subsection 11B-18.0071(3), F.A.C., submitted to Commission staff no later than 45 days after the end of the two reporting periods of June 30 and December 31, shall include a report of all expenditures made during the interest budget period the interest was accrued. Interest earned by a training school shall be expended by June 30 of the year the Commission approved the expenditure. Interest earned ~~shall~~ shall not be encumbered, and if not expended, shall be returned to the Commission no later than 90 days following June 30, which is the close of the fiscal year.

(b) No change.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(4),(5) FS. Law Implemented 943.25 FS. History—New 1-13-81, Amended 7-1-81, 7-28-82, 1-7-85, 1-28-86, Formerly 11B-18.071, Amended 7-13-87, 5-23-88, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

11B-18.008 Areas of Responsibility.

With regard to the Criminal Justice Standards and Training Trust Fund Officer Training Monies, the following entities shall have responsibilities outlined in ~~subsections~~ ~~paragraphs~~ (1)-(3) of this rule section.

(1) through (2) No change.

(3) The responsibilities of ~~the~~ Commission-certified training schools are to:

(a) through (d) No change.

(e) Begin training courses, for which Officer Training Monies are expended, funded with Officer Training Monies on or before June 30 of the current fiscal year.

(f) through (g) No change.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(5) FS. Law Implemented 943.25 FS. History--New 1-13-81, Amended 7-1-81, 7-28-82, 1-7-85, 1-28-86, Formerly 11B-18.08, Amended 7-13-87, 5-23-88, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

11B-18.010 Criminal Justice Standards and Training Commission Fiscal Program Audits and Instruction and Facility Evaluations.

Commission staff conducts a fiscal and program audit and instruction and facility evaluation of training schools within each region. The audit and instruction facility inspection performed by Commission staff shall establish a comprehensive analysis of training schools to ensure compliance with Chapter 943, F.S., and Rule Chapter 11B-18, F.A.C.

(1) through (4) No change.

(5) Failure to respond to, and continued non-compliance with applicable Florida Statutes and Commission rules shall result in punitive action by the Criminal Justice Standards and Training Commission to include:

(a) When training schools fail to respond in writing to the audit, Commission staff shall write a letter of concern to the training center director requesting a written response to the audit. Copies of the letter shall be sent to the administrative head of the agency or entity, fiscal agent, and the regional chairperson to the administrative head of the training school requesting a written response to the audit.

(b) No change.

(c) Continued failure for three years to comply with Chapter 943, F.S., and Rule Chapter 11B-18, F.A.C., shall result in the Commission writing a letter of censure to the administrative head of the entity and to the training center director training school requesting a written plan for compliance with applicable Florida Statutes and Commission rules.

(d) If compliance is not achieved by following paragraphs (5)(a)-(c) of this rule section, the Commission shall take disciplinary action pursuant to the disciplinary guidelines set forth in Rule 11B-21.018, F.A.C.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(4),(5) FS. Law Implemented 943.12(5) FS. History--New 11-5-02, Amended _____.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification of Criminal Justice RULE CHAPTER NO.: 11B-20

Training Instructors RULE NOS.: 11B-20.001

Definitions and Minimum Requirements for 11B-20.001

General Certification of Instructors 11B-20.002

Denial and Revocation of Instructor 11B-20.003

Certification 11B-20.004

Commission Instructor Certification 11B-20.005

Categories 11B-20.006

Minimum Requirements for High-Liability 11B-20.007

and Specialized Topics Instructor 11B-20.008

Certification 11B-20.009

Inspection of Instructor Certification 11B-20.010

Applications 11B-20.011

Maintenance and Duration of Instructor 11B-20.012

Certifications 11B-20.013

PURPOSE AND EFFECT: Creates and revises forms, clarifies definitions, updates references, retires obsolete courses, adds new courses, implements new legislation, creates and clarifies instructor certification criteria, and implements legislative revisions.

SUBJECT AREA TO BE ADDRESSED: Commission forms; incorporation of CMS Curriculum and its impact on instructor certification requirements; incorporation of 2003 legislation (SB 1650) regarding regulation of in-service instructors; rule definitions; denial and revocation of instructor certification; commission instructor certification categories; minimum requirements for high-liability and specialized topics instructor certifications; inspection of instructor certification applications; and maintenance and duration of instructor certifications.

SPECIFIC AUTHORITY: 120.60(1), 943.03(4), 943.12(1), 943.14(3) FS.

LAW IMPLEMENTED: 120.60(1), 943.12(3),(9), 943.13(6), 943.14(3) FS.

IF REQUESTED, IN WRITING, AND IS 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., July 27, 2004

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, Telephone Number: (850)410-8615

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-20.001 Definitions and Minimum Requirements for General Certification of Instructors.

(1) Definitions:

(a) "Successful completion" of a course is documented as a "Pass" on the completed Training Report, form CJSTC-67, revised ~~May 6, 2004~~ February 7, 2002, hereby incorporated by reference.

(b) "Training school" ~~means shall mean~~ those training academies and training schools that are certified by the Criminal Justice Standards and Training Commission.

(c) "Instructor" ~~means shall mean~~ an individual certified by the Criminal Justice Standards and Training Commission, hereafter referred to as "Commission or CJSTC", to instruct at Commission-certified criminal justice training schools or criminal justice employing agencies pursuant to subsection 11B-20.001(2), F.A.C., and Rule 11B-20.0014, F.A.C.

(d) "CMS Training Program" ~~means shall mean~~ the CMS Application-Based Law Enforcement Basic Recruit Training Program.

(e) "ATMS" ~~means shall mean~~ the Commission's Automated Training Management System.

(f) "Basic Recruit Training Programs," "Advanced Training Programs Courses," and "Specialized Training Programs" ~~means shall means~~ training administered by training schools pursuant to Rule Chapter 11B-35, F.A.C.

(g) "Agency," for this rule chapter, means criminal justice employing agency.

(2) Instructor applicants applying for instructor certification shall:

(a) Complete the Instructor Certification Application, form CJSTC-71, revised May 6, 2004, hereby incorporated by reference;

(b) Be affiliated with a training school or agency;

(c) Possess good moral character pursuant to subsection 11B-27.0011(4), F.A.C., as applied to instructor applicants and certified instructors;

1. Not have been convicted of a felony or of a misdemeanor involving perjury or false statement, or received a dishonorable discharge from any of the Armed Forces of the United States; and

2. After July 1, 1981, any person who has pled guilty or nolo contendere to any felony or of a misdemeanor involving perjury or a false statement is not eligible for instructor certification, notwithstanding suspension of sentence or withholding of adjudication; and

3. Notwithstanding subsections (3) and (4) of this rule section, any person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged shall not be deemed ineligible for instructor certification.

(3)(2) General Instructor Certification. Instructor applicants shall comply with the following requirements for General Instructor Certification:

(a) Traditional General Instructor Certification. Instructor applicants shall comply with the following requirements to obtain a Traditional General Instructor Certification:

1.(a) Instructor applicants shall successfully complete Successful completion of the Traditional 80-hour Instructor Techniques Course (Retired 6/30/2004) delivered through a training school or complete completion of equivalent instructor training. The training center director is authorized to have instructor applicants complete only those portions of the Traditional Instructor Techniques Course for which the instructor applicant is deficient. Instructor applicants who apply for a General Instructor Certification shall have completed the required instructor training within four years of the date the instructor applicant applies for certification. Instructor applicants who apply after four years shall be required to complete the General Instructor Refresher Training Course.

2. Instructor applicants who apply for a Traditional General Instructor Certification shall have completed the required instructor training within four years of the date the instructor applicant applies for certification. Instructor applicants who apply more than four years from the date training was completed shall be required to complete the General Instructor Refresher Course.

3.(b) Instructor applicants who request an exemption from the Traditional Instructor Techniques Course shall be evaluated by the training center director for The training center director may authorize the instructor applicant to complete only those portions of the 80-hour Instructor Techniques Course for which the instructor applicant is deficient. The training center director shall evaluate the completion of equivalent instructor training by documenting the instructor applicant's qualifications. Documentation shall include the instructor applicant's training in all of the following competencies:

a.1. Training liability.

b.2. Ethics.

c.3. Human diversity training required by Section 943.1758, F.S.

- d.4. Adult learning theory.
- e.5. Communication skills.
- f.6. Learning aids.
- g.7. Principles of instruction.
- h.8. Lesson plan preparation.
- i.9. Evaluation and measurement.
- j.10. Demonstration of instructional ability.

4.(e) Instructor applicant internship: Successful completion of an internship. An instructor applicant shall be supervised by a training center director who is currently an instructor or by an instructor designated by the training center director. The training center director or designee shall evaluate the applicant's instructional abilities by completing an Instructor Competency Checklist, form CJSTC-81, revised February 7, 2002, hereby incorporated by reference, which shall be maintained in the instructor's file at the training school. The instructor applicant shall demonstrate applicable competencies listed on form CJSTC-81. The internship shall not be included in the 80-hour Instructor Techniques Course. The composition of the internship shall be in written form and maintained as part of the instructor applicant's file at the training school. The instructor applicant shall be evaluated by his or her students. A training center director or an instructor designated by the training center director shall review student evaluations with the instructor applicant and shall document the review on form CJSTC-81.

a. The instructor applicant's internship shall not be included in the Traditional Instructor Techniques Course.

b. The instructor applicant shall be supervised by and have his or her instructional abilities evaluated by a training center director or agency administrator, who is currently an instructor, or a designee who is currently an instructor, and shall complete the Instructor Competency Checklist, form CJSTC-81, revised May 6, 2004, hereby incorporated by reference.

c. The instructor applicant shall demonstrate the applicable competencies listed on form CJSTC-81, which shall be maintained in the instructor's file at the training school or agency.

d. The instructor applicant shall be evaluated by his or her students. Student evaluations shall be reviewed with the instructor applicant by a training center director, agency administrator, or an instructor designated by the training center director or agency administrator, and documented on form CJSTC-81.

(d) An instructor applicant who applies for certification by the Commission shall be affiliated with a training school or agency to instruct training courses.

(e) Possess good moral character pursuant to subsection 11B-27.001(4), F.A.C., as applied to instructor applicants and certified instructors. Instructor applicants requesting instructor certification shall:

1. Not have been convicted of a felony or of a misdemeanor involving perjury or false statement, or received a dishonorable discharge from any of the Armed Forces of the United States; and

2. After July 1, 1981, any person who has pled guilty or nolo contendere to any felony or of a misdemeanor involving perjury or a false statement is not eligible for instructor certification, notwithstanding suspension of sentence or withholding of adjudication.

3. Notwithstanding subsections (1) and (2) of this rule section, any person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged shall not be deemed ineligible for instructor certification.

(b) CMS General Instructor Certification. Instructor applicants shall comply with the following requirements to obtain a CMS General Instructor Certification:

1. Instructor applicants who apply for a CMS General Instructor Certification shall have completed the required instructor training within four years of the date the instructor applicant applies for certification. Instructor applicants who apply for CMS General Instructor Certification more than four years from the date training was completed, shall be required to complete the General Instructor Refresher Course.

2. Instructor applicants who possess a Traditional General Instructor Certification or are exempt, pursuant to subsection (4) of this rule section, shall successfully complete the CMS General Instructor Transition Course at a training school.

3. New instructor applicants shall successfully complete the CMS Instructor Techniques Course at a training school or equivalent instructor training and complete an instructor internship.

4. New Instructor applicants shall be evaluated by the training center director for completion of equivalent instructor training by documenting the instructor applicant's qualifications. Documentation shall include the instructor applicant's training in all of the following competencies, or the training center director may authorize the instructor applicant to complete only those portions of the CMS Instructor Techniques Course for which the instructor applicant is deficient:

- a. Training liability.
- b. Ethics.
- c. Human diversity training required by Section 943.1758, F.S.

d. Adult learning theory.

e. Communication skills.

f. Learning aids.

g. Principles of instruction.

h. Lesson plan preparation.

i. Evaluation and measurement.

j. Demonstration of instructional ability.

k. Group management.

l. Facilitation skills.

m. CMS Concepts.

5. Instructor Applicant Internship:

a. The instructor applicant's internship shall not be included in the CMS Instructor Techniques Course.

b. The instructor applicant shall be supervised by and have his or her instructional abilities evaluated by a training center director or agency administrator, who is currently an instructor, or a designee who is currently an instructor, and shall complete the Instructor Competency Checklist form CJSTC-81.

c. The instructor applicant shall demonstrate the applicable competencies listed on form CJSTC-81, which shall be maintained in the instructor's file at the training school or agency.

d. The instructor applicant shall be evaluated by his or her students. Student evaluations shall be reviewed with the instructor applicant by a training center director, agency administrator, or an instructor designated by the training center director or agency administrator, and documented on form CJSTC-81.

~~(4)(3)~~ An instructor applicant shall be exempt from Traditional General Instructor Certification when the instructor applicant has complied with the following conditions, documented on the Instructor Exemption Application, form CJSTC-82, revised ~~May 6, 2004~~ ~~February 7, 2002~~, hereby incorporated by reference:

(a) The instructor applicant is a full-time instructor at an accredited community college, college, or university. The training center director shall document the applicant's full-time status and identify the name and location of the college, community college, or university, on form CJSTC-82, which shall be maintained in the instructor's file at the training school; or-

(b) The instructor applicant is a full-time vocational-technical instructor. The training center director shall document the instructor applicant's full-time status and identify the name and location of the vocational-technical institution on form CJSTC-82, which shall be maintained in the instructor's file at the training school; or-

(c) The instructor applicant holds a current and valid instructor certification from another state or federal government, has completed three years of work experience in the specified subject matter to be instructed and the instructor applicant completes an internship pursuant to subparagraphs 11B-20.001(3)(a)4, paragraph 11B-20.001(2)(e), F.A.C. The training center director shall include a copy of the instructor applicant's out-of-state or federal government certification, and document his or her qualifications based on training, education, experience, or professional credentials suitable to the topic of instruction to be taught, documentation describing the internship, and completion of the Instructor Competency

Checklist form CJSTC-81; and the Instructor Exemption form CJSTC-82, which shall be maintained in the instructor's file at the training school; or-

(d) The instructor applicant shall have completed three years of work experience, ~~as set forth in paragraph 11B-20.0014(1)(b), F.A.C.,~~ in the specified subject matter to be instructed. The training center director shall document the instructor applicant's qualifications by completing form CJSTC-82, which shall be maintained in the instructor's file at the training school.

(e) Notwithstanding the above exemptions, an individual who has had any Commission certification revoked, or who has voluntarily relinquished any Commission certification, or who has had any Commission certification suspended, or who is in violation of Section 943.13(4), F.S., or who has been determined guilty of any of the offenses set forth in paragraphs 11B-20.0012(2)(a)-(f), F.A.C., shall not instruct Commission-approved Basic Recruit Training Program Courses, Advanced Training Program Courses, or Specialized Training Program Courses.

~~(4) CMS General Instructor Applicants shall meet the requirements of subsections 11B-20.001(2) or (3), F.A.C., and complete the CMS General Instructor Transition Course. CMS General Instructors are authorized to instruct the CMS Application Based Basic Recruit Training Curricula, CMS General Instructor Course, and CMS General Instructor Transition Course.~~

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3),(9), 943.14(3) FS. History—New 7-21-82, Formerly 11B-20.01, Amended 10-26-88, 5-14-92, 12-8-92, 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____

11B-20.0012 Denial and Revocation of Instructor Certification.

(1) The Criminal Justice Standards and Training Commission shall deny an instructor applicant's request for certification, in the certification categories outlined in Rule 11B-20.0013, F.A.C., if the instructor applicant does not meet the minimum qualification requirements for General, High-Liability, or Specialized Topics Instruction Certification, pursuant to Rules 11B-20.001 and 11B-20.0014, F.A.C. The Commission shall notify the instructor applicant by sending a "Notice of Intent to Deny Instructor Certification," which shall specify the reason(s) for the denial of instructor certification. The affected party shall have a right to a hearing pursuant to Section 120.57, F.S., upon denial of certification.

(2) The Criminal Justice Standards and Training Commission has the authority to revoke an instructor's certification if:

(a) No change.

(b) The instructor willfully compromises or circumvents the student trainee attendance requirements set forth in subsection 11B-35.001(11), F.A.C.; or

(c) through (f) No change.

(3) No change.

(4) A training center director or agency administrator, having good cause to believe that an instructor has violated subsection (2) of this rule section, shall conduct a preliminary inquiry, and report the findings to Commission staff. An administrative investigation based upon this ~~on the training center director's report~~ shall be conducted by Commission staff, and all sustained violations of conduct shall be scheduled before a Commission Probable Cause Determination Hearing.

(5) through (6) No change.

(7) Notwithstanding subsection 11B-20.001(4)(3), F.A.C., if an instructor's certification is revoked, or is voluntarily relinquished, or the instructor has been adjudicated or found to be guilty of an offense, or has plead nolo contendere to any offense set forth in paragraphs 11B-20.0012(2)(a)-(f), F.A.C., the instructor shall not instruct Commission-approved Basic Recruit Training Program Courses, Advanced Training Program Courses, or Specialized Training Program Courses.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.14(3) FS. History—New 10-26-88, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02,_____.

11B-20.0013 Commission Instructor Certification Categories.

Except as otherwise provided in this rule section or by law, individuals who instruct training courses pursuant to Rule Chapter 11B-35, F.A.C., at or through a training school, shall be certified by the Criminal Justice Standards and Training Commission. Instructor applicants who request to be certified by the Commission may request certification in the following categories of certification:

- (1) Traditional General Instructor Certification.
- (2) CMS General Instructor Certification.
- (3) High-Liability Instructor Certifications.
 - (a) Traditional ~~Law Enforcement~~ Vehicle Operations Instructor Certification.
 - (b) CMS ~~Law Enforcement~~ Vehicle Operations Instructor Certification.
 - (c) Traditional Firearms Instructor Certification.
 - (d) CMS Firearms Instructor Certification.
 - (e) Traditional Defensive Tactics Instructor Certification.
 - (f) CMS Defensive Tactics Instructor Certification.
 - (g) Traditional ~~Medical~~ First Responder Instructor Certification.
 - (h) CMS First Aid ~~Medical First Responder~~ Instructor Certification.
- (4) Specialized Topics Instructor Certifications.
 - (a) Law Topics Instructor Certification.
 - (b) Speed Measurement Instructor Certifications Certification.

- 1. Radar Instructor Certification.
- 2. Laser Instructor Certification.

(c) Canine Team Instructor Certification.

~~(d) Human Diversity Instructor Certification.~~

~~(d)(e)~~ Breath Test Instructor Certification.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3),(9), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02,_____.

11B-20.0014 Minimum Requirements for High-Liability and Specialized Topics Instructor Certification.

(1) High-Liability and Specialized Topics Instructor Certification. Instructor applicants shall comply with the following requirements for certification:

(a) Possess a Traditional General Instructor Certification or CMS General Instructor Certification, pursuant to ~~Rule 11B-20.001, F.A.C.~~, or have successfully completed the Traditional 80-hour Instructor Techniques Course, or CMS Instructor Techniques Course, or have on file at the training school a completed Instructor Exemption; form CJSTC-82. General, High-Liability, and Specialized Topics Instructor Certifications may be applied for at the same time.

(b) Complete three years work experience as a certified criminal justice officer or three years experience in the topic of instruction for which certification is sought and meet any specific requirements set forth in subsection 11B-20.0014(3), F.A.C. The instructor applicant shall document his or her instructor qualifications based on training, education, experience, or professional credentials, and proficiency skill standards suitable to the topic of instruction for which certification is sought. The training center director or agency administrator accepting the instructor's application for certification, shall review and maintain all documentation in the instructor's file ~~at the training school~~.

(c) The instructor applicant shall successfully complete the instructor training requirements set forth in subsections (2) or (3) of this rule section, for High-Liability and Specialized Topics Instructor Certifications, for which the instructor applicant is requesting certification. The High-Liability Training Courses and requirements are outlined ~~defined~~ in Rule 11B-35.0024, F.A.C.

(2) High-Liability Instructor Certifications. Instructor applicants, who apply ~~applying~~ for a High-Liability Instructor Certification, shall have completed the applicable High-Liability Instructor Course within four years of the date the instructor applicant applies for certification. Instructor applicants, who apply for a High-Liability Instructor Certification more than four years from the date training was completed, shall complete an internship and demonstrate the proficiency skills applicable to the high-liability topic. Instructor ~~a~~ Applicants shall meet the following requirements for High-Liability Instructor Certification for each topic requested.

(a) Traditional ~~Law Enforcement~~ Vehicle Operations Instructor Certification. Instructor applicants who request to obtain certification to instruct vehicle operations topics shall:

~~in the Traditional Basic Recruit Training Curricula and Law Enforcement Vehicle Operations Instructor Course, pursuant to paragraph 11B-35.0024(3)(h), F.A.C., shall comply with the requirements for General Instructor Certification, pursuant to subsection 11B-20.001(2), F.A.C., or be exempt from General Instructor Certification pursuant to subsection 11B-20.001(3), F.A.C.; successfully complete the Law Enforcement Vehicle Operations Instructor Course through a training school; and successfully complete a high-liability internship, documented on a High Liability Internship, form CJSTC-81A, revised February 7, 2002, hereby incorporated by reference, under the supervision of a Law Enforcement Vehicle Operations Instructor who has been approved by the training center director.~~

1. Comply with the requirements for Traditional General Instructor Certification pursuant to paragraph 11B-20.001(3)(a), F.A.C., unless the applicant is exempt from Traditional General Instructor Certification pursuant to subsection 11B-20.001(4), F.A.C.; and

2. Have successfully completed the Vehicle Operations Instructor Course (retired 6/30/04) through a training school; and

3. Have successfully completed a high-liability internship supervised by the training center director, agency administrator, or designee, which has been documented on the High-Liability Internship, form CJSTC-81A, revised May 6, 2004, hereby incorporated by reference.

~~(b) CMS Law Enforcement Vehicle Operations Instructor Certification. Instructor applicants who request to obtain certification to instruct vehicle operations topics in the Commission-approved Basic Recruit Training Programs CMS Application-Based Basic Recruit Training Curriculum, the CMS Law Enforcement Vehicle Operations Instructor Course, and CMS Law Enforcement Vehicle Operations Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b) subsection 11B-20.001(4), F.A.C., prior to successfully completing one of the following training courses through a training school:~~

~~1. Instructor applicants who are Traditional Law Enforcement Vehicle Operations Instructors shall complete the CMS Law Enforcement Vehicle Operations Instructor Transition Course.~~

~~2. Instructor applicants who are not Traditional Law Enforcement Vehicle Operations Instructors shall complete the CMS Law Enforcement Vehicle Operations Instructor Course, and shall complete a high-liability internship supervised by the training center director, agency administrator, or designee, which has been documented on form CJSTC-81A, under the supervision of a CMS Law Enforcement Vehicle Operations Instructor who has been approved by the training center director.~~

~~(c) Traditional Firearms Instructor Certification. Instructor applicants who request to obtain certification to instruct firearms topics shall: in the Traditional Basic Recruit Training Curricula and the Firearms Instructor Course, pursuant to paragraph 11B-35.0024(3)(d), F.A.C., shall comply with the requirements for General Instructor Certification pursuant to subsection 11B-20.001(2), F.A.C., or be exempted from General Instructor Certification pursuant to subsection 11B-20.001(3), F.A.C., successfully complete the Firearms Instructor Course through a training school, and complete a high-liability internship, documented on form CJSTC-81A, under the supervision of a Firearms Instructor who has been approved by the training center director.~~

1. Comply with the requirements for Traditional General Instructor Certification pursuant to paragraph 11B-20.001(3)(a), F.A.C., unless the applicant is exempt from Traditional General Instructor Certification pursuant to subsection 11B-20.001(4), F.A.C.; and

2. Have successfully completed the Firearms Instructor Course (retired 6/30/04) through a training school; and

3. Have successfully completed a high-liability internship supervised by the training center director, agency administrator, or designee, which has been documented on the High-Liability Internship form CJSTC-81A.

~~(d) CMS Firearms Instructor Certification. Instructor applicants who request to obtain certification to instruct firearms topics in the Commission-approved Basic Recruit Training Programs CMS Application-Based Basic Recruit Training Curriculum, the CMS Firearms Instructor Course, and CMS Firearms Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph subsection 11B-20.001(3)(b)(4), F.A.C., prior to successfully completing one of the following training courses through a training school:~~

~~1. Instructor applicants who are Traditional Firearms Instructors shall complete the CMS Firearms Instructor Transition Course.~~

~~2. Instructor applicants who are not Traditional Firearms Instructors shall complete the CMS Firearms Instructor Course, and shall complete a high-liability internship supervised by the training center director, agency administrator, or designee, which has been documented on form CJSTC-81A, under the supervision of a CMS Firearms Instructor who has been approved by the training center director.~~

~~(e) Traditional Defensive Tactics Instructor Certification. Instructor applicants who request to obtain certification to instruct defensive tactics topics shall: in the Traditional Basic Recruit Training Curricula and the Defensive Tactics Instructor Course, pursuant to paragraph 11B-35.0024(3)(b), F.A.C., shall comply with the requirements for General Instructor Certification, pursuant to subsection 11B-20.001(2), F.A.C., or be exempt from General Instructor Certification pursuant to~~

~~subsection 11B-20.001(3), F.A.C., successfully complete the Defensive Tactics Instructor Course, and complete a high-liability internship, documented on form CJSTC-81A, under the supervision of a Defensive Tactics Instructor who has been approved by the training center director.~~

~~1. Comply with the requirements for Traditional General Instructor Certification pursuant to paragraph 11B-20.001(3)(a), F.A.C., unless the applicant is exempt from Traditional General Instructor Certification pursuant to subsection 11B-20.001(4), F.A.C.; and~~

~~2. Have successfully completed the Defensive Tactics Instructor Course (retired 6/30/04) through a training school; and~~

~~3. Have successfully completed a high-liability internship supervised by the training center director, agency administrator, or designee, which has been documented on the High-Liability Internship form CJSTC-81A.~~

(f) CMS Defensive Tactics Instructor Certification. Instructor applicants who request to obtain certification to instruct defensive tactics topics in Commission-approved Basic Recruit Training Programs, the ~~CMS Application-Based Basic Recruit Training Curricula~~, CMS Defensive Tactics Instructor Course, and CMS Defensive Tactics Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph subsection 11B-20.001(3)(b)(4), F.A.C., prior to successfully completing one of the following training courses through a training school:

1. Instructor applicants who are Traditional Defensive Tactics Instructors shall complete the CMS Defensive Tactics Instructor Transition Course.

2. Instructor applicants who are not Traditional Defensive Tactics Instructors shall complete the CMS Defensive Tactics Instructor Course, and ~~shall~~ complete a high-liability internship supervised by the training center director, agency administrator, or designee, which has been documented on form CJSTC-81A, under the supervision of a ~~CMS Defensive Tactics Instructor who has been approved by the training center director.~~

(g) Traditional ~~Medical~~ First Responder Instructor Certification. Instructor applicants who request to obtain certification to instruct in ~~medical~~ first responder topics shall comply with the requirements for Traditional General Instructor Certification pursuant to paragraph subsection 11B-20.001(3)(a)(2), F.A.C., or be exempt from Traditional General Instructor Certification pursuant to subsection 11B-20.001(4)(3), F.A.C. Individuals who request to obtain certification as a Traditional First Responder Instructor shall comply with the requirements in subparagraph (g)1. or (g)2. of this rule section, prior to successfully completing the following training courses through a training school:

1. Individuals set forth in this rule section shall possess and maintain a valid CPR instructor certification, which is at minimum, at the "Basic Life Support (BLS) Healthcare Provider Level" with the American Heart Association, "CPR for the Professional Rescuer" with the American Red Cross, and American Safety and Health Institute, or "Advanced First Aid and CPR" with the National Safety Council. The following individuals, based on their education and training experience in the United States or its territories, are eligible to request Traditional First Responder Instructor Certification without completing additional training ~~instruct the Medical First Responder Course:~~

a. through f. No change.

2. Individuals set forth in this rule section shall possess and maintain a valid CPR instructor certification at the BLS "Healthcare Provider Level" with the American Heart Association, "CPR for the Professional Rescuer" with the American Red Cross and, American Safety and Health Institute, or "Advanced First Aid and CPR" with the National Safety Council and are certified pursuant to Section 943.13, F.S. These individuals shall:

a. No change.

b. Have successfully completed the ~~Medical~~ First Responder Instructor Course ~~(retired 6/30/04) pursuant to paragraph 11B-35.0024(3)(f), F.A.C.~~, or have successfully completed a U.S. Department of Transportation recognized ~~medical~~ first responder course;

c. Have successfully demonstrated 100% proficiency in ~~first aid medical first responder~~ skills, with the results recorded on the CMS First Aid Performance Evaluation, form CJSTC-5 CMS, created May 6, 2004, Medical First Responder Performance Evaluation, form CJSTC 5, revised February 7, 2002, hereby incorporated by reference; and

d. Have successfully completed a high-liability internship, documented on form CJSTC-81A, under the supervision of a Medical First Responder Instructor who has been approved by the training center director, agency administrator, or designee.

(h) CMS First Aid ~~Medical First Responder~~ Instructor Certification. These individuals shall possess a valid CPR instructor certification, which is at minimum, at the BLS "Healthcare Provider Level," with the American Heart Association, "CPR for the Professional Rescuer" with the American Red Cross and, American Safety and Health Institute, or "Advanced First Aid and CPR" with the National Safety Council. Instructor applicants who request to obtain certification to instruct the CMS First Aid for Criminal Justice Officers Course in Medical First Responder topics in the Commission-approved Basic Recruit Training Programs, the CMS Application-Based Basic Recruit Training Curriculum, CMS First Aid Medical First Responder Instructor Course, and CMS First Aid First Responder to Emergencies Instructor Transition Course, Unit 1: Medical First Responder, shall comply with the requirements for CMS General Instructor

Certification pursuant to ~~paragraph subsection~~ 11B-20.001(3)(b)(4), F.A.C., prior to successfully completing the following training courses through a training school:

~~1. Instructor applicants who are professionals outlined in subparagraph (g)1. of this rule section shall complete the CMS First Aid Instructor Transition Course.~~

~~2.4. Instructor applicants who are Traditional Medical First Responder Instructors, pursuant to paragraph (3)(g) of this rule section shall complete the CMS First Aid First Responder to Emergencies Instructor Transition Course, Unit 1: Medical First Responder.~~

~~3.2. Instructor applicants who are not Traditional Medical First Responder Instructors shall complete the CMS First Aid Medical First Responder Instructor Course, and complete and a high-liability internship supervised by the training center director, agency administrator, or designee, which has been documented on form CJSTC-81A, under the supervision of a Commission certified CMS Medical First Responder Instructor who has been approved by the training center director.~~

(3) Specialized Topics Instructor Certifications. To obtain certification to instruct in specialized topics, the instructor applicant shall meet the following requirements for each specialized topic requested:

(a) Law Topics Instructor Certification for Traditional Basic Recruit Training Programs. Instructor applicants who request to obtain certification to instruct Commission-approved law topics of Arrest Laws, Attempt, Conspiracy and Solicitation, Burden of Proof, Civil and Criminal Liability, Classification of Offenses, Constitutional Law, Constitutional Law Overview, Court Rules and Trial Procedures, Court Structure, Elements of a Crime, Evidence Concepts, Evidence Rules, Intent, Legal Defense, Legal Show-up, Legal Line-up, Parties to a Crime, Probable Cause, Search and Seizure Concepts, Stop and Frisk Laws, and Use of Force, shall possess substantial law training and experience of a minimum of fifteen semester hours or college credit law courses, to include constitutional law and criminal law with a grade of "C" or above, and possesses six months of criminal justice experience.

~~1. Traditional Correctional Basic Recruit Training Program.~~

~~2. Traditional Correctional Probation Basic Recruit Training Program.~~

~~3. Traditional Law Enforcement to Correctional Basic Recruit Cross-Over Training Program.~~

~~4. Traditional Law Enforcement to Correctional Probation Basic Recruit Cross-Over Training Program.~~

~~5. Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program.~~

~~6. Traditional Correctional to Correctional Probation Basic Recruit Cross-Over Training Program.~~

~~7. Traditional Correctional Probation to Law Enforcement Basic Recruit Cross-Over Training Program.~~

~~8. Traditional Correctional Probation to Correctional Basic Recruit Cross-Over Training Program.~~

~~9. Law Enforcement Auxiliary Officer Basic Recruit Training Program.~~

~~10. Correctional Auxiliary Officer Basic Recruit Training Program.~~

~~11. Correctional Probation Auxiliary Officer Basic Recruit Training Program.~~

~~12. Law topics in the Commission-approved Basic Recruit Training Programs that require a law topics certified instructor.~~

(b) Speed Measurement Instructor Certifications. To be certified to instruct speed measurement training courses, an instructor applicant is required to complete the following training:

1. Radar Instructor Certification. An instructor applicant shall successfully complete the ~~40-hour~~ Radar Speed Measurement Instructors Training Course for Law Enforcement Officers at a training school, with the results recorded on a Laser and Radar Speed Measurement Device Instructor Field Evaluation, form CJSTC-10, revised May 6, 2004, hereby incorporated by reference.

2. Laser Instructor Certification. An instructor applicant shall successfully complete the ~~40-hour~~ Radar Speed Measurement Instructor Training Course for Law Enforcement Officers and the ~~24-hour~~ Laser Speed Measurement Device (LSMD) Instructor Transition ~~Instructor~~ Course for Radar Instructors at a training school, with the results recorded on a Laser and Radar Speed Measurement Device Instructor Field Evaluation, form CJSTC-10, revised February 7, 2002, hereby incorporated by reference.

(c) Canine Team Instructor Certification. An instructor applicant shall successfully complete the Canine Team Instructor Course through a training school; and complete an internship documented on a Competency Checklist form CJSTC-81. As part of the required internship, an instructor applicant shall instruct any "course unit" of the Canine Team Training Course or Canine Team Instructor Course. An instructor applicant who applies for a ~~40-hour~~ Canine Team Instructor Certification shall be required to possess the following minimum training and experience:

~~1. A minimum of five years experience as a law enforcement, military law enforcement, or correctional officer and a minimum of three years canine team experience which shall be documented in the instructor applicant's file at the training school or agency.~~

2. No change.

3. Verification that there is not a sustained "excessive use of force" complaint against the instructor applicant, at the time a canine was under their command, at the agency(s) where employing agency or agencies in which the instructor applicant obtained their experience as a criminal justice officer.

~~(d) Human Diversity Instructor Certification. An instructor applicant shall successfully complete the following training courses through a training school to be certified to teach human diversity topics of instruction:~~

- ~~1. Basic Recruit Human Diversity Awareness Course, 24 hours. An instructor who has completed the 24-hour Basic Recruit Human Diversity Awareness Course as a part of the basic recruit training program, shall not be required to repeat the course for application as a Human Diversity Instructor.~~

~~2. Human Diversity Train-the-Trainer Course 20 Hours.~~

~~(d)(e) Breath Test Instructor Certification. A Breath Test Instructor shall be certified by the Commission to instruct the Breath Test Operator Course and Agency Inspector Course. Only certified breath test instructors shall instruct such courses.~~

1. Each Breath Test Instructor Certification applicant, in addition to the requirements set forth in subsection 11B-20.0014(1), F.A.C., shall:

- a. Successfully complete the Breath Test Instructor Certification Course through a training school; and
- b. No change.

2. Individuals who hold a valid Florida Department of Law Enforcement Alcohol Testing Program Breath Test Instructor Permit and successfully completes the 2002 Breath Test Instructor Update Course, are exempt from the requirements set forth in subparagraph ~~(3)(e)1. of this rule 11B-20.0014(3)(e)1., F.A.C.~~ Alcohol Testing Program staff are also exempt from subparagraph ~~(3)(e)1. of this rule 11B-20.0014(3)(e)1., F.A.C.~~

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3),(9), ~~943.13(6), 943.14(3) FS. History--New 7-29-01, Amended 11-5-02_____.~~

11B-20.0016 Inspection of Instructor Certification Applications.

(1) For instructor applicants who have not been certified by the Commission and who have met the certification requirements set forth in Rules 11B-20.001 and 11B-20.0014, F.A.C., the employing training center director, ~~or agency administrator, or the training center director's~~ designee shall:

(a) ~~Collect, verify, and maintain on file in the instructor training files at the training school, the Instructor Certification Application form CJSTC-71 and document documentation verifying the instructor's professional expertise, pursuant with Rules 11B-20.001 and 11B-20.0014, F.A.C., for the specific certification being requested. Form CJSTC-71 and other documentation shall be maintained in the instructor's training file at the training school or agency.~~

(b) No change.

(c) Electronically transmit the information to Commission staff on an Instructor Certification Application; form CJSTC-71, ~~revised February 7, 2002, hereby incorporated by reference,~~ through the Commission's staff's ATMS.

(2) If the instructor applicant's file at the training school or agency contains missing or deficient documentation, the instructor applicant and the training school or agency shall be notified of such documentation on the Instructor Certification Deficiency Notification, form CJSTC-271, revised May 6, 2004 February 7, 2002, hereby incorporated by reference.

(3) through (4) No change.

Specific Authority 120.60(1), 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 120.60(1), 943.12(3),(9), 943.14(3) FS. History--New 7-29-01, Amended 11-5-02_____.

11B-20.0017 Maintenance and Duration of Instructor Certifications.

Documentation for instructors, ~~pursuant to this subsection,~~ shall be maintained in the instructor's file at the respective training school or agency. Additionally, the training school or agency shall submit or transmit to Commission staff, through the Commission's ATMS, an Instructor Compliance Application, form CJSTC-84, ~~revised May 6, 2004 February 7, 2002,~~ hereby incorporated by reference, to verify compliance with the mandatory retraining requirements. Instructors whose Traditional General Instructor Certification or CMS General Instructor Certification has lapsed; shall complete the General Instructor Refresher Course ~~comply with the requirements for Commission certification pursuant to subsection 11B-20.001(2) or (3), F.A.C.~~ Instructors whose High-Liability or Special Topics Instructor Certification has lapsed shall demonstrate the proficiency skills in the applicable high-liability topic. ~~comply with the requirements for Commission certification pursuant to Rule 11B-20.0014, F.A.C. Instructors whose Specialized Topics Instructor Certification has lapsed shall complete an internship in the applicable high-liability topic.~~

(1) Instructors shall maintain Good Moral Character Standards pursuant to paragraphs 11B-20.0012(2)(c)(a)-(f), F.A.C.

(2) Traditional General Instructor Certification. Instructors who possess a Traditional General Instructor Certification shall instruct in a Traditional Basic Recruit Training Program Course, Advanced Training Program Course, or non-CMS Specialized Training Program Course ~~that is~~ delivered at a training school, or in-service training course delivered at an agency, at least once every four years.

(3) CMS General Instructor Certification. Instructors who possess a CMS General Instructor Certification shall instruct in a Commission-approved Basic Recruit Training Program Course, Advanced Training Program Course, or Specialized Training Program Course ~~that is~~ delivered at a training school, or in-service training course delivered at an agency, at least once every four years.

(4) High-Liability Instructor Certification. Commission-certified Instructors who possess a High-Liability Instructor Certification shall comply with the following requirements, every four years, to maintain an active certificate for each high-liability certification.

(a) Instruct in a Commission-approved Basic Recruit Training Program Course, Advanced Training Program Course, or Specialized Training Program Course delivered at through a training school, or in-service training course delivered at an agency.

(b) Successfully complete continuing education or training approved by the training center director or agency administrator.

(c) No change.

(5) Specialized Topics Instructor Certification. Instructors who possess a Specialized Topics Certification shall comply with the following requirements, every four years, to maintain certification:

(a) Instruct in a Commission-approved Basic Recruit Training Program Course, Advanced Training Program Course, or Specialized Training Program Course delivered at through a training school, or in-service training course delivered at an agency.

(b) Successfully complete continuing education or training approved by the training center director or agency administrator. Breath Test Instructors shall successfully complete the Breath Test Instructor Renewal Course.

(6) No change.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3),(9), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02_____.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification of Criminal Justice

RULE CHAPTER NO.: 11B-21

Training Schools

Local Advisement and Definitions

Criminal Justice Training Schools' Request for Certification, Expansion of Certification, and Re-certification

Criminal Justice Training School Requirements for Certification and Re-certification

Criminal Justice Training School Satellite Facilities and Equipment Requirements

Criminal Justice Training School Disciplinary Guidelines and Revocation of Certification

Criminal Justice Training School Inspections

PURPOSE AND EFFECT: Clarifies rule language, revises course names, updates references, deletes obsolete rule language, modifies requirements for certification, revises forms, creates new staffing and facility requirements.

SUBJECT AREA TO BE ADDRESSED: Commission forms; updated rule sites; training needs analysis; satellite facility and equipment requirements; training school staffing and facility requirements; and training school certification and recertification requirements.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1),(2) FS.

LAW IMPLEMENTED: 943.12(3),(5),(7), 943.14, 943.17(1)(g), 943.25(5),(9) FS.

IF REQUESTED, IN WRITING, AND IS 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., July 27, 2004

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-21.001 Local Advisement and Definitions.

(1) "Training school" means shall mean those training academies and training schools that are certified by the Criminal Justice Standards and Training Commission.

(2) "Training program(s)" means shall mean Commission-approved training administered by Commission-certified criminal justice training schools pursuant to Rule Chapter 11B-35, F.A.C.

(3) through (5) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(5),(7), 943.14, 943.25(5),(9) FS. History—New 7-21-82, Amended 1-26-83, 9-1-83, 1-28-86, Formerly 11B-21.01, Amended 1-2-97, 7-7-99, 11-5-02_____.

11B-21.002 Criminal Justice Training Schools' Request for Certification, Expansion of Certification, and Re-certification.

(1) No change.

(2) Pursuant to Section 943.12(7), F.S., the Commission shall authorize the issuance of certificates to criminal justice training schools. A training school shall be categorized as a type "A", "B", or "C₂" certification and assigned one of the following certification codes:

(a) Type "A" certification grants a training school the authority to deliver Commission-approved Basic Recruit Training Program Courses ~~basic recruit training~~ for law enforcement, correctional, and correctional probation officers, and Commission-approved Advanced Training Courses and Specialized Training Program Courses outlined set forth in Rule Chapter 11B-35, F.A.C.

(b) Type "B" certification grants a training school the authority to deliver Commission-approved Basic Recruit Training Program Courses ~~basic recruit training~~ for law enforcement and Commission-approved Advanced Training Courses and Specialized Training Program Courses outlined set forth in Rule Chapter 11B-35, F.A.C.

(c) Type "C" certification grants a training school the authority to deliver Commission-approved Basic Recruit Training Program Courses ~~basic recruit training~~ for correctional and correctional probation officers, and Commission-approved Advanced Training Courses and Specialized Training Program Courses outlined set forth in Rule Chapter 11B-35, F.A.C.

(3) Request for Training School Initial Certification.

(a) No change.

(b) A training needs analysis shall be conducted by Commission staff for the region or local training area to be served by the organization requesting certification. An inspection shall be conducted of the training organization to ensure compliance with the requirements for certification pursuant to Rule 11B-21.005, F.A.C. An application for certification of a training organization shall be denied by the Commission for any training organization that does not demonstrate that a training need exists in the region or local training area intended to be served by the training organization or does not comply with the requirements set forth in Rule 11B-21.005, F.A.C.

(c) A training organization shall receive a notice of intent to approve or deny certification. If a request for certification is denied, the notice shall specify the grounds for the denial, and the denial shall be conducted pursuant to Chapter 120, F.S. A training organization that has been denied Commission certification as a training school may reapply or petition the Commission after such action is effective. The Commission shall require a hearing, at which time the affected training organization shall show cause why its application for certification should be accepted, or its petition granted.

(d) No change.

(4) No change.

(5) Request for Commission Re-certification.

(a) A training school that requests continued certification by the Commission shall submit a completed Criminal Justice Training School Certification, Re-certification or Expansion of Certification Application form CJSTC-29, to Commission staff no later than January 1st of the year the certification expires of

~~expiration of certification.~~ Recertification dates for training schools shall be January 1, 2006, then January 1, 2010, and every five years thereafter.

(b) through (d) No change.

(6) All form(s) referenced in this rule chapter, may be obtained on the following web site: http://www.fdle.state.fl.us/cjst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(3),(7), 943.14 FS. History--New 7-21-82, Amended 1-28-86, Formerly 11B-21.02, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

11B-21.005 Criminal Justice Training School Requirements for Certification and Re-certification.

Training Schools certified by the Commission ~~on or after July 1, 1990,~~ shall comply with the following requirements:

(1) through (2) No change.

(3) Comply with the classroom facility and equipment requirements set forth in the Training School Classroom Facility Requirements, form CJSTC-205, revised May 6, 2004 February 7, 2002, hereby incorporated by reference.

(4) Comply with the driving range, facility, equipment, and instructor to student to instructor ratio requirements, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the Driving Range Facility and Equipment Requirements, form CJSTC-202, revised May 6, 2004 February 7, 2002, hereby incorporated by reference, when conducting Commission-approved vehicle operations training. Should any driving range proposed for construction after July 1, 1988, deviate from the standards set forth in form CJSTC-202, plans for such construction shall be submitted to Commission staff for initial review, and then to the Commission for final approval or disapproval. Justification for such construction shall include a statement of explanation and supporting documentation justifying the need to deviate from the established standard. A recommendation for deviation from the Commission's driving facility requirement shall ensure that vehicle operation training exercises can be safely and effectively performed.

(5) Comply with the defensive tactics equipment, facility, and instructor to student to instructor ratio requirements, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the Defensive Tactics Facility and Equipment Requirements, form CJSTC-203, revised May 6, 2004 February 7, 2002, hereby incorporated by reference, when conducting Commission-approved defensive tactics training.

(6) Comply with the equipment, facility, and instructor to student to instructor ratio requirements, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the Firing Range Facility and Equipment Requirements, form CJSTC-201, revised May 6, 2004 February 7, 2002, hereby incorporated by

reference, when conducting Commission-approved firearms training. Firearms training shall be supervised directly by a Commission-certified firearms instructor and the instructor shall have access to at least one firearms range designed for criminal justice firearms instruction.

(7) Comply with the equipment, facility, and instructor to student ~~to instructor~~ ratio requirements, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the CMS First Aid Instructional Requirements Medical First Responder Requirements, form CJSTC-208, revised May 6, 2004 ~~February 7, 2002~~, hereby incorporated by reference, when conducting Commission-approved first aid ~~medical first responder~~ training.

(8) Comply with the personnel requirements set forth in the Staffing Requirements, form CJSTC-204, revised May 6, 2004 ~~February 7, 2002~~, hereby incorporated by reference. The following specifications shall be met:

(a) No change.

(b) At least one full-time clerk or administrative assistant assigned to report to the training center director, whose responsibilities are limited to providing clerical and administrative assistance to the director. Two or more individuals may perform such clerk or administrative assistant duties, ~~if provided that~~ the aggregate personnel time dedicated to these duties; is equivalent, at minimum, to a full-time position.

(c) No change.

(9) Comply with the instructor certification requirements set forth in Rule Chapter 11B-20, F.A.C., when delivering Commission-approved training.

(10) Basic Abilities Testing Requirements pursuant to Rule 11B-35.0011, F.A.C., and Section 943.17(1)(g), F.S. Effective January 1, 2002, training schools certified by the Commission that provide Commission-approved Basic Recruit Training Programs shall:

(a) Adopt a Commission-approved basic abilities test as an entry requirement into a Commission-approved Basic Recruit Training Program, and not enter into a contract with any testing vendor for a period longer than the Commission's testing cycle of three years.

(b) Require, for admission into a Commission-approved Basic Recruit Training Program, a passing score from a Commission-approved basic abilities test, which shall be accepted by any training school. A passing score is valid two years from the date of the test.

(c) No change.

(11) Comply with requirements for notification of changes in requirements for certification. Training schools with changes in staff and facilities during the school's active certification period shall:

(a) Provide notification to Commission staff, in writing or via e-mail to your field specialist, of any changes in the training school's staffing requirements, pursuant to subsection 11B-21.005(8), F.A.C., within 10 working days upon hiring or separation of personnel.

(b) Provide notification to Commission staff, in writing or via e-mail, of any changes in the training school's facility requirements. Such notification shall include locations by the type of facility and street address, and certify in writing to Commission staff that the facility is in compliance with Rule 11B-21.005, F.A.C.

1. Training schools shall notify Commission staff of any changes in facility sites and the site's compliance with the Commission's requirements, thirty days prior to delivering training or immediately upon scheduling when under thirty days.

2. Driving ranges, firearms ranges, and defensive tactics facilities shall not be used for Commission training until approved by Commission staff.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(3),(7), 943.14, 943.17(1)(g) FS. History--New 7-21-82, Formerly 11B-21.05, Amended 1-28-86, 8-30-89, 12-24-89, 6-3-91, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.

11B-21.0051 Criminal Justice Training School Satellite Facilities and Equipment Requirements.

(1) A satellite facility shall be defined as a training facility or location that is not part of the immediate premises of a training school and is not used to comply with a training school's certification requirements. A high-liability satellite training facility shall comply with the facility and equipment requirements set forth in subsection 11B-21.019(1), F.A.C. ~~Such training schools utilizing satellite training facilities, inclusive of high-liability facilities, to deliver training, shall:~~

(2) Such training schools utilizing satellite training facilities, inclusive of high-liability facilities, to deliver training, shall:

(a) No change.

(b) Identify active satellite locations by the type of facility and street address, and certify in writing to Commission staff prior to July 1 of each fiscal year that its designated satellite training facility complies with Rule 11B-21.005, F.A.C. Training schools shall notify Commission staff of any new satellite sites and the satellite site's compliance with the Commission's requirements, prior to delivering training, or immediately upon scheduling the course when under thirty days. Prior to utilizing a satellite training facility, pursuant to Rule 11B-21.005, F.A.C., a driving range, firearms range, and defensive tactics facility shall comply with the equipment and facility requirements, and shall not be used for Commission training until approved by Commission staff.

(c) Comply with the requirements of Rule 11B-21.005, F.A.C., for the delivery of training at satellite sites. Only those sites that submit notification to Commission staff, set forth in subsection 11B-35.001(2), F.A.C., regarding notification of scheduled courses, shall be approved to instruct training at a satellite facility.

(d) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(3),(7), 943.14, 943.17(1)(g) FS. History--New 11-5-02, Amended _____.

11B-21.018 Criminal Justice Training School Disciplinary Guidelines and Revocation of Certification.

(1) The certification of a training school shall be revoked, suspended, or placed on probation if any of the following violations occur:

(a) through (c) No change.

(d) Failure to comply with trainee attendance and performance standards pursuant to subsections 11B-35.001(7), (11)(8), F.A.C.

(e) No change.

(2) through (3) No change.

(4) A training school whose Commission certification has been revoked may reapply or petition the Commission for certification pursuant to the provisions of paragraph 11B-21.002(5)(2)(d), F.A.C.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(3), 943.14 FS. History--New 10-17-90, Amended 12-13-92, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

11B-21.019 Criminal Justice Training School Inspections. Section 943.12(7), F.S., authorizes the Criminal Justice Standards and Training Commission to issue certificates to criminal justice training schools. These training schools shall abide by the requirements for administration and instruction of Commission-approved training pursuant to Rule Chapters 11B-21 and 11B-35, F.A.C.

(1) A comprehensive inspection of training schools shall be conducted annually, at minimum, by Commission staff, to ensure compliance with Rules 11B-21.005 and 11B-21.0051, F.A.C. The training center director or designee shall sign the following applicable form(s):

(a) Firing Range Facility and Equipment Requirements form CJSTC-201.

(b) Driving Range Facility and Equipment Requirements form CJSTC-202.

(c) Defensive Tactics Facility and Equipment Requirements form CJSTC-203.

(d) CMS First Aid Instructional ~~Medical First Responder~~ Requirements form CJSTC-208.

(2) Random inspections shall be conducted by Commission staff of classroom facilities, courses in session, ~~and~~ staffing requirements, statute and rule compliance, and shall be documented on the following applicable form(s):

(a) Training School Contact Report ~~Course Monitor~~, form CJSTC-200, revised May 6, 2004 ~~February 7, 2002~~, hereby incorporated by reference.

(b) through (c) No change.

(3) No change.

(4) Commission staff shall conduct a re-inspection of the areas of non-compliance that were recorded on the form(s) to ensure corrective action has taken place and shall complete a Non-Compliance Follow-up Report, form CJSTC-206, revised May 6, 2004 ~~February 7, 2002~~, hereby incorporated by reference.

(5) The Commission chairperson ~~chairman~~ shall be notified of continued non-compliance of training schools regarding "deficiency(ies)" recorded and "complaint(s)" opened pursuant to the disciplinary provisions of Rule 11B-21.018, F.A.C. Notification of an "Official Inquiry" shall be provided to the training school.

(6) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(3),(7), 943.14 FS. History--New 11-5-02, Amended _____.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification and Employment

RULE CHAPTER NO.: 11B-27

or Appointment

11B-27

RULE TITLES:

RULE NOS.:

Moral Character

11B-27.0011

Certification, Employment or Appointment,

Reactivation, and Terminating Employment

or Appointment of Officers

11B-27.002

High School Graduation or Equivalent

11B-27.0021

Fingerprint Processing and Criminal Record

Results

11B-27.00211

Maintenance of Officer Certification

11B-27.00212

Temporary Employment Authorization

11B-27.00213

Background Investigations

11B-27.0022

Controlled Substance Testing Procedures

11B-27.00225

Duty to Report, Investigations, Procedures

11B-27.003

Probable Cause Determination

11B-27.004

Revocation or Disciplinary Actions; Disciplinary

Guidelines; Range of Penalties; Aggravating

and Mitigating Circumstances

11B-27.005

Canine Team Certification

11B-27.013

PURPOSE AND EFFECT: Revises forms, clarifies and adds definitions, removes obsolete rule language, clarifies requirements for recertification after a break-in-service, revises Temporary Employment Authorization criteria, revises criteria for hiring officers, revises criteria for issuing a letter of acknowledgement, and revises and clarifies canine team certification requirements.

SUBJECT AREA TO BE ADDRESSED: Commission forms; officer break-in-service; officer fingerprint process; high school diploma or equivalent; temporary employment or appointment authorizations; background investigations; controlled substance testing procedures; probable cause determination; letter of acknowledgment process; and canine team certification.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.133(3), 943.1395 FS.

LAW IMPLEMENTED: 943.12, 943.12(3),(17), 943.13, 943.13(3),(7),(11), 943.131, 943.133, 943.135, 943.139, 943.1395, 943.1395(3),(5),(7),(8), 943.17, 943.17(1)(a), 943.1701, 943.1715, 943.1716, 943.253 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., July 27, 2004

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, Telephone Number: (850)410-8615

UPON REQUEST AND WHEN AVAILABLE RULE TEXT WILL BE PROVIDED AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-27.0011 Moral Character.

(1) through (3) No change.

(4) For the purposes of the Criminal Justice Standards and Training Commission's implementation of any of the penalties specified in Sections 943.1395(6) or (7), F.S., a certified officer's failure to maintain good moral character required by Section 943.13(7), F.S., is defined as:

(a) through (b) No change.

(c) The perpetration by an officer of acts or conduct that constitute the following offenses:

9. Conduct that subverts or attempts to subvert the examination process for Commission-approved training at a Commission-certified training school or an employing agency promotional examination process, which shall include the following:

(d) No change.

(5) through (6) No change.

(7) Commission staff's decision to initiate presentation of a case for a Commission Probable Cause Determination shall be based upon the following conditions:

(a) through (b) No change.

(c) Whether a Letter of Acknowledgment is warranted pursuant to subsections 11B-27.004(7)-(11)(10), F.A.C.

(8) Forms referenced in this rule chapter may be obtained on the following web site: http://www.fdle.state.fl.us/cjst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards Forms Liaison.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.1395(7) FS. History--New 1-7-85, Formerly 11B-27.011, Amended 7-13-87, 10-25-88, 12-13-92, 9-5-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

11B-27.002 Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers.

(1) Certification or Reactivation of Certification. Prior to submitting an application for certification or reactivation of certification for a law enforcement, correctional, or correctional probation officer, the employing agency shall collect and verify documents establishing that an applicant has complied with the requirements of Section 943.13, F.S. Verified documents shall be maintained in the officer's ~~training~~ file at the employing agency. The following documents are required for verification of an applicant's compliance with this rule section:

(a) through (b) No change.

(c) Evidence that an applicant's fingerprints have ~~Applicant Fingerprint Card, FBI form FD-258~~ has been processed by the Federal Bureau of Investigation or the Florida Department of Law Enforcement, if identified as a single state offender or multi-state offender, pursuant to Rule 11B-27.00211, F.A.C.

(d) A Physician's Assessment, form CJSTC-75, revised May 6, 2004 ~~February 7, 2002~~, hereby incorporated by reference, and Patient Information, form CJSTC-75A, revised February 7, 2002, hereby incorporated by reference, or an equivalent form signed by a physician, certified advanced registered nurse practitioner, or physician assistant licensed in the United States or its territories, verifying the applicant's fitness to perform the duties of an officer pursuant to Section 943.13(6), F.S. A copy of the officer's position description shall be reviewed by the physician to ensure that the applicant can meet the physical standards required of the position. A Patient Information, form CJSTC-75A, revised May 6, 2004, hereby incorporated by reference, may also be provided to the examining physician, certified advanced registered nurse

practitioner or physician assistant for reference. The completed and signed CJSTC-75 form ~~and 75A forms~~ or equivalent, shall be completed with each new employment or appointment of an officer, and shall not be completed more than one year prior to an officer's employment or appointment. A CJSTC-75 form prepared for a specific employing agency shall not be used by any other employing agency.

(e) No change.

(f) An Affidavit of Applicant, form CJSTC-68, revised ~~May 6, 2004 February 7, 2002~~, hereby incorporated by reference, executed by the applicant attesting that the applicant complies with the employment or appointment qualifications pursuant to Sections 943.13(1)-(10), F.S.

(g) No change.

(h) Evidence that the applicant has successfully completed a Commission-approved Basic Recruit Training Program, pursuant to Rules 11B-35.002 ~~and~~, 11B-35.003, ~~11B-35.004~~, F.A.C., and has achieved a passing score on ~~successfully passed~~ the State Officer Certification Examination for the discipline for which certification is being sought pursuant to Section 943.13(10), F.S.

(2) The employing agency head is required, within 30 days of hire, to execute submit to Commission staff or electronically transmit through the Commission's Automated Training Management System (ATMS), and maintain in file a Registration of Employment Affidavit of Compliance, form CJSTC-60, revised February 7, 2002, hereby incorporated by reference, attesting to compliance by the employing agency with the following requirements:

(a) through (b) No change.

(3) Employment requirements pursuant to Section 943.13, F.S., shall be documented on an Agency New Hire Report, form CJSTC-207, revised February 7, 2002, hereby incorporated by reference.

(a) No change.

1. through 2. No change.

3. An Affidavit of Applicant, form CJSTC-68.

4. through 7. No change.

8. High School Diploma, GED, and Equivalency of Foreign and Non-Public High School Curriculum, ~~form CJSTC-35, revised February 7, 2002, hereby incorporated by reference,~~ pursuant to subsection 11B-27.0021(1), F.A.C.

9. No change.

10. A Civil Applicant Response form or response from the Florida Department of Law Enforcement (FDLE) Certified Mail Application (Live Scan), with any FBI supplied criminal history record attached, and a ~~Florida Department of Law Enforcement (FDLE) Customer Summary Report and Transaction Listing form,~~ with any FDLE supplied criminal history record attached, or the applicant's fingerprint card attached to a FDLE supplied single-state or multi-state offender criminal history record.

11. An Equivalency-of-Training, form CJSTC-76, revised ~~May 6, 2004 February 7, 2002~~, and an Equivalency-of-Training Proficiency of Demonstration, form CJSTC-76A, revised ~~May 6, 2004, effective July 1, 2002,~~ pursuant to Section 943.131(2), F.S., hereby incorporated by reference for previous Florida and out-of-state, federal, or military officers, if the officer utilized this training option.

12. No change.

13. A Physician's Assessment, form CJSTC-75 ~~and Patient Information form CJSTC-75A,~~ or equivalents.

14. No change.

15. An Affidavit of Separation, form CJSTC-61, revised February 7, 2002, hereby incorporated by reference, and Affidavit of Separation Supplement, form CJSTC-61A, revised February 7, 2002, hereby incorporated by reference, if the officer has separated employment with the agency.

(b) Commission staff shall conduct a re-inspection of the noted deficiencies, which shall be recorded on the Agency New Hire Report, form CJSTC-207, within 90 days of the initial inspection.

1. through 2. No change.

3. If the deficiency(s) noted in the officer's file remains unresolved, the Criminal Justice Standards and Training Commission Chairman shall notify the agency head, in writing, that the Registration of Employment Affidavit of Compliance, form CJSTC-60, that has been signed by the agency head or its designee confirming agency compliance with Section 943.133(2), F.S., is in fact not in compliance, and as such, is in violation of subparagraph 11B-27.0011(4)(c)11., F.A.C., and Section 837.06, F.S.

4. No change.

(4) Within four years of the beginning date of An individual shall successfully complete a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on pursuant to Rules 11B-35.002, 11B-35.003, 11B-35.004, F.A.C., or former Rule 11B-29.002, F.A.C., pass the applicable State Officer Certification Examination, and gain employment as an officer within four years of starting the required training program. An individual who is not employed as an officer in the discipline for which training was completed, within four years of the date of beginning such training, shall, as a condition for obtaining employment, comply with the following requirements:

(a) As a condition of employment or appointment after July 1, 1993, successfully complete a Commission-approved Basic Recruit Training Program pursuant to Rule 11B-35.002, F.A.C., and

(b) Achieve a passing score on ~~Successfully pass~~ the State Officer Certification Examination.

(5) Officer Separation from Employment or Appointment. An Affidavit of Separation form CJSTC-61, shall be completed by the employing agency and immediately transmitted via the Commission's ATMS or submitted to Commission staff.

(6) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, 943.139, 943.1395 FS. History--New 10-6-82, Amended 4-26-84, 1-7-85, Formerly 11B-27.02, Amended 9-3-87, 3-29-89, 5-14-92, 12-13-92, 9-5-93, 1-19-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.

11B-27.0021 High School Graduation or Equivalent.

(1) A high school graduate shall be an individual who has completed a secondary education program through graduated from a high school, and has been awarded a standard diploma, pursuant to Sections 232.246(1), (5) and (6), F.S., within the United States or its territories, and the school is a public or private school, private school, an equivalency diploma, program, or home education program through an educational provider recognized by a public educational system within the United States or its territories, or received a foreign high school diploma, which has been accredited by an accrediting agency, and is recognized by the Florida Department of Education for accreditation purposes. Individuals who have successfully completed a non-public high school, foreign high school, or home school curriculum, shall possess a diploma or verification of successful completion of home school education program pursuant to Section 232.0201, F.S., that substantially meets the requirements of Section 232.246, F.S.

(2) Compliance with this rule section shall be documented by the employing agency and made available to Commission staff for review. Proof of compliance and authenticity of the diploma may include: An employing agency or a Regional Criminal Justice Selection Center, established pursuant to Section 943.246, F.S., shall evaluate non public high school and foreign high school curricula, as provided for in subsection (1) of this rule section, and shall complete an Equivalency of Foreign and Non-Public High School Curriculum form CJSTC-35, which shall be maintained in the officer's employing agency file.

(a) A standard high school diploma or high school equivalency diploma issued by a public school education program.

(b) A diploma issued by a private school.

(c) Transcripts showing a secondary education program completion or graduation date.

(d) A letter from a School Board District Office verifying completion of a high school program and issuance of a standard diploma.

(e) For individuals who have completed a home school program, documentation that the education program has met the requirements of Section 1002.41, F.S., or of the Department of Education from the state where the home school program was completed.

(f) For individuals who have completed a foreign high school diploma, documentation transcribed by a certified translator and complies with this rule section.

~~(3) Successful completion of the General Education Development (G.E.D.) Tests shall be considered the equivalent of a high school diploma for purposes of subsection (1) of this rule section.~~

~~(3)(4) In the absence of proof of successful high school graduation or General Education Development Tests, the following shall be acceptable as meeting the minimum educational requirements:~~

~~(a) Transcript verification of successful completion of one of the following educational requirements from an Institutional Accrediting Body recognized by the United States Department of Education (http://www.aju.edu/usdoe_accreditation.htm) or licensed as a degree granting institution by the Commission for Independent Education, pursuant to Section 1005.02(7), F.S., (<http://www.firn.edu/doe/cie/institutions.htm>) shall be acceptable as meeting the educational requirements of this rule section: Transcript verification of successful completion of at least 30 semester hours or 45 quarter hours of college work, or an associate or higher degree from an accredited institution pursuant to Section 943.22(1), F.S., or licensed by the Florida Board of Independent Colleges and Universities; or~~

~~1. At least 30 semester hours; or~~

~~2. 45 quarter hours of college work, or~~

~~3. An associate or higher degree.~~

(b) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(3) FS. History--New 10-6-82, Amended 1-7-85, Formerly 11B-27.021, Amended 7-7-99, 7-29-01, 11-5-02, _____.

11B-27.00211 Fingerprint Processing and Criminal Record Results.

An employing agency shall maintain on file, at minimum, a Federal Bureau of Investigation Civil Applicant Response form or the response from the FDLE Certified Mail Application, with any Federal Bureau of Investigation (FBI) supplied criminal history record attached, and a FDLE Customer Summary Report and Transaction Listing form, with any FDLE supplied criminal history record attached, or the applicant's fingerprint card attached to a FDLE supplied single-state or multi-state offender criminal history record, indicating the applicant's fingerprint card has been processed.

(1) The employing agency shall submit for processing an Applicant Fingerprint Card FD-258 to the Florida Department of Law Enforcement that bears the applicant's currently taken fingerprints. The submission shall include one of the following references: "Law Enforcement Officer Applicant, Section 943.13, F.S.," or "Correctional Officer Applicant, Section 943.13, F.S.," or "Correctional Probation Officer Applicant, Section 943.13, F.S.," in the "Reason Fingerprinted" block of the FBI Applicant Fingerprint Card. An Applicant Fingerprint Card shall be processed in conjunction with an officer's

employment or appointment regardless if the officer has proof of the existence of a processed Applicant Fingerprint Card from a previous employment or appointment. The employing agency is also authorized to use a Live Scan device, if authorized by FDLE, for the submission of applicant fingerprints versus submitting an Applicant Fingerprint card.

(2) Private correctional institutions under contract with the Florida Department of Corrections shall obtain blank Applicant Fingerprint Cards from the Department of Corrections. Other private correctional institutions and jails shall obtain blank Applicant Fingerprint Cards from the Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Officer Records Section. A private correctional institution shall submit a completed Applicant Fingerprint Card for processing to the Florida Department of Law Enforcement, User Services Bureau, Post Office Box 1489, Tallahassee, Florida 32302-1489. A private correctional Institution or jail is authorized to use a Live Scan device, if authorized by FDLE, for the submission of applicant fingerprints versus submitting an Applicant Fingerprint Card.

(3) The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, a Fingerprint Notification, form CJSTC-62, revised February 7, 2002, hereby incorporated by reference. The response from an applicant's processed fingerprints ~~A processed Applicant Fingerprint Card shall be completed and the response shall be maintained~~ on file at the agency within one year of the officer's initial employment or appointment. An employing agency is not required to re-fingerprint an individual who has been continuously employed or appointed with the same agency and is seeking certification as a sworn officer with that agency.

(4) Training schools that offer a Commission-approved Basic Recruit Training Program for law enforcement, correctional, or correctional probation officers, or a selection center that provides applicant screening for a training school, shall conduct a criminal history background check of an applicant prior to entrance into such Basic Recruit Training Program. The employing agency shall provide the training school with documentation that an applicant's fingerprints have ~~Applicant Fingerprint has~~ been processed, that the response is on file with the employing or appointing agency, and has been verified by the employing or appointing agency to contain no statutory disqualifiers. If the FBI has not returned the Civil Applicant Response to the employing or appointing agency, the agency shall notify the training school that the criminal history background check is incomplete. The employing or appointing agency shall notify the training school upon receipt of the results of the Applicant Fingerprint Card, which shall be maintained in the student's file at the training school.

(5) An applicant's fingerprints that have been Applicant Fingerprint Cards processed prior to employment or appointment, in conjunction with the agency's background investigation, and pursuant to Rule 11B-27.0022, F.A.C., shall be considered current when the officer's fingerprints are Applicant Fingerprint Card(s) is processed in conjunction with the new employment or appointment.

(6) An officer's certification shall not be issued by the Commission until he or she is in compliance with the certification requirements pursuant to Sections 943.13(1)-(10), F.S., and documentation of a legible processed applicant fingerprints are Applicant Fingerprint Card is on file at the employing agency.

(7) If an officer has been separated for lack of a processed applicant fingerprints Applicant Fingerprint Card within one year of employment or appointment, the agency shall re-register the officer when the processed applicant fingerprint Applicant Fingerprint Card response is received from the FBI or FDLE. The re-registration date shall be the date that the FBI or FDLE processed the applicant fingerprints applicant's fingerprint card(s). An officer who has been separated for not having a processed applicant fingerprints Applicant Fingerprint Card on file at the employing agency is not authorized to perform the duties of a sworn officer.

(8) through (9) No change.

(10) Should an officer separate from employment prior to the employing agency's receipt of the officer's processed applicant fingerprints Applicant Fingerprint Card, and there is an indication that the officer would have failed to meet the employment qualifications pursuant to this rule chapter, the separating agency shall immediately notify Commission staff and provide a copy of all documentation that establishes non-compliance of the officer to meet the necessary qualifications.

(11) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, 943.139, 943.1395 FS. History—New 11-5-02, Amended

11B-27.00212 Maintenance of Officer Certification.

(1) through (4) No change.

(5) Statutory mandated continuing training. The following training shall be included as a part of the officer's continuing training:

(a) No change.

(b) Human Diversity Training pursuant to Section 943.1716, F.S. ~~Officers shall satisfy the continuing human diversity training from the instructional modules contained in paragraphs 11B-35.007(4)(b)-(g), F.A.C.~~ Certified officers who elect to instruct human diversity modules pursuant to Section 943.1716, F.S., may substitute completion or instruction of human diversity training to satisfy the officer's continuing training requirement.

(c) No change.

(d) Discriminatory Profiling and Professional Traffic Stops pursuant to Section 943.1758, F.S. Human Diversity In-Service Training for Discriminatory Profiling and Professional Traffic Stops Course, pursuant to paragraph 11B-35.007(4)(h), F.A.C., or IPTM's Safe and Legal Traffic Stops Course, shall be used to satisfy all or a portion of an officer's continuing training requirements for human diversity training. Certified law enforcement officers who elect to instruct Discriminatory Profiling and Professional Traffic Stops may substitute completion or instruction of this training to satisfy the officer's continuing training requirement. ~~The Criminal Justice Standards and Training Commission shall recognize completion of IPTM's Safe and Legal Traffic Stops Course as satisfying Discriminatory Profiling Training.~~

(6) Failure to comply with statutorily required continuing education or training. In the event that an officer fails to meet the continuing education or training requirements of Section 943.135, F.S., the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the continuing education or training requirements have been satisfied. The Commission's ATMS shall separate an officer from employment if the Mandatory Retraining Report, form CJSTC-74 is not received by the June 30th deadline, pursuant to subsection (1) of this rule section.

(7) through (8) No change.

(9) Documentation supporting the required training shall be attached to the Mandatory Retraining Report form, CJSTC-74, and maintained in the officer's file.

(10) through (11) No change.

(12) Prerequisites for certificate reactivation and reemployment as an officer. To become eligible for reactivation of certification and reemployment in the discipline for which the officer has experienced a break-in-service, pursuant to subsection ~~(11)(10)~~ of this rule section, the officer shall, on or after July 1, 1993, meet the following conditions:

(a) If the break-in-service is between four years and eight years the officer shall:

~~1.(a)~~ Successfully demonstrate proficiency in the High-Liability Basic Recruit Training Courses high liability courses pursuant to Rule 11B-35.0024, F.A.C.

~~2.(b)~~ Achieve a passing score on Successfully pass the applicable State Officer Certification Examination pursuant to procedures in Rule Chapter 11B-30, F.A.C., State Officer Certification Examination.

~~3.(c)~~ Meet the minimum qualifications described in Rules 11B-27.002, 11B-27.0021, 11B-27.0022, and 11B-27.00225, F.A.C., as evidenced by an employing agency's compliance with Section 943.133(2), F.S.

(b) If the break-in-service is more than eight years the officer shall:

1. As a condition of employment or appointment, successfully complete a Commission-approved Basic Recruit Training Program pursuant to Rule 11B-35.002, F.A.C.

2. Achieve a passing score on the applicable State Officer Certification Examination pursuant to Rule Chapter 11B-30, F.A.C.

3. Meet the minimum qualifications described in Rules 11B-27.002, 11B-27.0021, 11B-27.0022, and 11B-27.00225, F.A.C., as evidenced by an employing agency's compliance with Section 943.133(2), F.S.

(13) Weapons of Mass Destruction (WMD) and Basic Incident Command System (ICS) continuing training. Certified law enforcement officers shall successfully complete WMD and Basic ICS training on or before prior to June 30, 2008.

(a) Certified law enforcement officers who have completed WMD and Basic ICS training, prior to December 3, 2003 ~~the effective date of this rule section~~, shall have satisfied the mandatory WMD and Basic ICS training requirements.

1. Certified law enforcement officers who have completed WMD training shall be required to complete only Basic ICS training on or before prior to June 30, 2008.

2. Certified law enforcement officers who have completed Basic ICS training shall be required to complete only WMD training on or before prior to June 30, 2008.

(b) through (e) No change.

(f) The CMS Application-Based Law Enforcement Basic Recruit Training Program satisfies both WMD and Basic ICS training requirements.

(g) If an officer fails to meet the required WMD and Basic ICS training, his or her certification shall become inactive until such time the employing agency submits to Commission staff, through the Commission's ATMS, a completed Mandatory Retraining Report, form CJSTC-74.

(14) Use-of-Force training. An officer, whose mandatory retraining cycle begins on July 1, 2005 or thereafter, shall, as a part of the officer's 40-hour continuing education or training every four years, be required to complete the following Use-of-Force training.

(a) Use-of-Force training shall include the following topics of instruction:

1. Scenario-based Firearms Training.

2. Physiological Response Dynamics Training.

3. Use-of-Force Matrix and less-lethal force options available within the agency.

4. Agency policies on Use-of-Force training.

5. Legal aspects regarding Use-of-Force training.

(b) A law enforcement and correctional officer shall complete, once every two years, Use-of-Force training pursuant to subparagraphs (14)(a)1.-5., of this rule section.

(c) A correctional probation officer shall complete, once every two years, Use-of-Force training pursuant to subparagraphs (14)(a)2.-5., of this rule section.

(d) An officer, who fails to comply with the Use-of-Force training requirements within the first two years of his or her four-year mandatory retraining cycle, shall satisfy these training requirements prior to the end of the four-year cycle.

(e) An officer's employing agency shall report the completion of Use-of-Force training to Commission staff, prior to the close of the officer's four-year mandatory retraining cycle, by electronically transmitting a completed Mandatory Retraining Report form CJSTC-74, through the Commission's ATMS.

(f) An officer is permitted to substitute instruction of Use-of-Force training to satisfy the continuing education or training requirements for the officer's four-year mandatory retraining cycle.

(g) An officer, who fails to comply with the Use-of-Force training requirements, pursuant to paragraphs (14)(a)-(f) of this rule section, shall become an inactive Florida officer. The officer's certification shall become reactivated when the officer's employing agency electronically transmits a completed form CJSTC-74, to Commission staff, verifying the officer has met the continuing education or training requirements for the officer's four-year mandatory retraining cycle.

(h) An officer, who has a lapse in employment of less than four years, shall complete the Use-of-Force training requirements pursuant to paragraph (14)(b) or (c) of this rule section.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS. History--New 11-5-02, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS. Amended 12-3-03, _____, Editorial Note: See 11B-27.0023, F.A.C.

11B-27.00213 Temporary Employment Authorization.

A Certificate of Compliance shall not be issued to officers employed on a Temporary Employment Authorization (TEA) prior to meeting the requirements of Sections 943.13(1)-(10), F.S.

~~(1) A TEA's shall only be issued pursuant to Section 943.131, F.S. Individuals hired on a TEA shall comply with the firearms training program established by Section 943.17(1)(a), F.S. To employ or appoint an individual on a TEA, who has not completed a Commission-approved Basic Recruit Training Program, the employing agency shall document circumstances for the critical need to employ or appoint such individual on a Temporary Employment Authorization Statement form CJSTC-65, which shall maintained in the officer's file at the employing agency.~~

(a) Pre-Training TEA. Individuals employed or appointed on a pre-training TEA shall:

1. Begin a Commission-approved Basic Recruit Training Program within 180 days of being placed on a TEA;

2. Successfully complete eight hours of firearms training, which shall include demonstration of proficiency in the presence of a Commission-certified firearms instructor.

3. Successfully complete a Commission-approved Basic Recruit Training Program within 18 months of beginning the training program.

4. Achieve a passing score on the SOCE within 180 days from the date that basic recruit training was completed.

5. To employ or appoint an individual on a TEA, who has not completed a Commission-approved Basic Recruit Training Program, the employing agency shall document circumstances for the critical need to employ or appoint such individual on a Temporary Employment Authorization Statement form CJSTC-65, which shall be maintained in the officer's file at the employing agency.

(b) Post-training TEA. Individuals employed or appointed on a post-training TEA shall:

1. Have completed a Commission-approved Basic Recruit Training Program and is waiting to take the next scheduled SOCE.

2. Have 180 days from the completion date of the Basic Recruit Training Program or commencement of employment, whichever is later, to achieve a passing score on the SOCE.

(c) A TEA shall terminate if a basic recruit student fails to pass the Basic Recruit Training Program.

1. If a basic recruit student fails a course in the Basic Recruit Training Program, the student shall be permitted to remain on the TEA while retaking the failed course; and

2. Shall be required to enroll in the next available course to complete the Basic Recruit Training Program.

(2) An agency head is authorized to may request to waive the firearms training requirement for a TEA by placing a statement in the officers file at the employing agency, which has been signed by the agency head, confirming that the TEA appointed officer shall not be permitted to carry a firearm until the following classroom training requirements have been fulfilled:

(a) No change.

(b) Firearms Range Training. The trainee's proficiency demonstration shall be documented on a CMS Firearms Performance Evaluation, form CJSTC-4 CMS, created May 6, 2004. Firearms Performance Evaluation, form CJSTC 4, February 7, 2002, hereby incorporated by reference, and maintained in the trainee's file at the employing agency. The Such instructor shall qualify the trainee with a handgun using the Commission's Basic Recruit Training Firearms Course of Fire, pursuant to form CJSTC-4 CMS, and the form shall be maintained in the trainee's file at the employing agency. Trainees shall fire a long gun as prescribed in the Commission-approved Basic Recruit Training Program Curriculum.

(3) The Commission Commission's ATMS shall separate an officer from employment, through the Commission's ATMS, if the officer's TEA exceeds 180 days without enrollment in a Commission-approved Basic Recruit Training Program, fails to complete a Commission-approved Basic

Recruit Training Program within 18 months, or the officer has failed to achieve a passing an acceptable score on the State Officer Certification Examination within 180 consecutive days after successful completion of a Basic Recruit Training Program.

(4) Agencies applying to temporarily employ or appoint an individual who has had a previous TEA registered with the Commission in the same discipline, may do so only if:

(a) No change.

(b) The individual was previously hired on pursuant to a TEA and has separated from the employing agency or discontinued training while still in good standing, and has had a break-in-service from the last employment for a minimum of four years. Such individual shall comply with the firearms training requirements pursuant to Rule 11B-35.0024, F.A.C., and Section 943.17(1)(a), F.S., unless the agency head has waived the such requirements in pursuant to subsection (2) of this rule section 11B-27.0020(2), F.A.C., and shall enroll in a Commission-approved Basic Recruit Training Program within 180 days of employment in the first training program offered in the geographic area, or in the first assigned state training program for a state officer.

(5) Individuals employed on a TEA, pursuant to Section 943.131, F.S., are subject to disciplinary action by the Commission.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.131, 943.133, 943.139, 943.1395, 943.17(1)(a) FS. History--New 11-5-02, Amended _____.

11B-27.0022 Background Investigations.

(1) Pursuant to Section 943.133, F.S., and Rule 11B-27.0011, F.A.C., the employing agency shall conduct a thorough background investigation of each applicant. The agency shall maintain in the applicant's file at the employing agency a summary of the background investigation findings, signed and dated by the investigator and the agency head or designee. The summary shall verify the following information:

(a) No change.

(b) Processed applicant fingerprint Applicant Fingerprint Card responses on file reflecting state and national criminal history record checks. If the processed applicant fingerprint Applicant Fingerprint Card response has not yet been received, the agency shall maintain on file the FCIC/NCIC criminal history and wanted person responses.

(c) through (d) No change.

(2) The employing agency shall, at a minimum, use the following background investigation procedures:

(a) No change.

(b) Obtain previous employment data from prior employers. Criminal justice agencies conducting background investigations have the option of using the Authority for Release of Information, form CJSTC-58, revised May 6, 2004

effective August 9, 2001, pursuant to Sections 943.134(2) and (4), 943.13(4), (5) and (7), F.S., hereby incorporated by reference.

(c) Research military law enforcement records. Florida Crime Information Center records, National Crime Information Center records, and military records. A copy of the most recently issued DD214, or current military ID, shall be maintained in the officer's file at the employing agency. Wording on the DD214 shall document that the discharge was an Honorable discharge. A military discharge that is dishonorable pursuant to Section 943.13(4), F.S., or other than an honorable discharge, shall be investigated by the agency. The agency shall submit a Request Pertaining to Military Record, form OMB No. 3095-0029.

(d) through (e) No change.

(3) No change.

Specific Authority 943.03(4) 943.12(1), 943.133(3) FS. Law Implemented 943.133, 943.139 FS. History--New 10-6-82, Amended 1-7-85, Formerly 11B-27.022, Amended 7-13-87, 10-17-90, 5-13-92, 5-14-92, 12-13-92, 9-5-93, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

11B-27.00225 Controlled Substance Testing Procedures.

(1) The employing agency is required to conduct a background investigation upon each applicant for certification, or employment or appointment, which shall include the analysis of a urine sample furnished by the applicant for the presence of controlled substances or metabolites, which shall be consistent with the procedures for drug testing pursuant to Section 112.0455, F.S. and Rule Chapter 59A-24, F.A.C., which have been adopted by the Agency for Health Care Administration. A new urine sample shall be submitted for analysis following any break-in-service.

(2) The employing agency shall verify the following requirements for the collection and analysis of urine samples:

(a) through (c) No change.

(d) The laboratory performing the analysis did analyze the urine sample for the presence of the following seven substances:

1. Amphetamines (amphetamine and; methamphetamine).
2. through 4. No change.
5. Opiates (codeine and; morphine).
6. through 7. No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.133, 943.1395 FS. History--New 7-13-87, Amended 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

11B-27.003 Duty to Report, Investigations, Procedures.

(1) Pursuant to Section 943.1395(5), F.S., an employing agency shall conduct an investigation when having cause to suspect that an officer it employs or employed at the time of the alleged violation, or employed on a Temporary Employment Authorization (TEA) pursuant to Section 943.131, F.S., does not comply with Sections 943.13(4) or (7),

F.S., or subsection 11B-27.0011(4), F.A.C. An investigation shall be conducted and concluded when the employing agency has cause to suspect that an officer is in violation of Sections 943.13(4) or (7), F.S., or subsection 11B-27.0011(4) ~~11B-27.002(9)~~, F.A.C. The agency's investigation shall contain an official disposition, which ~~it~~ shall be reported to Commission staff pursuant to subsection (2) of this rule section. ~~report to Commission staff as follows:~~

(2) Upon concluding the investigation:

(a) If the allegations are sustained, the employing agency shall complete an Internal Investigation Report, form CJSTC-78, revised ~~May 6, 2004 February 7, 2002~~, hereby incorporated by reference, regardless of whether any civil service appeal, arbitration, employment hearing, administrative, civil, or criminal action is pending or contemplated.

(b) If the allegations are sustained, and are a violation of Sections 943.13(4) or (7), F.S., or subsection 11B-27.0011(4), F.A.C., the employing agency shall forward to Commission staff the complete investigative package, which shall include the following, no later than 45 days after the allegations are sustained:

1. A completed Internal Investigation Report form; CJSTC-78.

2. through 7. No change.

(c) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.1395(5) FS. History--New 10-6-82, Amended 1-7-85, Formerly 11B-27.03, Amended 12-13-92, 9-5-93, 7-7-99, 8-22-00, 11-5-02, _____.

11B-27.004 Probable Cause Determination.

At the conclusion of the preliminary investigation and when the reports and documents are received as directed by Sections 943.139 and 943.1395, F.S., a determination of probable cause shall be made before the Commission initiates proceedings to take disciplinary action against the certification of an officer.

(1) through (6) No change.

(7) When the Commission determines that staff initiates a Probable Cause Determination Hearing, and the respondent has been retained ~~or reinstated~~ by the employing agency, ~~subject to the below listed conditions,~~ Commission staff shall ~~present the matters before a Probable Cause Panel on a consent agenda.~~ The Probable Cause Panel shall issue a Letter of Acknowledgment of agency action in these cases provided that the employing agency shall have taken significant agency action as defined in subsections 11B-27.005(1) and (2), F.A.C. following conditions shall be satisfied prior to the Probable Cause Determination Hearing

(a) ~~The employing agency shall have taken significant agency action against the respondent pursuant to subsections 11B-27.005(1)-(2), F.A.C.~~

(b) ~~Commission staff shall include on the consent agenda the following information: The name, social security number, employing agency of the respondent, the nature of the~~

~~misconduct, and a statement that the employing agency took significant agency action against the respondent pursuant to subsections 11B-27.005(1)-(2), F.A.C.~~

(c) ~~The alleged offense shall not be a violation of Section 943.13(4), F.S., or paragraphs 11B-27.0011(4)(a) or (d), F.A.C.~~

(d) ~~The respondent shall not have exhibited a "pattern of misconduct." A "pattern of misconduct" is described as more than one offense or incident of misconduct, interrelated by similar characteristics, which are not isolated incidents previously acted upon by the Commission.~~

(e) ~~The respondent shall not be a "repeat offender." A "repeat offender" is defined as a respondent who is present before the Probable Cause Panel for the third sustained offense, for which suspension of certification may be imposed within a five-year period.~~

(f) ~~The alleged misconduct shall not have presented a high risk of harm to the officer, other officers, or the public at large.~~

(8) ~~When Commission staff determines that initiates a Probable Cause Determination Hearing, and the respondent has been terminated by the employing agency, and subject to the below listed conditions, Commission staff shall present the matters to a Probable Cause Panel on a consent agenda. The Probable Cause Panel shall issue a Letter of Acknowledgment of agency action in these cases, provided that the penalty guidelines of subsection 11B-27.005(5), F.A.C., specifies probation or suspension as a penalty for the offense, following conditions shall be satisfied prior to the Probable Cause Determination Hearing:~~

(a) ~~The penalty guidelines of subsection 11B-27.005(5), F.A.C., specify probation or suspension as the maximum penalty for the offense;~~

(b) ~~Aggravating circumstances do not exist that may prompt the Commission to depart from the guidelines and consider revocation of certification;~~

(c) ~~Commission staff shall include on the consent agenda the following information: The name, social security number, employing agency of the respondent, the nature of the misconduct, and a statement that the employing agency took significant agency action against the respondent pursuant to subsections 11B-27.005(1)-(2), F.A.C.;~~

(d) ~~The alleged offense shall not be a violation of Section 943.13(4), F.S., or paragraphs 11B-27.0011(4)(a) or (d), F.A.C.~~

(e) ~~The respondent shall not have exhibited a "pattern of misconduct." A "pattern of misconduct" is described as more than one offense or incident of misconduct, interrelated by similar characteristics, which are not isolated incidents previously acted upon by the Commission.~~

(f) ~~The respondent shall not be a "repeat offender." A "repeat offender" is defined as a respondent who is present before the Probable Cause Panel for the third sustained offense, for which suspension of certification may be imposed within a five-year period.~~

~~(g) The alleged misconduct shall not have presented a high risk of harm to the officer, other officers, or the public at large.~~

~~(9) No change.~~

~~(10) In cases where the respondent has been terminated or disciplined and is seeking review of that termination or discipline through the administrative or judicial process, the respondent and employing agency shall notify Commission staff of such review, prior to the convening of the Probable Cause Panel. Pending final resolution, Commission staff shall hold such cases in abeyance. The respondent and employing agency shall also notify Commission staff of the final resolution of the administrative or judicial review. Such notification shall be done within fifteen days of the final resolution. When the administrative or judicial review is pending at the time of the Probable Cause Determination Hearing, any findings of the Probable Cause Panel shall be conditional, except in cases where the respondent is statutorily ineligible to maintain certification, regardless of the outcome of the appeal. Pending final resolution Commission staff shall hold cases involving conditional finding in abeyance without further action.~~

~~(11)(a) If administrative or judicial review results in a final disposition approval of the respondent's termination or discipline, the case shall no longer be held in abeyance and Commission staff shall review the case for the issuance of a Letter of Acknowledgment, if applicable, or for presentation shall be presented to the Commission for Commission-action. If administrative or judicial review results in a final imposition of a penalty of less than termination of employment, the conditional finding of probable cause shall be re-addressed by a subsequent Probable Cause Panel for determination of handling under subsection (7) of this rule section.~~

~~(b) In cases in which administrative or judicial review results in a final reversal of discipline imposed by the employing agency relating to the alleged misconduct that is subject to review by the Commission, or criminal proceedings that result in the respondent's acquittal on all charges subject to review by the Commission after a trial, Commission staff shall take no further action, provided that Commission staff may present the case to a Probable Cause Panel upon Commission staff's specific showing that the findings of fact in the collateral proceedings were based upon inclusion or exclusion of evidence, or that the testimony was a departure from the essential requirements of law, the findings of fact in the collateral proceedings were not supported by competent and substantial evidence, or were clearly contrary to the evidence presented.~~

~~(12)(a) In cases in which the facts presented to Commission staff are inconclusive, lack reliability, are insufficient to permit a reasonable determination of what occurred, or fail to demonstrate that the alleged misconduct~~

meets the statutory criteria for Commission action, Commission staff is authorized to "no cause" the case, Commission staff is authorized to reopen a case that has been "no caused" if new evidence or witnesses become available to Commission staff. Commission staff's characterization of misconduct shall control processing under the rules of the Commission regardless of agency characterization.

(b) Commission staff's characterization of misconduct based upon the facts as presented shall control processing of misconduct cases under the rules of the Commission.

(13) through (14) No change.

Specific Authority 943.03(4), 943.12(1), 943.1395 FS. Law Implemented 943.1395 FS. History—New 12-13-92, Amended 1-19-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

11B-27.005 Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (3) No change.

(4)(a) The Commission sets forth in paragraphs (5)(a)-(d); of this rule section, a range of disciplinary guidelines from which disciplinary penalties shall be imposed upon certified officers who have been found by the Commission to have violated Section 943.13(7), F.S. The purpose of the disciplinary guidelines is to give notice to certified officers of the range of penalties or prescribed penalties that shall be imposed for particular violations of Section 943.13(7), F.S., absent aggravating or mitigating circumstances, as provided in subsection (6) of this rule section. The disciplinary guidelines are based upon a "single count violation" of each provision listed. All penalties at the upper range of the sanctions set forth in the guidelines (i.e., suspension or revocation), include lesser penalties (i.e., reprimand, remedial training, or probation), that may be included in the final penalty at the Commission's discretion.

(b) No change.

(5) When the Commission finds that a certified officer has committed an act that violates Section 943.13(7), F.S., the Commission shall issue a final order imposing penalties within the ranges recommended in the following disciplinary guidelines:

(a) No change.

(b) For the perpetration by the officer of an act that would constitute any of the misdemeanor offenses, pursuant to paragraph 11B-27.0011(4)(b), F.A.C., but where there was not a violation of Section 943.13(4), F.S., the action of the Commission shall be to impose a penalty ranging from probation of certification to suspension of certification. Specific violations and penalties that shall be imposed, absent aggravating or mitigating circumstances, include the following:

Violation:	Recommended Penalty Range:
1. Assault (784.011, F.S.)	Suspension of certification
2. Battery (784.03, F.S.)	Suspension of certification
3. Petit theft (812.014, F.S.)	Suspension of certification to revocation
4. No change.	
5. Improper exhibition of a weapon (790.10, F.S.)	Probation of certification with training
6. Discharging a firearm in public (790.15, F.S.)	Suspension of certification
7. Passing a worthless check (832.05, F.S.)	Probation of certification
8. Prostitution or lewdness (796.07, F.S.)	Prospective suspension to revocation
9. Indecent exposure (800.03, F.S.)	Suspension of certification and probation with counseling, to revocation
10. Driving or boating under the influence (316.193 and 327.35, F.S.)	Probation of certification with substance abuse counseling
11. No change.	
12. Neglect or refusal to aid (843.06, F.S.)	Suspension of certification to revocation

(c) For the perpetration by the officer of an act or conduct, as described in paragraph 11B-27.0011(4)(c), F.A.C., if such act or conduct does not constitute a crime described in paragraphs (5)(a)-(b) of this rule section, the action of the Commission shall be to impose the following penalties, absent aggravating or mitigating circumstances:

Violation:	Recommended Penalty Range:
1. Excessive use of force; under the color of authority	Suspension of certification to revocation
2. Sexual harassment involving physical contact or misuse of position	Probation of certification with training to suspension
3. Misuse of official position	Suspension of certification
4. Engaging in sex while on duty, or at any time the officer is acting under the color of authority as a Commission-certified officer	Suspension of certification to revocation
5. No change.	
6. Other unprofessional relationship with an inmate, detainee, probationer or parolee, or community controllee	Probation of certification with training to suspension
7. False statements during the employment application process	Suspension of certification to revocation
8. No change.	
9. Subverting Commission-approved training or employing agency promotional examination process	Suspension of certification to revocation

- | | |
|---|---|
| 10. Any overt, conspicuous, or public act of a sexual or simulated sexual nature which is likely to be observed by others | Suspension of certification to revocation |
| 11. Willful failure of the agency administrator to comply with Chapter 943, F.S., as it pertains to the Commission or Commission rules | Suspension of certification to revocation |
| 12. Making a false statement(s) of fact, under oath, as to misconduct related to an agency duty, as defined in subparagraph 11B-27.0011(4)(c)12., F.A.C., with the intent to mislead or deceive | Suspension of certification to revocation |
| 13. Conduct that subverts or attempts to subvert the Basic Abilities Test process pursuant to paragraphs 11B-35.0011(1)(a)-(f), F.A.C. | Revocation |
| (d) No change. | |

(6) The Commission shall be entitled to deviate from the disciplinary guidelines in this rule section, upon a showing of aggravating or mitigating circumstances by evidence presented to the Commission, if pursuant to Section 120.57(2), F.S., or to an Administrative Law Judge, if pursuant to Section 120.57(1), F.S., prior to the imposition of a final penalty. The Commission shall base a deviation from the disciplinary guidelines upon a finding of one or more of the following:

- (a) No change.
- (b) Mitigating circumstances:
 - 1. The officer's employment status in a position requiring Commission certification ~~Criminal Justice Standards and Training Commission certification~~ at the time of the final hearing before the Commission.
 - 2. through 8. No change.
 - (7) through (10) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.1395(8) FS. History--New 10-6-82, Amended 1-7-85, Formerly 11B-27.05, Amended 3-29-89, 12-13-92, 2-17-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.

11B-27.013 Canine Team Certification.

(1) Definitions.

(a) No change.

(b) "Patrol canine evaluator" shall refer to a person who is authorized by the Commission to administer the Patrol Duty Canine Team Proficiency Examination to patrol duty canine teams and to attest to the proficiency of the team pursuant with the proficiency examination. The evaluator is also authorized to determine if training submitted by an agency that is requesting certification is equivalent to the

Commission-approved ~~400-hour~~ Canine Team Training Course, which is a minimum of 400 hours. The patrol canine evaluator applicant requesting approval of the Commission shall be required to possess the minimum training and experience pursuant to subsection (8) of this rule section, and shall be documented in a request to Commission staff.

(2) Patrol canine team certification requirements. Commission certification of a patrol canine team is not required. Prior to submitting a Patrol Canine Team Certification Application, form CJSTC-70, revised May 6, 2004 February 7, 2002, hereby incorporated by reference, the agency employing the patrol canine team shall collect, and verify, and have on file documents establishing compliance with the requirements of this rule section, regardless of where canine training takes place.

(3) Required documentation for certification of a patrol canine team. Documentation of compliance for Commission certification of patrol canine teams shall include:

(a) A certificate issued to the canine team by a Commission-certified training school documenting successful completion of the Commission-approved ~~400-hour~~ Canine Team Training Course, which is a minimum of 400 hours; or

(b) No change.

(c) Documentation of successful completion of the Patrol Canine Team Proficiency Examination administered by two Commission-approved canine team evaluators, one of whom is not affiliated with the Commission-certified training school or the agency conducting the training, and one of whom is not affiliated with the agency employing the canine team. A Commission-approved canine team evaluator shall not administer a proficiency examination to a canine assigned to them as a work partner. The proficiency examination shall be documented on the Patrol Duty Canine Team Proficiency Examination and Equivalency, form CJSTC-83, revised May 6, 2004 February 7, 2002, hereby incorporated by reference.

1. If a canine team fails to demonstrate proficiency on any topic of the proficiency examination, one re-examination may be given for the specific proficiency topic. Remedial training is permitted prior to the re-examination being declared. No more than one re-examination is permitted during the entire proficiency examination.

2. If a canine team fails to successfully demonstrate proficiency, the team must repeat the block(s) of training outlined in the Commission-approved training course or an approved equivalent training course for the task failed within the specific topic. Documentation of the remedial training shall be made available to Commission-approved evaluators prior to the administration of a subsequent Patrol Duty Canine Team Proficiency Examination. The examination shall be repeated in its entirety.

(4) Equivalent Training ~~Equivalency of training~~. Equivalent training shall be reviewed and approved by a Commission-approved evaluator. Equivalent training for a

canine team, with a handler who has never been certified, shall comply with the objectives of the ~~400-hour~~ Canine Team Training Course, which is a minimum of 400 hours ~~the exception of the administrative block of instruction~~. Equivalent training for a previously certified handler, who is assigned a new canine, shall comply with the objectives of the Canine Team Training Course with the exception of the administrative block of instruction. It is the responsibility of the employing agency submitting the Patrol Canine Team Certification Application, form CJSTC-70, ~~and the evaluator who completes form CJSTC-83~~, to provide documentation of equivalent training to the Commission-approved evaluator for review and for approval as equivalent training by the evaluator.

(5) Renewal of Certification.

(a) No change.

(b) If the patrol canine team applying for recertification has not changed or the certification expired, the employing agency requesting renewal of the certification shall submit a Patrol Canine Team Certification Application form CJSTC-70 marked "Renewal," and document the canine team proficiency on a Patrol Duty Canine Team Proficiency Examination and Equivalency, form CJSTC-83 in compliance with the requirements of paragraph 11B-27.013(3)(c), F.A.C. A patrol canine team certification that has expired shall comply with the requirements of this rule section and submit to Commission staff form CJSTC-70 marked "New."

(c) A patrol canine team certification that has expired shall comply with the requirements of this rule section and submit to Commission staff form CJSTC-70 marked "New."

(6) through (7) No change.

(8) Canine Team Evaluators. Prior to being approved by the Commission as a canine team evaluator, the evaluator shall provide documentation verifying that the evaluator applicant has complied with the following requirements:

(a) No change.

(b) Verification that the canine team evaluator applicant has trained a minimum of twelve patrol canine teams, who have successfully completed the Canine Team ~~Proficiency Certification process, and Examination which~~ has been documented on the Patrol ~~Duty~~ Canine Team Certification Application form CJSTC-70 Proficiency Examination and Equivalency form CJSTC-83. Canines trained exclusively for tracking or specific detection, ~~or a patrol canine assigned to the evaluator applicant as a work partner~~, shall not be included in this total.

(c) No change.

(d) Request for evaluator status. A letter from the evaluator applicant requesting approval from the Commission as a "canine team evaluator" shall be forwarded to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, P. O. Box 1489, Tallahassee, Florida 32302, Attention Bureau Chief of the Bureau of Standards, for the initial request for approval as a canine team evaluator. The

letter shall include the evaluator’s full name, ~~and~~ social security number (optional), complete address, and documentation of compliance with the standards set forth in this rule section.

(e) No change.

(f) Maintenance of evaluator status. Commission-approved evaluators shall be required to submit a request for continuance as an evaluator, to the address in this rule section within four years of the date of approval, with documentation that verifies the evaluator has completed a minimum of four canine team examinations within the four-year period. The verifying documentation shall be copies of form CJSTC-70 attesting that the examination of proficiency was administered by the evaluator ~~CJSTC 83 administered by the evaluator~~. If the Commission-approved evaluator’s approval status expires, the evaluator shall comply with the requirements in this rule section. An evaluators “approval status” that is approved prior to November 5, 2002, shall expire on November 5, 2006, unless the requirements of (8)(a)-(d) of this rule section are met ~~An evaluators “approval status” shall expire four years following the date approved by the Commission.~~

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17) FS. History—New 3-29-89, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02,_____.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
State Officer Certification Examination	11B-30
RULE TITLES:	RULE NOS.:
State Officer Certification Examination	
General Eligibility Requirements	11B-30.006
State Officer Certification Examination and	
Retake Eligibility Requirements for	
Individuals Completing a Basic Recruit	
Training Program	11B-30.0062
CMS Application-Based State Officer	
Certification Examination and Retake	
Eligibility Requirements	11B-30.0063
Application for the State Officer Certification	
Examination and Notification Process	11B-30.007
Examination Accommodations for Applicants	
with Disabilities	11B-30.0071
State Officer Certification Examination Site	
Administration	11B-30.008
Applicant Conduct at Test Site and Notice	
of Protection of Program Privileges	11B-30.009
Examination Scoring and Grade Notification	11B-30.011
Post Review of Examination Questions,	
Answers, Papers, Grades, and Grading Key	11B-30.012

PURPOSE AND EFFECT: Revises and clarifies rule language and forms, revises time frames for taking and passing the State Officer Certification Examination (SOCE), clarifies

exemptions from basic recruit training, clarifies timelines for taking the SOCE, repeals obsolete rule language and transfers same language to new rules, clarifies special accommodations for taking the SOCE, and clarifies the SOCE review procedures.

SUBJECT AREA TO BE ADDRESSED: Commission forms; time lines for taking the SOCE; SOCE test requirements for officers who have taken comparable basic recruit training programs; SOCE eligibility requirements for inactive, out-of-state military and federal law enforcement officers; special test accommodations not provided to applicants who request to take the SOCE; revises the SOCE examination review process; and implements the privacy act for review of examinations.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1),(18), 943.1397, 943.173(3) FS.

LAW IMPLEMENTED: 120, 943.10, 943.12(18), 943.13(7), (10), 943.131(2), 943.1397, 943.1397(1),(3),(5), 943.173 FS.

IF REQUESTED, IN WRITING, AND IS 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., July 27, 2004

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

UPON REQUEST AND WHEN AVAILABLE RULE TEXT WILL BE PROVIDED AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT; Pursuant with 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 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-30.006 State Officer Certification Examination General Eligibility Requirements.

(1) For the purposes of this rule chapter, the terms “successfully completed” and “successfully complete” are defined as being denoted with a “Pass” pursuant to subsection 11B-35.001(7), F.A.C., on the completed Training Report, form CJSTC-67, revised May 6, 2004 ~~February 7, 2002~~, hereby incorporated by reference.

(2) The following individuals are eligible to take the applicable State Officer Certification Examination (SOCE) for the requested criminal justice discipline:

(a) Individuals who, within four years of beginning basic recruit training, have successfully completed a Commission-approved Traditional Law Enforcement, Correctional, or Correctional Probation Basic Recruit Training Program, pursuant to paragraphs subsection 11B-35.002(8)(a), (b) and (c)(4), F.A.C., or Cross-Over Training Program, pursuant to subsection 11B-35.004(3), F.A.C., or the CMS Application-Based Basic Recruit Training Program, pursuant to subsection 11B-35.002(5), F.A.C., within the past four years.

(b) Individuals who, within four years of beginning basic recruit training, have successfully completed a Commission-approved Cross-Over Training Program for law enforcement, correctional, or correctional probation pursuant to subsection 11B-35.002(8), F.A.C.

(c) Individuals who, within four years of beginning basic recruit training, have successfully completed a Commission-approved CMS Application-Based Law Enforcement Basic Recruit Training Program pursuant to paragraph 11B-35.002(8)(d), F.A.C.

(d)(b) Inactive Florida officers who have a break-in-service of more than four years and have complied with the examination requirements in of paragraph 11B-30.008(2)(c) and the High-Liability Basic Recruit Training proficiency requirements in subsection 11B-35.009(6), F.A.C.

(e)(e) Individuals who have completed a comparable law enforcement basic recruit training program Basic Recruit Training Program in another state, or for the federal government, and have served as a full-time sworn officer in another state or for the federal government for at least one year; in the requested criminal justice discipline, and are approved for an exemption from completing a Commission-approved Basic Recruit Training Program, and have successfully demonstrated proficiency for the High-Liability Basic Recruit Training Courses for vehicle operations, firearms, defensive tactics, and first aid, pursuant to Rule 11B-35.009, F.A.C.

(f) Individuals who have completed a comparable correctional or correctional probation basic recruit training program in another state or for the federal government, have served as a full-time sworn officer in another state or for the federal government for at least one year in the requested criminal justice discipline, are approved for an exemption from completing a Commission-approved Basic Recruit Training Program, and have successfully demonstrated proficiency for the High-Liability Basic Recruit Training Courses for firearms, defensive tactics, and first aid pursuant to Rule 11B-35.009, F.A.C.

(3) "Training school" shall mean those entities training academies and training schools that are certified by the Criminal Justice Standards and Training Commission. Training

schools may order officer certification examination applicant handbooks and an Application for Officer Certification Examination, form CJSTC-500, revised May 6, 2004 December 6, 2000, hereby incorporated by reference, by completing a Training School Certification Examination Supplies Request, form CJSTC-514, revised February 7, 2002, hereby incorporated by reference. The request form shall be submitted to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Attention: Certification Examination Section.

(4) All forms referenced in this rule chapter may be obtained on the following web site: http://www.fdle.state.fl.us/cjst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18), 943.131(2), 943.1397 FS. History--New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.

11B-30.0062 State Officer Certification Examination and Retake Eligibility Requirements for Individuals Completing a Basic Recruit Training Program.

(1) Individuals who have successfully completed a Commission-approved Basic Recruit Training Program, pursuant to subsection paragraph 11B-30.006(2)(a), F.A.C., shall be allowed to apply for and take the applicable State Officer Certification Examination (SOCE) corresponding to the type of training and specific to the discipline for which training was completed.

(a) The following individuals shall take the Traditional SOCE for the discipline for which training was completed:

1. Individuals completing a Commission-approved Traditional Law Enforcement, Correctional, or Correctional Probation Basic Recruit Training Program pursuant to paragraphs 11B-35.002(8)(a)-(c), F.A.C.

2. Individuals completing a Commission-approved Traditional Basic Recruit Cross-Over Training Program for law enforcement, correctional, and correctional probation pursuant to subsection 11B-35.002(9), F.A.C.

3. Inactive Florida law enforcement officers who comply with paragraph 11B-27.00212(12)(a), F.A.C., prior to January 1, 2005.

4. Inactive Florida correctional and correctional probation officers who comply with Rule 11B-35.009, F.A.C.

5. Out-of-state, military, and federal correctional and correctional probation officers who comply with Rule 11B-35.009, F.A.C.

6. Out-of-state, military, and federal law enforcement officers who comply with Rule 11B-35.009, F.A.C., prior to January 1, 2005.

(b) The following individuals shall take the CMS Law Enforcement SOCE:

1. Individuals completing a CMS Application-Based Law Enforcement Basic Recruit Training Program pursuant to paragraph 11B-35.002(8)(d), F.A.C.

2. Inactive Florida law enforcement officers who comply with paragraph 11B-27.00212(12)(a), F.A.C., after January 1, 2005.

3. Out-of-state, military, and federal law enforcement officers who comply with Rule 11B-35.009, F.A.C., after January 1, 2005.

(2) Should an individual fail to achieve an overall passing score on ~~for~~ the SOCE, the individual shall be permitted two opportunities to reapply and retake the examination.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18), 943.13(10), 943.1397 FS. History—New 7-29-01, Amended 11-5-02, _____

11B-30.0063 CMS Application-Based State Officer Certification Examination and Retake Eligibility Requirements.

Specific Authority 943.03(4), 943.12(1),(18) FS. Law Implemented 943.12(18), 943.1397(8), 943.173 FS. History—New 7-29-01, Amended 11-5-02, Repealed _____

11B-30.007 Application for the State Officer Certification Examination and Notification Process.

(1) Application to take the State Officer Certification Examination (SOCE) ~~shall may~~ be made by submitting ~~a completed Application for Officer Certification Examination form CJSTC-500, to the Florida Department of Law Enforcement, Office of Finance and Accounting, Post Office Box 1489, Tallahassee, Florida 32302-1489, and shall be accompanied by a cashiers check, money order, or public agency instrument in the amount of \$100 made payable to the Criminal Justice Standards and Training Trust Fund. A completed application form CJSTC-500 shall be submitted according to the established deadline date. Form CJSTC-500 and the established examination dates may be obtained from a training school, or from the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Attention: Certification Examination Section, Post Office Box 1489, Tallahassee, Florida 32302-1489.~~

(a) An Application for State Officer Certification Examination form CJSTC-500 to the Florida Department of Law Enforcement, Office of Finance and Accounting, Post Office Box 1489, Tallahassee, Florida 32302-1489. All applications shall be accompanied by a cashiers check, money order, or public agency instrument in the amount of \$100 made payable to the Criminal Justice Standards and Training Trust Fund; or

(b) An on-line application electronically, via the internet, at <http://www.fdle.state.fl.us/examregister>. All on-line applications shall be accompanied by payment of the \$100 examination fee using a credit card.

(2) Applications submitted to take the SOCE shall be received by the Florida Department of Law Enforcement by the established deadline date for the examination requested.

(3) Form CJSTC-500 and the established examination dates may be obtained from a training school or from the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Attention: Certification Examination Section, Post Office Box 1489, Tallahassee, Florida 32302-1489.

~~(4)(2) The applicant shall be notified Commission staff shall notify the applicant of the testing site, and the date, and time the SOCE will be administered, prior to the date of the examination.~~

~~(5)(3) If a mechanical fault, natural event, or other problem associated with the administration of the SOCE occurs, the applicant Commission staff shall be permitted to reschedule permit rescheduling of all or part of the examination without further application or cost to the applicant. The applicant Commission staff shall be notified notify the applicant when the SOCE is to be rescheduled, via the address provided on form CJSTC-500, within thirty working days of discovery that a problem exists with the administration of the SOCE. Re-scheduling of the SOCE shall does not constitute a re-examination.~~

~~(6)(4) An applicant who has been scheduled to take the SOCE and is unable to take the certification examination on the date scheduled, shall be given the opportunity to submit a request to Commission staff to reschedule the SOCE within sixty days of the missed examination date. Rescheduling that is granted by Commission staff shall be subject to all requirements for eligibility, pursuant to Rule 11B-30.006, F.A.C. An additional application fee shall not be charged. The following conditions shall exist and shall be documented in the applicant's request to reschedule the SOCE date:~~

~~(a) Military orders. An applicant shall provide a copy of military orders or a letter from his or her commanding officer advising that he or she was unavailable on the testing date. Due to military service, an applicant shall provide a copy of military orders, or provide a letter from his or her commanding officer to Commission staff; or~~

~~(b) Personal Due to injury, illness, or physical impairment,; An an applicant shall provide a statement on official letterhead from the treating physician that provides a list and date(s) dates of treatment or confinement affirming that such injury, illness, or physical impairment made it impossible for the applicant to take the SOCE; or~~

~~(c) Death Due to the death of an immediate family member,; An an applicant shall provide a copy of the death certificate or a statement on official letterhead from the funeral home responsible for the funeral arrangements; or~~

(d) ~~Subpoena Due to a subpoena~~ to appear in court, ~~An an~~ applicant shall provide to Commission staff a copy of the subpoena substantiating the court date(s) for the applicant's appearance in court; and the date the subpoena was issued.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18), 943.1397(3) FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, _____.

11B-30.0071 Examination Accommodations for Applicants with Disabilities.

(1) In compliance with the Americans with Disabilities Act (ADA) of 1990, the Department shall provide reasonable and appropriate accommodations to individuals with physical, mental, or specific learning disabilities to the extent such accommodations do not create an undue cost, administration restraints, security considerations, and availability of resources. Accommodations made will vary depending upon the nature and the severity of the disability. Each case shall be dealt with on an individual basis with the limits prescribed herein. Reference information and guidelines regarding the process for documenting disabilities are contained in the ~~document~~, "Request for Test Accommodations for Examinees with Disabilities," document, which may be obtained by writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee, FL 32302-1489, Attention: ADA Coordinator, or by calling (Voice) (850)410-8600, (TDD) ~~FDD#~~: (850)656-9597.

(2) An applicant requesting special accommodations shall submit an Application for Individuals Requesting Special Test Accommodations, form CJSTC-502, revised May 6, 2004 ~~February 7, 2002~~, hereby incorporated by reference, which shall be submitted forty-five days prior to the requested State Officer Certification Examination (SOCE) date. The Application for Officer Certification Examination form CJSTC-500 shall be submitted according to the established deadline date for the requested SOCE. The individual shall provide documentation of the disability by an appropriate professional, pursuant to paragraph (6)(e) of this rule section, when the disability and the requested accommodations are not obvious. Forms CJSTC-500 and CJSTC-502 may be obtained by writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee, FL 32302-1489, Attention: ADA Coordinator, or by calling (Voice) (850)410-8600, (TDD) ~~FDD#~~: (850)656-9597.

(3) Reasonable and appropriate accommodations to take the SOCE shall be provided for qualifying individuals. All accommodations shall be directly linked to the amelioration of the identified functional limitations caused by the asserted disability and must be reasonable and effective. Permissible accommodations include:

(a) Flexible Time. Individuals requiring extra time to take the SOCE shall submit a recommendation of such from an appropriate professional, pursuant to paragraph ~~(7)(6)~~(e) of this rule section. The Criminal Justice Standards and Training Commission, herein referred to as "Commission," recognizes that using a live reader takes longer than reading regular print. Untimed certification examinations shall not be provided.

(b) through (e) No change.

(4) Accommodations that are not permissible. A reader shall not be allowed for applicants taking the CMS Law Enforcement SOCE. This examination utilizes diagrams, tables, or statutory reference materials to measure an applicant's ability to apply these professional tools to solve problems and answer questions.

~~(5)(4)~~ The Commission shall request further evidence for the necessity of the accommodation when the evidence substantiating the need for the accommodation is not complete. The Commission shall request that the individual receive another professional evaluation to verify the disability, which shall be paid by the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, or to determine what accommodations are most appropriate and effective when the initial evaluation is inconclusive, unclear, or does not substantiate the need for the requested accommodation, which shall be paid for by the individual.

~~(6)(5)~~ In no case shall any modifications authorized herein be interpreted or construed as an authorization to provide an individual with assistance in determining the answer to any test item. No accommodation or modification shall be made that adversely affects the integrity of the SOCE.

~~(7)(6)~~ Definition of Terms.

(a) through (d) No change.

(e) For purposes of this rule, "an appropriate professional" is a person licensed, pursuant to Chapter 460 (Chiropractic), 490 (Psychological Services), 458 (Medical Practice), 459 (Osteopathy), 461 (Podiatric Medicine), 463 (Optometry), 468, Part I (Speech-Language Pathology and Audiology), or 490 (Psychological Services or certified as a School Psychologist by the Florida Department of Education), Florida Statutes, or is licensed in the state in which the certification of disability was performed. Any certification, documentation, or recommendation relating to the individual's disability provided by an appropriate professional, and; pursuant to the requirements of this rule, shall not be extended beyond the scope permitted by the law for that professional or that which the professional knows or has reason to know that he or she is not competent to perform.

Specific Authority 943.03(4), 943.12(1), 943.1397 FS. Law Implemented 943.12(18), 943.1397 FS. History—New 7-29-01, Amended 11-5-02, _____.

11B-30.008 State Officer Certification Examination Site Administration.

(1) ~~Examination Commission staff examination~~ administrators and proctors are responsible for maintaining secure and proper administration of the State Officer Certification Examination (SOCE). During the administration of the SOCE, applicants shall follow the instructions of the examination administrator and proctors, and shall be permitted to ask questions of the examination administrator relating to the test administration instructions.

(2) An applicant who has been scheduled to take the SOCE shall arrive at the scheduled examination site on the designated date and time, and shall present the following documentation to the examination administrator:

(a) No change.

(b) A record of completed training, if required, pursuant to Rule 11B-30.006, F.A.C. The record of completed training shall be in the form of a Commission-approved Examination Admission Voucher, form CJSTC-517, created May 6, 2004, hereby incorporated by reference. ~~Certificate of Completion or a Letter of Completion on the training school's letterhead and shall include the applicant's name, the discipline, the completed training, the training completion date, the number of hours completed, and the signature of the training center director.~~ Documentation of completed training may be submitted prior to the SOCE date pursuant to Rule 11B-30.007, F.A.C., or presented to the examination administrator on the day of testing.

(c) SOCE requirements for out-of-state, military, or federal officers or inactive Florida officers. Effective July 1, 2002, ~~pursuant to Section 943.131(2), F.S., out-of-state, military, or federal officers or inactive Florida officers are required, and have one year to demonstrate proficiency in the required High-Liability Basic Recruit Training Courses and achieve a passing score on the applicable SOCE. The officer shall not be required to pass a comprehensive end-of-course examination in the High-Liability Basic Recruit Training Courses high-liability proficiency skills.~~ Such officers, pursuant to subsection 11B-35.009(6), F.A.C., who request to take the SOCE, shall submit to Commission staff, form CJSTC-517 as record of completed training and demonstration of proficiency for the required High-Liability Basic Recruit Training Courses ~~a copy of the Equivalency-of-Training Proficiency Demonstration, form CJSTC 76A, effective July 1, 2002, pursuant to Section 943.131(2), F.S., hereby incorporated by reference, prior to the day of testing, or may present a copy of form CJSTC 76A to the examination administrator on the day of testing. Documentation of completed training is permitted to be submitted prior to the SOCE date pursuant to Rule 11B-30.007, F.A.C., or presented to the examination administrator on the day of testing.~~

(3) through (4) No change.

Specific Authority 943.03(4), 943.12(1),(18) FS. Law Implemented 943.12(18), 943.131(2) FS. History--New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02,_____.

11B-30.009 Applicant Conduct at Test Site and Notice of Protection of Program Privileges.

(1) through (5) No change.

(6) The Commission shall ensure the security of the test site for the SOCE by prohibiting applicants from signing in to the test area with anything other than an applicant identification, pencils, certificate of completion, Equivalency-of-Training Proficiency Demonstration form CJSTC-76A, revised May 6, 2004, hereby incorporated by reference, or other documentation required by the Commission. An applicant who is found with items in their possession, other than described herein, shall be in violation of subsections (1)-(3) of this rule and shall be subject to discipline as described in subsection (5) of this rule. Violation of this subsection shall be documented as provided in subsection (4) of this rule.

Specific Authority 943.03(4), 943.12(1),(18), 943.173(3) FS. Law Implemented 943.12(18), 943.13(7), 943.1397(3), 943.173 FS. History--New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02,_____.

11B-30.011 Examination Scoring and Grade Notification. Individuals who graduate from a Commission-approved Basic Recruit Training Program shall be required to achieve a passing score on pass the State Officer Certification Examination (SOCE) with an overall scale score equal to or higher than the established cut-off score of ~~80 or higher~~. Commission staff shall notify the applicant, within thirty days of the test date, on an Applicant State Officer Certification Examination Overall Test Results, form CJSTC-516, revised February 7, 2002, hereby incorporated by reference. The SOCE is an entry-level competency examination and therefore examination results are reported as "pass" or "fail" on form CJSTC-516. To protect each examinee's privacy, only individuals who have taken the SOCE are permitted to obtain their personal numerical score. This score will be available only at a regularly scheduled monthly Examination Review Session held pursuant to subsection 11B-30.012(2), F.A.C.

Specific Authority 943.03(4), 943.12(1),(18) FS. Law Implemented 943.12(18), 943.1397(1) FS. History--New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02,_____.

11B-30.012 Post Review of Examination Questions, Answers, Papers, Grades, and Grading Key.

(1) Individuals who have failed taken the State Officer Certification Examination (SOCE) shall have the right to review their examination results by submitting a State Officer Certification Examination Grade Review Request, form CJSTC-510, revised February 7, 2002, hereby incorporated by reference. To be eligible to file a form CJSTC-510, pursuant to Rule 11B-30.013, F.A.C., the form shall be submitted to Commission staff within forty-five calendar days of the

individual's SOCE date. Individuals who fail to meet the forty-five day deadline shall not be allowed to file a challenge, but may review the SOCE results.

(2) The SOCE grade reviews shall be conducted in the presence of Commission staff at a regularly scheduled monthly Examination Review Session conducted during regular work hours of 8:00 a.m. through 5:00 p.m., Monday through Friday, at the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, excluding official state holidays. The SOCE grade review schedule is produced annually and is available at Commission-certified training schools, the Florida Department of Law Enforcement's (FDLE) website at <http://www.fdle.state.fl.us>, or from FDLE, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention SOCE Section. Individuals shall be scheduled to review their SOCE grades within forty calendar days of Commission staff's receipt of the completed form CJSTC-510. Participants in the Examination Review Session shall be permitted to review only one examination for each session.

(a) No change.

(b) Individuals requesting a ~~The individual who requested the grade review shall be provided with the results of the SOCE test results and the State Officer Certification Examination Review, form CJSTC-511, revised May 6, 2004 February 7, 2002, hereby incorporated by reference. Form CJSTC-511 shall be signed by the individual requesting the review and a Commission staff member at the conclusion of an~~ Examination Review Session. ~~Individuals shall not be allowed to bring materials into the Examination Review Session or remove materials provided in the Examination Review Session. All materials used by the participants in the Examination Review Session shall be retained by Commission staff. Only individuals the individual scheduled for the Examination Review Session and a Commission staff member shall be present during an Examination Review Session.~~

(c) Prior to an ~~any~~ Examination Review Session, all individuals shall acknowledge receipt of these rules and affirm to abide by all such rules in writing.

(3) Individuals shall be prohibited from bringing materials into or removing materials from leaving an Examination Review Session ~~with any written challenges, grade sheets, or any other examination materials.~~

(4) Individuals participating in an examination review session, shall be notified ~~Commission staff shall notify the individual~~ in writing, within thirty working days of the examination review date, of the results of the Commission's evaluation of the individual's concerns reported on the State Officer Grade Review Request form CJSTC-510.

Specific Authority 943.03(4), 943.12(1),(18) FS. Law Implemented 943.12(18), 943.173 FS. History--New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02,_____.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Training Programs	11B-35
RULE TITLES:	RULE NOS.:
General Training Programs; Requirements and Specifications	11B-35.001
Basic Abilities Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program	11B-35.0011
Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation	11B-35.002
High-Liability Proficiency Courses for Basic Recruit Training and Instructor Training	11B-35.0021
Student Transfers within Basic Recruit Training Programs	11B-35.0023
Student Performance in Commission-Approved High-Liability Basic Recruit Training Courses and High-Liability Instructor Training Courses	11B-35.0024
Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training	11B-35.003
Traditional Basic Recruit Training Programs; Cross-Over Training for Law Enforcement, Correctional, and Correctional Probation Officers	11B-35.004
Advanced Training Program	11B-35.006
Specialized Training Program	11B-35.007
Criminal Justice Training School Requirements for Local Administration and Security of Examinations for Training Courses	11B-35.0085
Exemption from Basic Recruit Training	11B-35.009
PURPOSE AND EFFECT: Revises and creates forms, implements the CMS Application-Based Law Enforcement Basic Recruit Training Program, revises end-of-course examination requirements, revises the auxiliary basic recruit training program, and revises exemptions from basic recruit training programs.	
SUBJECT AREA TO BE ADDRESSED: Commission forms; definitions; grammatical revisions; implementation of the CMS Application-Based Law Enforcement Basic Recruit Training Program Curriculum; end-of-course examinations; course completion requirements; basic recruit training certificates; basic abilities violations; timeline for completing a basic recruit training program; transfer of courses to another training school; cross-over basic recruit training programs; Commission-approved training program course names; requirements for completing Traditional and CMS basic recruit training programs; high-liability course names and course completion requirements; auxiliary basic recruit training	

program; advanced and specialized program courses; exemption from basic recruit training programs; employment as a criminal justice officer; temporary employment authorizations; and administration and security of end-of-course examinations and responsibilities thereof.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1),(2), 943.14(3), 943.17 FS.

LAW IMPLEMENTED: 943.12, 943.12(5), 943.131(2), 943.1395(3), 943.17, 943.17(1), 943.17(1)(a), 943.1715, 943.173, 943.175, 943.25, 943.25(5) 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., July 27, 2004

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

UPON REQUEST AND WHEN AVAILABLE RULE TEXT WILL BE PROVIDED AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting: Donna Hunt, (850)410-8615 or TDD (850)656-9597.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-35.001 General Training Programs; Requirements and Specifications.

(1) Throughout this rule chapter "training programs," "courses," "instructors," and "training schools" refer to Commission-approved training programs, courses, instructors, and training schools. Commission-approved Basic Recruit Training Programs, Advanced Training Courses, and Specialized Training Programs established or approved by the Criminal Justice Standards and Training Commission (Commission) are intended to provide job-related training to law enforcement, correctional, and correctional probation officers. The training programs are:

(a) Basic Recruit Training Programs that provide for the acquisition of employment skills necessary for officer certification and employment; and

(b) Advanced Training Programs that maintain officer certification, enhance officer knowledge, skills, and abilities, and assist in an officer's promotion to a higher rank.

(c) Specialized Training Programs that provide for officer post-basic in-service training that enhance an officer's knowledge, skills, and abilities in a specific area.

(2) Notification of scheduled courses. The training center director or designee shall notify the assigned local Commission field specialist of scheduled, rescheduled, or cancelled Commission-related training courses. This notification shall be at least 30 days in advance, or immediately upon scheduling, rescheduling, or cancellation of the course when under 30 days. Notification shall include at a minimum:

(a) Date(s) of course(s).

(b) Location of course(s).

(c) Title of course(s).

(3) Instructors who teach Commission-approved Basic Recruit Training Courses, Advanced Training Courses, and Specialized Training Program Courses Programs at a training school shall: be certified by the Commission, or exempt from certification, pursuant to Rule 11B-20.001, F.A.C.

(a) Be a Commission-certified General Instructor pursuant to subsection 11B-20.001(3), F.A.C., or be exempt from certification pursuant to subsection 11B-20.001(4), F.A.C.

(b) Be required to hold additional certifications for specified areas of instruction in Commission courses pursuant to Rule 11B-20.0014, F.A.C.

(c) Hold a CMS designated certification to teach CMS Application-Based Law Enforcement Basic Recruit Training Program Courses, CMS Instructor Courses, and CMS Instructor Transition Courses.

(4) Commission-approved Basic Recruit Training Programs, Advanced Training Courses, and Specialized Training Program Courses Programs shall be made available to the following:

(a) Students who enroll in a Commission-approved Basic Recruit Training Program to become certified law enforcement, correctional, or correctional probation officers.

(b) Students who enroll in a an Commission-approved Advanced Training Course or Specialized Training Program Course and are Commission-certified law enforcement, correctional, or correctional probation officers.

(c) Criminal justice officers and support personnel, defined in Section 943.10(11), F.S., are authorized to expend Officer Training Monies to attend Commission-approved Advanced Training Courses and Specialized Training Program Courses Programs delivered through a training school. The Commission has further authorized support personnel to attend training courses funded with Officer Training Monies, as defined in paragraph 11B-18.0053(3)(a), F.A.C.

(d) The training center director shall provide to each student, the Commission's approved Basic Recruit Training Curriculum for each of the Basic Recruit Training Courses applicable to the student's enrollment. This material is to be provided prior to or during the time that the student is enrolled in a given course.

(5) Training center directors shall ensure that the CMS Application-Based Law Enforcement Basic Recruit Training Program is ~~Programs~~ delivered in compliance with Commission rules, and delivery guidelines provided in the Curriculum the ~~facilitator~~ and student materials prescribed for each curriculum module.

(6) Training curricula and delivery requirements shall be maintained for Commission-approved Basic Recruit Training Courses, Advanced Training Courses, and Specialized Training Programs within the Florida Department of Law Enforcement, Criminal Justice Professionalism Program.

(7) Student performance in courses.

(a) Each training school shall make available to its students and Commission staff a written copy of its performance standards.

(b) A student enrolled in a Commission-approved Basic Recruit Training Program shall achieve a score of no less than 80% on each of the end-of-course examinations, exclusive of demonstration of proficiency skills in the High-Liability Basic Recruit Training Courses. A student enrolled in a Commission-approved Advanced or Specified Specialized Training Program Course shall achieve a score of no less than 75% percent on the end-of-course examination, exclusive of demonstration of proficiency skills in the High-Liability Basic Recruit Training Courses to successfully complete an Advanced Training Course or Specialized Training Program Course, and 80 percent on the end-of-course examination to successfully complete each Basic Recruit Training Course, exclusive of the demonstration of high liability proficiency skills.

(c) The training center director or designee is responsible for the development, maintenance, and administration of a comprehensive end-of-course examinations ~~for each of the Basic Recruit Training Courses, Advanced Training Courses, and Specialized Training Program Courses.~~ The training center director is authorized to develop, maintain, and administer additional academic tests for ~~these~~ courses; and is not limited to only the utilization of a comprehensive end-of-course examination. Training schools shall maintain examinations for Commission-approved Basic Recruit Training Courses, Advanced Training Courses, and Specified Specialized Training Program Courses in compliance with the administration, confidentiality, and security requirements of subsections 11B-35.0085(2)-(5)(3), F.A.C. ~~For Traditional Basic Recruit Training Programs, end-of-course examinations shall be developed and administered that include the objectives in each course. Examinations for CMS Application Based Basic Recruit Training Programs, end-of-course examinations shall be developed and administered for each course from the objectives outlined in the CMS test specifications.~~

(d) Specified Specialized Training Program Courses requiring an end-of-course examination are:

1. Specialized Instructor Training Courses outlined in subsection 11B-35.007(3), F.A.C.

<u>Course Number</u>	<u>Course Title</u>	<u>Course</u>	<u>Hours</u>
<u>2. 1112</u>	<u>Canine Team Training Course</u>		<u>400</u>
<u>3. 1113</u>	<u>Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators</u>		<u>12</u>
<u>4. 1132</u>	<u>Parking Enforcement Specialist for Civilians</u>		<u>16</u>
<u>5. 1133</u>	<u>Selective Traffic Enforcement Program for Civilians</u>		<u>80</u>
<u>6. 732</u>	<u>Traffic Control Officer for Civilians</u>		<u>8</u>
<u>7. 851</u>	<u>Breath Test Operator Course</u>		<u>24</u>
<u>8. 951</u>	<u>Breath Test Operator Renewal Course</u>		<u>6</u>
<u>9. 850</u>	<u>Agency Inspector Course</u>		<u>24</u>
<u>10. 950</u>	<u>Agency Inspector Renewal Course</u>		<u>6</u>
<u>11. 1134</u>	<u>Criminal Justice Officer Ethics Course</u>		<u>8</u>
<u>12. 1135</u>	<u>Crimes Against Children</u>		<u>Open</u>
<u>13. 1136</u>	<u>Domestic Violence</u>		<u>Open</u>
<u>14. 1137</u>	<u>Violent Crime Investigator Training Course</u>		<u>Open</u>

(e) End-of-course examinations shall be developed and administered for each course in the Traditional Basic Recruit Training Programs and shall include the objectives in each course. End-of-course examinations shall be developed and administered for each course in the CMS Application-Based Law Enforcement Basic Recruit Training Program from the objectives outlined in the CMS Test Specifications.

(8) The “CMS” designation shall be utilized in conjunction with the titles of training identified in this rule chapter. The “CMS” designation shall identify ~~for training schools, agencies, instructors, and students,~~ programs and courses that have been developed using application-based delivery techniques, and courses developed to teach the instructional philosophy of the CMS Application-Based Law Enforcement Basic Recruit Training Programs for training schools, agencies, instructors, and students.

(9) Field-test of the CMS Application-Based Basic Recruit Training Program. The Criminal Justice Standards and Training Commission is currently developing and evaluating the CMS Application-Based Basic Recruit Training Programs for use as a basic recruit training program for criminal justice officers. ~~These~~ The CMS Application Based Basic Recruit Training Programs are based on a statewide job-task analysis of each of the criminal justice disciplines, and provide an enhanced learning environment for the student, through lesson plans provided for each module, and ensure a “standardized delivery” of statewide training curricula. A CMS Field-Test

~~field test~~ utilizing a classroom environment with student participation is necessary to evaluate the program before certain course criteria can be established and final rules adopted. To accomplish these goals:

(a) The Commission authorizes field-testing of the CMS Application-Based Basic Recruit Training Programs effective June 2001.

(b) The Commission approves the CMS Field-Test as a Commission-approved Basic Recruit Training Program ~~basic recruit training program for law enforcement officers~~ during the field-test period.

(c) Specific conditions for instructor certification and delivery of the CMS Curricula ~~curricula~~ are established consistent with the completed modules. Training schools shall adhere to the delivery specifications and the instructor requirements outlined in the modules. The Commission exempts the training schools, academies, and colleges that participate in the CMS Field-Test pursuant to paragraph (9)(e) of this rule section, from the requirements of subsection 11B-35.001(7), F.A.C., General Training Programs; Requirements, and Specifications.

(d) Exemptions set forth in paragraph (9)(c) of this rule section shall not apply to courses in Commission-approved ~~the~~ Traditional Basic Recruit Training Programs.

(e) Notwithstanding subsection 11B-27.002(4), F.A.C., a basic recruit student enrolled in a Commission-approved Traditional Law Enforcement Basic Recruit Training Program with a beginning date prior to July 1, 2004, shall be allowed to continue in the program until the student successfully completes, fails, or withdraws from the program. The CMS Field-Test shall be conducted at training schools. Individual field tests of the CMS High Liability Modules may be delivered by any training school. A full field-test of the CMS Application-Based Basic Recruit Training Program for law enforcement shall be initiated at the following training schools:

1. Santa Fe Community College.
2. Broward Community College.
3. St. Petersburg Junior College.
4. Florida Highway Patrol.
5. Polk Community College.
6. Lake County Vocational Technical School.
7. Tallahassee Community College.

1. A basic recruit student who is unable to graduate from a Commission-approved Traditional Law Enforcement Basic Recruit Training Program because of failure to achieve a passing score on the end-of-course examination(s), pursuant to subsection 11B-35.001(7), F.A.C., shall be granted a re-test for each course failed.

2. The re-examination provisions outlined for a basic recruit student in subsection (12) of this rule section shall not apply.

3. A basic recruit student who meets the conditions stated in this rule section shall have successfully passed the end-of-course examination(s) by June 30, 2005.

(f) Students participating in the field-test of the CMS Application-Based Basic Recruit Training Program shall be students seeking Commission training for the purpose of applying to take the State Officer Certification Examination and for employment as a Florida law enforcement officer. Selection of students shall be consistent with the individual agency, community college, or vocational technical school process for selection of students. Students participating in the CMS Application-Based Basic Recruit Training Program shall successfully complete all activities contained within the lesson plans. Students who successfully complete a CMS Application-Based Basic Recruit Training Program are eligible to apply for and take the CMS Application-Based State Officer Certification Examination pursuant to Rule 11B-30.0063, F.A.C.

~~(g) This rule section shall expire upon Commission acceptance and approval of the CMS Application-Based Basic Recruit Training Program for each of the criminal justice disciplines.~~

(10) Reporting Training program reporting requirements for Commission-approved Basic Recruit, Advanced and Specialized Training Program Courses ~~training center directors~~ are as follows:

(a) The training center director or designee shall determine the beginning and ending dates of each Basic Recruit Training Program, and thirty days following the class starting date shall forward a Training Report, form CJSTC-67, revised May 6, 2004 ~~February 7, 2002~~, hereby incorporated by reference, to Commission staff through the Commission's Automated Training Management System (ATMS).

(b) Following the completion of a Commission-approved Basic Recruit Training Program Course, Advanced Training Program Course, or Instructor Training Course ~~instructor training course and courses pursuant to paragraphs 11B-35.007(4)(h), (i), (m), (n), (o) and (p), F.A.C.,~~ the training center director or designee shall, within thirty days of the program or course completion date, electronically transmit a completed Training Report form CJSTC-67, or transmit an updated CJSTC-67 form through the Commission's ATMS, ~~or submit an updated form CJSTC-67.~~ The following Specialized Training Program Courses shall be submitted to Commission staff through the Commission's ATMS, by transmitting a completed form CJSTC-67 within thirty days of the course completion:

1. Canine Team Training Course.
2. Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators.
3. Breath Test Operator Course.
4. Breath Test Operator Renewal Course.
5. Agency Inspector Course.
6. Agency Inspector Renewal Course.

(c) The training center director or designee shall ensure that the records for Commission-approved Basic Recruit Training Programs, Advanced Training Courses, and Specialized Training Program Courses are maintained within a training school. Each course shall be subject to audit by Commission staff. Such records shall, at a minimum, include:

1. Course outline(s) or schedule(s).
- ~~2.1.~~ Course(s) name and contact person.
- ~~3.2.~~ Date(s) of course(s).
- ~~4.3.~~ Full legal name names of all attending students.
- ~~5.4.~~ Test scores and test materials when, if tests are used. Test materials shall be made available for review by Commission staff upon request.
- ~~6.5.~~ The number of course electives shall be included for all courses delivered using Commission-approved Specialized Goals and Objectives.
- ~~7.6.~~ Applicable proficiency checklist and performance reports.
- ~~8.7.~~ Course instructors.
- ~~9.8.~~ Student attendance records.
- ~~10.9.~~ Training Report form CJSTC-67.
- ~~11.10.~~ For Basic Recruit Training Programs, proof of compliance with Sections 943.14(7) 943.14(8) and 943.17(1)(g), F.S.
- ~~12.11.~~ A training school re-examination policy and documented justification for each student re-examination administered.
- ~~13.12.~~ A list of expenditures from the Criminal Justice Standards and Training Trust Fund Officer Training Monies shall be included for Commission-approved Advanced Training Courses and Specialized Training Program Courses when Officer Training Monies are used to fund the course.

(11) Student attendance requirements for Commission-approved Basic Recruit Training Programs outlined in paragraphs 11B-35.002(1)(a)-(m), F.A.C., Specialized Training Programs outlined in subsection 11B-35.007(1), F.A.C., and Advanced Training Program Courses outlined in subsection 11B-35.006(2), F.A.C.

(a) The training center director or designee shall maintain daily student attendance records for each training course. A training school shall have a written copy of its attendance policy available for review by students and Commission staff.

(b) Each student shall attend all sessions of a training course except for absences approved by the training center director. The training center director shall maintain in the

student's file at the training school, documentation specifying the reason for excused absence(s). Students shall be responsible for class work missed during absences. The training center director shall determine the content and quantity of makeup work. Makeup work required of a student shall be maintained in the student's file at the training school.

(c) The Commission has approved the delivery of High-Liability Basic Recruit Training Courses and CMS Instructor Transition Courses as "competency-based" instruction. Competency-based instruction is defined as "curriculum that uses specific objectives and performance-based learning to achieve performance standards, in lieu of established contact hours."

(12) Student Re-examination Policy for Commission-Approved Basic Recruit Training Program Courses.

(a) A student shall achieve a passing score, pursuant to subsection 11B-35.007(1), F.A.C., on successfully complete all end-of-course examinations in to be eligible to pass a Commission-approved Basic Recruit Training Program to successfully complete a program. A student who has failed a cognitive end-of-course examination may be granted a re-examination by the training center director if:

1. There is technical difficulty in the administration of the test.
2. A condition of the student adversely impacts the student's ability to achieve a passing score on an end-of-course examination pass the test.
3. The end-of-course testing instrument is shown to be invalid.

(b) Exclusive of the Commission's high-liability training courses and re-examinations in paragraph (12)(a) of this rule section, a student may be granted one course cognitive re-examination during the course of a single Basic Recruit Training Program, exclusive of the re-examinations in paragraph (12)(a) of this rule section. Students, who have failed to successfully demonstrate the required cognitive knowledge after a second attempt, shall be deemed to have failed the course.

~~(c) A student shall be granted one additional attempt at the required demonstration of high liability proficiency skills, or one re-examination of required cognitive knowledge in each of the four Commission required high liability training areas of firearms, vehicle operations, defensive tactics, and medical first responder. Students, who have failed to successfully demonstrate required cognitive knowledge or demonstration of high liability proficiency skills after a second attempt, shall be deemed to have failed the High Liability Training Course.~~

~~(c)(d)~~ The training center director is authorized to approve a student's request for re-examination.

~~(e) Each training school shall develop its own procedures for processing a student request for re-examination set forth in subsection (12) of this rule section. Training school procedures~~

~~for processing student requests for re-examination shall be documented and maintained on file at the training school for review by Commission staff and the student.~~

(13) Student re-examination policy for Commission-approved Advanced and Specialized Training Program Courses. A student who has failed a cognitive end-of-course examination in a Commission-approved ~~an~~ Advanced Training Course or Specialized Training Program Course may be granted a re-examination of the course by the training center director as set forth in paragraph (12)(a) of this rule section. Each training school shall develop its own administrative procedures for processing a student's request for a re-examination as set forth in subsection (12) of this rule section. Training school procedures for processing student requests for re-examination shall be documented and maintained on file at the training school for review by Commission staff and the student.

(14) Proof of course completion. The training center director shall, within thirty days, following the completion of a Commission-approved Basic Recruit Training Program, Advanced Training Course, or Specialized Training Program Course, provide to a student who has successfully completed the program training course, a certificate, which shall contain at a minimum, the name of the training school, the student's name, the dates of the program or course, the number of program or course contact hours, the title of the Basic Recruit Training Program, Advanced Training Course, or Specialized Training Program Course, and the current training center director's signature. Basic Recruit Training Completion Certificates shall contain the Curriculum Version Number for the course taught.

(15) All forms referenced in this rule chapter may be obtained on the following web site: http://www.fdle.state.fl.us/cjst/rules_and_forms/index.html, or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Bureau of Standards, Forms Liaison.

Specific Authority 943.03(4), 943.12(1),(2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.

11B-35.0011 Basic Abilities Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program.

To comply with Section 943.17(1)(g), F.S., applicants who apply for entry into a Commission-approved Basic Recruit Training Program after January 1, 2002, shall obtain a passing score on a Basic Abilities Test (BAT) for law enforcement, correctional, or correctional probation disciplines, prior to entering a program the applicable Basic Recruit Training Program.

(1) The applicant shall not engage in conduct that subverts or attempts to subvert the BAT process. Conduct that subverts or attempts to subvert the BAT process includes:

- (a) Removing BAT materials from the examination room.
- (b) Reproducing or reconstructing any portion of the BAT.
- (c) Aiding by any means in the reproduction of any portion of the BAT.
- (d) Selling, distributing, buying, receiving, or having unauthorized possession of any portion of a past, current, or future BAT.
- (e) Revealing test questions or other information that would compromise the integrity of the BAT.
- (f) Possession of altered BAT official documents including student performance reports.

(2) The applicant shall not violate the standards of the BAT test administration. Violations of test administration include:

- (a) Communication with any other applicant during the administration of the BAT.
- (b) Copying answers from another applicant or intentionally allowing one's answers to be copied by another applicant during the administration of the BAT.
- (c) Having in one's possession during the administration of the BAT, any books, notes, written, or printed materials or data of any kind.
- (d) Failing to comply with the BAT administrator's instructions.

(3) The applicant shall not violate the applicant identification process. Conduct that violates the applicant identification process is as follows:

- (a) Falsifying or misrepresenting information required for admission to the BAT.
- (b) Impersonating an applicant.
- (c) Having an impersonator take the BAT on one's behalf.
- (d) Disrupting the test administration.

(4) Any violation of the provisions of this rule section shall be documented in writing and submitted to Commission staff within seven days to the address set forth in subsection 11B-35.001(15), F.A.C.

(5) When the Commission finds that an applicant has committed an act that violates subsections (1)-(3) of this rule section, the applicant shall:

- (a) Have their BAT declared invalid;
- (b) Forfeit the application fee;
- (c) Be ineligible to apply to take the BAT in any discipline for a period of five years;
- (d) Be subject to denial of certification by the Commission pursuant to Rule 11B-27.007, F.A.C.;
- (e) Be subject to disciplinary action taken against any currently held Commission certification;

(f) Be subject to the imposition of other sanctions by the Commission, pursuant to Section 943.13(7), F.S., and Rule Chapter 11B-27, F.A.C.

(6) A passing score on a Commission-approved Basic Abilities Test is valid two years from the date of the test.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.17 FS. History--New 7-29-01, Amended 11-5-02.

11B-35.002 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation.

(1) There are established by the Criminal Justice Standards and Training Commission, Basic Recruit Training Programs that provide the minimum required knowledge and ~~high-liability~~ proficiency skills necessary for officer employment and certification pursuant to Sections 943.10(1)-(3), F.S. Individuals who apply for employment as a Florida law enforcement, correctional, or correctional probation officer, shall successfully complete one of the following Commission-approved Basic Recruit Training Programs:

- (a) Traditional Law Enforcement Basic Recruit Training Program (Retired June 30, 2004) 672.0 hours
- (b) Traditional Correctional Basic Recruit Training Program 532.0 hours
- (c) Traditional Correctional Probation Basic Recruit Training Program 424.0 hours
- (d) CMS Application-Based Law Enforcement Basic Recruit Training Program 760.0 hours
- (e) Traditional Law Enforcement to Correctional Basic Recruit Cross-Over Training Program 156.0 hours
- (f) Traditional Law Enforcement to Correctional Probation Basic Recruit Cross-Over Training Program 150.0 hours
- (g) Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program 302.0 hours
- (h) Traditional Correctional to Correctional Probation Basic Recruit Cross-Over Training Program 180.0 hours
- (i) Traditional Correctional Probation to Correctional Basic Recruit Cross-Over Training Program 412.0 hours
- (j) Traditional Correctional Probation to Law Enforcement Basic Recruit Cross-Over Training Program 256.0 hours
- (k) Law Enforcement Auxiliary Officer Basic Recruit Training Program 294.0 hours
- (l) Correctional Auxiliary Officer Basic Recruit Training Program 254.0 hours

(m) Correctional Probation Auxiliary Officer Basic Recruit Training Program. To become certified as a Correctional Probation Auxiliary Officer, pursuant to subsection 11B-35.003(7), F.A.C., a basic recruit student shall complete the Correctional Probation Basic Recruit Training Program, pursuant to paragraph (8)(c) of this rule section.

(2) Within four years of the beginning date of a Commission-approved Basic Recruit Training Program, an ~~An~~ individual shall successfully complete the program a Basic Recruit Training Program pursuant to Rules 11B-35.002, 11B-35.003, 11B-35.004, F.A.C., or former Rule 11B-29.002, F.A.C., achieve a passing score on the ~~pass the~~ applicable State Officer Certification Examination (SOCE) pursuant to Rule 11B-30.0062, F.A.C., and gain employment as an officer within four years of starting the required training program. An individual who is not employed as an officer in the discipline for which training was completed, within four years of the date of beginning such training, shall, as a condition for obtaining employment, comply with the following:

(a) Successfully ~~As a condition of employment or appointment after July 1, 1993, successfully~~ complete the applicable a Commission-approved Basic Recruit Training Program pursuant to Rule 11B-35.002, F.A.C.; and

(b) Achieve a passing score on ~~Pass the~~ applicable State Officer Certification Examination pursuant to Rule 11B-30.0062, F.A.C.

(3) Individuals enrolled in a Commission-approved Traditional Law Enforcement Basic Recruit Training Program prior to July 1, 2004, shall be allowed to continue such training until they successfully complete, fail, or withdraw from the training program, and shall comply with paragraph (2) of this rule section. Basic Recruit Training Program requirements:

~~(4)(a)~~ Each training school that offers a Commission-approved Traditional Basic Recruit Training Program, pursuant to paragraphs (1)(b), (c), (e)-(j) of this rule section, shall deliver all courses in the Basic Recruit Training Courses included in the Traditional Basic Recruit Training Program. A training school that complies with this requirement may also deliver any combination of Commission-approved Traditional Basic Recruit Training Program Courses; based upon agency need and student remediation.

~~(5)(b)~~ Each training school that offers the Commission's a CMS Application-Based Law Enforcement Basic Recruit Training Program, pursuant to paragraph (1)(d) of this rule section, shall deliver all course materials included in the ~~training~~ program. Delivery and sequencing of the course materials shall comply with the requirements set forth in the CMS Curriculum, facilitator and student materials approved by the Commission and shall be delivered in sequence. The training school shall ensure that all introductory and high-liability course materials are successfully completed by a basic recruit student prior to a student beginning the application-based course materials.

~~(6)(e) A basic recruit For each Basic Recruit Training Course, a student shall successfully complete Commission-approved Basic Recruit Training Program Courses to be eligible to take the applicable State Officer Certification Examination pass a comprehensive end-of course examination.~~

~~(d) Successful completion of all courses within a Basic Recruit Training Program shall determine a student's eligibility to take the State Officer Certification Examination in a respective discipline.~~

~~(7) High-Liability Basic Recruit Training Courses, pursuant to Rule 11B-35.0024, F.A.C., successfully completed at a training school, shall be transferable from one training school to another, or from one Commission-approved Basic Recruit Training Program to another, pursuant to Rule 11B-35.0023, F.A.C. A basic recruit student who requests transfer of successfully completed High-Liability Basic Recruit Training Courses from the Traditional Basic Recruit Training Program to the CMS Application-Based Law Enforcement Basic Recruit Training Program, shall complete high-liability training designated as "CMS New" in the CMS High-Liability Basic Recruit Training Course for which the training is requested.~~

~~(8)(4) Commission-approved Basic Recruit Training Programs. Pursuant to Section 943.12, F.S., Commission-approved Basic Recruit Training Programs establish the minimum required entry-level training for law enforcement, correctional, and correctional probation officers. Individuals who are requesting employment as an officer, and have not had previous basic recruit training or have not been certified as an officer in the discipline for which certification is sought, and have met the requirements of Sections 943.13(1)-(8) and (11), 943.14(7), and 943.17(1)(g), F.S., shall successfully complete a Commission-approved Basic Recruit Training Program pursuant to this rule section. The Commission's Basic Recruit Training Programs are Traditional Basic Recruit Training Programs. Basic Recruit Training Programs shall be on file at the Florida Department of Law Enforcement, Criminal Justice Professionalism Program. Effective February 4, 1999, such programs shall include the following courses:~~

<u>Course Number</u>	<u>Course Hours</u>
(a) Traditional Law Enforcement Basic Recruit Training Program	<u>Total</u> 672.0

~~(Retired June 30, 2004). All law enforcement basic recruit training programs that begin on July 1, 2004, or thereafter, shall deliver the CMS Application-Based Law Enforcement Basic Recruit Training Program pursuant to paragraph (8)(d) of this rule section. Training schools are authorized to continue to deliver the Traditional courses in subparagraph (8)(a)1.-12. of this rule section for Traditional Law Enforcement Basic~~

Recruit Training Programs that begin prior to July 1, 2004. Training schools are authorized to deliver Traditional Law Enforcement Basic Recruit Training Program courses to students who qualify, pursuant to subsection 11B-35.002(2), F.A.C., and who have entered into but failed to graduate from a Traditional Law Enforcement Basic Recruit Training Program.

1. Criminal Justice Legal 1	CJD_760	46.0
2. Criminal Justice Legal 2	CJD_761	48.0
3. Criminal Justice Communications	CJD_762	56.0
4. Interpersonal Skills 1	CJD_763	66.0
5. Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics Course, effective 7/1/98, or CMS Criminal Justice Defensive Tactics	CJD_704	106.0
6. Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJD_705	64.0
7. Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit 1	CJD_254	48.0
8. Law Enforcement Legal 3	CJK_0050 or CJB_1050	
9. Law Enforcement Patrol	CJD_730	32.0
10. Law Enforcement Traffic	CJD_731	64.0
11. Law Enforcement Vehicle Operations, or CMS Law Enforcement Vehicle Operations	CJD_732	46.0
12. Law Enforcement Investigations	CJD_723	32.0
	CJK_0020 or CJB_1020	
	CJD_734	64.0
	TOTAL	672.0

~~(b) Traditional Correctional Basic Recruit Training Program: Traditional Correctional Basic Recruit Training Program.~~

<u>Course Name</u>	<u>Course Number</u>	<u>Course Hours</u>
1. Criminal Justice Legal 1	CJD_770	46.0
2. Criminal Justice Legal 2	CJD_771	22.0
3. Criminal Justice Communications	CJD_772	42.0
4. Interpersonal Skills 1	CJD_773	62.0

5. Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics Course, effective 7/1/98, or CMS Criminal Justice Defensive Tactics	CJD_704	106.0	11. Law Enforcement Vehicle Operations, or CMS Law Enforcement Vehicle Operations	CJD_723	32.0
6. Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJD_705	64.0	12. Law Enforcement Investigations	CJD_734	64.0
7. Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Aid for Criminal Justice Officers Responder to Medical Emergencies Unit 1	CJD_254	48.0	13. Interpersonal Skills 2	CJD_750	50.0
8. Interpersonal Skills 2	CJD_750	50.0	14. Emergency Preparedness	CJD_741	26.0
9. Emergency Preparedness	CJD_741	26.0	15. Correctional Operations	CJD_752	64.0
10. Correctional Operations	CJD_752	64.0	TOTAL		830.0
11. CMS Criminal Justice Special Topics, Module 15	CJK_0095	20.0	(d) Associates of Science Criminal Justice Combination Academy Track		
TOTAL		532.0	1. Criminal Justice Legal 1	CJD_700	54.0
		530.0	2. Criminal Justice Legal 2	CJD_701	52.0
(e) Combination Recruit Training Program			3. Criminal Justice Communications	CJD_702	62.0
1. Criminal Justice Legal 1	CJD_710	54.0	4. Interpersonal Skills 1	CJD_703	66.0
2. Criminal Justice Legal 2	CJD_711	52.0	5. Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics Course, effective 7/1/98, or CMS Criminal Justice Weapons, or CMS Criminal Justice Defensive Tactics	CJD_704	106.0
3. Criminal Justice Communications	CJD_712	62.0	6. Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJD_705	64.0
4. Interpersonal Skills 1	CJD_713	66.0	CMS Criminal Justice Firearms	CJK_0050 or CJB_1050	
5. Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics Course, effective 7/1/98, or CMS Criminal Justice Defensive Tactics	CJD_704	106.0	CMS Criminal Justice Firearms	CJK_0040 or CJB_1040	
6. Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJD_705	64.0	7. Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit 1	CJD_254	48.0
7. Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit 1	CJD_254	48.0	8. Law Enforcement Legal 3	CJD_720	32.0
8. Law Enforcement Legal 3	CJD_730	32.0	9. Law Enforcement Patrol	CJD_721	64.0
9. Law Enforcement Patrol	CJD_731	64.0	10. Law Enforcement Traffic	CJD_722	46.0
10. Law Enforcement Traffic	CJD_732	46.0	11. Law Enforcement Vehicle Operations, or CMS Law Enforcement Vehicle Operations	CJD_723	32.0
			12. Law Enforcement Investigations	CJD_724	64.0
			13. Interpersonal Skills 2	CJD_740	50.0
			14. Emergency Preparedness	CJD_741	26.0
			15. Correctional Operations	CJD_742	64.0
			TOTAL		830.0
			(c)(e) Traditional Correctional Probation Basic Recruit Training Program: Traditional Correctional Probation Training Program.		
			Course Name	Course Number	Course Hours

1. Correctional Probation Legal	CJD_790	60.0
2. Correctional Probation Operations	CJD_791	16.0
3. Correctional Probation Interpersonal Skills	CJD_792	68.0
4. Correctional Probation Communication Skills	CJD_793	70.0
5. Correctional Probation Supervision	CJD_794	54.0
6. Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics Course, effective 7/1/98, or CMS Criminal Justice Defensive Tactics	CJD_704	106.0
	CJK_0050 or CJB_1050	80.0
7. CMS Correctional Probation Firearms	TBA	16.0
Correctional Probation Firearms	CJD_795	16.0
8. Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Aid for Criminal Justice Officers	CJD_254	48.0
CJK_0030 or CJB_1030	CJK_0030	40.0
Responder to Medical Emergencies Unit 1		
9. Criminal Justice Special Topics, Module 15	CJK_0095	20.0
	TOTAL	424.0
		438.0
(5) CMS Application Based Basic Recruit Training Programs:		
(a) CMS Application Based Law Enforcement Officer Basic Recruit Training Program		672.0
(b) CMS Application Based Correctional Officer Basic Recruit Training Program		530.0
(c) CMS Application Based Correctional Probation Officer Basic Recruit Training Program		438.0
(d) CMS Application-Based Law Enforcement Basic Recruit Training Program:		760.0
1. Introduction and Law	CJK_0006	67.0
2. Human Issues	CJK_0010	50.0
3. Communications	CJK_0015	77.0
4. CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
5. CMS First Aid for Criminal Justice Officers	CJK_0031	40.0
6. CMS Criminal Justice Firearms	CJK_0040	80.0

7. CMS Criminal Justice Defensive Tactics	CJK_0050	80.0
8. Patrol	CJK_0060	57.0
9. Investigations	CJK_0070	53.0
10. Investigating Offenses	CJK_0075	40.0
11. Traffic Stops	CJK_0080	62.0
12. Traffic Crash Investigations	CJK_0085	32.0
13. Tactical Applications	CJK_0090	14.0
14. Criminal Justice Special Topics	CJK_0095	20.0

(9) Commission-approved Basic Recruit Cross-Over Training Programs. The Commission has established basic recruit cross-over training programs to provide lateral movement of officers between criminal justice disciplines.

(a) Officers entering a basic recruit cross-over training program shall comply with the employment requirements of Section 943.1395(3), F.S., and subsections 11B-27.002(4) and 11B-35.002(2), F.A.C.; and

(b) An applicant requesting to attend a Commission-approved Basic Recruit Cross-Over Training Program shall:

1. Be an active certified officer in the discipline the officer is moving from; or

2. Have successfully completed a Commission-approved Basic Recruit Training Program and passed the State Officer Certification Examination (SOCE), within four years, for the discipline the officer is moving from.

(c) A Commission-approved Basic Recruit Cross-Over Training Program requires that an officer comply with Section 943.17(1)(g), F.S., successfully complete the required courses in the cross-over training program for the discipline in which cross-over certification is being requested, successfully complete the applicable high-liability training requirements pursuant to subsection (7) of this rule section, if applicable, and achieve a passing score on the applicable State Officer Certification Examination pursuant to Rule 11B-30.0062, F.A.C.

(d) Traditional Law Enforcement to Traditional Correctional Basic Recruit Cross-Over Training Program. A law enforcement officer shall complete the following courses to cross-over from the "Law Enforcement Discipline" to the "Correctional Officer Discipline":

Course Name	Course Number	Course Hours
1. Cross-Over Law Enforcement to Correctional	CJD_780	16.0
2. Interpersonal Skills 2	CJD_750	50.0
3. Emergency Preparedness	CJD_741	26.0
4. Correctional Operations	CJD_752	64.0
Total		156.0

(e) Traditional Law Enforcement to Traditional Correctional Probation Basic Recruit Cross-Over Training Program. A law enforcement officer shall complete the following courses to cross-over from the "Law Enforcement Discipline" to the "Correctional Probation Officer Discipline":

Course Name	Course Number	Course Hours
1. Cross-Over Law Enforcement to Correctional Probation 1	CJD_735	66.5
2. Cross-Over Law Enforcement to Correctional Probation 2	CJD_736	67.5
3. Correctional Probation Operations	CJD_791	16.0
	Total	150.0

(f) Traditional Correctional to Traditional Law Enforcement Basic Recruit Cross-Over Training Program. A correctional officer shall complete the following courses to cross-over from the "Correctional Discipline" to the "Law Enforcement Discipline":

Course Name	Course Number	Course Hours
1. Cross-Over Correctional to Law Enforcement	CJD_781	48.0
2. Law Enforcement Legal 3	CJD_730	32.0
3. Law Enforcement Patrol	CJD_731	64.0
4. Law Enforcement Traffic	CJD_732	46.0
5. CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
6. Law Enforcement Investigations	CJD_734	64.0
	Total	302.0

(g) Traditional Correctional to Traditional Correctional Probation Basic Recruit Cross-Over Training Program. A correctional officer shall complete the following courses to cross-over from the "Correctional Discipline" to the "Correctional Probation Discipline":

Course Name	Course Number	Course Hours
1. Cross-Over Correctional Legal to Correctional Probation	CJD_774	30.0
2. Cross-Over Correctional to Correctional Probation	CJD_775	26.0
3. Correctional Probation Communication Skills	CJD_793	70.0
4. Correctional Probation Supervision	CJD_794	54.0
	Total	180.0

(h) Traditional Correctional Probation to Traditional Law Enforcement Basic Recruit Cross-Over Training Program. A correctional probation officer shall complete the following courses to cross-over from the "Correctional Probation Discipline" to the "Law Enforcement Discipline":

Course Name	Course Number	Course Hours
1. Cross-Over Correctional Probation Legal to Law Enforcement	CJD_796	46.0
2. Cross-Over Correctional Probation to Law Enforcement	CJD_797	64.0
3. Law Enforcement Patrol	CJD_731	64.0
4. Law Enforcement Traffic	CJD_732	46.0
5. CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
6. Law Enforcement Investigations	CJD_734	64.0
7. CMS Criminal Justice Firearms	CJK_0040	80.0
	Total	412.0

(i) Traditional Correctional Probation to Traditional Correctional Basic Recruit Cross-Over Training Program. A correctional probation officer shall complete the following courses to cross-over from the "Correctional Probation Discipline" to the "Correctional Discipline":

Course Name	Course Number	Course Hours
1. Cross-Over Correctional Probation to Correctional 1	CJD_798	50.0
2. Cross-Over Correctional Probation to Correctional 2	CJD_799	36.0
3. Emergency Preparedness	CJD_741	26.0
4. Correctional Operations	CJD_752	64.0
5. CMS Criminal Justice Firearms	CJK_0040	80.0
	Total	256.0

Specific Authority 943.03(4), 943.12(1),(2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History—New 12-13-92, Amended 1-10-94, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.

11B-35.0021 High-Liability Proficiency Courses for Basic Recruit Training and Instructor Training.

(1) High-Liability Training Courses:

(a) Traditional Basic Recruit Training Program:

1. Criminal Justice Weapons Course.
2. Law Enforcement Vehicle Operations Course.
3. Criminal Justice Defensive Tactics Course.
4. Medical First Responder Course.

(1)(b) CMS Application Based Basic Recruit High-Liability Training Courses Program:

- (a)1- CMS Criminal Justice Firearms Course.
- (b)2- CMS Law Enforcement Vehicle Operations Course.
- (c)3- CMS Criminal Justice Defensive Tactics Course.
- (d)4- CMS First Aid for Criminal Justice Officers Course Responder to Emergencies, Unit 1: Medical First Responder.

(2)(e) Instructor High-Liability Training Courses:

- (a)1- Firearms Instructor Course. (This course will be retired June 30, 2004)

- ~~(b)2-~~ CMS Firearms Instructor Course.
- ~~(c)3-~~ CMS Firearms Instructor Transition Course.
- ~~(d)4-~~ ~~Law Enforcement~~ Vehicle Operations Instructor Course. (This course will be retired June 30, 2004)
- ~~(e)5-~~ ~~CMS Law Enforcement~~ Vehicle Operations Instructor Course.
- ~~(f)6-~~ ~~CMS Law Enforcement~~ Vehicle Operations Instructor Transition Course.
- ~~(g)7-~~ Defensive Tactics Instructor Course. (This course will be retired June 30, 2004)
- ~~(h)8-~~ CMS Defensive Tactics Instructor Course.
- ~~(i)9-~~ CMS Defensive Tactics Instructor Transition Course.
- ~~(j)10-~~ ~~Medical~~ First Responder Instructor Course. (This course will be retired June 30, 2004)
- ~~(k)11-~~ ~~CMS Medical~~ First Aid Responder Instructor Course.
- ~~(l)12-~~ ~~CMS First Aid Responder to Emergencies~~ Instructor Transition Course, Unit 1: Medical First Responder.

~~(3)(4)~~ Applicants shall complete the training requirements set forth in subsection 11B-20.0014~~(2)(4)~~, F.A.C., to become certified by the Commission to instruct in the high-liability topics of firearms, vehicle operations, defensive tactics, and first aid areas.

~~(4)(2)~~ ~~Instructor to student~~ Student to Instructor Ratios for Instruction of proficiency skills in High-Liability Basic Recruit Courses and instructor courses ~~High-Liability Proficiency Training.~~

(a) For instruction of the CMS Criminal Justice Firearms Weapons Course, CMS or Firearms Instructor Course, or CMS Firearms Instructor Transition Course, there shall be no more than six students actively engaged on a firearms range for each Commission-certified firearms instructor ~~actively engaged on a firearms range~~. Actively engaged is defined as “a student on the firing range handling a weapon.”

(b) For instruction of the CMS Law Enforcement Vehicle Operations Course, CMS or Law Enforcement Vehicle Operations Instructor Course, or CMS Vehicle Operations Instructor Transition Course, there shall be at least one Commission-certified driving instructor for each vehicle actively engaged on a driving range. Actively engaged is defined as “a vehicle that is at the point between the start and end of an exercise.” Returning from or being in route to a driving range or course shall not be considered as actively engaged.

(c) For instruction of the CMS Criminal Justice Defensive Tactics Course, CMS or Defensive Tactics Instructor Course, or CMS Defensive Tactics Instructor Transition Course, there shall be no more than ten eight students actively engaged in defensive tactics for each Commission-certified defensive

tactics instructor ~~while actively engaged in defensive tactics~~. Actively engaged is defined as “a student engaged in the practical performance of any one of the approved defensive tactics techniques.” ~~For instruction of the 38-Hour Preparation for Defensive Tactics Course in the Commission approved Traditional Basic Recruit Training Programs, the student to instructor ratio shall be two instructors for the first twenty students. Each additional twenty students, or any portion thereof, shall require an additional instructor.~~

(d) For instruction of ~~training the CMS Criminal Justice Firearms Course, CMS Firearms Instructor Course, CMS Firearms Instructor Transition Course, CMS Law Enforcement Vehicle Operations Course, CMS Vehicle Operations Instructor Course or CMS Vehicle Operations Instructor Transition course,~~ courses for firearms and vehicle operations, in paragraphs (2)(a)-(b) of this rule section, one rangemaster shall supervise all range activity while training is actively engaged. The rangemaster shall be a Commission-certified instructor for the High-Liability Basic Recruit Training Course being trained, and shall not be included as an instructor to comply with the instructor to student or instructor to vehicle student to instructor ratio requirements.

(e) For instruction of the CMS First Aid for Criminal Justice Officers Medical First Responder Course, CMS First Aid or Medical First Responder Instructor Course, or CMS First Aid Instructor Transition Course, at least one Commission-certified CMS First Aid Medical First Responder Instructor shall be required for every ten six students actively engaged in the practical and performance areas of the portions of the training. Actively engaged is defined as “a student involved in the practical performance of any first aid medical first responder skills training.” CPR Instructors, who possess a valid CPR Instructor Certification, which is at minimum the “Basic Life Support (BLS) Healthcare Provider Level” with the American Heart Association, “CPR for the Professional Rescuer” with the American Red Cross and American Safety and Health Institute, or “Advanced First Aid and CPR” with the National Safety Council, are permitted to instruct CPR in the CMS First Aid for Criminal Justice Officers Course or the CMS First Aid Instructor Course, or be used to meet the required instructor to student ratio for demonstration of proficiency in these courses. The instructor to student ratio shall match the prerequisites set forth in the approved CPR course certification requirements. A copy of the Instructor Exemption Application, form CJSTC-82, revised May 6, 2004, hereby incorporated by reference, and a copy of the instructor’s valid CPR Instructor Certification shall be maintained in the instructors file.

Specific Authority 943.03(4), 943.12(1),(2), 943.14(3), 943.17 FS. Law Implemented 943.12(5), 943.17 FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.

11B-35.0023 Student Transfers within Basic Recruit Training Programs.

(1) Pursuant to subsection 11B-35.002(1), F.A.C., Commission-approved Basic Recruit Training Programs shall be offered only at training schools certified by the Criminal Justice Standards and Training Commission for the respective discipline.

(2) A student enrolled in a Commission-approved Basic Recruit Training Program may transfer courses to another training school, provided the courses have been successfully completed and Basic Recruit Training Courses that have been successfully completed at one training school, to another training school, if the student has exited the previous training school in "good standing," pursuant to subsection (5) of this rule section. Courses completed in a Traditional Basic Recruit Training Program shall be recognized and transferable to a Traditional Basic Recruit Training Program of the same discipline in a different training school. Courses completed in a Commission-approved CMS Application Based Basic Recruit Training Program shall be acceptable for transfer to a CMS Application-Based Basic Recruit Training Program for the same discipline in a different training school.

(a) Courses completed in a Traditional Basic Recruit Training Program shall be recognized and transferable to a Traditional Basic Recruit Training Program in a different training school.

(b) Courses completed in the CMS Application-Based Law Enforcement Basic Recruit Training Program shall be transferable to a CMS Application-Based Law Enforcement Basic Recruit Training Program in a different training school.

(c) High-Liability Basic Recruit Training Courses successfully completed in a Traditional Law Enforcement Basic Recruit Training Program shall be transferable to the CMS Application-Based Law Enforcement Basic Recruit Training Program provided the student requesting the transfer has successfully completed the High-Liability Basic Recruit Training Course designated as "CMS New" for which the transfer is requested.

(3) Both the transferring student and the receiving training school shall request the transferring training school to complete and submit the appropriate student records. Upon receipt of such request, the transferring training school is responsible for submitting the transferring student's records to the receiving training school.

(4) When a student has successfully completed courses included in a Commission-approved Basic Recruit Training Program at two or more training schools, and has met all requirements for completion of the program, as set forth in the requirements of this rule section, the training school where the student has successfully completed the greatest number of courses in that program, shall, upon receipt of the student records from the other training school(s), submit a Training Report form CJSTC-67 to Commission staff. The training

school submitting form CJSTC-67, may require the student to demonstrate the required high-liability proficiency skills in a High-Liability Basic Recruit Training Course(s) not completed at that school, pursuant to subsection 11B-35.0024(1), F.A.C. The training school submitting form CJSTC-67 shall provide to the student with written evidence of the student's successful completion of the Basic Recruit Training Program.

(5) Each training school shall establish written criteria that specify the conditions that constitute leaving a Commission-approved Basic Recruit Training Program in "good standing." For this purpose, "good standing" is defined as a student being eligible to continue at the previous training school without any special considerations. The written criteria shall be made available to students and Commission staff.

(6) Nothing in this rule section shall be construed to prevent a training school from admitting a student for the limited purpose of completing a course(s) required for completion of a Commission-approved Basic Recruit Training Program at another training school where the student is enrolled. However, if a student began the Commission's CMS Application-Based Law Enforcement Basic Recruit Training Program, the student shall continue in the same program CMS Basic Recruit Training. If the student began a Commission-approved Traditional Basic Recruit Training Program, the student shall continue in the same program Traditional Basic Recruit Training.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.17 FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02,

11B-35.0024 Student Performance in Commission-approved, High-Liability Basic Recruit Training Courses and High-Liability Instructor Training Courses.

(1) Students enrolled in a Commission-approved Basic Recruit Training Program and a High-Liability Instructor Training Course shall qualify through demonstration of proficiency skills in the applicable High-Liability Basic Recruit Training Courses and instructor courses high-liability proficiency skills and a written examination.

(2) A basic recruit student shall be given the opportunity for one additional attempt at the required demonstration of high-liability proficiency skills, or one re-examination of required cognitive knowledge in each of the four high-liability topics training areas of firearms, vehicle operations, defensive tactics, and first aid medical first responder. A student, who has failed to successfully demonstrate the cognitive knowledge or the required demonstration of the high-liability proficiency skills after a second attempt, shall be deemed to have failed the High-Liability Training Course.

(3) Completion of a high-liability course and demonstration of proficiency in the high-liability topics is required for each of the following courses: CMS Criminal Justice Defensive Tactics Course, CMS Defensive Tactics

Instructor Courses, CMS Criminal Justice Firearms Course, CMS Firearms Instructor Courses, CMS Law Enforcement Vehicle Operations Course, CMS Vehicle Operations Instructor Courses, CMS First Aid for Criminal Justice Officers Course, and CMS First Aid Instructor Courses. The required Traditional High-Liability Training Courses and the required demonstration of the high-liability proficiency skills are:

(a) CMS Criminal Justice Defensive Tactics Course.

1. The CMS Criminal Justice Defensive Tactics Course shall be is delivered to basic-recruit students enrolled in a Commission-approved Traditional Basic Recruit Training Program.

2. Basic Recruit Student Proficiency Demonstration. A The basic recruit student shall demonstrate at 100% proficiency, defensive tactics skills taught by a training school, with the results recorded on the required CMS Defensive Tactics Performance Evaluation, form CJSTC-6 CMS, created May 6, 2004 Defensive Tactics Performance Evaluation, form CJSTC-6, revised February 7, 2002, hereby incorporated by reference.

3. The CMS Defensive Tactics Chemical Agent Exposure Training Evaluation, form CJSTC-6A CMS, created May 6, 2004, hereby incorporated by reference, is not a mandated evaluation form and shall only be completed if applicable.

(b) CMS Criminal Justice Defensive Tactics Instructor Courses Instructor Course.

1. An instructor student shall complete the CMS Defensive Tactics Instructor Course or the CMS Defensive Tactics Instructor Transition Course, pursuant to Rule 11B-20.0014, F.A.C., to instruct the following courses: The CMS Criminal Justice Defensive Tactics Course in a Commission-approved Basic Recruit Training Program, or the CMS Defensive Tactics Instructor Course, or the CMS Defensive Tactics Instructor Transition Course. The Criminal Justice Defensive Tactics Instructor Course is required training for instructors who instruct defensive tactics in the Traditional Basic Recruit Training Program and Criminal Justice Defensive Tactics Instructor Course.

2. A defensive tactics instructor student shall demonstrate the Defensive Tactics High-Liability Proficiency Skills with the results recorded on the required CJSTC-6 CMS form. An instructor student shall demonstrate at 100% proficiency for all defensive tactics skills, with the results recorded on the required Defensive Tactics Performance Evaluation form CJSTC-6.

a. CMS Defensive Tactics Instructor Course. An instructor student shall demonstrate the required Defensive Tactics High-Liability Proficiency Skills at 100% for all proficiency skills.

b. CMS Defensive Tactics Instructor Transition Course. An instructor student shall demonstrate the required Defensive Tactics High-Liability Proficiency Skills at 100% for all proficiency skills designated as "New" in the course and on form CJSTC-6 CMS.

(c) CMS Criminal Justice Firearms Weapons Course.

1. The CMS Criminal Justice Firearms Weapons Course shall be is delivered to basic-recruit students enrolled in a Commission-approved Traditional Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required Firearms High-Liability Proficiency Skills at 80% or higher using a handgun (revolver or semi-automatic pistol for both daylight and night), with the results recorded on the required CMS Firearms Performance Evaluation form CJSTC-4 CMS, created May 6, 2004, hereby incorporated by reference. Handgun. The basic recruit student shall demonstrate high-liability proficiency skills at 80% with a handgun on the Firearms Course of Fire.

3. A Shotgun. The basic recruit student shall complete receive instruction on the handling of a long gun (shotgun or rifle) shotgun and shall fire the long gun a shotgun as prescribed in the course curriculum. There are no proficiency requirements for the long gun shotgun.

4. A basic recruit student shall demonstrate high liability proficiency skills with a handgun on all Firearms Courses of Fire, with the results recorded on the required Firearms Performance Evaluation, form CJSTC-4, revised February 7, 2002, hereby incorporated by reference. The Chemical Agent Exposure Training Evaluation, form CJSTC-4A, revised February 7, 2002, hereby incorporated by reference, shall be completed if applicable (optional is not a mandated evaluation form).

(d) CMS Firearms Instructor Courses Criminal Justice Firearms Instructor Course.

1. An instructor student shall complete the CMS The Criminal Justice Firearms Instructor Course or the CMS Firearms Instructor Transition Course, pursuant to Rule 11B-20.0014, F.A.C., to is required training for instructors who instruct the following courses: The CMS Criminal Justice Firearms Course firearms in a the Commission-approved Traditional Basic Recruit Training Program, or the CMS and Criminal Justice Firearms Instructor Course, or the CMS Firearms Instructor Transition Course.

2. A firearms instructor student shall demonstrate the required Firearms High-Liability Proficiency Skills with the results recorded on the required CJSTC-4 CMS form. The instructor student shall demonstrate high liability proficiency skills at 80%, on the Firearms Course of Fire, using a handgun (revolver or semi-automatic pistol) and a shotgun, with the results recorded on the required Firearms Performance Evaluation form CJSTC-4.

a. CMS Firearms Instructor Course. An instructor student shall demonstrate the required Firearms High-Liability Proficiency Skills at 80% or higher using a handgun (revolver or semi-automatic pistol for daylight or night). There are no proficiency skills requirements for the long gun.

b. CMS Firearms Instructor Transition Course. There are no required proficiency skills requirements for the handgun or long gun.

(e) CMS First Aid for Criminal Justice Officers Medical First Responder Course.

1. The CMS First Aid for Criminal Justice Officers Medical First Responder Course shall be is delivered to basic recruit students enrolled in a Commission-approved the Traditional Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required First Aid High-Liability Proficiency Skills proficiency at 100%; with the results recorded on the required CMS First Aid Performance Evaluation, form CJSTC-5 CMS, created May 6, 2004, Medical First Responder Performance Evaluation, form CJSTC-5, revised February 7, 2002; hereby incorporated by reference.

(f) CMS First Aid Instructor Courses Medical First Responder Instructor Course.

1. An instructor student shall complete the CMS First Aid Instructor Course or the CMS First Aid Instructor Transition Course, pursuant to Rule 11B-20.0014, F.A.C., to instruct the following courses: The CMS First Aid for Criminal Justice Officers Course in a Commission-approved Basic Recruit Training Program, or the CMS First Aid Instructor Course or the CMS First Aid Instructor Transition Course. The Medical First Responder Instructor Course is required training for instructors who instruct medical first responder in the Traditional Basic Recruit Training Program and Medical First Responder Instructor Course.

2. An instructor student shall demonstrate the required First Aid High-Liability Proficiency Skills with the results recorded on the required CJSTC-5 CMS form. The instructor student shall demonstrate proficiency at 100%, with the results recorded on the required Medical First Responder Performance Evaluation form CJSTC-5.

a. CMS First Aid Instructor Course. An instructor student shall demonstrate the required First Aid High-Liability Proficiency Skills at 100% for all proficiency skills.

b. CMS First Aid Instructor Transition Course. An instructor student shall demonstrate the required First Aid High-Liability Proficiency Skills at 100% for all proficiency skills designated as “New” in the course, and on the required CJSTC-5 CMS form.

(g) CMS Law Enforcement Vehicle Operations Course.

1. The CMS Law Enforcement Vehicle Operations Course shall be is delivered to basic recruit students enrolled in a Commission-approved Traditional Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required First Aid High-Liability Proficiency Skills high-liability proficiency skill, with four three out of five four runs (80%) (75%) for each exercise, with the results recorded on the required CMS Vehicle Operations Performance Evaluation, form CJSTC-7 CMS, created May 6, 2004, Law Enforcement Vehicle Operations Performance Evaluation, form CJSTC-7, revised February 7, 2002; hereby incorporated by reference.

(h) CMS Vehicle Operations Instructor Courses Law Enforcement Vehicle Operations Instructor Course.

1. An instructor student shall complete the CMS The Law Enforcement Vehicle Operations Instructor Course or the CMS Vehicle Operations Instructor Transition Course, pursuant to Rule 11B-20.0014, F.A.C., to is required training for instructors who instruct the following courses: The CMS Law Enforcement Vehicle Operations Course vehicle operations in a the Commission-approved Traditional Basic Recruit Training Program, or the CMS and Law Enforcement Vehicle Operations Instructor Course, or the CMS Vehicle Operations Instructor Transition Course.

2. An instructor student shall demonstrate the required Vehicle Operations High-Liability Proficiency Skills high liability proficiency skill, with four out of five runs (80%) for each exercise; with the results recorded on the required CJSTC-7 CMS form Law Enforcement Vehicle Operations Performance Evaluation form.

a. CMS Vehicle Operations Instructor Course. An instructor student shall demonstrate the required Vehicle Operations High-Liability Proficiency Skills with four out of five runs (80%) for each exercise.

b. CMS Vehicle Operations Instructor Transition Course. An instructor student shall drive the course for the “New” vehicle operation techniques.

(4) The required CMS High-Liability Training Courses shall be delivered in compliance with the requirements set forth in subsection 11B-35.001(9), F.A.C.

(5) Where night training or ambient lighting is designated, night or ambient light is defined as no earlier than thirty minutes after sunset and no later than thirty minutes prior to sunrise.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12, 943.17 FS. History—New 2-17-93, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.

11B-35.003 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training.

(1) Commission-approved Auxiliary Basic Recruit Training Programs are created to train applicants for employment or appointment by criminal justice agencies, with or without compensation, to assist or aid full-time or part-time officers. Law Enforcement and Correctional Auxiliary Basic Recruit Training Programs are created to train individuals who

~~are applicants for employment or appointment by criminal justice agencies, with or without compensation, to assist or aid full-time or part-time officers.~~

~~(2) To become certified For certification as an auxiliary officer, an applicant individual shall meet the requirements outlined in Sections 943.13(1)-(9) and (11), 943.17(1)(g), F.S., successfully complete the Auxiliary Officer Basic Recruit Training Program requirements outlined in this rule section Prerequisite Course at a training school; and complete the applicable Commission-approved CMS High-Liability Basic Recruit Training Courses for vehicle operations, defensive tactics, and firearms shall be taught by a Commission-certified high-liability instructor at a training school or agency following applicable High-Liability Training Courses for which certification is being sought:~~

~~(a) Criminal Justice Weapons or CMS Criminal Justice Firearms.~~

~~(b) Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics Course, effective July 1, 1998, or CMS Criminal Justice Defensive Tactics.~~

~~(c) Law Enforcement Vehicle Operations or CMS Law Enforcement Vehicle Operations (employing agency requirement).~~

~~(3) A training school shall submit form CJSTC-67 to Commission staff upon an individual's successful completion of a Law Enforcement or Correctional Auxiliary Officer Prerequisite Course. The training school or agency shall document the student's successful completion of the applicable High-Liability Basic Recruit Training Courses, pursuant to subsection 11B-35.0024(3), F.A.C. Regardless of where the High-Liability Basic Recruit Training Course is completed, the employing agency shall maintain the training documentation in the officer's file. High-Liability Training Courses shall be taught by a high-liability instructor, pursuant to subsection 11B-20.0014(4), F.A.C., whether taught at a training school or criminal justice agency.~~

~~(4) Commission-approved High-Liability Basic Recruit Training Courses instructed at a Commission-certified training school shall be recognized by the Commission for applicants requesting certification as a law enforcement, correctional, or correctional probation officer if the applicant has maintained active employment within a discipline as an auxiliary officer, or has completed training within the past four years pursuant to subsection 11B-35.002(2), F.A.C. Recognition of completed high-liability courses shall comply with subsection 11B-35.002(7), F.A.C. A training school shall submit a Training Report form CJSTC-67 to Commission staff upon an individual's completion of the Law Enforcement or Correctional Auxiliary Officer Prerequisite Course. In addition, the training school or criminal justice agency shall document a student's successful completion of the applicable high-liability proficiency skill demonstration set forth in subsection 11B-35.0024(3), F.A.C. Regardless of where the~~

~~high-liability training is completed the employing agency shall maintain the training documentation in the officer's training file.~~

~~(5) Law Enforcement Auxiliary Officer Basic Recruit Training Program requirements. The Auxiliary Basic Recruit Training Programs are:~~

~~(a) Law Enforcement Auxiliary Officer Prerequisite Course topics effective January 1, 1997:~~

<u>TOPICS:</u>	<u>Minimum Hours:</u>
1. Administration	1
2. Community Interaction	6
3. Introduction to Basic Law	24
4. Post Crime Considerations	6
5. Introduction to Traffic	5
6. Field Activities	12
7. <u>CMS First Aid for Criminal Justice Officers</u> <u>CJK_0031</u>	<u>40 48</u>
<u>Medical First Responder</u>	
<u>Total Law Enforcement Auxiliary Officer Prerequisite Course Hours</u>	<u>TOTAL HOURS 94 102</u>
(b) CMS Criminal Justice Firearms <u>CJK_0040</u>	<u>80</u>
(c) CMS Criminal Justice Defensive Tactics <u>CJK_0050</u>	<u>80</u>
(d) CMS Law Enforcement Vehicle Operations <u>CJK_0020</u>	<u>48</u>
<u>(Optional: Based on employing agency requirements)</u>	
<u>Total Law Enforcement Auxiliary Officer Program Hours</u>	<u>TOTAL HOURS 302</u>

~~(6)(b) Correctional Auxiliary Officer Basic Recruit Training Program requirements:~~

~~(a) Correctional Auxiliary Officer Prerequisite Course topics effective January 1, 1997:~~

<u>TOPICS:</u>	<u>Minimum Hours:</u>
1. Administration	1
2. Legal	24
3. Report Writing	4
4. Safety Issues	4
5. Interpersonal Skills	5
6. Security Procedures and Inmate Supervision	4
7. Equipment	2
8. Facility Movement	4
9. Correctional Operation and Intake Procedures	1
10. Inmate Property	2
11. Search Procedures	3
12. <u>CMS First Aid for Criminal Justice Officers</u> <u>CJK_0031</u>	<u>40 48</u>
<u>Medical First Responder</u>	
<u>Total Correctional Auxiliary Officer Prerequisite Course Hours</u>	<u>TOTAL HOURS 94 102</u>

<p>(b) <u>CMS Criminal Justice Firearms</u> <u>CJK_0040</u> <u>80</u></p> <p>(c) <u>CMS Criminal Justice Defensive Tactics</u> <u>CJK_0050</u> <u>80</u></p> <p><u>Total Correctional Auxiliary Officer Program Hours</u> <u>TOTAL HOURS</u> <u>254</u></p> <p><u>(7) Correctional Probation Auxiliary Officer Basic Recruit Training Program. To become a Correctional Probation Auxiliary Officer an individual shall complete the Traditional Correctional Probation Officer Basic Recruit Training Program pursuant to paragraph 11B-35.002(8)(c), F.A.C.</u></p> <p>Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History–New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.</p> <p>11B-35.004 Traditional Basic Recruit Training Programs; Cross-Over Training for Law Enforcement, Correctional, and Correctional Probation Officers.</p> <p>Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History–New 12-13-92, Amended 9-5-93, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, <u>Repealed</u> _____.</p> <p>11B-35.006 Advanced Training Program.</p> <p>(1) <u>Commission-approved Advanced Training Program Courses were created to enhance an officer’s knowledge, skills, and abilities for the job the officer performs and are used by an officer to satisfy mandatory retraining requirements or eligibility for salary incentive monies pursuant to Rule Chapter 11B-14, F.A.C. An officer may not receive both salary incentive credit and mandatory retraining credit for completion of an Advanced Training Program Course. Such courses shall include one major topic and be at least 40 hours long training programs shall include specific courses that are offered by training schools, which have been approved by the Commission and taught by instructors.</u></p> <p>(2) Advanced Training Courses shall include one major topic, shall be at least 40 hours long, and may be used by the officer to satisfy mandatory retraining requirements or eligibility for salary incentive payments when delivered through a training school. An officer may not receive both salary incentive credit and mandatory retraining credit for completion of an Advanced Training Course.</p> <p>(2)(3) The following is a complete list of Advanced Training Program Courses:</p> <table border="0" style="margin-left: 20px;"> <tr> <td style="text-align: center;"><u>Course</u></td> <td style="text-align: center;"><u>Course</u></td> <td style="text-align: center;"><u>Course</u></td> </tr> <tr> <td style="text-align: center;"><u>Number</u></td> <td style="text-align: center;"><u>Name</u></td> <td style="text-align: center;"><u>Hours</u></td> </tr> <tr> <td style="text-align: center;">006</td> <td>Line Supervision</td> <td style="text-align: center;">80 hours</td> </tr> <tr> <td style="text-align: center;">007</td> <td>Middle Management</td> <td style="text-align: center;">80 hours</td> </tr> <tr> <td style="text-align: center;">011</td> <td>Developing and Maintaining a Sound Organization</td> <td style="text-align: center;">40 hours</td> </tr> <tr> <td style="text-align: center;">012</td> <td>Planning the Effective Use of Financial Resources</td> <td style="text-align: center;">40 hours</td> </tr> <tr> <td style="text-align: center;">013</td> <td>Building and Maintaining a Sound Behavioral Climate</td> <td style="text-align: center;">40 hours</td> </tr> </table>	<u>Course</u>	<u>Course</u>	<u>Course</u>	<u>Number</u>	<u>Name</u>	<u>Hours</u>	006	Line Supervision	80 hours	007	Middle Management	80 hours	011	Developing and Maintaining a Sound Organization	40 hours	012	Planning the Effective Use of Financial Resources	40 hours	013	Building and Maintaining a Sound Behavioral Climate	40 hours	<p>016 Narcotics Identification and Investigation 40 hours</p> <p>019 Criminal Law 40 hours</p> <p>020 Case Preparation and Court Presentation 40 hours</p> <p>032 Special Tactical Problems 40 hours</p> <p>033 Sex Crimes Investigation 40 hours</p> <p>036 Injury and Death Investigation 40 hours</p> <p>047 Interviews and Interrogations 40 hours</p> <p>050 Stress Awareness and Resolution 40 hours</p> <p>053 Crisis Intervention 40 hours</p> <p>054 Organized Crime 40 hours</p> <p>055 Radar Speed Measurement Training Course for Law Enforcement Officers 40 hours</p> <p>057 Discipline and Special Confinement Techniques 40 hours</p> <p>058 Youthful Offender Program 40 hours</p> <p>068 Advanced Report Writing and Review 40 hours</p> <p>072 Fire Fighting for Correctional Officers 40 hours</p> <p>073 Human and Community Relations 40 hours</p> <p>074 Drug Abuse Awareness and Education 40 hours</p> <p>077 Underwater Police Science and Technology 80 hours</p> <p>080 Computer Applications in Criminal Justice 40 hours</p> <p>085 Emergency Preparedness for Correctional Officers 40 hours</p> <p>087 Advanced Traffic Accident Investigations 80 hours</p> <p>088 Traffic Accident Reconstruction 80 hours</p> <p>090 School Resource Officer 40 hours</p> <p>091 Domestic Intervention 40 hours</p> <p>093 Hostage Negotiations 40 hours</p> <p>094 Drug Abuse Resistance Education (D.A.R.E.) – FDLE instructed only 80 hours</p> <p>095 Laser Speed Measurement Operators Training Course for Law Enforcement Officers 40 hours</p> <p>096 Drug Abuse Resistance Education (D.A.R.E.) 40 hours</p> <p>094 & 097 Drug Abuse Resistance Education (D.A.R.E.) 40 hours</p> <p>098 *Traffic Homicide Investigation 80 hours</p> <p>*The previous Traffic Homicide Investigation course number 039 became inactive July 1, 1998.</p> <p>100 Crimes Against the Elderly and Disabled 40 hours</p>
<u>Course</u>	<u>Course</u>	<u>Course</u>																				
<u>Number</u>	<u>Name</u>	<u>Hours</u>																				
006	Line Supervision	80 hours																				
007	Middle Management	80 hours																				
011	Developing and Maintaining a Sound Organization	40 hours																				
012	Planning the Effective Use of Financial Resources	40 hours																				
013	Building and Maintaining a Sound Behavioral Climate	40 hours																				

- 809 *CMS Field Training Officer Program Course (This course is not mandated for field training officers) 40 hours
- 1100 *Field Training Officer Course for Correctional and Correctional Probation Officers 40 hours

*Officers who are currently receiving salary incentive payment for completion of the Field Training Officer Course number 051, are not eligible to receive additional salary incentive credit for course number 809 or 1100.

~~(3)~~(4) Course number 094, Drug Abuse Resistance Education (D.A.R.E.), may be offered only through the certified state D.A.R.E. training center. The Florida certified state D.A.R.E. training center is located within the Florida Department of Law Enforcement. D.A.R.E. course numbers are: Course #094 (80 hours), or #094 split with #097 (40 hours) for salary incentive, and #096 (40 hours) for mandatory retraining.

~~(4)~~(5) Only officers and support personnel who have written approval from their respective agency head or designee may attend Advanced Training Program Courses. Applicants shall submit evidence of their agency head's approval in a format established and agreed upon by the Local Regional Training Council and training school.

~~(5)~~(6) To successfully complete an Advanced Training Program Course, a student shall comply with student attendance, performance, and course documentation requirements pursuant to Rule 11B-35.001, F.A.C.

(a) A Radar Operator Performance Report, form CJSTC-8, revised ~~May 6, 2004 February 7, 2002~~, hereby incorporated by reference, shall be completed for the Radar Speed Measurement Training Course for Law Enforcement Officers.

(b) A Laser Operator Performance Report, form CJSTC-9, revised ~~May 6, 2004 February 7, 2002~~, hereby incorporated by reference, shall be completed for the Laser Speed Measurement Operators ~~Training~~ Course for Law Enforcement Officers.

~~(7) Criminal Justice Standards and Training Trust Fund Officer Training Monies may be expended to conduct Advanced Training Courses pursuant to Rule Chapter 11B-18, F.A.C.~~

~~(6)~~(8) Training schools shall report the successful completion of Advanced Training Program Courses for officers pursuant to paragraph 11B-35.001(10)(b), F.A.C. ~~who are eligible to receive salary incentive payment, pursuant to Section 943.22(2), F.S. A completed form CJSTC 67 shall be transmitted within thirty days of the course completion date through the Commission's ATMS.~~

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(5), 943.17(1) FS. History--New 12-13-92, Amended 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.

11B-35.007 Specialized Training Program.

(1) The Commission's Specialized Training Programs may be used by training schools and consist of the following Commission-approved:

- (a) Specialized Goals and Objectives;
- (b) Instructor Training Courses; and
- (c) Specialized Training Courses.

(2) Courses developed from the Specialized Goals and Objectives ~~that~~ have been designed to use Commission-established categories, topics, and objectives that encompass subject matter pertinent to training within the criminal justice profession. Such courses shall be developed using a "menu" approach to fulfill local criminal justice agency training needs.

(a) Commission-established categories for Specialized Goals and Objectives are:

- 1. Communication Skills.
- 2. Crime Prevention.
- 3. Health.
- 4. High-Liability.
- 5. Investigations.
- 6. Legal Issues.
- 7. Management and Supervision.
- 8. Science and Technology.
- 9. Inmate Supervision and Control.
- 10. Community Policing.

(b) A training school shall adhere to the following procedures to develop courses from the Specialized Goals and Objectives:

- 1. Determine local agency training needs and applicable course content.
- 2. Review the category list to determine the applicable category.
- 3. Refer to topic lists within the category(ies) chosen to determine the subject area(s) covered.
- 4. Write the student learning goal(s) for the course.
- 5. Select the relevant objective(s) from the chosen topic(s) to cover the specific subject matter.
- 6. Develop the lesson plan.
- 7. ~~Maintain~~ Formulate information required for the Specialized Training Program Course file pursuant to Rule 11B-35.001, F.A.C.
- 8. Combine categories, topics, and objectives to develop a Specialized Training Program Course. In addition, objectives may be extracted from the Advanced Training Program Course series to develop a Specialized Training Program Course. If a portion of an Advanced Training Program Course is used, the course number and objective number shall be identified.

9. Establish the number of hours of instruction according to local agency needs. A minimum of four ~~Four~~ hours of course instruction are required. A training school shall determine the number of objectives needed for each block of

course instruction. To provide further flexibility, a maximum of four hours of electives may be used for each forty hours of course instruction. CJSTC-16.

10. Document the training by completing a Specialized Training Documentation, form, revised February 7, 2002, hereby incorporated by reference, and when applicable complete a Specialized Training Documentation Supplemental, form CJSTC-16A, revised May 6, 2004 ~~February 7, 2002~~, hereby incorporated by reference. Forms CJSTC-16 and CJSTC-16A shall be maintained in the student's class file at the training school.

(3) Specialized Instructor training courses. Courses developed and approved by the Commission for instructor training shall be delivered in their entirety by a training school for an individual to qualify to apply ~~for certification~~ as a Commission-certified ~~an~~ instructor. Commission-approved Specialized Instructor Training Courses are:

	<u>Course Number</u>	<u>Course Names:</u>	<u>Course Hours:</u>
(a)	<u>1101</u>	Traditional General Instructor Techniques Course <u>(Retired 6/30/04)</u>	80
(b)	<u>1115</u>	<u>General Instructor Refresher Course</u>	8
(c)(b)	<u>1116</u>	General CMS Instructor Techniques Course	80
(d)(e)	<u>803</u>	CMS General Instructor Transition Course	<u>12</u> 46
(e)(d)	<u>1102</u>	Law Enforcement Vehicle Operations Instructor Course <u>(Retired 6/30/04)</u>	40
(f)(e)	<u>800</u>	CMS Law Enforcement Vehicle Operations Instructor Course	40
(g)(f)	<u>805</u>	CMS Law Enforcement Vehicle Operations Instructor Transition Course	<u>16</u> 42
(h)(g)	<u>1103</u>	Criminal Justice Firearms Instructor Course <u>(Retired 6/30/04)</u>	44
(i)(h)	<u>801</u>	CMS Criminal Justice Firearms Instructor Course	<u>44</u> TBA
(j)(i)	<u>806</u>	CMS Criminal Justice Firearms Instructor Transition Course	12
(k)(j)	<u>1104</u>	Defensive Tactics Instructor Course <u>(Retired 6/30/04)</u>	80
(l)(k)	<u>802</u>	CMS Defensive Tactics Instructor Course	<u>80</u> TBA
(m)(l)	<u>807</u>	CMS Defensive Tactics Instructor Transition Course	32

(n)(m)	<u>1105</u>	Medical First Responder Instructor Course <u>(Retired 6/30/04)</u>	48
(o)(n)	<u>1114</u>	CMS Medical First Aid Responder Instructor Course	<u>40</u> TBA
(p)(o)	<u>804</u>	CMS Medical First Aid Responder, to Emergencies Instructor Transition Course <u>Unit 1: Medical First Responder</u>	8
(p)		Human Diversity Train-the-Trainer Course	20
(q)	<u>1107</u>	Canine Team Training Instructor Course	40
(r)	<u>1108</u>	Radar Speed Measurement Instructors Training Course for Law Enforcement Officers	40
(s)	<u>1109</u>	Laser Speed <u>Measurement</u> Measuring Device (LSMD) Instructor Transition Instructors Course for Radar Instructors	24
(t)	<u>1110</u>	Breath Test Instructor Certification Course	40
(u)	<u>1111</u>	Breath Test Instructor Certification Renewal Course	8

(4) Commission-approved Specialized Training Program Courses developed and approved by the Commission that have not been designated as Commission-approved Advanced Training Program Courses:

	<u>Course Number</u>	<u>Course Names</u>	<u>Course Hours:</u>
(a)	<u>1125</u>	Contraband Forfeiture	40
(b)	<u>1126</u>	Human Diversity In-service Training for Professionalism and Ethics	4
(c)	<u>1127</u>	Human Diversity In-service Training for Interdependent Relationships	8
(d)	<u>1128</u>	Human Diversity In-service Training for Reducing Inter-group Conflict	4
(e)	<u>1129</u>	Human Diversity In-service Training for Sexual Harassment in the Workplace	4
(f)	<u>1130</u>	Human Diversity In-service Training for Specialized Topics in Diversity	4
(g)	<u>TBA</u>	<u>CMS Human Interaction Course</u>	<u>16</u>

(h)(g)	1131	Human Diversity In-service Training for Discriminatory Profiling and Professional Traffic Stops	4
(i)(h)	1112	Canine Team Training Course	400
(j)(f)	1113	Laser Speed Measurement Measuring Device (LSMD) Transition Operators Course for Radar Operators	12
(k)(f)	1132	Parking Enforcement Specialist for Civilians	16
(l)(k)	1133	Selective Traffic Enforcement Program for Civilians	80
(m)(f)	732	Traffic Control Officer for Civilians	8
(n)(m)	851	Breath Test Operator Course	24
(o)(n)	951	Breath Test Operator Renewal Course	6
(p)(o)	850	Agency Inspector Course	24
(q)(p)	950	Agency Inspector Renewal Course	6
(r)(q)	1134	Criminal Justice Officer Ethics Course	8
(s)(t)	1135	Crimes Against Children	24
		No hour requirement	
(t)(s)	1136	Domestic Violence	8
		No hour requirement	
(u)(t)	1137	Violent Crime Investigator Training Course Courses	40
		No hour requirement	
(v)	808	CMS Field Training Officer Transition Course	8
(w)	1140	Basic Incident Command System (ICS) Course	6
(x)	1141	Intermediate Incident Command System (ICS) Course	21
(y)	1142	Advanced Incident Command System (ICS) Course	16
(z)	TBA	Mental Retardation Course	TBA
(aa)	TBA	Mental Illness Course	TBA
(bb)	TBA	Alcohol and Substance Abuse Course	TBA
(cc)	TBA	Physical Disabilities Course	TBA

(5) Successfully completed Commission-approved Specialized Training Program Courses may be credited toward an officer's mandatory retraining requirement pursuant to Rule 11B-27.00212, F.A.C. Documentation of such training shall be provided to students and shall include the name of the training school delivering the course, the course title or topics taught, course date(s), and course hours.

(6) Training schools shall report the satisfactory completion of training pursuant to paragraph 11B-35.001(10)(b), F.A.C., instructor courses by a ~~criminal justice officer~~ by transmitting a completed Training Report form CJSTC-67 within 30 days of course completion through the Commission's ATMS.

~~(7) Pursuant to Section 943.13, F.S., to maintain certification by the Commission, a certified officer shall, every four years, complete a minimum of eight hours of continuing training in the area of "interpersonal skills relating to human diversity." The mandated eight hours of continuing training for officers in the area of "interpersonal skills relating to human diversity" shall be satisfied by successfully completing the following training:~~

~~(a) Law enforcement officers. Four hours of Human Diversity In Service Training for Discriminatory Profiling and Professional Traffic Stops, pursuant to paragraph (4)(g) of this rule section, and one or more of the Human Diversity In-Service Training Modules set forth in paragraphs (4)(b)-(f) for the additional four hours required to satisfy the 8 hour continuing training requirement every four years.~~

~~(b) Correctional and correctional probation officers. A compliment of eight hours of continuing training comprised of Human Diversity In Service Training Courses set forth in paragraphs (4)(b)-(f) of this rule section.~~

~~(7)(8) Criminal Justice Standards and Training Trust Fund Officer Training Monies may be expended to conduct Commission-approved Specialized Training Program Courses pursuant to subsection 11B-35.007(1), F.A.C. Officer Training Monies shall be expended pursuant to the requirements of Rule Chapter 11B-18, F.A.C. Human Diversity In-Service Training set forth in paragraphs (4)(b)-(f) of this rule section, which are delivered through a training school using Criminal Justice Standards and Training Trust Fund Officer Training Monies, shall use a Human Diversity Instructor pursuant to paragraph 11B-20.001(5)(d), F.A.C.~~

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.175, 943.25 FS. History--New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02.

11B-35.0085 Criminal Justice Training School Requirements for Local Administration and Security of Examinations for Training Courses.

A training center director ~~designated by a training school~~ shall maintain the security and confidentiality of all examinations used in all Commission-approved courses in the following manner:

(1) Pursuant with Section 943.173(2), F.S., the Commission shall authorize the administration of examinations at training schools. Administration of examinations shall consist of the training center director or designee(s) developing examination items, maintaining examination item banks, preparing examination forms, administering examinations, retaining student examinations, proctoring, grading, and recording the results of the examinations.

(2) ~~A training center director shall develop and maintain written procedures outlining the security of training school examinations to include preparation, administration, proctoring, storing, grading, disposal, and student review ensure that the security and confidentiality of examinations are maintained, and upon request shall make available examination materials for inspection by Commission staff.~~

(3) Written procedures, examinations and examination materials shall be made available for inspection by Commission staff.

(4) To maintain the security of the examinations outlined in this rule section, a training center director shall ensure that:

(a) The security and confidentiality of examinations and examination materials are maintained and obsolete examination materials are destroyed.

(b) Examination materials are secured and accessible only by training school staff approved by the training center director.

(c) Examination items are not reviewed with students prior to administration of the test.

(d) Student contact with examination materials is conducted in a controlled presentation to prohibit students from recording or transcribing test questions and answers.

(5) ~~(3)~~ Examination materials, including the examination and individual answer forms for each training course, shall be retained for not less than two years after the date the examination is completed.

Specific Authority 943.12(1),(2) FS. Law Implemented 943.173 FS. History—New 7-7-99, Amended 11-5-02,_____.

11B-35.009 Exemption from Basic Recruit Training.

(1) Definitions. For the purpose of this rule section, the following definitions shall apply:

(a) “Employing agency” means any agency authorized by law to employ or appoint officers pursuant to Section 943.10(4), F.S.

(b) “Comparable basic recruit training program in another state or for the federal government,” means any successfully completed sworn officer training course or courses, irrespective of the completion date, which when viewed together include all the primary training topics pursuant to subsection (3) of this rule section Rule 11B-35-009, F.A.C., for the discipline in which the applicant is seeking an exemption,

pursuant to Section 943.13(2), F.S. Commission-approved Basic Recruit Training Courses may be substituted for courses not included in basic level training.

(c) “Another state” means one or more of the United States or its territories, or any combination thereof, with the exception of the State of Florida.

(d) “Federal Government” means any agency of the United States government that employs or appoints sworn officers, a Native American Indian tribe or band that employs or appoints sworn officers, or any branch or entity of the United States Armed Forces or any combination thereof.

(e) “Full time” means any employed or appointed status in which a normal work week consists of forty or more on-duty hours, exclusive of overtime, holidays, regular days off, leave, or other authorized or ordered absence from work.

(f) “Sworn officer” means an individual whose work experience, as required in this rule section, meets the definition of a law enforcement, correctional, and correctional probation officer pursuant to Section 943.10(1)-(3), F.S. any officer defined in Section 943.10, F.S.

(g) “At least one year” means a time period of twelve months sworn experience that shall have occurred at no more than two criminal justice agencies over a period not to exceed eighteen months as a full-time sworn officer in a specified discipline, excluding periods during which an individual was enrolled in or attending basic recruit training.

(h) Pursuant to Section 943.1395(3), F.S., and subsection 11B-27.00212(11) ~~11B-27.00201(9)~~, F.A.C., an “Inactive Florida Officer” means an individual who has met the certification and employment requirements of Section 943.13, F.S., and has not been employed as an officer in the discipline for which the individual was a Florida certified officer for a period of four ~~to eight or more~~ years.

(2) An individual who applies for certification as a Florida officer shall qualify is qualified for exemption from completing a Commission-approved Basic Recruit Training Program if the applicant has:

(a) Successfully completed basic recruit training comparable in content to the Basic Recruit Training Program for the discipline for which the individual claims exemption; and

(b) Prior service as a full-time sworn officer in another state or the Federal Government for at least one year, pursuant to paragraph (1)(g) of this rule section, in the criminal justice discipline for which the individual is requesting an exemption. There shall be no more than an 8-year break in employment, which is measured from the separation date of the most recent qualifying employment to the time a complete application is submitted for an exemption under this rule section. The twelve months sworn experience shall have occurred at no more than two criminal justice agencies over a period not to exceed eighteen months as a full-time sworn officer in the discipline for which an exemption is being requested.

(3) For individuals who request an exemption from a Commission-approved Basic Recruit Training Program, the employing agency or Criminal Justice Selection Center shall:

(a) Verify that the applicant's law enforcement training is comparable to the Commission's CMS Application-Based Law Enforcement ~~Officer~~ Basic Recruit Training Program for which the exemption is requested, and at a minimum reflects successful completion of training for the topics of Law Enforcement, Constitutional Law and Legal Issues, Report Writing, Interpersonal Skills, Firearms ~~Criminal Justice Weapons~~, ~~Criminal Justice~~ Defensive Tactics, First Aid ~~Medical First Responder~~ or equivalent, Vehicle Operations, Law Enforcement Patrol, Criminal Investigations, Traffic Crash Investigations, and Traffic Control and Stops.

(b) Verify that the applicant's correctional officer training is comparable to the Commission's Traditional Correctional ~~Officer~~ Basic Recruit Training Program whenever an exemption is requested, and at a minimum reflects successful completion of training for the topics of Correctional Legal Issues, Report Writing, Interpersonal Skills, Criminal Justice Weapons, Criminal Justice Defensive Tactics, ~~Medical~~ Aid Responder or equivalent, and Correctional Facility Operations.

(c) Verify that the applicant's correctional probation officer training is comparable to the Commission's Traditional Correctional Probation Basic Recruit Training Program whenever an exemption is requested, and at a minimum reflects successful completion of training for the topics of Correctional Probation Officer Legal Issues, Report Writing, Interpersonal Skills, Criminal Justice Defensive Tactics, ~~Medical~~ Aid Responder or equivalent, Probationer Supervision, and Criminal Justice Weapons.

(d) Verify the required training and the authenticity of documents submitted by an individual through telephone or written confirmation of documents such as, criminal justice agency training records, training school records, official transcripts, curricula or curricula summaries, certificates of completion, or other such documents that verify the applicant's successful completion of comparable basic recruit training in another state or for the federal government, and affidavits executed by a custodian or custodians of such records or other persons with direct knowledge that support the individual's successful completion of comparable basic recruit training.

(e) Verify that the individual has met the required prior sworn experience by obtaining copies of one or more of the following:

1. Agency employee payroll record;
2. Agency employment record;
3. Employment verification by an authorized representative of the individual's previous employer or employers; and

4. Other documentation that confirms the applicant's previous experience and employment as an officer for at least one year.

(4) Inactive Florida officers who have been separated from employment for a period of four to eight ~~or more~~ years, may apply for exemption from re-taking the Basic Recruit Training Program for which the officer has been previously certified as a sworn officer. The employing agency or Criminal Justice Selection Center shall verify that the applicant has:

(a) Successfully completed the Basic Recruit Training Program for the discipline for which re-activation of certification is requested; and

(b) ~~Been Has been~~ employed as a criminal justice officer in Florida in the discipline for which reactivation or certification is requested.

(5) Documentation requirements for out-of-state, federal, and inactive Florida Officers. Upon verification of an individual's request for exemption of training certification, pursuant to this rule section, an employing agency or Criminal Justice Selection Center shall submit to Commission staff a completed Equivalency-of-Training, form CJSTC-76, revised May 6, 2004 ~~February 7, 2002~~, hereby incorporated by reference, for out-of-state, federal, and inactive Florida Officers. Supporting documentation verifying the individual's compliance with comparable basic recruit training and sworn criminal justice experience pursuant to this rule section shall be maintained on file by the employing agency or Criminal Justice Selection Center and submitted to Commission staff for review. The agency shall be notified of the approval or denial of the requested exemption of certification in writing within 30 working days. If the exemption is denied, the individual shall be granted a hearing pursuant to Section 120.57, F.S.

(6) High-Liability Basic Recruit Training proficiency skills ~~Proficiency~~ requirements for out-of-state, ~~or~~ federal ~~officers~~, or inactive Florida officers. Prior to applying for certification, an out-of-state or federal officer, or inactive Florida officer, who is exempt from completing a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S., shall demonstrate proficiency in the required High-Liability Basic Recruit Training Proficiency Skills ~~high-liability proficiency skills~~ of vehicle operations, firearms, ~~criminal justice weapons~~, ~~criminal justice~~ defensive tactics, and first aid ~~medical first responder~~, pursuant to Rule 11B-35.0024, F.A.C., for the discipline for which certification is sought, ~~pursuant to subsection 11B-35.002(4), F.A.C.~~ Such officers shall achieve a passing score on ~~successfully pass, as defined in subsection 11B-30.006(1), F.A.C.,~~ the State Officer Certification Examination, pursuant to paragraph 11B-30.008(2)(c), F.A.C. Upon demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills ~~high-liability proficiency skills~~, the training school shall complete an ~~submit to Commission staff a completed~~

Equivalency of Training Proficiency Demonstration, form CJSTC-76A revised May 6, 2004 July 1, 2002, hereby incorporated by reference, and provide a copy of the form to the officer. The training center director or designee shall, within thirty days of course completion, electronically transmit a completed Training Report form CJSTC-67 through the Commission's ATMS, or submit an updated form CJSTC-67.

(7) Individuals, who have qualified for an exemption from a Commission-approved Basic Recruit Training Program, pursuant to this rule section, shall become employed within four years of the date the exemption from basic recruit training was approved.

(8) Individuals applying for exemption from a Commission-approved Basic Recruit Training Program, outlined in this rule section, shall not engage in conduct that subverts or attempts to subvert the State Officer Examination (SOCE) process pursuant to Rule 11B-30.009, F.A.C.

Specific Authority 943.03(4), 943.12(1),(2) F.S. Law Implemented 943.131(2) F.S. History--New 1-2-97, Amended 7-7-99, 11-5-02,_____.

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE CHAPTER TITLE: Criminal History Records
 RULE CHAPTER NO.: 11C-6

Dissemination Policy
 RULE TITLE: Retention of Applicant Fingerprints
 RULE NO.: 11C-6.010

PURPOSE AND EFFECT: Creation of the rule is required by statute. The rule specifies the manner in which applicant fingerprints will be retained by the Department of Law Enforcement when authorized by law, searched against incoming arrest records with notice of matches given to the submitting agency, and the charge for this service.

SUBJECT AREA TO BE ADDRESSED: Retention of and searching against applicant fingerprints, as authorized by Sections 1012.32(3), 1012.465 and 1012.56, F.S.

SPECIFIC AUTHORITY: 1012.32(3), 1012.465, 1012.56 FS.

LAW IMPLEMENTED: 1012.32(3), 1012.465, 1012.56 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., Tuesday, July 27, 2004

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Martha Wright, Bureau Chief, User Services Bureau, Criminal Justice Information Services, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11C-6.010 Retention of Applicant Fingerprints.

(1) The Florida Department of Law Enforcement shall enter and retain in the Automated Fingerprint Identification System (AFIS) the applicant fingerprints submitted for state and national criminal history checks by agencies having statutory authorization, as indicated in the Law Implemented section below, to participate in the Applicant Fingerprint Retention and Notification Program (AFRNP) for current and prospective employees, contractors, volunteers, and persons seeking to be licensed or certified.

(2) Such applicant fingerprints shall be submitted on paper or in a digitized format for entry into AFIS, and shall be retained in the AFRNP database, in such a manner as to be distinct from the criminal history record database.

(3) Agencies submitting applicant fingerprints in accordance with the authorizing statute, as indicated in the Law Implemented section below, shall notify individual applicants of the requirements of participation in the AFRNP.

(4) When the subject of fingerprints submitted for retention under this program is identified with fingerprints from an incoming Florida arrest, as confirmed by fingerprint comparison, the Department shall immediately advise the agency which submitted the applicant fingerprints of the arrest in writing. Arrests made in other states or by the federal government will not result in notification, as access to these arrests is restricted by federal law. The information on arrests for these applicants in other states and by the federal government is available only upon a fingerprint submission to the Federal Bureau of Investigation.

(5) The annual fee for participation in the AFRNP shall be \$6 per individual record retained.

(6) The initial entry of an applicant's fingerprints into the AFRNP database must be accompanied by a state and national criminal history records check. There is no additional fee for the first year of participation in the program. For each succeeding year, the \$6 per record annual fee will be charged.

(7) Governmental agencies will be charged this fee in one of two ways according to the agency's preference: (a) Annually in advance on October 1 or (b) Annually in advance on the anniversary of the individual applicant's initial entry into the program.

(8) As a condition of participation in the AFRNP, the agency must inform the Department in writing and receive written confirmation from the Department of all persons with retained fingerprints who are no longer employed, licensed, certified, or otherwise associated with the agency in order that such persons may be removed from the AFRNP database. With respect to any person previously entered in the database for whom the Department does not receive notification of removal by September 29 in the case of the first billing option above at

paragraph (7), or by two days prior to the anniversary date in the case of the second billing option, the annual fee must be paid.

Specific Authority 1012.32(3), 1012.465, 1012.56 FS. Law Implemented 1012.32(3), 1012.465, 1012.56 FS. History—New _____.

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE CHAPTER TITLE: Implied Consent and Alcohol Testing Program

RULE CHAPTER NO.: 11D-8

RULE TITLES: Definitions

RULE NOS.: 11D-8.002

Approval of Breath Test Methods and Instruments

11D-8.003

Approval of Alcohol Reference Solution and Sources

11D-8.0035

Approval of Dry Gas Standards Source

11D-8.0036

Department Inspection and Registration of Breath Test Instruments

11D-8.004

Agency Inspection of Breath Test Instruments

11D-8.006

Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures

11D-8.007

Agency Retention of Records

11D-8.0075

Breath Test Operator and Agency Inspector

11D-8.008

Qualifications for Instructors

11D-8.010

Blood Alcohol Permit – Analyst

11D-8.013

Denial, Revocation, and Suspension of Permits

11D-8.015

Forms

11D-8.017

PURPOSE AND EFFECT: Proposed revisions to the above rules are necessary to address new instrumentation for use in Florida and recent developments in the field of alcohol testing.

SUBJECT AREA TO BE ADDRESSED: The Department’s rules chapter concerning regulation and implementation of Florida’s implied consent and alcohol testing program. The program rules govern definitions of terminology based on academic, scientific and common usage; issuance and regulation of alcohol test permits; approval and evaluation of breath and blood alcohol test methods; approval, use and inspection of breath test instruments and records; training requirements and qualifications for alcohol test permit holders.

SPECIFIC AUTHORITY: 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS.

LAW IMPLEMENTED: 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3), 327.352(1)(e), 327.353(2)(b), 327.354(3) 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., Tuesday, July 27, 2004

PLACE: Florida Department of Law Enforcement, 1819 Miccosukee Commons, Conference Room, Tallahassee, FL
 NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rafael E. Madrigal, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11D-8.002 Definitions.

(1) Acceptable Range – ~~means~~ the results of alcohol reference solutions agency or department inspections and dry gas standard analyses which fall within the following ranges at each alcohol vapor concentration: 0.05 g/210L range is 0.045 to 0.055 g/210L; 0.08 g/210L range is 0.075 to 0.085 g/210L; 0.20 g/210L range is 0.190 to 0.210 g/210L; or the Alcohol Reference Solution gas chromatographic results which fall within the following ranges: 0.0605 g/100mL range is 0.0586 to 0.0623 g/100mL; 0.0968 g/100mL range is 0.0938 to 0.0997 g/100mL; 0.2420 g/100mL range is 0.2347 to 0.2492 g/100mL.

(2) through (9) No change.

(10) Analyst – a person who has been issued a ~~Blood Analyst~~ permit by the Department to conduct blood alcohol analyses.

(11) through (12) No change.

(13) Authorized Repair Facility – an entity authorized by the breath test instrument manufacturer to service and repair such breath test instrument.

(14) through (19) No change.

(20) Dry Gas Standard – a standard consisting of a mixture of alcohol and gas which produces a known alcohol vapor concentration used to verify the calibration of a breath test instrument.

(21) through (23) No change.

(24) Permit – when issued by the Department, certifies that the holder has met all necessary qualifications, remains in full compliance with these rules and is authorized to perform all related duties. A permit is issued only to a qualified applicant and remains valid and in full effect until determined otherwise by the Department. ~~An inactive permit remains valid, but the permit holder is not authorized to perform duties related to the permit until satisfaction of the applicable requirements.~~

(25) through (26) No change.

Specific Authority 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a),(b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 7-6-99, 7-29-01, 11-5-02, _____.

11D-8.003 Approval of Breath Test Methods and Instruments.

(1) No change.

(2) The Department approves breath test methods and new instrumentation to ensure the accuracy and reliability of breath test results. The Department has approved the following breath test instrumentation instrument(s) for evidentiary use: CMI, Inc. Intoxilyzer 5000 Series – including any or all instruments using one of the following programs: 5000 Basic Software Program; Florida Software Program; R-Software Program; and CMI, Inc. Intoxilyzer 8000 using software evaluated approved by the Department in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34 – Rev. March 2004 2002.

(3) No change.

~~(4) The determination to evaluate an evidentiary breath test instrument for use in the State of Florida will be made by the Department. Upon notification by the Department that an evidentiary breath test instrument will be evaluated, the instrument's manufacturer shall submit the following to the Department:~~

- ~~(a) The method of analysis upon which the instrument is based;~~
- ~~(b) The instrument's model designation;~~
- ~~(c) At least two (2) instruments for evaluation and a certificate of calibration for each instrument;~~
- ~~(d) A description of the instrument;~~
- ~~(e) The operator's/technician's manual;~~
- ~~(f) A schematic design and a mechanical drawing of the instrument;~~
- ~~(g) The instrument's maintenance manual, if published;~~
- ~~(h) Any accessories and materials necessary to use the instrument for breath testing;~~
- ~~(i) The maximum and minimum temperatures at which the instrument provides accurate results;~~
- ~~(j) The name and description of the software used.~~

(4)(5) A Department inspection performed in accordance with Rule 11D-8.004, F.A.C., validates the approval, accuracy and reliability of an evidentiary breath test instrument manufacturer whose instrument has been previously approved by the Department shall notify the Department in writing prior to making any modification or adding a new option to such instrument. The Department shall evaluate such modifications or options to an approved breath test instrument and determine whether they affect the instrument's method of analysis or analytical reliability.

~~(5)(6) The Department shall conduct evaluations for approval of new instrumentation under sections (4) and (5) in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34 – Rev. March 2004 2004.~~

~~(6)(7) The availability or approval of new instruments, software, options or modifications does not negate the approval status of previously approved instruments, software, options or modifications.~~

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a),(b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, _____.

11D-8.0035 Approval of Alcohol Reference Solution and Sources.

(1) The Department shall approve a source of alcohol reference solution for use by agencies in the State of Florida. The source approved by the Department shall be an entity that manufactures alcohol reference solutions and meets the following requirements:

(a) The source must prepare alcohol reference solution, and be capable of producing a minimum batch volume of 800 bottles, each containing at least 500 milliliters, to produce the following vapor alcohol concentrations: 0.05 g/210L, 0.08 g/210L, and 0.20 g/210L using only distilled or deionized water;

~~(b) The source must use reagent grade or U.S.P. grade ethanol in the preparation of the alcohol reference solution;~~

~~(c) The source must be capable of producing a minimum batch volume of 800 bottles, each containing at least 500 milliliters, to produce the following vapor alcohol concentrations: 0.05 g/210L, 0.08 g/210L, and 0.20 g/210L;~~

~~(b)(d) The source must have performed and documented tests that demonstrate that the alcohol reference solutions are reliable for at least two years from the date of manufacture.~~

(2) The Department shall approve each lot of alcohol reference solution prior to distribution for use in Florida.

(a) No change.

(b) The Department shall notify the source that the approved lots may be distributed for use in Florida, and shall issue a Certificate of Assurance, FDLE/ATP Form 32 – Rev. March 2001. ~~Upon a determination by the Department that a lot of alcohol reference solution fails to meet the requirements for approval, the Department shall notify the source approved by the Department.~~

(3) through (4) No change.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3, 327.352(1)(d) FS. Law Implemented 316.1932(1)(b)2, 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History—New 7-6-99, Amended 7-29-01, _____.

11D-8.0036 Approval of Dry Gas Standards Source.

(1) The Department shall approve a source of dry gas standards for use by agencies in the State of Florida. The source approved by the Department shall be an entity that manufactures dry gas standards and meets the following requirements:

(a) The source must produce dry gas standards which are traceable to comply with specifications of the National Institute of Standards and Technology.

(b) Each dry gas standard lot cylinder produced by the source must be certified by the source as to its contents and vapor alcohol concentration.

(c) The source must be capable of producing a minimum of 300 800 cylinders of dry gas standard during a thirty day period at an a-vapor alcohol concentration of 0.08 g/210L.

(d) No change.

~~(e) The Department shall verify using infrared spectroscopy or another scientifically accepted method the vapor alcohol concentration in a minimum of ten sample cylinders of dry gas standard produced by the source. Ten (10) analyses will be performed on each sample cylinder of dry gas standard using an approved breath test instrument. All analytical results must fall within the dry gas standard acceptable range. The calibration of the breath test instrument shall be verified prior to analysis of the dry gas standards by obtaining two results of alcohol reference solution concentrations of 0.05 g/210L, 0.08 g/210L, and 0.20 g/210L.~~

(2) Dry gas standard cylinders produced by the approved source must not be used in agency or Department inspections beyond within two years of the expiration date of manufacture.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a),(b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 11-5-02, Amended _____.

11D-8.004 Department Inspection and Registration of Breath Test Instruments.

(1) The Department shall register and inspect a breath test instrument prior to such instrument being initially placed into evidentiary use by an agency. The inspection validates the instrument's approval for evidentiary use, and the registration denotes an instrument approved pursuant to these rules and shall reflect the registration date, the owner of the instrument, the instrument serial number, the manufacturer, and the model designation. A new registration is required to reflect a change of ownership of an evidentiary instrument.

(2) Registered breath test instruments shall be inspected by the Department at least once each calendar year, and must be accessible to the Department for inspection. Any evidentiary breath test instrument returned from an authorized repair facility shall be inspected by the Department prior to being placed in evidentiary use. The inspection validates the instrument's approval for evidentiary use.

(3) Department inspections shall be conducted in accordance with Department Inspection Procedures FDLE/ATP Form 35 – Rev. March 2004 2002 for the Intoxilyzer 5000 Series, or Department Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 36 – March 2004 2002 for the Intoxilyzer 8000.

(4) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, _____.

11D-8.006 Agency Inspection of Breath Test Instruments.

(1) Evidentiary breath test instruments shall be inspected by an agency inspector at least once each calendar month. The agency inspection shall be conducted in accordance with Agency Inspection Procedures FDLE/ATP Form 16 – Rev. March 2004 2002 for the Intoxilyzer 5000 Series, or Agency Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 39 – March 2004 2002 for the Intoxilyzer 8000.

(2) through (3) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, _____.

11D-8.007 Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures.

(1) Evidentiary breath test instruments shall only be accessible to a person issued a valid permit by the Department and to persons authorized by in the presence of a permit holder. This section does not prohibit agencies from sending an instrument to an authorized repair facility.

(2) through (5) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, _____.

11D-8.0075 Agency Retention of Records.

(1) Each agency shall maintain the following records for at least three years from the last entry date: agency inspection reports and agency inspection print cards, breath test logs, and breath test instrument repair records. The breath test instrument registration shall be retained by an agency for at least three years after the instrument is removed from evidentiary use. Dry gas standard certificates of analysis shall be retained by an agency for at least three years after receipt.

(2) The above records shall be accessible to the Department upon request. At least once each calendar month each agency shall electronically transmit to the Department all breath tests conducted on that agency's Intoxilyzer 8000 evidentiary breath test instruments.

(3) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 322.63(3), 327.354(3) FS. History—New 7-29-01, Amended 11-5-02,_____.

11D-8.008 Breath Test Operator and Agency Inspector.

(1) Qualifications for Breath Test Operator Permit – An applicant for a breath test operator permit must meet the following qualifications:

(a) through (b) No change.

(c) Present employment by an agency, or the Department; ~~or documentation from an agency head certifying that the person will be employed or authorized by the agency to conduct breath tests or agency inspections;~~

(d) No change.

(e) Submit to the Department a complete written ~~or electronic~~ application and proof ~~copies of the certificate of course completion, examination results, proficiency testing documentation and proof of age upon successful completion of the breath test operator course, but no later than ninety days after completion. The applicant shall also provide the above documentation to the applicant's employing agency.~~

(2) Qualifications for Agency Inspector Permit – An applicant for an agency inspector permit must meet the following qualifications:

(a) through (b) No change.

(c) Submits to the Department a complete written ~~or electronic~~ application and proof ~~copies of the certificate of course completion, examination results and proficiency testing documentation upon successful completion of the agency inspector course, but no later than ninety days after completion. The applicant shall also provide the above documentation to the applicant's employing agency.~~

(d) Present employment by an agency or the Department.

(3) Breath Test Operators and Agency Inspectors must satisfy continuing education requirements in order to maintain valid permits, ~~and must provide proof of compliance to their employing agencies.~~ Continuing education requires successful completion of the applicable Commission-approved Renewal Course by June 30 following the ~~fourth~~ ~~four~~ ~~(4)~~ year permit anniversary date, and during each subsequent four-year cycle. Successful completion of the Commission-approved Agency Inspector Course or Agency Inspector Renewal Course also satisfies an Agency Inspector's breath test operator continuing education requirements.

(4) Any Breath Test Operator or Agency Inspector who fails to satisfy the continuing education requirements shall not perform any duties authorized by the permit, ~~and such permit shall become inactive~~ until successful completion of the applicable basic renewal course in subsection (1)(d) or (2)(b) above. ~~Any permit that remains inactive under this section for more than three (3) months shall be revoked.~~

~~(5) A breath test operator or agency inspector must notify the Department in writing of any change of employment within thirty days of such change.~~

~~(5)(6)~~ Permits to conduct breath tests and inspect breath test instruments issued pursuant to former 11D-8.008, F.A.C., shall remain valid until such permits expire or otherwise become invalid in accordance with those rules.

~~(6)(7)~~ Agency Inspectors are responsible for compliance with Chapter 11D-8, F.A.C., rules governing agency custody, care, and inspection of breath test instruments and related records.

~~(7)(8)~~ Any breath test operator or agency inspector who fails to successfully complete the Commission-approved renewal course shall not perform any duties authorized by the permit until successful completion of the ~~Commission-approved renewal course if within the continuing education cycle, or Commission-approved basic course if beyond the continuing education cycle.~~

(8) Members of the Department's Alcohol Testing Program who instruct Commission-approved breath test courses may use such course instruction to satisfy their continuing education requirements under this section.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1934(3), 322.63(3)(b), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02,_____.

11D-8.010 Qualifications for Instructors.

(1) No change.

(2) Unless exempted by the Commission, at least once every four years each breath test instructor must successfully complete the Commission-approved breath test instructor certification renewal course in order to remain qualified for a breath test instructor certification. Successful completion of the Commission-approved breath test instructor certification course or breath test instructor certification renewal course satisfies that person's agency inspector and breath test operator continuing education requirements. Each breath test instructor must also successfully complete all Department breath test instructor update courses.

(3) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1934(3), 322.63(3)(b), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02,_____.

11D-8.013 Blood Alcohol Permit – Analyst.

(1) No change.

(2) Qualifications for blood analyst permit – To qualify, the applicant must meet all of the following requirements:

(a) Department approval of analytical procedure(s). All proposed analytical procedures will be reviewed ~~by the Department. The~~ and a determination of approval will be made by the Department ~~after considering the recommendation made by the reviewer(s);~~

(b) through (d) No change.

(3) The department shall approve gas chromatographic analytical procedures and enzymatic analytical procedures based on alcohol dehydrogenase which meet the following requirements:

(a) through (b) No change.

(c) ~~A statement of the~~ Employs a concentration range over which the procedure is calibrated with ~~documentation supporting that the calibration is linear over the stated range.~~ The calibration curve must be linear over the stated range employ a standard less than 0.04 g/100mL and a standard greater than 0.20 g/100mL;

(d) Uses a new or existing calibration curve. The new calibration curve must be generated using at least three (3) standards of different alcohol concentrations: ~~one at 0.05 g/100mL or less, one between 0.05 and 0.20 g/100mL (inclusive) and one at 0.20 g/100mL or higher,~~ and must be verified using at least a minimum of two (2) controls; one (1) control containing alcohol at 0.05 g/100mL or less and one at 0.20g/100mL or higher. The existing calibration curve must be verified using a minimum of two (2) controls containing alcohol, ~~one at 0.05 g/100mL or less and one at 0.20g/100mL or higher;~~

(e) Includes the analysis of ~~an a blank,~~ alcohol-free control, and the analysis of a whole blood or serum control. The whole blood or serum control may be used to satisfy the control requirement(s) in subsection (d);

(f) through (g) No change.

(4) through (5) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(b),(e), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended 4-1-94, 2-1-95, 1-1-97, 11-5-02,_____.

11D-8.015 Denial, Revocation, and Suspension of Permits.

(1) Notwithstanding an applicant’s qualifications, the Department shall deny an application for an original permit where the applicant:

(a) through (c) No change.

(d) Had the permit previously revoked under section (3) below.

(2) The Department is authorized to suspend any permit ~~for a period of six months~~ for any of the following reasons:

(a) through (c) No change.

(3) The Department is authorized to revoke any permit for any of the following reasons:

(a) through (c) No change.

(d) Performing the duties of a breath test operator, agency inspector, ~~breath test instructor,~~ or analyst with knowledge that the applicable permit is suspended or in violation of continuing education requirements.

(e) No change.

(4) through (6) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a),(b), 327.352(1)(b)3. FS. Law Implemented 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02,_____.

11D-8.017 Forms.

The following forms referenced in these rules are hereby incorporated by reference:

FDLE/ATP Form 13 – Breath Test Log – Effective January 1997.

FDLE/ATP Form 14 – Breath Test Result Affidavit – Revised March 2002.

FDLE/ATP Form 16 – Agency Inspection Procedures – Revised March ~~2004~~ 2002.

FDLE/ATP Form 24 – Agency Inspection Report – Revised March 2001.

FDLE/ATP Form 32 – Certificate of Assurance – Revised March 2001.

FDLE/ATP Form 34 – Instrument Evaluation Procedures – Revised March ~~2004~~ 2002.

FDLE/ATP Form 35 – Department Inspection Procedures – Revised March ~~2004~~ 2002.

FDLE/ATP Form 36 – Department Inspection Procedures – Intoxilyzer 8000 – March ~~2004~~ 2002.

FDLE/ATP Form 37 – Operational Procedures – Intoxilyzer 8000 – March ~~2004~~ 2002.

FDLE/ATP Form 38 – Breath Alcohol Test Affidavit – Intoxilyzer 8000 – March ~~2004~~ 2002.

FDLE/ATP Form 39 – Agency Inspection Procedures – Intoxilyzer 8000 – March ~~2004~~ 2002.

These forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302. Agencies will be provided blank forms upon request and without cost for their alcohol testing program use.

Specific Authority 316.1932(1)(a)2.,(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a),(b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS. History–New 10-31-93, Amended 2-1-95, 1-1-97, 9-29-01, 11-5-02,_____.

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE CHAPTER TITLE: Standard Investigation Procedures
 RULE CHAPTER NO. 11G-2
 RULE TITLES: Physical Evidence
 RULE NOS.: 11G-2.004
 Practice Guidelines 11G-2.006
 PURPOSE AND EFFECT: To clarify retention of physical evidence and update the Practice Guidelines.
 SUBJECT AREA TO BE ADDRESSED: Retention of physical evidence and Medical Examiner procedures.
 SPECIFIC AUTHORITY: 406.04 FS.
 LAW IMPLEMENTED: 406.075, 406.11, 406.13 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., Tuesday, July 27, 2004
 PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, FL

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Lutten, Medical Examiner Commission Staff, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302-1489

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11G-2.004 Physical Evidence.

(1) through (3) No change.

(4) Physical Evidence shall be retained by the medical examiner as follows:

(a) Stained sections shall be preserved indefinitely and embedded tissue preserved for at least ten (10) years;

(b) Fixed organs shall be retained until the medical examiner has completed his or her studies of them.

~~(c)(b) All other specimens shall be retained for one year; and afterwards at the discretion of the medical examiner.~~

~~(d)(e) All other physical evidence not released to another investigative agency or to the owner shall be retained for one year; and afterwards at the discretion of the medical examiner.~~

(e) Physical Evidence that is retained for any period longer than is specified above must be held in accordance with Rule 11G-2.006, F.A.C.

(5) through (8) No change.

Specific Authority 406.04 FS. Law Implemented 406.11, 406.13 FS. History—New 10-18-81, Formerly 11G-2.04, Amended 8-27-87, 10-14-96, 7-29-01,

11G-2.006 Practice Guidelines.

The duties and standards of care of a medical examiner are to be consistent with those contained in the Practice Guidelines for Florida Medical Examiners, Sponsored by ~~of~~ the Florida Association of Medical Examiners, which publication is dated 5-15-2003 ~~9-29-99~~ and is hereby incorporated by reference.

Specific Authority 406.04 FS. Law Implemented 406.075, 406.11, 406.13 FS. History—New 7-29-01, Amended _____.

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.”

EXECUTIVE OFFICE OF THE GOVERNOR

Office of Tourism, Trade and Economic Development

RULE CHAPTER TITLE: Entertainment Industry Financial Incentive Program
 RULE CHAPTER NO.: 27M-2

PURPOSE AND EFFECT: The Board plans to develop rules to set forth the financial incentive program to be implemented by the Office of Film and Entertainment.

SUBJECT AREA TO BE ADDRESSED: Entertainment Industry Financial Incentive Program.

SPECIFIC AUTHORITY: 288.1253(2) FS.

LAW IMPLEMENTED: 288.1253 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: Susan Albershardt, Film Commissioner, Executive Office of the Governor, The Capitol, Tallahassee, Florida 32399-0001

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Continuing Education Provider Requirements
 RULE NO.: 61G8-17.0041

PURPOSE AND EFFECT: The Board proposes to provide for alternative, non-classroom continuing education.

SUBJECT AREA TO BE ADDRESSED: Continuing education provider requirements.

SPECIFIC AUTHORITY: 455.213(7),(8), 470.005 (1) FS.

LAW IMPLEMENTED: 455.213(7),(8) 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: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Required Records Maintained by Provider RULE NO.: 61G8-17.0043

PURPOSE AND EFFECT: The Board proposes to provide for alternative, non-classroom continuing education.

SUBJECT AREA TO BE ADDRESSED: Required records maintained by the provider.

SPECIFIC AUTHORITY: 455.213(7),(8), 470.005(1) FS.

LAW IMPLEMENTED: 455.213 (7),(8) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED 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: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Inspection Criteria (Funeral Establishments) RULE NO.: 61G8-21.003

PURPOSE AND EFFECT: The Board proposes to revise inspection criteria.

SUBJECT AREA TO BE ADDRESSED: Inspection criteria.

SPECIFIC AUTHORITY: 470.005(3), 470.024(10) FS.

LAW IMPLEMENTED: 470.005(3), 470.024(10) 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: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Disciplinary Guidelines RULE NO.: 61G8-30.001

PURPOSE AND EFFECT: The Board proposes to amend the disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 455.2273, 470.005 FS.

LAW IMPLEMENTED: 455.2273, 470.019, 470.031, 470.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida, 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architects

RULE TITLE: Disciplinary Matters RULE NO.: 61G10-14.003

PURPOSE AND EFFECT: The Board proposes to amend disciplinary rules.

SUBJECT AREA TO BE ADDRESSED: The Board will address disciplinary matters.

SPECIFIC AUTHORITY: 455.2273, 481.306, 481.325 FS.

LAW IMPLEMENTED: 455.273, 481.323, 481.325 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED 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: Juanita Chastain, Executive Director, Board of Landscape Architects, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Applications by Individuals
 RULE NO.: 61J2-2.027

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to discuss requiring applicants to submit criminal background records with their application.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to the application process for real estate licensure.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.17, 475.175, 475.451 FS., Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al., Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987)

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW, (IF REQUESTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, AN ADDITIONAL HEARING WILL BE SCHEDULED AND NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY):

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, July 20, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

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 Acupuncture

RULE TITLE: Licensure by Endorsement Through National Certification
 RULE NO.: 64B1-3.009

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if an amendment is necessary.

SUBJECT AREA TO BE ADDRESSED: Licensure by endorsement through national certification.

SPECIFIC AUTHORITY: 457.104 FS.

LAW IMPLEMENTED: 457.105 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: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLES: Acupuncture Program Requirements
 Documentation Necessary for Licensure
 Application
 RULE NOS.: 64B1-4.001
 64B1-4.0011

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

SUBJECT AREA TO BE ADDRESSED: Acupuncture program requirements and documentation necessary for licensure application.

SPECIFIC AUTHORITY: 456.033, 457.102, 457.104, 457.105 FS.

LAW IMPLEMENTED: 456.033, 457.102, 457.105 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: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Licensure Requirements for Applicants from Non-Accredited Schools or Colleges

RULE NO.: 64B5-2.0146

PURPOSE AND EFFECT: The Board proposes to review the rule amendments to determine whether necessary to clarify educational requirements.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments add the words "general dental" to describe educational requirements for resident programs and educational remediation.

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 456.033(6), 466.006, 466.0075 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-2.0146 Licensure Requirements for Applicants from Non-Accredited Schools or Colleges.

- (1) No change.
- (2) An applicant who otherwise meets the requirements of Section 466.006(3), F.S., and chooses to apply pursuant to Section 466.006(3)(b), F.S., will be required to:
 - (a) Complete a full-time, matriculated, general dental resident program offered by an accredited dental school which provides remediation to the level of an accredited D.D.S. or D.M.D. program and which has a duration equivalent to at least 2 academic years at the sponsoring institution.
 - (b) No change.
 - (c) Present to the Board the following documents:
 - 1. through 2. No change.
 - 3. A letter addressed to the Board from the dean of the sponsoring institution's dental school stating that the applicant successfully completed the sponsored supplemental general dental education program and attained the educational equivalency of a graduating senior at the sponsoring institution's dental school and completed the requirements of two academic years in a general dental program providing educational remediation to the level of a D.D.S. or D.M.D. recipient.

(3) through (4) No change.

Specific Authority 466.004 FS. Law Implemented 456.033(6), 466.006, 466.0075 FS. History--New 10-15-92, Formerly 21G-2.0146, 61F5-2.0146, Amended 9-24-96, Formerly 59Q-2.0146, Amended 8-19-97, 5-20-01.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Biennial Renewal of Massage Establishment License

RULE NO.: 64B7-28.002

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

SUBJECT AREA TO BE ADDRESSED: Biennial renewal of massage establishment license.

SPECIFIC AUTHORITY: 480.035(7), 480.043(8), 480.044 FS.

LAW IMPLEMENTED: 480.044(1)(e), 480.067(1)(b) 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: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Physician Assistant Licensure Renewal and Reactivation

RULE NO.: 64B8-30.005

PURPOSE AND EFFECT: The proposed rule amendments are intended to make the Board of Medicine's rule identical to the Board of Osteopathic Medicine's rule.

SUBJECT AREA TO BE ADDRESSED: Licensure reactivation and delinquent status license.

SPECIFIC AUTHORITY: 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.031(1), 456.033, 458.347 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: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.005 Physician Assistant Licensure Renewal and Reactivation.

(1) through (3) No change.

(4) Reactivation of Inactive License. To reactivate a license that has been inactive for two (2) consecutive biennial cycles an inactive license, the licensee must:

(a) through (f) No change.

(5) through (6) No change.

(7) The failure of any license holder to ~~either~~ renew the license ~~or elect inactive status~~ before the license expires shall cause the license to become delinquent.

(a) The delinquent status licensee must ~~affirmatively~~ apply for active or inactive license status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to become active or inactive ~~cause the license to be reactivated or made inactive~~ before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the Board or the Department.

(b) The delinquent status licensee who applies for active or inactive licensure ~~license reactivation or inactive status~~ shall:

1. File with the Department the completed application for either active or inactive license status reactivation ~~as required by Section 458.347, F.S., or inactive status as required by Section 456.036, F.S.~~;

2. Pay to the Board ~~either the applicable license renewal reactivation fee or the inactive status fee~~, the delinquency fee, and if applicable, the processing fee; and

3. If active status reactivation is elected, demonstrate compliance with the continuing education requirements found in Rule 64B8-30.005, F.A.C.

Specific Authority 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS. Law Implemented 456.013, 456.031(1), 456.033, 458.347 FS. History—New 5-13-87, Amended 1-9-92, Formerly 21M-17.0035, Amended 9-21-93, Formerly 61F6-17.0035, Amended 11-30-94, Formerly 59R-30.005, Amended 6-7-98, 3-3-02, 10-12-03, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Fees Regarding Physician Assistants
 PURPOSE AND EFFECT: The proposed rule amendment is intended to reduce licensure renewal fees for physician assistants by 25%.

RULE NO.: 64B8-30.019

SUBJECT AREA TO BE ADDRESSED: Reduction in renewal fees.

SPECIFIC AUTHORITY: 456.036(5),(7), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.036(5),(7), 458.347 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: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.019 Fees Regarding Physician Assistants.

The following fees are prescribed by the Council and adopted by the Boards:

(1) through (3) No change.

(4) The application fee for a person applying to be certified as a prescribing physician assistant shall be \$200.00. The fee for initial certification as a prescribing physician assistant shall be \$200.00. The renewal fee for a prescribing physician assistant shall be \$150.00 ~~\$200.00~~. No additional fees will be required for any separate application for a distinct area of practice or a change in practice setting during the same biennium.

(5) The biennial renewal fee for an active or inactive physician assistant licensed pursuant to Section 458.347 or 459.022(7), F.S., shall be \$150.00 ~~\$200.00~~. Licenses not renewed at the end of a biennial period shall automatically become delinquent.

(6) through (9) No change.

Specific Authority 456.036(5),(7), 458.309, 458.347 FS. Law Implemented 456.036(5),(7), 458.347 FS. History—New 8-11-98, Amended 7-30-03, _____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Physician Assistant Fees
 RULE NO.: 64B15-6.013

PURPOSE AND EFFECT: The proposed rule amendment is intended to reduce licensure renewal fees for physician assistants by 25%.

SUBJECT AREA TO BE ADDRESSED: Reduction in renewal fees.

SPECIFIC AUTHORITY: 456.036(5),(7), 459.005, 459.009, 459.022(7) FS.

LAW IMPLEMENTED: 456.036(5),(7), 459.009, 459.022(7) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.013 Physician Assistant Fees.

The following fees are prescribed by the Council and adopted by the Boards:

(1) through (3) No change.

(4) The application fee for a person applying to be certified as a prescribing physician assistant shall be \$200.00. The fee for initial certification as a prescribing physician assistant shall be \$200.00. The renewal fee for a prescribing physician assistant shall be ~~\$150.00~~ ~~\$200.00~~. No additional fees will be required for any separate application for a distinct area of practice or a change in practice setting during the same biennium.

(5) The biennial renewal fee for an active or inactive physician assistant certified pursuant to Section 458.347 or 459.022(7), F.S., shall be ~~\$150.00~~ ~~\$200~~. Certificates not renewed at the end of a biennial period shall automatically become delinquent.

(6) through (9) No change.

Specific Authority 456.036(5),(7), 459.005, 459.009, 459.022(7) FS. Law Implemented 456.036(5),(7), 459.009, 459.022(7) FS. History--New 11-4-93, Amended 2-20-94, Formerly 61F9-6.013, 59W-6.013, Amended 8-11-98, 2-23-04,_____.

DEPARTMENT OF HEALTH

Division of Children’s Medical Services

RULE TITLE: Diagnostic and Treatment Facilities or

RULE NO.:

Services – Specific 64C-4.003

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

SUBJECT AREA TO BE ADDRESSED: Diagnostic and treatment facilities or services.

SPECIFIC AUTHORITY: 391.026(18) FS.

LAW IMPLEMENTED: 391.026(18) 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: Tobi L. Goodman, Government Analyst II, Children’s Medical Services Network, 4052 Bald Cypress Way, Bin #A06, Tallahassee, Florida 32399-1707, (850)245-4444, Ext. 2226, Fax (850)921-5241

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE CHAPTER TITLE: Child Care Food Program

RULE CHAPTER NO.: 64F-17

PURPOSE AND EFFECT: The Department of Health, Bureau of Child Nutrition Programs, will be revising its rules and proposing new rules to assure that program requirements are set forth and to assure program participation is consistent with program goals.

SUBJECT AREA TO BE ADDRESSED: The Child Care Food Program administered by the Department of Health, Bureau of Child Nutrition Programs.

SPECIFIC AUTHORITY: 383.011(2)(c) FS.

LAW IMPLEMENTED: 383.011(1)(i) FS.

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

TIME AND DATE: 10:00 a.m., July 27, 2004

PLACE: The Department of Health, Capital Circle Office Center, Room 220P, 4025 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julia P. Forrester, Assistant General Counsel, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703, (850)245-4005.

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

Section II Proposed Rules

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE CHAPTER TITLE: Sales and Use Tax RULE TITLES: Aircraft, Boats, Mobile Homes, and Motor Vehicles Tax Due at Time of Sale; Tax Returns and Regulations Rentals, Leases, or License to Use Tangible Personal Property Public Use Forms	RULE CHAPTER NO.: 12A-1 RULE NOS.: 12A-1.007 12A-1.056 12A-1.071 12A-1.097
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PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.007, F.A.C. (Aircraft, Boats, Mobile Homes, and Motor Vehicles), is to: (1) clarify how a registered dealer may purchase items exclusively for purposes of lease or rental tax-exempt; and (2) provide guidelines on the lease or rental of motor vehicles and commercial motor vehicles.

The purpose of the proposed amendments to Rule 12A-1.056, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), is to: (1) reorganize the rule for ease of reading proposed guidelines for the due dates for payments and tax returns, the collection allowance, the requirements for estimated tax, the imposition of penalties, and the imposition of interest; and (2) provide a single set of guidelines for the imposition of penalties and interest for sales and use taxes, discretionary sales surtax, surcharges, or fees imposed by or administered under Chapter 212, F.S.

The purpose of the proposed amendments to Rule 12A-1.071, F.A.C. (Rentals, Leases, or License to Use Tangible Personal Property), is to: (1) clarify how a registered dealer may purchase items exclusively for purposes of lease or rental tax-exempt; and (2) remove unnecessary provisions.

The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, new forms and changes to forms used by the Department in the administration of sales and use tax; and (2) provide technical changes for guidelines on obtaining forms from the Department.

SUMMARY: The proposed amendments to Rule 12A-1.007, F.A.C.: (1) clarify how a registered dealer may purchase items exclusively for purposes of lease or rental tax-exempt; (2) provide guidelines on the lease or rental of commercial motor vehicles; (3) provide guidelines for the lease or rental of motor vehicles for periods of less than 12 months and for periods of 12 months or longer; and (4) clarify when separately itemized

charges for insurance, fuel, and fuel option charges are included in the total amount of the lease or rental charge subject to tax.

The proposed amendments to Rule 12A-1.056, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations): (1) reorganize the rule for ease of reading guidelines on due dates for payments and tax returns, the collection allowance, requirements for estimated tax, the imposition of penalties, and the imposition of interest; (2) provide guidelines for dealers who maintain records on a period other than a monthly basis on how to request a variation from monthly filing and remittance of the tax; (3) provide guidelines to dealers who operate two or more places of business in a single county on how to obtain a county control number for reporting purposes; (4) provide guidelines to taxpayers who operate two or more places of business on how to obtain a consolidated reporting number and how to file consolidated sales and use tax returns; (5) provide that dealers are required to file a return for each tax reporting period even when no tax is due; (6) provide that the failure to secure a return does not relieve the dealer's liability for filing the return or remitting the tax; (7) provide guidelines regarding the collection allowance for consolidated returns and for returns filed using a county control number; (8) remove an unnecessary example of the collection allowance; (9) provide guidelines on when the collection allowance will be denied by the Department for the filing of an incomplete return; (10) provide guidelines regarding the requirements to pay estimated tax and the penalties imposed for failure to timely pay estimated tax; (11) provide a single set of guidelines for the imposition of penalties and interest for sales and use taxes, discretionary sales surtax, surcharges, or fees imposed by or administered under Chapter 212, F.S.; (12) provide guidelines regarding the imposition of the penalties imposed under s. 212.12(2), F.S., as amended by Section 20, Ch. 2003-254, L.O.F., for failure to timely pay the tax or fee shown due on a return, for failure to timely file a return, and failure to disclose a tax or fee due; and (13) provide guidelines on how the penalties apply to taxpayers who file consolidated returns or file returns using county control reporting numbers.

The proposed amendments to Rule 12A-1.071, F.A.C.: (1) clarify how a registered dealer may purchase items exclusively for purposes of lease or rental tax-exempt; (2) remove provisions regarding leased commercial motor vehicles that will be provided in Rule 12A-1.007(13), F.A.C., as amended; (3) remove provisions regarding purchases for resale that are provided in Rule 12A-1.039, F.A.C.; and (4) provide technical changes.

The proposed amendments to Rule 12A-1.097, F.A.C.: (1) adopt, by reference, new forms and changes to forms used by the Department in the administration of sales and use tax; and (2) provide technical changes for guidelines on obtaining forms from the Department.

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

Any person who wishes to provide information regarding 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: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.05(1), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4.,(7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2),(3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2),(7) FS.

LAW IMPLEMENTED: 92.525(1)(b),(3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2),(3),(6),(16),(24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0506, 212.0515, 212.054, 212.055, 212.06, 212.0601, 212.0606, 212.07(1),(2),(7),(8),(9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11, 212.12(1), (2),(3),(4),(5),(9),(12),(13), 212.13, 212.14(2),(5), 212.15(1), 212.17, 212.18(2),(3), 213.235, 213.29, 213.255(1),(2),(3), 213.37, 213.755, 215.26(2), 219.07, 288.1258, 370.07(3), 373.41492, 376.70, 376.75, 402.61, 403.717, 403.718, 403.7185, 443.036, 443.121(1),(3), 443.131, 443.1315, 443.1316, 443.171(2),(7), 681.117 FS.

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

TIME AND DATE: 9:00 a.m., August 2, 2004

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-1.007 Aircraft, Boats, Mobile Homes, and Motor Vehicles.

- (1) through (12) No change.
- (13) Lease or Rental.

(a)~~L~~. The rental or lease of an aircraft, boat, mobile home, or motor vehicle, which is used or stored in this state, is subject to tax shall be taxable without regard to its prior use or tax paid on the purchase outside this state. The lessor is required to be registered as a dealer and to collect tax on the total amount of the lease or rental charges.

~~2.(b)H~~. The purchase by a registered dealer of an aircraft, boat, mobile home, or motor vehicle exclusively for lease or rental purposes is may be made tax exempt when the purchaser/lessor issues a resale certificate to the dealer at the time of purchase in lieu of paying tax. The purchasing dealer is required to issue the selling dealer a copy of the purchasing dealer's Annual Resale Certificate at the time of purchase in lieu of paying tax, as provided in Rule 12A-1.039, F.A.C. The lessor shall collect tax from his customers on the total rental charge.

~~2. In the case of commercial motor vehicles which are self-propelled or towed and used on the public highways in commerce to transport persons or cargo having a gross weight of 10,000 pounds or more, when the term of the lease or rental to any lessee is for a period of 12 months or more, the owner/lessor may pay the Florida tax on the acquisition of the motor vehicle. In such cases, the rental to the initial lessee and renewals thereof to the same lessee are not subject to the rental tax. The rental of the same commercial motor vehicle to subsequent lessees by the owner/lessor is taxable.~~

(b) Commercial Motor Vehicles.

1. For purposes of this paragraph, the term "commercial motor vehicle," as defined in Section 316.003(66)(a), F.S., means any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle has a gross vehicle weight rating of 10,000 pounds or more.

2. The lease or rental of a commercial motor vehicle to one lessee or renter for a period of 12 months or longer, and any renewals of such lease or rental, is exempt when:

a. Sales or use tax is paid on the purchase price of the commercial motor vehicle by the lessor; and

b. The lease or rental of the commercial motor vehicle is an established business or part of an established business or the commercial motor vehicle is incidental or germane to such business.

3. A credit against any Florida use tax and discretionary sales surtax due when the commercial motor vehicle is registered, licensed, or titled in Florida will be allowed to any purchaser who provides documentary evidence that a like tax has been lawfully imposed on the purchase of the commercial motor vehicle and has been paid to another state, territory of the United States, or District of Columbia. The credit allowed shall be the amount of legally imposed like tax paid to the other state, territory of the United States, or District of Columbia.

When the applicable tax credit is equal to or greater than the amount of Florida use tax and discretionary sales surtax due, no additional use tax or discretionary sales surtax is due. When the tax paid to another state, territory of the United States, or District of Columbia is greater than the Florida use tax and discretionary sales surtax due, no refund is due from the State of Florida.

4. The lease or rental of the same commercial motor vehicle to any other lessee or renter is subject to tax.

(c) Motor Vehicle Leased or Rented for Less Than 12 Months. The subsequent sale of the motor vehicle by the owner/lessor is taxable, except when the vehicle is sold for resale.

1. The entire charge for the lease or rental of a motor vehicle for a period of less than 12 months is subject to tax when the contract to lease or rent a motor vehicle is entered into in Florida or the motor vehicle is delivered or picked up in Florida at the commencement of the lease or rental term. Florida sales tax is due during the entire lease period even when the vehicle is used in another state or dropped off in another state or the payment for the lease or rental is made in another state.

2. The entire charge for the lease or rental of a motor vehicle for a period of less than 12 months is exempt when the contract to lease or rent a motor vehicle is entered into in another state and the motor vehicle is not delivered or picked up in Florida at the commencement of the lease or rental term. This exemption applies even when the leased or rented motor vehicle is used in Florida or dropped off in Florida or the payment for the lease or rental is made in Florida.

(d) Motor Vehicle Leased or Rented for 12 Months or Longer.

1. The lease or rental of a motor vehicle registered in Florida for a period of 12 months or longer is subject to tax. A rental car agency should charge the rental tax to its customers on the total rental charge, including any charge for insurance, except for a policy issued to the customer by a licensed insurance company for which a specific charge is made.

2. When the taxpayer documents that a vehicle registered in Florida is being used outside Florida and that tax is being paid on the lease or rental payments to another state, no tax is due on the lease or rental of the motor vehicle. The taxpayer must maintain copies of invoices or similar documents evidencing that the lessor is collecting another state's sales tax from the lessee or copies of cancelled checks evidencing that the taxpayer has self-accrued and paid another state's sales tax directly to that state. Where a "collision damage waiver" fee is paid by a customer (lessee) to the lessor of a vehicle for the lessor's waiver of all claims against the customer for damage to the leased vehicle and the fee is not required as a condition of the lease, the fee, when separately stated, does not constitute rent and is not taxable.

3. When a motor vehicle that is leased or rented outside Florida is imported into Florida and registered or licensed in Florida, tax is due on the amount of the monthly lease payments. A credit against the Florida tax and discretionary sales surtax due will be allowed for any lawfully imposed sales or use tax paid to another state, territory of the United States, or District of Columbia when all the following conditions are met: Where a "personal accident insurance" fee is paid by a customer (lessee) to the lessor of a vehicle, which fee covers personal injuries, and the fee is not required as a condition of the lease, the fee, when separately stated, does not constitute rent and is not taxable.

a. The other state, territory of the United States, or District of Columbia requires the lawfully imposed sales or use tax to be paid at the time of lease or rental on the total lease or rental payments due under the terms of the lease or rental agreement;

b. The tax must be lawfully imposed on the lessee. A credit will not be allowed for tax paid to another state, territory of the United States, or District of Columbia when the sales or use tax is lawfully imposed on the lessor, even though the lessee may be contractually obligated to reimburse the lessor;

c. The other state, territory of the United States, or District of Columbia does not allow a refund of the sales or use tax paid at the inception of the lease or rental agreement if the motor vehicle is removed from that state, territory of the United States, or District of Columbia; and

d. The lessee provides documentary evidence that the like tax lawfully imposed on the sale or use of the motor vehicle has been paid to another state, territory of the United States, or District of Columbia.

4. The credit allowed against any Florida use tax and discretionary sales surtax due when the motor vehicle is licensed or registered in Florida is the amount of legally imposed like tax paid to the other state, territory of the United States, or District of Columbia. When the applicable tax credit is equal to or greater than the amount of Florida use tax and discretionary sales surtax due, no additional use tax or discretionary sales surtax is due. When the tax paid to another state, territory of the United States, or District of Columbia is greater than the Florida use tax and discretionary sales surtax due, no refund is due from the State of Florida.

(e) Charges for the Lease or Rental of Motor Vehicles.

1. Charges for Insurance. Any separately itemized charge or fee for insurance coverage required to be paid by the lessee or renter is subject to tax. When the lessee or renter has the option to elect insurance coverage, any separately itemized charge or fee for the optional insurance coverage is not subject to tax. For example, a separately itemized charge for a "collision damage waiver fee" that is optional to the lessee or renter for the lessor's waiver of all claims against the lessee or renter for damage to the motor vehicle is not subject to tax. A separately itemized charge for a "personal accident insurance fee" that is optional to the lessee or renter for personal injury

~~coverage is not subject to tax. Parts and materials used to maintain, repair, rebuild, and recondition aircraft, boats, and motor vehicles, which are used exclusively for rental purposes, are exempt where tax is charged on the rental of such vehicles. Likewise exempt when the rentals are subject to the tax are polishes, lubrication oils, and greases used in their operation when purchased by the owner lessor of the vehicles. All items above are subject to the tax when the owner lessor of motor vehicles is not required to charge tax on the rentals of the motor vehicles.~~

~~2. Charges for Fuel. Any separately itemized charge for fuels upon which the fuel taxes imposed under Chapter 206, F.S., have been paid are not subject to tax. However, when a separately itemized charge for a fuel purchase option (e.g., "FPO – Fuel Purchase Option") is required and no allowance is made for the amount of fuel remaining in the tank, the charge is not a charge for the price of fuel upon which the fuel taxes have been paid. Such separately itemized charges required to be paid for fuel purchase options are a part of the total lease or rental charges subject to tax. The taxable gross proceeds derived from the lease or rental of a vehicle shall not include the price of fuel on which the proper tax has been paid, provided that the fuel is separately stated from the rental or lease charge. If the price of the fuel is not separately stated from the rental or lease charge, it is considered to be a portion of the gross proceeds derived from the rental or lease and is fully taxable.~~

(f) When a taxicab company, limousine company, or any other transportation for hire company rents, leases, or grants a license to use a taxicab, limousine, other vehicle, dispatch equipment, or any other tangible personal property to an independent operator, the rental, lease, or license to use such property, as well as the dispatch and all other related services which are a part of the rental, lease, or license to use, the vehicle, dispatch equipment, or other tangible personal property, are not subject to sales tax. However, the exemptions provided under this paragraph only apply if the applicable Florida sales or use tax has been paid on the acquisition of the taxicab, limousine, other vehicle, dispatch equipment, or other tangible personal property.

(14) through (28) No change.

Specific Authority 212.05(1), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(2),(4),(10),(14),(15),(16),(19),(20), 212.03, 212.05(1), 212.06(1),(2),(4),(5),(7),(8),(10),(12), 212.0601, 212.07(2),(7), 212.08(5)(i),(7)(t),(aa),(ee),(10),(11), 212.12(2),(12), 213.255(1),(2),(3), 215.26(2) FS. History—Revised 10-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, 8-18-73, 12-11-74, 6-9-76, Amended 2-21-77, 5-10-77, 9-26-77, 9-28-78, 3-16-80, 12-31-81, 7-20-82, 10-13-83, Formerly 12A-1.07, Amended 1-2-89, 12-11-89, 3-17-93, 10-17-94, 3-20-96, 4-2-00, 6-19-01, 8-1-02, 4-17-03, 4-17-03.

12A-1.056 Tax Due at Time of Sale; Tax Returns and Regulations.

(1) DUE DATES FOR PAYMENTS AND TAX RETURNS.

(a) The total amount of tax on cash sales, credit sales, installment sales, or sales made on any kind of deferred payment plan shall be due at the moment of the transaction. Except as provided in Rule Chapter 12-24, F.A.C., Rules 12A-1.005, and 12A-1.070, F.A.C., and this rule, all taxes required under Chapter 212, F.S., to be collected or paid in any month, are due to the Department on the first day of the month following the date of sale or transaction. The payment and return must be delivered to the Department or be postmarked on or before the 20th day of the month following the date of sale or transaction for a dealer to be entitled to the collection allowance and to avoid penalty and interest for late filing. If the 20th day falls on a Saturday, Sunday, or legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For purposes of this rule, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Ch. 683, F.S., and s. 7503 of the Internal Revenue Code of 1986, as amended. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b) When quarterly, semiannual ~~semi-annual~~, or annual reporting is authorized by the Department pursuant to Section 212.11(1)(c) or (d), F.S., the tax is due the first day of the month following the authorized reporting period and becomes delinquent on the 21st day of that month.

(c) Quarterly, semiannual, or annual filers that remit an excessive tax payment for the period July 1 through June 30 which represents a nonrecurring business activity can request to continue to file their returns quarterly, semiannual ~~semi-annual~~, or annually by submitting a written request to the Florida Department of Revenue, Central Registration, Post Office Box 6480, Tallahassee, Florida 32314-6480. When a dealer makes a written request to continue on the same filing frequency, the Executive Director or the Executive Director's designee will determine whether the dealer's request is based on a nonrecurring business activity, based upon the facts of each case, using the following guidelines:

1. The type of activity. The type of activity, as opposed to the level of activity, that makes that dealer's remittance unusual for its particular business.

2. The focus of the dealer's business. A change in the dealer's business focus will not be considered nonrecurring business activity.

3. The number of occurrences. When the dealer's remittance amount continues to exceed the maximum amount allowed for a quarterly, semi-annual, or annual filing frequency, the remittance will not be considered nonrecurring.

4. Regularity. If the events are so regular that the amounts exceeding the maximum remittance amounts allowed for a quarterly, semi-annual, or annual frequency can be predicted, the remittance will not be considered nonrecurring.

(d)1. A dealer who maintains records on a period other than a monthly basis can request a variation from monthly filing and remittance of the tax by submitting a written request to the Florida Department of Revenue, Return Reconciliation, Building F-3, 5050 West Tennessee Street, Tallahassee, Florida 32399-0100. The written request must contain:

- a. The name of the business;
- b. The business mailing address;
- c. The dealer's certificate of registration number;
- d. A detailed explanation of the problems associated with filing on a monthly basis; and
- e. The beginning and ending month, day, and year of each requested reporting period.

2. When the Executive Director or the Executive Director's designee determines that the information required for the making of an accurate return cannot reasonably be compiled by a taxpayer on a calendar month basis, the Executive Director or the Executive Director's designee will notify the dealer in writing that the deviation from monthly filing of returns and remitting of tax is authorized. Such payments and returns are due on the first day succeeding the end of the designated reporting period and become delinquent on the twenty-first day succeeding the end of the reporting period.

(e) Any dealer who operates two or more places of business in a single county for which returns are required to be filed with the Department may file a single return using a county control reporting number for all places of business located within a single county in lieu of separate returns for each place of business. The dealer may also use this method to file returns in more than one county. A dealer who wishes to report the amounts collected within each county in a single return may obtain a county control reporting number for each county in which returns are required to be filed by submitting a written request to the Florida Department of Revenue, Return Reconciliation, Building F-3, 5050 West Tennessee Street, Tallahassee, Florida 32399-0100. The written request must contain:

- a. The name of the business;
- b. The business mailing address;
- c. Each county in which the dealer will be reporting using a county control reporting number; and
- d. A list, by county, of each dealer's certificate of registration number.

(f) Any dealer who operates two or more places of business for which returns are required to be filed with the Department and maintains records for such places of business in a central office or place may file a consolidated return for all places of business in lieu of separate returns for each place of business. The consolidated return must clearly indicate the amounts collected within each county. An Application for Sales and Use Tax Consolidated Filing Number (form DR-1CON, incorporated by reference in Rule 12A-1.097, F.A.C.) is provided for qualifying dealers who wish to file consolidated returns. The Department will issue a consolidated account number to qualified dealers.

(g) Each dealer is required to file a return for each tax reporting period even when no tax is due for that reporting period.

(h) The failure of any dealer to secure a tax return for reporting tax due does not relieve the dealer from the requirement to file a return or to remit tax due to the Department. The Department is not authorized to extend the time for any dealer to file any return or pay any tax due.

(i)(d) Payments and returns for reporting tax must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when:

1. Payment of the tax is required to be made by electronic means;
2. Any return for reporting taxes is required to be submitted by electronic means; or
3. No tax is due with a return for reporting taxes.

(2) Penalties and interest will be assessed in the following manner on estimated tax liabilities for dealers who are eligible to file a consolidated return:

(a) In computing the penalty on a consolidated tax return, where the consolidated return provides the monthly business activity for each location or for each county, the 10 percent specific penalty for underpayment of estimated tax applies unless the dealer has paid the required estimated tax for his consolidated return as a whole without regard to each location. If the dealer fails to pay the required estimated tax for his consolidated return as a whole, each filing location shall stand on its own with respect to calculating these penalties and interest.

(b) When a dealer files a combined return for multiple locations within one county using only one registration number, the 10 percent specific penalty for underpayment of estimated tax shall be computed on the basis of a single return.

(3) The following are not required to be included in computing the estimated tax liability due and payable:

(a) Any local option sales tax, such as the tourist development tax levied under authority of s. 125.0104, F.S.; the tourist impact tax levied under the authority of s. 125.0108, F.S.; the convention development tax levied under authority of s. 212.0305, F.S.; or the discretionary sales surtaxes levied under authority of s. 212.055, F.S.

~~(b) The rental car surcharge levied under the authority of s. 212.0606, F.S.~~

~~(c) Any solid waste fee, such as the new tire fee levied under the authority of s. 403.718, F.S., or the lead-acid battery fee levied under authority of s. 403.7185, F.S.~~

~~(d) The motor vehicle warranty fee levied under the authority of s. 681.117, F.S.~~

~~(4)(a) The Executive Director or the Executive Director's designee in Return Reconciliation is authorized to allow a dealer who is required to file returns and pay tax due on a monthly basis to divide a year into different reporting periods when such dealer has shown that he maintains his records on a period other than a monthly basis. A dealer requesting a variation from monthly filing and remitting of the tax due must direct such request to the Florida Department of Revenue, Return Reconciliation, Building F-3, 5050 West Tennessee Street, Tallahassee, Florida 32399-0100. The request must be in writing and shall provide:~~

- ~~1. A detailed explanation of the problems associated with filing on a monthly basis;~~
- ~~2. The beginning and ending day, month, and year of each respective reporting period;~~
- ~~3. The trade name of the business;~~
- ~~4. The business mailing address; and,~~
- ~~5. The dealer's certificate of registration number assigned by the Department of Revenue.~~

~~(b) If the Executive Director or the Executive Director's designee in Return Reconciliation determines that the information required for the making of an accurate return cannot reasonably be compiled by a taxpayer on a calendar month basis, the Executive Director or the Executive Director's designee in the Return Reconciliation will notify the dealer in writing that the deviation from monthly filing of returns and remitting of tax is authorized. Such returns shall be due and payable on the first day succeeding the end of the reporting period and shall be delinquent on the twenty-first day succeeding the end of the reporting period.~~

~~(2)(5)(a) COLLECTION ALLOWANCE.~~

~~(a) As compensation for the prescribed record keeping, accounting for, and remitting taxes or fees on the same documents utilized for sales and use tax, such seller, person, lessor, dealer, owner, and remitter shall be allowed a collection allowance.~~

~~(b) The collection allowance (except for dealers who make mail order sales, see subsection (5) of Rule 12A-1.103 (12A-1.103(5), F.A.C.) shall be computed at the rate of 2.5 percent on the first \$1,200 of tax due. There shall be no additional collection allowance authorized for tax collected in excess of \$1,200. Therefore, the maximum amount of collection allowance authorized for any filing period shall be \$30.~~

~~2. Example: Dealer C files a return on August 20, 1992, for the month of July 1992. The collection allowance for that reporting period would be 2.5 percent of the first \$1,200 of tax with no additional collection allowance permitted on any amounts in excess of \$1,200.~~

~~(c) Dealers operating more than one place of business and filing under a consolidated tax return, where the consolidated return provides the monthly business activity for each location, are allowed the collection allowance for each reporting and registered location. Dealers who report tax collected within each county using a county-control number are However, a dealer filing a combined return for multiple locations using only one registration number shall be entitled to the collection allowance based upon the total amount reported on the county-control reporting number.~~

~~(d) The collection allowance will shall not be allowed when: if the tax is delinquent at the time of payment or where there is a manifest failure to maintain proper records or make proper prescribed reports.~~

~~1. The tax reported on the return is delinquent at the time of payment;~~

~~2. The required tax return is delinquent; or~~

~~3. The required tax return filed is incomplete. An "incomplete return" is a return that lacks such uniformity, completeness, and arrangement that the physical handling, verification, or review of the return, or determination of other taxes and fees reported on the return may not be readily accomplished.~~

~~(e) The collection allowance and other credits or deductions shall be applied proportionally to any other taxes reported on the same documents used for sale and use tax purposes.~~

~~(3) ESTIMATED TAX.~~

~~(a) Each dealer who paid sales and use tax for the preceding state fiscal year (July 1 through June 30) in an amount greater than \$200,000 is required to remit estimated tax, as provided in Section 212.11(4), F.S. The methods to calculate the dealer's estimated tax liability are provided in Section 212.11(1)(a), F.S.~~

~~(b) Any dealer who files a consolidated return to report the business activity of multiple places of business must calculate the estimated tax under one of the methods provided in Section 212.11(1)(a), F.S., for each county or each reporting location, and use the same method to calculate the estimated tax liability on the consolidated return as a whole.~~

~~(c) The following are not required to be included in computing the estimated tax liability:~~

- ~~1. Any local option sales tax, such as the tourist development tax levied under authority of Section 125.0104, F.S.; the tourist impact tax levied under the authority of Section 125.0108, F.S.; the convention development tax levied under authority of Section 212.0305, F.S.; or the discretionary sales surtaxes levied under authority of Section 212.055, F.S.~~

2. The rental car surcharge levied under the authority of Section 212.0606, F.S.

3. Any solid waste fee, such as the new tire fee levied under the authority of Section 403.718, F.S., or the lead-acid battery fee levied under authority of Section 403.7185, F.S.

4. The motor vehicle warranty fee levied under the authority of Section 681.117, F.S.

(d) A dealer engaged in the business of selling boats, motor vehicles, or aircraft that made at least one sale of a boat, motor vehicle, or aircraft with a sales price of \$200,000 or greater in the previous state fiscal year may qualify for the payment of estimated tax pursuant to Section 212.11(4)(d), F.S. To qualify, such dealer must apply annually to the Department, using a Boat, Motor Vehicle, or Aircraft Dealer Application for Special Estimation of Taxes (form DR-300400, incorporated by reference in Rule 12A-1.097, F.A.C.). The application must be delivered to the Department or be postmarked on or before October 1 of each year. The Department will grant to all qualified dealers the authority to pay estimated tax pursuant to Section 212.11(4)(d), F.S., for the following calendar year.

(e) Penalties – Failure to Pay Estimated Tax.

1. Any person who fails to timely remit the amount of estimated tax due under Section 212.11(4), F.S., is subject to a specific penalty of 10 percent of any unpaid estimated tax.

2. Any dealer who files a consolidated tax return and fails to timely remit the amount of estimated tax due based on the consolidated return as a whole, without regard to each business location, is subject to the specific penalty of 10 percent of any unpaid estimated tax. The specific penalty will be calculated based on any unpaid estimated tax due for each reporting business location.

(4) PENALTIES AND INTEREST.

(a) The penalties and interest provided in this subsection apply to the following sales and use taxes, discretionary sales surtax, surcharges, or fees imposed by or administered under Chapter 212, F.S.:

1. Apalachicola Bay oyster surcharge;
2. Convention development tax;
3. Discretionary sales surtax;
4. Lead-acid battery fee;
5. Miami-Dade County Lake Belt mitigation fee;
6. Motor vehicle warranty fee (lemon law fee);
7. Rental car surcharge;
8. Sales and use tax;
9. Tax on gross receipts on dry-cleaning;
10. Tax on perchloroethylene;
11. Tourist development tax;
12. Tourist impact tax; and
13. Waste tire fee.

(b) Failure to Timely File a Return. Any person who fails to timely file any return that is required to report any tax, surtax, surcharge, or fee imposed by or administered under

Chapter 212, F.S., is subject to a specific penalty of 10 percent of the amount of tax, surtax, surcharge, or fee shown on the return. This specific penalty may not be less than \$50 for each reporting business location.

(c) Failure to Timely Pay. Any person who fails to timely pay any tax, surtax, surcharge, or fee imposed by or administered under Chapter 212, F.S., shown due on a return is subject to a specific penalty of 10 percent of the amount of the tax, surtax, surcharge, or fee shown due on the return. This specific penalty may not be less than \$50 for each reporting business location.

(d) Failure to Timely to File a Return and to Timely Pay. Any person who files a required return with the Department, but fails to file such return on or before the due date, and fails to timely pay the tax, surtax, surcharge, or fee shown due on the return, is subject to only one specific penalty of 10 percent of the tax, surtax, surcharge, or fee shown due on the return. This specific penalty may not be less than \$50 for each reporting business location.

(e) Consolidated Returns and Reporting by County-Control Numbers. The specific penalty for failure to timely file a tax, surtax, surcharge, or fee return, or for failure to timely pay the tax, surcharge, surtax, or fee shown due on a return, is calculated based on each reporting business location. The \$50 minimum applies to each reporting business location.

(f) Failure to Disclose. Any person required to make a return or to pay any tax, surtax, surcharge, or fee imposed by or administered under Chapter 212, F.S., who fails to disclose the tax, surtax, surcharge, or fee on a return, is subject to a specific penalty in the amount of 10 percent of the unpaid tax, surtax, surcharge, or fee for each 30 days, or fraction thereof, while the failure to disclose the tax, surtax, surcharge, or fee due continues. This specific penalty may not exceed a total of 50 percent of any such unpaid tax, surtax, surcharge, or fee.

(6) The failure of any dealer to secure a tax return for reporting tax due does not relieve the dealer from the requirement to file a return or to remit tax due to the Department. The Department is not authorized to extend the time for any dealer to file any return or pay any tax due.

(g)(7)(a) Interest shall accrue on any delinquent sales or use tax, surtax, surcharge, or fee imposed by or administered under Chapter 212, F.S., at the following rate:

1. One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to Section 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).

3. Interest accrues on the amount due from the date of delinquency until the date on which the tax is paid.

(b) Interest shall accrue for the failure to timely remit the proper estimated tax liability at the following rate:

1. ~~One percent per month (prorated daily using the daily factor of .000328767) for estimated tax due prior to January 1, 2000.~~

2. ~~For payments due on or after January 1, 2000, the rate of interest established pursuant to Section 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily.)~~

3. ~~Interest accrues on the amount due from the date of delinquency until the date on which the tax is paid.~~

~~(8) In computing the minimum delinquent penalty on a consolidated tax return, where the consolidated return provides the monthly business activity for each location or for each county, the \$10 minimum delinquent penalty applies to each reporting and registered location. However, when a dealer files a combined return from multiple locations in a single county, using only one registration number, the minimum delinquent penalty shall be computed on the basis of a single return.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 125.0104(3)(g), 125.0108(2)(a), 212.03(2), 212.0305(3)(c), 212.031(3), 212.04(3)(4), 212.0506(4)(11), 212.055, 212.06(1)(a), 212.0606, 212.11, 212.12(1)(2),(3),(4),(5), 212.14(2), 212.15(1), 213.235, 213.755, 370.07(3), 373.41492, 376.70, 376.75, 403.718, 403.7185, 681.117 FS. History-Revised 10-7-68, 6-16-72, Amended 10-21-75, 6-9-76, 11-8-76, 2-21-77, 4-2-78, 10-18-78, 12-23-80, 8-26-81, 9-24-81, 11-23-83, 5-28-85, Formerly 12A-1.56, Amended 3-12-86, 1-2-89, 12-19-89, 12-7-92, 10-20-93, 10-17-94, 3-20-96, 4-2-00, 6-19-01, 4-17-03, _____.

12A-1.071 Rentals, Leases, or License to Use Tangible Personal Property.

(1) No change.

~~(2)(a) Tangible personal property purchased exclusively for leasing purposes by a dealer registered with the Department at the time of purchase may be purchased tax-exempt; providing the lessor is registered with the Department as a dealer at the time of purchase and issues the vendor a valid resale certificate in lieu of tax. The purchasing dealer is required to issue a copy of the dealer's Annual Resale Certificate to the selling dealer at the time of purchase in lieu of paying tax, as provided in Rule 12A-1.039, F.A.C. Any purchases made prior to the time of registration as a dealer are subject to tax.~~

(b) No change.

~~2. In the case of commercial motor vehicles having a gross weight of 10,000 pounds or more which are self-propelled or towed and used on the public highways in commerce to transport persons or cargo, when the term of the lease or rental to the initial lessee is for a period of 12 months or more, the owner/lessor may pay the Florida tax on the acquisition of the motor vehicle. In such cases, the rental to the initial lessee and renewals thereof to the same lessee are not subject to the rental tax. The rental of the same commercial motor vehicle to subsequent lessees by the owner/lessor is taxable.~~

(3) through (7) No change.

(8) Repair parts purchased for use in the maintenance of tangible personal property used exclusively for leasing purposes are exempt when purchased by the lessor. When purchased by the lessee, they are taxable. Charges by the lessor

to a lessee for repairing property which is not a part of the lease contract are taxable. Charges to the lessee by a third party for repairing the leased property are taxable. (See Rule 12A-1.007 for repairs to leased motor vehicles.)

(9) through (47) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(1),(4),(10)(g),(12),(14)(a),(15)(a),(16),(19), 212.04, 212.05(1)(c),(d),(f),(h),(i), 212.06(1)(a),(2)(e),(8), 212.08(7)(e),(f),(v),(y), 212.11(2),(3), 212.12(9), 212.18(2), 402.61 FS. History-Revised 10-7-68, 1-7-70, 6-16-72, Amended 12-11-74, 12-31-81, 7-20-82, Formerly 12A-1.71, Amended 1-2-89, 10-5-92, 11-16-93, 8-15-94, 10-17-94, 3-20-96, 8-1-02, 6-12-03, _____.

12A-1.097 Public Use Forms.

(1) The following public use forms and instructions are employed by the Department in its dealings with the public related to the administration of Chapter 212, F.S. These forms are hereby incorporated by reference in this rule.

(a) Copies of these forms, except those denoted by an asterisk (*), are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or 2) faxing the Forms Distribution Center at (850)922-2208; or 3) ~~using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or 4s) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or 56) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com /dor).~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

(b) No change.

Form Number	Title	Effective Date
(2)(a) DR-1	Application to Collect and/or Report Tax in Florida (R. 01/04 01/03)	04/03
(b) DR-1CON	Application for Sales and Use Tax Consolidated Filing Number (R. 03/04)	_____
(3)	No change.	
(4) DR-5	Application for Consumer's Certificate of Exemption with Instructions (R. 11/03 02/03)	04/03
(5)(a) DR-7	Consolidated Sales and Use Tax Return (R. 01/04 01/03)	04/03
(b) DR-7N	Instructions for Consolidated Sales and Use Tax Return (R. 01/04 01/03)	04/03

- (6)(a) DR-15 Sales and Use Tax Return (R. ~~01/04 01/03~~) 04/03
- (b) DR-15CS Sales and Use Tax Return (R. ~~01/04 01/03~~) 04/03
- (c) DR-15CSN DR-15 Sales and Use Tax Returns Instructions for ~~2004 2003~~ (R. ~~01/04 01/03~~) 04/03
- (d) DR-15EZ Sales and Use Tax Return (R. ~~01/04 01/02~~) 08/02
- (e) DR-15EZN Instructions for ~~2004 2002~~ DR-15EZ Sales and Use Tax Returns (R. ~~01/04 01/02~~) 08/02
- (f) through (g) No change.
- (h) DR-15N Instructions for ~~2004 2003~~ DR-15 Sales and Use Tax Returns (R. ~~01/04 01/03~~) 04/03
- (i) through (n) No change.
- (7) through (21) No change.
- (22) DR-300400 Boat, Motor Vehicle, or Aircraft Dealer Application for Special Estimation of Taxes (R. 06/99) _____
- (23)(22) No change. _____

Specific Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4.,(7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2),(3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2),(7) F.S. Law Implemented 92.525(1)(b),(3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2),(3),(6),(16),(24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1),(8),(9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1),(4),(5), 212.12(1),(2),(9),(13), 212.13, 212.14(5), 212.17, 212.18(2),(3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1)(3), 443.131, 443.1315, 443.1316, 443.171(2),(7) FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-9408 or (850)922-4729

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-1, F.A.C., (Sales and Use Tax), were noticed for a rule development workshop in the Florida Administrative Weekly on May 21, 2004 (Vol. 30, No. 21, pp. 2064-2072). A rule development workshop was held on June 7, 2004. No one

appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE CHAPTER TITLE: Solid Waste Fees
 RULE TITLE: Reporting and Remitting Fees
 RULE CHAPTER NO.: 12A-12
 RULE NO.: 12A-12.004

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-12.004, F.A.C. (Reporting and Remitting Fees), is to: (1) consolidate guidelines for penalties and interest imposed on the fees levied on new tires and lead-acid batteries sold at retail, which are administered under Chapter 212, F.S., into subsection (4) of Rule 12A-1.056, F.A.C.; and (2) provide guidelines for filing returns to report the new tire fee and the lead-acid battery fee.

SUMMARY: The proposed amendments to Rule 12A-12.004, F.A.C.: (1) provide guidelines to taxpayers who operate two or more places of business in a single county on how to report the new tire fee and the lead-acid battery fee when the taxpayer has obtained a county control number for reporting sales and use tax; (2) provide guidelines to taxpayers who operate in two or more counties on how to report the new tire fee and the lead-acid battery fee when the taxpayer has obtained a consolidated reporting number for reporting sales and use tax; (3) provide that returns are required for each reporting period even when no fee is due for that reporting period; (4) provide that guidelines for penalties and interest imposed on the fees levied on new tires and lead-acid batteries sold at retail, which are administered under Chapter 212, F.S., are provided in subsection (4) of Rule 12A-1.056, F.A.C.; and (5) remove provisions from Rule 12A-12.004, F.A.C., that would be redundant of subsection (4) of Rule 12A-1.056, F.A.C., as amended.

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

Any person who wishes to provide information regarding 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: 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b) FS.

LAW IMPLEMENTED: 212.12(2), 213.755, 403.718, 403.7185 FS.

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

TIME AND DATE: 9:00 a.m., August 2, 2004

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-12.004 Reporting and Remitting Fees.

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

(c) Any dealer who operates two or more places of business in a single county for which returns are required and who has obtained a county control reporting number from the Department for purposes of reporting sales and use tax must report the new tire fee and the lead-acid battery fee for all places of business located within a single county return using the county control reporting number.

(d) Any dealer who operates places of business in two or more counties for which returns are required and who has obtained a consolidated reporting number from the Department for purposes of reporting sales and use tax must report the new tire fee and the lead-acid battery fee for all places of business using the consolidated reporting number.

(e) For information on how to obtain a county control reporting number or a consolidated reporting number for purposes of sales and use tax, see subsection (1) of Rule 12A-1.056, F.A.C.

(f) Each dealer is required to file a return for each reporting period even when no fee is due for that reporting period.

~~(g)(e)~~ No change.

(2) No change.

~~(3)(a) Interest on delinquent fees shall be at the following rate:~~

~~1. One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.~~

~~2. For payments due on or after January 1, 2000, the rate of interest established pursuant to Section 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).~~

~~(b) Interest accrues based upon the amount of the fee no paid from the date the fee is due until the fee is paid.~~

~~(3)(4) Persons who are required to make a return or to pay fees imposed by Sections 403.718 and 403.7185, F.S., and administered under Chapter 212, F.S., and fail to do so will be subject to penalties, as provided in Section 212.12(2), F.S., and to the interest imposed on deficiencies established under Section 213.235, F.S., and Rule 12-3.0015, F.A.C. Guidelines are provided in subsection (4) of Rule 12A-1.056, F.A.C.~~

~~Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b) FS. Law Implemented 212.12(2), 213.755, 403.718, 403.7185 FS. History—New 1-2-89, Amended 10-16-89, 12-16-91, 4-12-94, 3-21-95, 3-20-96, 4-2-00, 6-19-01, 4-17-03.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12A-12.004, F.A.C. (Reporting and Remitting Fees), were noticed for a rule development workshop in the Florida Administrative Weekly on May 21, 2004 (Vol. 30, No. 21, pp. 2072-2073). A rule development workshop was held on June 7, 2004. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE CHAPTER TITLE: Apalachicola Bay Oyster Surcharge

RULE CHAPTER NO.: 12A-14

RULE TITLE: Reporting and Remitting the Surcharge

RULE NO.: 12A-14.002

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-14.002, F.A.C. (Reporting and Remitting the Surcharge), is to: (1) adopt, by reference, changes to the form used by the Department in the administration of the oyster surcharge; (2) provide that the failure of any dealer to secure a return for reporting the surcharge does not relieve the dealer from the requirement to file a return or to remit surcharge due; and (3) consolidate guidelines for penalties and interest imposed on the tax levied on the surcharge, which is administered under Chapter 212, F.S., into subsection (4) of Rule 12A-1.056, F.A.C.

SUMMARY: The proposed amendments to Rule 12A-14.002, F.A.C.: (1) adopt, by reference, changes to the form used by the Department in the administration of the oyster surcharge; (2) remove provisions for which Rule 12A-1.056, F.A.C., applies

in its entirety to the oyster surcharge; (3) provide technical changes on guidelines for obtaining forms from the Department; (4) remove guidelines regarding estimated tax and the collection allowance that are provided in Rule 12A-1.056, F.A.C.; (5) provide that the failure of any dealer to secure a return for reporting the surcharge does not relieve the dealer from the requirement to file a return or to remit surcharge due; (6) provide that guidelines for penalties and interest imposed on the tax levied on the surcharge, which is administered under Chapter 212, F.S., are provided in subsection (4) of Rule 12A-1.056, F.A.C.; and (7) remove provisions from Rule 12A-14.002, F.A.C., that would be redundant of subsection (4) of Rule 12A-1.056, F.A.C., as amended.

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

Any person who wishes to provide information regarding 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: 212.17(6), 212.18(2), 213.06(1), 370.07(3) FS.

LAW IMPLEMENTED: 212.12(2), 213.235(2), 213.755, 376.70(3) FS.

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

TIME AND DATE: 9:00 a.m., August 2, 2004

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-14.002 Reporting and Remitting the Surcharge.

~~(1) Except as stated in this rule, the requirements of Rule 12A-1.056, F.A.C., are applicable to the reporting and remitting of the oyster surcharge.~~

~~(1)(2)(a) No change.~~

(b) The surcharge shall be reported on Form DR-15-O, the Apalachicola Bay Oyster Surcharge Return (R. 09/03 Form DR-15-O) dated December, 1994, which is hereby incorporated by reference in this rule. Copies of this form are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) ~~using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 45) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 56) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor).~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

~~(3) The estimated tax calculation requirement shall not apply to the surcharge.~~

~~(4) A dealer's collection allowance for filing a timely return is not allowed.~~

~~(2)(5) The failure of any dealer to secure a return for reporting the surcharge does not relieve the dealer from the requirement to file a return or to remit surcharge due to the Department. The As stated in subsection 12A-1.056(8), F.A.C., with reference to taxes, the Department is not authorized to extend the time to make any return or to pay the surcharge.~~

(3) Persons who are required to make a return or to pay the surcharge imposed under Section 370.07(3), F.S., and administered under the provisions of Chapter 212, F.S., and fail to do so will be subject to penalties, as provided in Section 212.12(2), F.S., and to the interest imposed on deficiencies established under Section 213.235, F.S., and Rule 12-3.0015, F.A.C. Guidelines are provided in subsection (4) of Rule 12A-1.056, F.A.C.

~~(6)(a) Interest shall accrue on any delinquent return at the following rate:~~

~~1. One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.~~

~~2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C., (prorated daily).~~

~~(b) Interest accrues on the amount due from the date of delinquency until the date on which the surcharge is paid.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1), 370.07(3) FS. Law Implemented 212.12(2), 213.235, 213.755, 370.07(3) FS. History—New 10-16-89, Amended 3-21-95, 3-20-96, 4-2-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12A-14.002, F.A.C. (Reporting and Remitting the Surcharge), were noticed for a rule development workshop in the Florida Administrative Weekly on May 21, 2004 (Vol. 30, No. 21, pp. 2073-2074). A rule development workshop was held on June 7, 2004. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Rental Car Surcharge	12A-16
RULE TITLES:	RULE NOS.:
Imposition and Payment of the Surcharge	12A-16.002
Surcharge Returns and Filing Requirements	12A-16.006
Public Use Forms	12A-16.008

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-16.002, F.A.C. (Imposition and Payment of the Surcharge), is to: (1) reorganize for easier reading guidelines regarding the collection and remittance of the rental car surcharge; and (2) provide guidelines for when a renewal or extension of a lease will constitute a new lease for purposes of the imposition of the rental car surcharge.

The purpose of the proposed amendments to Rule 12A-16.006, F.A.C. (Surcharge Returns and Filing Requirements), is to: (1) implement the provisions of Section 18, Ch. 2003-254, L.O.F., which require dealers to report the surcharge revenues attributed to the county where the rental agreement was entered into; (2) provide guidelines and requirements regarding the reporting of the rental car surcharge; and (3) consolidate guidelines for penalties and interest imposed on the rental car surcharge into subsection (4) of Rule 12A-1.056, F.A.C.

The purpose of the proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), is to adopt, by reference, new forms and changes to forms used by the Department in the administration of the rental car surcharge.

SUMMARY: The proposed amendments to Rule 12A-16.002, F.A.C.: (1) reorganize for easier reading provisions regarding the requirement for dealers to collect and remit the rental car surcharge; (2) provide that any person engaged in the business

of leasing or renting for hire passenger motor vehicles is required to collect the rental car surcharge when the lease or rental payments are to be paid under the terms of the lease or rental agreement; (3) provide guidelines for when a renewal or extension of a lease will constitute a new lease for purposes of the imposition of the rental car surcharge; (4) provide when the lease or rental of a for hire passenger motor vehicle is subject to the surcharge for vehicles leased or rented for less than 12 months and for those leased or rented for more than 12 months; and (5) provide technical changes.

The proposed amendments to Rule 12A-16.006, F.A.C.: (1) implement the provisions of s. 18, Ch. 2003-254, L.O.F., which require dealers to report the surcharge revenues attributed to the county where the rental agreement was entered into; (2) define the phrase "where the rental agreement was entered into"; (3) provide which forms the Department uses in its administration of the rental car surcharge; (4) provide guidelines to dealers who have obtained a consolidated reporting number or a county control reporting number on how to file returns for purposes of the rental car surcharge; (5) provide that dealers registered as out-of-state dealers and dealers who report for locations in two or more counties are required to file a schedule to report the number of days, by county, that all for hire passenger motor vehicles were leased or rented during the month; (6) provide that a return is required to be filed when no tax is due, but the rental car surcharge schedule is not required to be filed; (7) provide that guidelines for penalties and interest imposed on the rental car surcharge are provided in subsection (4) of Rule 12A-1.056, F.A.C.; and (8) remove provisions from Rule 12A-16.006, F.A.C., that would be redundant of subsection (4) of Rule 12A-1.056, F.A.C., as amended.

The proposed amendments to Rule 12A-16.008, F.A.C., is to adopt, by reference, new forms and changes to forms used by the Department in the administration of the rental car surcharge.

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

Any person who wishes to provide information regarding 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: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 212.05(1)(c), 212.06(1)(a), 212.0606, 212.07(2),(4),(8), 212.11, 212.12(2),(3),(4), 213.235, 213.755, 376.70, 403.717, 403.718, 403.7185 FS.

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

TIME AND DATE: 9:00 a.m., August 2, 2004

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-16.002 Imposition and Payment of the Surcharge.

~~(1)(a)~~ The lease or rental in Florida of a for hire passenger motor vehicle is subject to a surcharge of \$2.00 per day or any part of a day, or any part thereof, regardless of whether the vehicle is licensed in Florida. ~~For the purposes of this rule, one day is defined as 24 consecutive hours.~~

(b) Each person engaged in the business of leasing or renting for hire passenger motor vehicles is required to collect the rental car surcharge when the lease or rental payments are to be paid under the terms of the lease or rental agreement.

(2) For the purposes of this rule chapter, the following definitions will apply:

(a) The term "day" means 24 consecutive hours.

~~(b)2-~~ No change.

~~(3)(b)~~ The surcharge applies to each lease or rental of a for hire passenger motor vehicle, specified in the lease or rental agreement, on the first thirty (30) days the vehicle is continuously leased or rented to one lessee or renter.

~~(a)1-~~ If a for hire passenger motor vehicle is leased or rented to one lessee or renter under an agreement for thirty (30) continuous days or fewer, or for an unspecified continuous duration, the surcharge ~~is due shall be collected and remitted~~ on the lease or rental payments ~~for due up to the first thirty (30) days of the lease or rental period. If the lease or rental agreement is renewed at any time for an additional period, the renewal constitutes a new lease or rental and, therefore, the surcharge is due until thirty (30) continuous days is reached on the renewed lease or rental agreement.~~

~~2. If a for hire passenger motor vehicle is leased or rented to one lessee or renter under an agreement for a specific duration, in excess of thirty (30) continuous days, the surcharge shall be collected and remitted on lease or rental payments due for thirty (30) continuous days. If the lease or rental agreement is renewed for an additional period, the~~

~~renewal constitutes a new lease or rental and, therefore, the surcharge is due until the thirty (30) continuous day maximum is reached on the renewed lease or rental agreement.~~

(b) When the terms of a lease or rental agreement authorize the lessee to extend the lease or rental beyond the initial lease term without executing an additional lease or agreement and without any action on the part of the lessor, the extension period will not be considered a new lease or rental.

(c) When the terms of a lease or rental agreement require the lessee to execute an additional lease or agreement or require any action on the part of the lessor, the additional days during the extension period will be considered a new lease or rental.

(4)(a) Motor Vehicle Leased or Rented for Less Than 12 Months.

1. When a for hire passenger motor vehicle is leased or rented in Florida, the lease or rental is subject to the rental car surcharge, even though the vehicle may be driven to another state or the lease or rental payment may be made outside Florida.

2. When a for hire passenger motor vehicle is leased or rented outside Florida, the lease or rental is not subject to the rental car surcharge, even though the vehicle may be driven into Florida or the lease or rental payment may be made in Florida.

(b) Motor Vehicle Leased or Rented for 12 Months or Longer.

1. When a for hire passenger motor vehicle is leased or rented in Florida for a term of 12 months or longer, the rental car surcharge is due.

2. When a for hire passenger motor vehicle is leased or rented outside Florida for a term of 12 months or longer and the vehicle is registered, licensed, or titled in Florida, it is presumed subject to the rental car surcharge. This presumption may be rebutted only by documentary evidence that the vehicle was used outside Florida continuously for the first thirty (30) days before being brought into Florida.

~~(5)(2)(a)~~ A person engaged in the business of leasing or renting for hire passenger motor vehicles shall not advertise or hold out to the public in any manner, directly or indirectly, that ~~the dealer he~~ will absorb all or any part of the rental car surcharge, ~~or that he will~~ relieve the lessee or renter of the payment of all or any part of the surcharge, or that, when added to the lease or rental price, the surcharge or any part thereof will be refunded either directly or indirectly by any method whatsoever.

(b) The amount of the rental car surcharge is required to shall be separately stated on any charge ticket, invoice, or other tangible evidence of lease or rental, and will shall be a debt from the lessee or renter to the dealer until paid.

(c) The rental car surcharge is subject to sales and use tax.

~~(3)(a) Each person engaged in the business of leasing or renting for hire passenger motor vehicles is required to collect and remit the surcharge.~~

~~(b) The surcharge is due and payable when the lease or rental payments are to be made by the lessee or renter as they accrue under the terms of the lease or rental agreement.~~

~~(e) When the term of the lease or rental agreement is for less than twelve (12) months:~~

~~1. If the lease or rental of a for hire passenger motor vehicle, leased or rented in another state and driven into Florida, is paid in Florida, the surcharge applies. If a credit card is used in lieu of cash payments, the Florida dealer honoring the credit card is liable for the collection and remittance of the surcharge.~~

~~2. If the lease or rental of a for hire passenger motor vehicle leased in Florida and driven to another state is paid in the other state, the lease or rental is not subject to the surcharge. If a motor vehicle is leased or rented in Florida and the lease or rental is paid in Florida, the surcharge applies even though the motor vehicle is removed from Florida while the lessee or renter has the vehicle.~~

~~(d)1. When the term of a lease or rental is for twelve (12) months or more and the vehicle is leased or rented in Florida, the surcharge is due and payable when the vehicle is registered, licensed, or titled in this state, regardless of where the vehicle is to be used.~~

~~2. When the term of a lease or rental is for twelve (12) months or more and the vehicle is leased or rented from a person outside this state, it is presumed subject to the surcharge if it is registered, licensed, or titled in this state. This presumption may be rebutted only by documentary evidence that the vehicle was used outside this state continuously for thirty (30) days or more before it was brought into this state.~~

~~(6)(4) Any person who has leased or rented a for hire passenger motor vehicle and cannot prove that the rental car surcharge has been paid to the his lessor or other person will shall be directly liable to the state for any surcharge, interest, or penalty due on such transaction.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(c), 212.06(1)(a), 212.06(6), 212.06(1)(a), 212.07(2),(4),(8)(9) FS. History—New 11-14-89, Amended 7-7-91, 5-19-93, 3-20-96.

12A-16.006 Surcharge Returns and Filing Requirements.

(1)(a) Any dealer who collects the rental car surcharge is required to report to the Department all surcharge revenues that are attributed to the county where the rental agreement was entered into. For purposes of this rule, “where the rental agreement was entered into” means the county where the lessee picks up the for hire passenger motor vehicle. For example, a motor vehicle is picked up in Florida County A and dropped off in Florida County B. The surcharge revenues are attributed to Florida County A.

~~(b)(a) Except as provided in Rule Chapter 12-24, F.A.C., the surcharge for each month shall be due to the Department on the first day of the month following the date the lease or rental payments are to be made by the lessee or renter, under the terms of the lease or rental agreement. The payment and return must be delivered to the Department or be postmarked on or before the 20th day of the month following the date the lease or rental payments are to be made by the lessee or renter, under the terms of the lease or rental agreement, to avoid penalty and interest for late filing. If the 20th day falls on a Saturday, Sunday, or legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For this purpose, a legal holiday means a holiday which is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code of 1986, as amended. A “legal holiday” pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.~~

(c)(b) The rental car surcharge is required to be reported shall be remitted to the Department of Revenue on a Solid Waste and Surcharge Return (Form DR-15SW); incorporated by reference in Rule 12A-16.008, F.A.C. A Rental Car Surcharge Schedule (Form DR-15SWS) is used to report the number of days that all for hire passenger motor vehicles were leased or rented during the month by county. Forms DR-15SW and DR-15SWS are incorporated by reference in Rule 12A-16.008, F.A.C.

(d) Any dealer who operates places of business in two or more counties for which returns are required and who has obtained a consolidated reporting number from the Department for purposes of reporting sales and use tax must report the rental car surcharge for all places of business using the consolidated reporting number. The dealer is required to file a consolidated Solid Waste and Surcharge Return (Form DR-15SW) with a Rental Car Surcharge Schedule (Form DR-15SWS) to report the number of days that all for hire passenger motor vehicles were leased or rented during the month for each county.

(e) Any dealer who operates two or more places of business in a single county for which returns are required and who has obtained a county control reporting number from the Department for purposes of reporting sales and use tax must report the rental car surcharge for all places of business located within a single county using the county control reporting number. Such dealers are reporting the rental car surcharge attributed to that county and are not required to file a Rental Car Surcharge Schedule (Form DR-15SWS).

(f) Out-of-state dealers who have no physical place of business located within Florida that are required to report the rental car surcharge must file a Solid Waste and Surcharge Return (Form DR-15SW) with a Rental Car Surcharge Schedule (Form DR-15SWS) to report the number of days that all for hire passenger motor vehicles were leased or rented during the month for each county. The Rental Car Surcharge Schedule must be included with the return even when the dealer reports the number of days that all for hire passenger motor vehicles were leased or rented during the month for a single county.

(g) For information on how to obtain a county control reporting number or a consolidated reporting number for purposes of sales and use tax, see subsection (1) of Rule 12A-1.056, F.A.C.

(h) Each dealer is required to file a return each month, even when no rental car surcharge is due for that month. However, a dealer is not required to file a Rental Car Surcharge Schedule (Form DR-15SWS) when no rental car surcharge is due for that month.

(i)(e) Electronic filing of payments and returns for reporting the rental car surcharge must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when:

1. Payment of the rental car surcharge is required to be made by electronic means;
2. Any return for reporting the rental car surcharge is required to be submitted by electronic means; or
3. No fees are due with a return for reporting the rental car surcharge.

(2)(a) Any dealer who operates two (2) or more places of business for which Solid Waste and Surcharge Returns (Form DR-15SW) are required to be filed and maintains records for such places of business in a central office or place shall have the privilege on each reporting date of filing a consolidated return for all such places of business in lieu of separate returns for each such place of business.

(b) A dealer electing to file a consolidated Solid Waste and Surcharge Return (Form DR-15SW) shall make an election request in writing, setting out the trade name of the business, mailing address of the business, location address of the business, the Florida sales and use tax certificate of registration number of each business location, and the effective date of the election to file a consolidated return.

(c) The request must be addressed to the Department of Revenue, Return Reconciliation, Building F-3, 5050 W. Tennessee Street, Tallahassee, Florida 32399-0100. All requests must be received by the Department before the surcharge return for which election is made becomes delinquent.

(3)(a) Interest shall accrue on any delinquent surcharge at the following rate:

1. One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to Section 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).

(b) Interest accrues on the amount due from the date of delinquency until the surcharge is paid.

(2)(4) Persons who are required to make a return or to pay the rental car surcharge fees imposed by Section 212.0606, F.S., and fail to do so will be subject to penalties, as provided in Section 212.12(2), F.S., and to the interest imposed on deficiencies established under Section 213.235, F.S., and Rule 12-3.0015, F.A.C. Guidelines are provided in subsection (4) of Rule 12A-1.056, F.A.C.

(5) In computing the minimum delinquent penalty on a consolidated surcharge return, the \$10 minimum delinquent penalty applies to each reporting location. However, when a person required to remit the surcharge files a combined return for multiple locations in a single county, using only one registration number, the minimum delinquent penalty shall be computed on the basis of a single return.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.11, 212.12(2),(3),(4), 213.235, 213.755 FS. History—New 11-14-89, Amended 7-7-91, 8-10-92, 5-19-93, 3-20-95, 3-20-96, 4-2-00, 4-17-03, _____.

12A-16.008 Public Use Forms.

(1)(a) No change.

(1)(a) The In addition to the forms prescribed in Chapter 12A-1, F.A.C., the following public use forms and instructions are employed by the Department of Revenue in its dealings with the public in administering the rental car surcharge.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 3)4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4)5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5)6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) DR-15SW	Solid Waste and Surcharge Return (R. 04/03 r. 04/02)	<u>04/03</u>
(3) DR-15SWN	Instructions for Completing the DR-15SW Solid Waste and Surcharge Return (R. 09/03 r. 07/04)	<u>01/02</u>
(4) DR-15SWS	Rental Car Surcharge Schedule (N. 01/04)	<u> </u>

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS. History—New 11-14-89, Amended 7-7-91, 8-10-92, 3-21-95, 6-19-01, 4-17-03, _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-16, (Rental Car Surcharge), were noticed for a rule development workshop in the Florida Administrative Weekly on May 21, 2004 (Vol. 30, No. 21, pp. 2074-2078). A rule development workshop was held on June 7, 2004. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE CHAPTER TITLE: Registration as Secondhand Dealer or Secondary Metals Recycler
 RULE TITLE: Public Use Forms

RULE CHAPTER NO.: 12A-17
 RULE NO.: 12A-17.005

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-17.005, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, changes to a form used by the Department in the administration of the registration of secondhand dealers and secondary metals recyclers; and (2) provide technical changes on guidelines for obtaining forms from the Department.

SUMMARY: The proposed amendments to Rule 12A-17.005, F.A.C.: (1) adopt, by reference, changes to Form DR-1S, Application for Secondhand Dealer or Secondary Metals Recycler Registration; and (2) provide technical changes on guidelines for obtaining forms from the Department.

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

Any person who wishes to provide information regarding 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: 212.17(6), 212.18(2), 213.06(1), 538.11 FS.

LAW IMPLEMENTED: 212.17(6), 212.18(2), 213.06(1), 538.09, 538.11, 538.25 FS.

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

TIME AND DATE: 9:00 a.m., August 2, 2004
 PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-17.005 Public Use Forms.

The following public-use forms and instructions are employed by the Department in its dealings with the public in administering Ch. 538, F.S., and are incorporated by reference in this rule. Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or 2) faxing the Forms Distribution Center at (850)922-2208; or 3) ~~using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or 4 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or 5 6) downloading selected forms~~

from the Department’s Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331.

Form Number	Title	Effective Date
(1) DR-1S	Application for Secondhand Dealer or Secondary Metals Recycler Registration (R. 08/03 06/02)	___ 08/02
(2) No change.		

Specific Authority 212.17(6), 212.18(2), 213.06(1), 538.11 FS. Law Implemented 212.17(6), 212.18(2), 213.06(1), 538.09, 538.11, 538.25 FS. History—New 3-15-90, Amended 11-14-91, 4-18-93, 10-17-94, 8-1-02,

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12A-17.005, F.A.C. (Public Use Forms), were noticed for a rule development workshop in the Florida Administrative Weekly on May 21, 2004 (Vol. 30, No. 21, pp. 2078-2079). A rule development workshop was held on June 7, 2004. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE CHAPTER TITLE: Severance Taxes and Fees
 RULE TITLE: Miami-Dade County Lake Belt Mitigation Fee
 RULE CHAPTER NO.: 12B-7
 RULE NO.: 12B-7.030

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-7.030, F.A.C. (Miami-Dade County Lake Belt Mitigation Fee), is to consolidate guidelines for penalties and interest imposed on the mitigation fee, which is administered under Chapter 212, F.S., into subsection (4) of Rule 12A-1.056, F.A.C.

SUMMARY: The proposed amendments to Rule 12B-7.030, F.A.C.: (1) provide that guidelines for penalties and interest imposed on the mitigation fee are provided in subsection (4) of

Rule 12A-1.056, F.A.C.; and (2) remove provisions from Rule 12B-7.030, F.A.C., which would be redundant of subsection (4) of Rule 12A-1.056, F.A.C., as amended.

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

Any person who wishes to provide information regarding 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: 211.33(6), 213.06(1), 373.41492(4)(b) FS.

LAW IMPLEMENTED: 92.525(1)(b),(2),(3),(4), 211.30, 211.31, 211.3103, 211.3106, 211.33, 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS.

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

TIME AND DATE: 9:00 a.m., August 2, 2004

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4709

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-7.030 Miami-Dade County Lake Belt Mitigation Fee.
 (1) through (3) No change.

~~(4) When any person fails to remit the mitigation fee, or any portion thereof, on or before the day the fee is required to be paid, interest will be added to the amount of unpaid fee at the rate of interest established pursuant to Section 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily). Interest accrues on the amount of fee due from the date of delinquency until the date on which the tax is paid.~~

~~(4)(5) Persons who are required to make a return or to pay the mitigation fee imposed under Section 373.41492, F.S., and administered under the provisions of Chapter 212, F.S., and fail to do so will be subject to penalties, as provided in Section 212.12(2), F.S., and to the interest imposed on deficiencies~~

established under Section 213.235, F.S., and Rule 12-3.0015, F.A.C. Guidelines are provided in subsection (4) of Rule 12A-1.056, F.A.C.

Specific Authority 211.33(6), 213.06(1), 373.41492(4)(b) FS. Law Implemented 92.525(1)(b),(2),(3),(4), 211.30, 211.31, 211.3103, 211.3106, 211.33, 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS. History--New 10-1-03, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4709

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12B-7.030, F.A.C. (Miami-Dade County Lake Belt Mitigation Fee), were noticed for a rule development workshop in the Florida Administrative Weekly on May 21, 2004 (Vol. 30, No. 21, p. 2079). A rule development workshop was held on June 7, 2004. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE CHAPTER TITLE: Tax on Gross Receipts on Dry-Cleaning
RULE CHAPTER NO.: 12B-11

RULE TITLE: Returns and Filing Requirements
RULE NO.: 12B-11.006

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-11.006, F.A.C. (Returns and Filing Requirements), is to consolidate guidelines for penalties and interest imposed on the tax levied on the gross receipts of dry-cleaning facilities, which is administered under Chapter 212, F.S., into subsection (4) of Rule 12A-1.056, F.A.C.

SUMMARY: The proposed amendments to Rule 12B-11.006, F.A.C.: (1) provide that guidelines for penalties and interest imposed on the tax levied on the gross receipts of dry-cleaning facilities are provided in subsection (4) of Rule 12A-1.056, F.A.C.; and (2) remove provisions from Rule 12B-11.006, F.A.C., that would be redundant of subsection (4) of Rule 12A-1.056, F.A.C., as amended.

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

Any person who wishes to provide information regarding 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: 212.17(6), 212.18(2), 213.06(1), 376.70(6)(b) FS.

LAW IMPLEMENTED: 212.12(2), 213.235(2), 213.755, 376.70 FS.

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

TIME AND DATE: 9:00 a.m., August 2, 2004

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-11.006 Returns and Filing Requirements.

(1) through (3) No change.

(4) Persons who are required to make a return or to pay tax on gross receipts on dry-cleaning imposed under Section 376.70, F.S., and administered under the provisions of Chapter 212, F.S., and fail to do so will be subject to penalties, as provided in Section 212.12(2), F.S., and to the interest imposed on deficiencies established under Section 213.235, F.S., and Rule 12-3.0015, F.A.C. Guidelines are provided in subsection (4) of Rule 12A-1.056, F.A.C.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 376.70(6)(b) FS. Law Implemented 212.12(2), 213.235(2), 213.755, 376.70 FS. History--New 2-19-95, Amended 6-19-96, 4-17-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12B-11.006, F.A.C. (Returns and Filing Requirements), were noticed for a rule development workshop in the Florida Administrative Weekly on May 21, 2004 (Vol. 30, No. 21, pp. 2079-2080). A rule development workshop was held on June 7, 2004. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE CHAPTER TITLE: Tax on Perchloroethylene
 RULE TITLE: Returns and Filing Requirements
 PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-12.006, F.A.C. (Returns and Filing Requirements), is to consolidate guidelines for penalties and interest imposed on the tax levied on perchloroethylene, which is administered under Chapter 212, F.S., into subsection (4) of Rule 12A-1.056, F.A.C.

SUMMARY: The proposed amendments to Rule 12B-12.006, F.A.C.: (1) provide that guidelines for penalties and interest imposed on the tax levied on perchloroethylene are provided in subsection (4) of Rule 12A-1.056, F.A.C.; and (2) remove provisions from Rule 12B-12.006, F.A.C., that would be redundant of subsection (4) of Rule 12A-1.056, F.A.C., as amended.

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

Any person who wishes to provide information regarding 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: 212.17(6), 212.18(2), 213.06(1), 376.75(9)(b) FS.

LAW IMPLEMENTED: 212.11(1)(b),(d), 212.12(2)(a),(3),(4), 213.235, 213.755, 376.75 FS.

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

TIME AND DATE: 9:00 a.m., August 2, 2004

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing

or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-12.006 Returns and Filing Requirements.

(1) through (2) No change.

(3) Persons who are required to make a return or to pay tax on perc imposed under Section 376.75, F.S., and administered under the provisions of Chapter 212, F.S., and fail to do so will be subject to penalties, as provided in Section 212.12(2), F.S., and to the interest imposed on deficiencies established under Section 213.235, F.S., and Rule 12-3.0015, F.A.C. Guidelines are provided in subsection (4) of Rule 12A-1.056, F.A.C.

~~(3)(a) When any person fails to remit the tax, or any portion thereof, on or before the day when such tax is required to be paid, interest will be added to the amount of unpaid tax at the following rate:~~

~~1. One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.~~

~~2. For payments due on or after January 1, 2000, the rate of interest established pursuant to Section 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).~~

~~(b) Interest accrues on the amount due from the date of delinquency until the date on which the tax is paid.~~

~~(c) The decimal equivalent of the daily interest rate established pursuant to paragraph (a) above will be applied to any delinquent period that is less than one month.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1), 376.75(9)(b) FS. Law Implemented 212.11(1)(b),(d), 212.12(2)(a),(3),(4), 213.235, 213.755, 376.75 FS. History--New 2-19-95, Amended 3-18-96, 4-2-00, 4-17-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12B-12.006, F.A.C. (Returns and Filing Requirements), were noticed for a rule development workshop in the Florida

Administrative Weekly on May 21, 2004 (Vol. 30, No. 21, p. 2080). A rule development workshop was held on June 7, 2004. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

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.”

STATE BOARD OF ADMINISTRATION

RULE TITLES: Reimbursement Contract
 Insurer Reporting Requirements

RULE NOS.: 19-8.010
 19-8.029

PURPOSE AND EFFECT: These rules are promulgated to implement Section 215.555, Florida Statutes, regarding the Florida Hurricane Catastrophe Fund, for the 2004-2005 Contract Year.

SUMMARY: Proposed amended Rule 19-8.010, F.A.C., adopts the amended reimbursement contract for the Contract Year 2004-2005. Proposed amended Rule 19-8.029, F.A.C., adopts amendments to forms for insurer reporting to the Florida Hurricane Catastrophe Fund for the 2004-2005 Contract Year and amends incorporated forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2)-(7),(10),(15) 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: Jack E. Nicholson, Senior FHCF Officer, State Board of Administration, P. O. Box 13300, Tallahassee, Florida 32317-3300, (850)413-1340

THE FULL TEXT OF THE PROPOSED RULES IS:

19-8.010 Reimbursement Contract.

(1) through (9) No change.

(10) The amended reimbursement contract for the 2004-2005 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-2004K – “Reimbursement Contract” or “Contract” between (name of

insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2004 through May 31, 2005.

(11) No change.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, _____.

19-8.029 Insurer Reporting Requirements.

(1) through (4)(e) No change.

(f) For the 2004/2005 Contract Year, the reporting shall be in accordance with the following: Form FHCF-D1A, “Amended Florida Hurricane Catastrophe Fund 2004 Data Call,” rev. 5/11/04 ~~5/04~~ and UNICEDE® /PX Data Exchange Format, Version 4.0.0.” The two forms identified in the immediately preceding sentence are hereby adopted and incorporated by reference. A new participant shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.

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

(c) Insurers shall report their ultimate net losses for each occurrence on or before December 31 of the Contract Year during which the covered event occurs and quarterly thereafter on the date the quarter ends on Form FHCF-L1B, “Florida Hurricane Catastrophe Fund Proof of Loss Report,” rev. 5/11/04 ~~5/04~~, which is hereby adopted and incorporated by reference. In reporting losses, deductibles or attachment points shall be applied first to the coverages provided by the FHCF. For the quarterly report due on 3/31, any insurer whose losses reach or exceed 50% of its FHCF retention shall report its losses on Form FHCF-L1B. For the quarterly report due on 6/30, any insurer whose losses reach or exceed 75% of its FHCF retention shall report its losses on Form FHCF-L1B. For the quarterly reports due on 9/30 and thereafter, any insurer which anticipates that its losses will reach 100% or more of its FHCF retention shall report its losses on Form FHCF-L1B until all its losses are paid to its policyholders and the insurer has received reimbursement from the Fund. For purposes of this rule, quarterly Loss Reports shall be those reports submitted at each quarter end date after December 31 of the Contract Year in which the covered event occurs and continuing until all claims and losses resulting from loss occurrences commencing during the Contract Year are fully discharged in accordance with the reporting requirements in this paragraph. “Fully Discharged” means the earlier of the date on which the insurer has paid its policyholders in full or the commutation clause, in Article X of the Reimbursement Contract, adopted in Rule 19-8.010, F.A.C., takes effect.

(d) As a result of reports submitted on Form FHCF-L1B, reimbursements to insurers shall be adjusted ~~in accordance with Section 215.555(4)(b)3, Florida Statutes, which prohibits~~

~~an insurer's recovery from all sources to exceed 100% of its losses from a covered event, and~~ in accordance with Section 215.555(4)(d)1., Florida Statutes, which requires the Fund to pay additional amounts to insurers and insurers to return overpayments to the Fund, based on the most recent calculation of losses.

(6) No change.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2),(3),(4),(5), (6),(7),(15) FS. History--New 5-17-99, Amended 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
The Trustees of the State Board of Administration of Florida

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 11, 2004, Vol. 30, No. 24

STATE BOARD OF ADMINISTRATION

RULE TITLES: RULE NOS.:

Asset Transfer Procedures: Initial Transfers Occurring Bbetween 7/1/02 and 3/31/03 19-10.001

Asset Transfer Procedures: True Up Transfer for Initial Transfers Occurring between 7/1/02 and 3/31/03 19-10.002

Asset Transfer Procedures: For employees who become eligible to participate in PEORP by reason of employment in a regularly established position with a state employer commencing after April 1, 2002; or with a district school board employer commencing after July 1, 2002; or with a local employer commencing after October 1, 2002 19-10.003

PURPOSE AND EFFECT: These rules are being repealed because they relate to time periods which have passed.

SUMMARY: Proposed repealed Rule 19-10.001, F.A.C., provided procedures for the initial asset transfers at the beginning of the Public Employee Optional Retirement Program (PEORP). Proposed repealed Rule 19-10.002, F.A.C., provided procedures for calculating the true up for asset transferred during the implementation period for PEORP. Proposed repealed Rule 19-10.003, F.A.C., provided procedures for persons who became eligible for PEORP after the initial implementation period. Parts of this rule are the basis for proposed new Rule 19-11.006, F.A.C., regarding enrollment procedures for newly-hired employees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 121.4501(3)(c)4., (8)(a) FS.

LAW IMPLEMENTED: 121.4501(2),(3),(4),(5),(6),(8),(15), 121.571(1),(2), 121.71, 121.73, 121.74, 121.78, 215.44(8)(b) FS.

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

TIME AND DATE: 2:00 p.m. – 4:30 p.m., Monday, August 2, 2004

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1199

THE FULL TEXT OF THE PROPOSED RULES IS:

19-10.001 Asset Transfer Procedures: Initial Transfers Occurring between 7/1/02 and 3/31/03.

Specific Authority 121.4501(3)(c)4.,(8)(a) FS. Law Implemented 121.4501(2),(3),(4),(5),(6),(8),(15), 121.571(1),(2), 215.44(8)(b) FS. History--New 5-9-01, Amended 8-11-02, Repealed _____.

19-10.002 Asset Transfer Procedures: True Up Transfer for Initial Transfers Occurring between 7/1/02 and 3/31/03.

Specific Authority 121.4501(3)(c)4.,(8)(a) FS. Law Implemented 121.4501(2),(3),(4),(5),(6),(8),(15), 121.71, 215.44(8)(b) FS. History--New 9-19-01, Amended 12-8-02, Repealed _____.

19-10.003 Asset Transfer Procedures: For employees who become eligible to participate in PEORP by reason of employment in a regularly established position with a state employer commencing after April 1, 2002; or with a district school board employer commencing after July 1, 2002; or with a local employer commencing after October 1, 2002.

Specific Authority 121.4501(3)(c)4.,(8)(a) FS. Law Implemented 121.4501(2),(3),(4),(5),(6),(8),(15), 121.73, 121.74, 121.78, 215.44(8)(b) FS. History--New 9-19-01, Amended 12-8-02, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kevin SigRist, Senior Investment Officer-Office of Defined Contribution Programs, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2004

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Beneficiary Designation for FRS Investment Plan	19-11.002
Excessive Trading in the FRS Investment Plan	19-11.004
FRS Investment Plan Complaint Procedures	19-11.005
Enrollment Procedures for New Hires	19-11.006
Second Election Enrollment Procedures for the FRS Retirement Programs	19-11.007

PURPOSE AND EFFECT: These new rules establish procedures for the Public Employee Optional Retirement Program, also called the FRS Investment Plan.

SUMMARY: Proposed new Rule 19-11.002, F.A.C., provides procedures for making beneficiary designations for the FRS Investment Plan. Proposed new Rule 19-11.004, F.A.C., provides procedures for excessive trading in the FRS Investment Plan. Proposed new Rule 19-11.005, F.A.C., establishes procedures to address complaints in the FRS Investment Plan. Proposed new Rule 19-11.006, F.A.C., establishes procedures for enrollment for newly-hired employees. Proposed new Rule 19-11.007, F.A.C., establishes procedures to use of the second election in FRS retirement programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 121.4501(3)(c)4.,(8)(a) FS.

LAW IMPLEMENTED: 120.569, 120.57, 120.573, 121.051, 121.055, 121.35, 121.091(8), 121.4501(2),(3),(4),(5),(6), (8)(b)4.,(9)(f)3.,(13),(14),(15)(b), 121.571(1),(2), 121.591(3), 121.71, 121.73, 121.74, 121.78, 215.44(8)(b), 1012.875(3) FS.

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

TIME AND DATE: 2:00 p.m. – 4:30 p.m., Monday, August 2, 2004

PLACE: Room 116, Hermitage Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1199

THE FULL TEXT OF THE PROPOSED RULES IS:

19-11.002 Beneficiary Designation for FRS Investment Plan.

(1) A FRS Investment Plan participant may designate a beneficiary to receive the benefits which may be payable in the event of the participant’s death. A participant may designate a beneficiary at any time, both before and after retirement.

(2) No designation of beneficiary shall be effective unless it has been filed with the FRS Investment Plan Administrator. The most recent designation of beneficiary filed with the FRS Investment Plan Administrator shall replace any previous designation whether made before or after the participant’s termination of employment or retirement. The most recent designation of beneficiary shall be determined in this order: (1) by the date the participant signed the beneficiary designation form; (2) the U.S. postmark date on the envelope if the form is mailed; (3) the login date stamped by the FRS Investment Plan Administrator.

(3) If the FRS Investment Plan participant enrolls in the FRS Investment Plan using the EZ Retirement Plan Enrollment Form for Regular, Special Risk and Special Risk Administrative Support Class Employees, Form ELE-1-EZ, rev. 02-04, the participant has chosen the beneficiary designation contained in Section 121.091(8), Florida Statutes. Note that the statutory section provides that the participant’s spouse at the time of death shall be the participant’s beneficiary unless the deceased participant had designated a different beneficiary after his or her most recent marriage. Pursuant to subsection (1), however, once the participant is enrolled in the FRS Investment Plan, the participant may change his beneficiary designation at any time.

(4) The beneficiary designation an FRS Investment Plan participant chooses if he uses the EZ Retirement Plan Enrollment Form for Regular, Special Risk and Special Risk Administrative Support Class Employees, Form ELE-1-EZ, rev. 02-04, includes the phrase “as applicable.” “As applicable” refers to that part of Section 121.091(8), Florida Statutes, which provides for “in line of duty” death payments for certain Florida Retirement System employees. These payments are not applicable to participants in the FRS Investment Plan.

(5) A participant may designate a beneficiary or beneficiaries at any time, as follows:

(a) A participant may designate a beneficiary or beneficiaries to receive the assets of the participant’s FRS Investment Plan account, either sequentially or jointly.

(b) A participant may designate as beneficiary any person, organization, trust, or his estate.

(c) Any such beneficiary designation shall be made on Form IPBEN-1, rev. 08-03, which is hereby adopted and incorporated by reference. This form is available in paper form and may be obtained by calling the toll-free MyFRS Financial Guidance Line at 1(866)446-9377, Monday through Friday, except holidays, 9:00 a.m. to 8:00 p.m. The beneficiary designation may be made online by logging onto MyFRS.com and clicking on "Resources" and then "Forms."

(d) A participant may change his beneficiary designation at any time by filing a new beneficiary designation form. There is no separate form for changes of beneficiary designation.

(6) If a participant is married and designates a beneficiary who is not the spouse of the participant, then the participant is required to notify the spouse that he or she is not the beneficiary of the proceeds of the participant's FRS Investment Plan account(s). The spouse must acknowledge that he or she understands that he or she is not the beneficiary of the participant's FRS Investment Plan account(s) by signing the beneficiary designation form, Form IPBEN-1, rev. 08-03, in the appropriate place. Alternatively, the spouse may provide the FRS Investment Plan Administrator with a notarized statement reflecting the spouse's understanding that the spouse is not the beneficiary of the participant's FRS Investment Plan account(s). No distribution will be made of any FRS Investment Plan account(s) in the absence of a declaration by the spouse of his or her understanding that he or she is not the beneficiary of the participant's FRS Investment Plan account(s).

Specific Authority 121.4501(8) FS. Law Implemented 121.091(8), 121.591(3) FS. History—New _____.

19-11.004 Excessive Trading in the FRS Investment Plan.

(1) Purpose.

(a) The purpose of this rule is to mitigate the negative impact on participants in the FRS Investment Plan from excessive trading and to establish limitations on such excessive trading. The Trustees of the State Board of Administration (SBA) have a fiduciary duty to make decisions about the FRS Investment Plan in the best interests of all participants and beneficiaries.

(b) Excessive trading by just a few of a fund's investors can disrupt fund operations, increase expenses and harm fund performance for all investors. In particular, some participants have shown a high proclivity to make numerous short-term trades in foreign stock funds in an attempt to exploit funds' pricing conventions and other technical factors. Therefore, this rule establishes limitations so that excessive trading between approved investment funds shall be prevented, without materially inhibiting all participants' opportunities to direct contributions and account balances between investment funds with a frequency that is appropriate in light of the market volatility of the funds.

(c) The Executive Director of the SBA is directed to establish a policy on excessive trading in Section V of the Investment Policy Statement, adopted and incorporated by reference in Rule 19-9.001, Florida Administrative Code. This rule incorporates that policy.

(2) Definitions.

(a) A "participant" is a person who has an account established in the FRS Investment Plan as a result of current or previous employment with an FRS-covered employer, or being designated as an alternate payee due to a qualified domestic relations order ("QDRO") or being a designated beneficiary when a participant is deceased.

(b) A "Roundtrip Trade" occurs when a participant conducts a series of at least two non-exempt transactions that include one or more transfers into an authorized investment fund AND one or more transfers out of the same authorized investment fund in either order (i.e. in/out or out/in), regardless of any multiple transfers from or to other different authorized investment funds during the roundtrip.

(c) An "exempt transaction" is any transaction that is initiated for purposes of: depositing employer payroll contributions; processing a distribution; processing a QDRO; or mapping funds from terminated products. Exempt transactions are not included in any calculations for the purposes of this policy.

(d) "Excessive trading" involves multiple occurrences of Market Timing Trades by a participant over time.

(e) A "Market Timing Trade" is a participant-directed series of trades with the following two characteristics:

1. One Roundtrip Trade within a 30-day period and

2. The trade amount for the one Roundtrip Trade is an aggregate amount of \$75,000 or more.

(f) "Aggregate amount of \$75,000 or more" means the total of the amounts transferred into a fund and out of a fund, constituting a Roundtrip Trade, during any rolling 30-calendar day period.

(g) "Receipt of the direction letter" as described in subparagraph (3)(b)2., below, shall mean the date on which the participant signs the return receipt; or the date noted by the U.S. Postal Service as the date on which the participant refused delivery of the letter; or the date of the last attempt to deliver the letter by the U.S. Postal Service, whichever is earlier.

(3) Limitations.

(a) Regarding authorized foreign or global stock funds: After making a non-exempt transaction by transferring any portion of their account balance into an authorized foreign or global or stock fund, participants are prohibited from completing a Roundtrip Trade in that fund for a minimum of 7 calendar days, using the convention of last-dollar-in and first-dollar-out for the roundtrip calculation.

(b) Regarding all authorized funds:

1. Participants who engage in Market Timing Trades in authorized funds will receive a warning letter sent by U.S. mail, certified/return receipt requested.

2. Participants engaging in Market Timing Trades within 30 days of the warning letter will be sent a certified/return-receipt direction letter. The direction letter shall require that the participant shall not have access to automated online or telephonic trade instructions for at least one full calendar month following the receipt of the direction letter.

3. Participants engaging in Market Timing Trades who receive more than two (2) warning letters will be sent a certified/return-receipt direction letter, as described in subparagraph 2., immediately above.

(c) If Participant A receives a direction letter as described in subparagraph (3)(b)2., above, on November 15, Participant A's access to automated online or telephonic trade instructions shall be denied until January 1. "One full calendar month," in this context, means the full calendar month following the month in which the direction letter is received. The direction letter, in this example, was received in November. The "one full calendar month" is December. Therefore, access will not be resumed until January.

(4) Examples.

(a) This subsection contains examples only. This subsection does not contain an exhaustive list of all possible transactions. Participants avoiding these examples will not necessarily avoid the impact of this rule since other transactions will meet the definitions of Market Timing Trades or Excessive Trading.

(b) If Participant A transfers \$50,000 out of Fund A and into Fund B on Monday and then transfers \$20,000 out of Fund B on Tuesday, the transaction is a Roundtrip Trade but is not a Market Timing Trade because the aggregate amount of \$75,000 specified in subparagraph (2)(e)2., above, has not been met.

(c) If Participant A transfers \$50,000 out of Fund A and into Fund B on Monday and then transfers \$55,000 out of Fund B on the following Monday, the transaction is a Roundtrip Trade and a Market Timing Trade because the aggregate amount of \$75,000 (\$50,000 + \$55,000 = \$105,000) has been exceeded within a 30 day period.

(d) If Participant A transfers \$5,000 out of Fund A and into Fund B on October 1 and then transfers \$5,500 out of Fund B and into Fund A on October 3, and then transfers \$40,000 out of Fund A and into Fund B on October 12 and then transfers \$25,000 out of Fund B and into Fund A on October 15, the transactions are two (2) Roundtrip Trades but are not Market Timing Trades because, although these Roundtrip Trades occurred in a time period of fewer than 30 days, the aggregate amount of each round trip trade did not exceed \$75,000.

(e) If Participant A transfers \$5,000 out of Fund A and into Fund B on November 1 and then transfers \$25,000 out of Fund A and into Fund B on November 3 and then transfers \$10,000 out of Fund A and into Fund B on November 5 and then transfers \$40,000 out of Fund B and into Fund A on November 15, the entire series of transactions constitutes a Roundtrip Trade and is a Market Timing Trade because the aggregate amount of \$75,000 has been exceeded within a 30 day period.

(f) If Participant A transfers \$5,000 out of Fund A and puts \$2,500 into Fund B and \$2,500 into Fund C on December 1 and then transfers \$25,000 out of Fund A and puts \$20,000 into Fund B and \$5,000 into Fund C on December 5, and then transfers \$10,000 out of Fund A and puts \$10,000 into Fund C on December 6 and then transfers \$23,000 out of Fund B into Fund A and \$20,000 out of Fund C into Fund A on December 16, the entire series of transactions constitutes a Roundtrip Trade and is a Market Timing Trade because the aggregate amount of \$75,000 within a 30 day period has been exceeded. It is irrelevant that money has come out of one fund and been transferred into two funds because the money has been returned to the original fund.

(g) Participant A transfers \$50,000 out of Fund A and into a foreign stock fund, which already contains \$100,000, on October 1, so that on October 1, the foreign stock fund contains \$150,000. Participant A must wait until October 8 to transfer any or all of the \$150,000 in funds out of the foreign stock fund.

(h) A Participant has \$250,000 in his FRS Investment Plan account and is the subject of a QDRO with the result that the Participant's spouse becomes entitled to half of the Participant's FRS Investment Plan account. A total of \$125,000 is transferred from the Participant's account to a newly-established account for the Participant's spouse and the funds are put into a foreign stock fund on December 1. On December 5, the Participant's spouse rolls over the entire \$125,000 into an IRA. This is neither a Roundtrip Trade nor a Market Timing Trade because the transfer is an exempt transaction, as described in paragraph (2)(c), above.

(5) For all participants, Roundtrip and Market Timing Trades are calculated using a rolling 30-calendar day time period. If a trade occurs on May 15 and the following 30-calendar day period, from May 15 through June 13, includes a sufficient number of trades to fit the definition of a Market Timing Trade, this policy shall apply.

Specific Authority 121.4501(8) FS. Law Implemented 121.4501(13),(14),(15) FS. History--New _____.

19-11.005 FRS Investment Plan Complaint Procedures.

(1) Purpose. Section 121.4501(9)(f)3., Florida Statutes, requires that the State Board of Administration "... develop procedures to receive and resolve participant complaints against a provider or approved provider personnel, and, when appropriate, refer such complaints to the appropriate agency." The following procedures outline the SBA's policy in handling

complaints filed against Investment Plan providers, including the third party administrator, education providers, and investment providers.

(2) Definitions.

(a) "Complaint" shall mean a participant's written or verbal expression of dissatisfaction with an Investment Plan provider or one of its representatives. "Complaint" shall mean a participant's written or verbal expression of dissatisfaction with an Investment Plan provider or one of its representatives.

(b) "Investment Plan" shall mean the Public Employee Optional Retirement Program as defined in Section 121.4501(2)(g), F.S.

(c) "Investment Plan providers" are:

1. Third Party Administrator, the FRS Investment Plan Administrator;

2. Companies providing Investment Plan education;

3. Investment managers providing investment services supporting mutual funds or institutional funds offered in the FRS Investment Plan;

4. Marketing companies providing marketing and educational support for their investment products or providing individual counseling; and

5. Any other company or state agency providing Investment Plan services (including the State Board of Administration of Florida).

(d) "Participant" means an employee who elects to participate in the FRS Investment Plan and enrolls in such program as provided in Section 121.4501(4), F.S.

(e) "SBA" means the State Board of Administration of Florida, the plan sponsor for the FRS Investment Plan.

(3) Procedures.

(a) First Step: Intervention by the FRS Investment Plan Administrator.

1. Any Participant with a complaint regarding an Investment Plan provider shall communicate his complaint to the Third Party Administrator [i.e., the FRS Investment Plan Administrator]. If an Investment Plan provider receives a complaint from a Participant directly, the Investment Plan provider shall notify the FRS Investment Plan Administrator within 2 business days. The FRS Investment Plan Administrator will communicate the complaint to the affected Investment Plan provider within 3 business days. The three parties will attempt to reach a satisfactory resolution of the problem within 5 business days.

2. If a Participant has a complaint solely against the FRS Investment Plan Administrator, the participant shall communicate his complaint to the FRS Investment Plan Administrator. Both parties shall attempt to reach a satisfactory resolution of the problem within 5 business days.

3. If a solution cannot be reached within 5 business days, the FRS Investment Plan Administrator will provide the Participant with a written or verbal update on the status of his complaint and the anticipated timeline for resolution.

(b) Second Step: Intervention by the SBA.

1. If an acceptable resolution is not reached in the first step, the Participant may send a written Request for Intervention to the SBA for intervention and resolution. The written Request for Intervention may be sent:

a. by regular US mail service to:

Investment Plan Complaint Resolution
Office of Defined Contribution Programs

State Board of Administration

P. O. Box 13300

Tallahassee, FL 32317-3300

b. By e-mail: DefinedContributionPrograms@fsba.state.fl.us; or

c. By fax: (850)413-1489

2. The Participant shall use Form FSBA-RFI-01-03, which is hereby adopted and incorporated by reference. The form may be obtained by using the toll free number at 1(866)446-9377 and requesting that it be mailed to the participant. By using this form, the Participant grants permission to the SBA to obtain copies of all telephone calls and other contacts the Participant has had with any of the FRS Investment Plan's service providers.

3. The Participant must provide all information. If all information is not provided, the form shall be returned to the Participant so that the missing information can be added.

4. Upon receipt of the complete Request for Intervention, an acknowledgment will be sent by regular US mail or emailed to the Participant.

5. The SBA will conduct an investigation and prepare and send to the Participant an agency action letter detailing the SBA's findings; any proposed resolution; and information on the next steps in the dispute resolution process.

(c) Third Step: Hearing Request

1. If the Participant is not satisfied with the proposed resolution as set out in the agency action letter, the Participant may file a Petition for Hearing, Form FSBA-PFH-01-03, which is hereby adopted and incorporated by reference, with the SBA. The Petition for Hearing is routinely attached to the agency action letter and may also be obtained by calling the toll free number at 1(866)446-9377 and requesting that it be sent to the Participant. The Petition for Hearing must be received within 21 days of the Participant's receipt of the agency action letter or it will be rejected as untimely and the Participant will have waived his right to a hearing.

2. The Participant shall use Form FSBA-PFH-01-03. By using this form, the Participant grants permission to the SBA to obtain copies of all telephone calls and other contacts the Participant has had with any of the FRS Investment Plan's service providers.

3. Upon receipt of the Petition for Hearing, the SBA has 15 days to respond to the petition, in accordance with Section 120.569(2)(a), Florida Statutes.

4. If the hearing request contains a disputed issue of material fact, the SBA shall, within the required 15 days, forward the hearing request to the Division of Administrative Hearings, requesting that an administrative law judge be assigned to conduct the hearing and so notify the Participant.

5. If there is no disputed issue of material fact, then the SBA shall send a Notice of Proceeding in conformance with Rule 28-106.302, F.A.C., and include a decision with regard to mediation under Section 120.573, F.A.C., and Part IV of Rule Chapter 28-106, F.A.C. The Participant has 14 days from the date of the Notice of Proceeding to submit written evidence or to ask to submit oral evidence. If the Participant asks to submit oral evidence, the SBA will schedule a hearing no sooner than 14 days from the date of the request. A Notice of Proceeding will include a reference to Rule 28-109.006, F.A.C., regarding communications media technology and the responsibility of the Participant to provide someone to swear him in if he decides to use a conference telephone.

6. The balance of the hearing process shall conform to the requirements of Chapter 120, Florida Statutes.

Specific Authority 121.4501(8)(a) FS. Law Implemented 120.569, 120.57, 120.573, 121.4501(9)(f)3 FS. History—New _____.

19-11.006 Enrollment Procedures for New Hires.

(1) Purpose. This rule adopts procedures and forms for enrollment in the Florida Retirement System Investment Plan for employees who become employed in a regularly established position with a state employer commencing after April 1, 2002; or with a district school board employer commencing after July 1, 2002; or with a local employer commencing after October 1, 2002.

(2) Definitions.

(a) "ABO," which is the acronym for the "accumulated benefit obligation," means the present value of a member's benefit in the FRS Pension Plan, which is the defined benefit program of the Florida Retirement System, to which the member would be entitled if the member retired from the FRS Pension Plan. This present value shall be calculated in accordance with the formula set out in Section 121.4501(3)(c)2., Florida Statutes.

(b) "Division" means the Division of Retirement within the Department of Management Services.

(c) "Effective date of enrollment in the FRS Investment Plan" means the employee's date of hire once the election into the FRS Investment Plan has been made.

(d) "Effective enrollment in the FRS Investment Plan" means that the employee has completed enrollment; that the TPA has entered the employee into its recordkeeping system; and that the TPA has informed the division and the employee's employer of the employee's effective date of enrollment in the FRS Investment Plan.

(e) "Employee" means an eligible employee as defined in Section 121.4501(2)(d), Florida Statutes.

(f) "Employer" means an employer as defined in Section 121.4501(2)(e), Florida Statutes. For purposes of the FRS Investment Plan, there are three general categories of employers: state agencies; school districts; and local employers.

(g) "FRS Investment Plan" means the defined contribution retirement program of the Florida Retirement System, established in Parts II and III of Chapter 121, Florida Statutes.

(h) "FRS Pension Plan" means the defined benefit retirement program of the Florida Retirement System, established in Part I of Chapter 121, Florida Statutes.

(i) "Florida Retirement System Trust Fund" or "FRSTF" shall mean the trust fund holding the assets of the FRS Pension Plan, which is the defined benefit plan of the Florida Retirement System.

(j) "Grace Period" means that procedure described in subsection (6), below, which permits, under certain circumstances, the voiding of a retirement plan election.

(k) "Participant" means an employee who elects to join the FRS Investment Plan.

(l) "Public Employee Optional Retirement Program" or "PEORP" means the defined contribution retirement program of the Florida Retirement System established by Section 121.4501, Florida Statutes, more commonly known as the FRS Investment Plan.

(m) "SBA" means the State Board of Administration of Florida.

(n) "TPA" means the third-party administrator hired by the SBA, pursuant to Section 121.4501(8)(b)1., Florida Statutes, to provide administrative services to the FRS Investment Plan.

(o) "True-up Amount" means the difference between the ABO calculated by using the participant's actual creditable service and the actual final average compensation as of the participant's effective date in the FRS Investment Plan and the ABO initially transferred.

(3) General Enrollment Procedures.

(a) All newly-hired employees are initially enrolled in the FRS Pension Plan. If a newly-hired employee chooses, within the statutory election period, to enroll in the FRS Investment Plan, the effective date of enrollment in the FRS Investment Plan is the date of hire of the employee. However, the employer contributions received by an employee prior to effective enrollment in the FRS Investment Plan will be transferred into the employee's FRS Investment Plan account at the rate the employer was required to contribute for that

employee. Only after effective enrollment in the FRS Investment Plan will the employee receive the employer contribution at the FRS Investment Plan rate appropriate to that employee's class of service, as specified in Section 121.4501(4)(a)2.b.; (b)2.b., and (c)2.b., Florida Statutes.

(b) Enrollment forms are available in the enrollment package which is sent to an employee's address of record or may be accessed online at: www.MyFRS.com; or by calling 1(866)446-9377, which is a toll-free line.

(4) Specific Enrollment Procedures.

(a) All newly-hired employees may enroll in the FRS Investment Plan no later than the last business day of the 5th month following the employee's month of hire or may elect to remain in the FRS Pension Plan. Example: If an employee is hired on January 15, he must elect the FRS Investment Plan no later than the last business day of June.

(b) All employees electing the FRS Investment Plan must complete an enrollment form appropriate to their membership class. Employees may determine their membership class by inquiry of their human resources office at their agency. The forms available are: an EZ Retirement Plan Enrollment form which is only for regular, special risk, and special risk administrative support class employees; a General Retirement Plan Enrollment form for regular, special risk, and special risk administrative support class employees; an Elected Officers' Class Retirement Plan form; a Community College Optional Retirement Program Retirement Plan Choice form; a State University System ORP-Eligible Employee Retirement Plan form; a State Senior Management Service Employees Retirement Plan form; and a Local Senior Management Service Employees Retirement Plan form.

1. All enrollment forms can be obtained at the sources listed in subparagraph (3)(b), above.

2. Only members of the regular, special risk, and special risk administrative support classes of employees may use the EZ form. If an employee chooses to use the EZ form, only limited information is required and the FRS Select Moderate Balanced Fund is the initial investment option (although that investment option may be changed by the Participant once the account is funded) and no beneficiary identifying information is required. However, beneficiary designations must be made on forms for that purpose or funds will be distributed, at the Participant's death, in accordance with Florida law and Rule 11-002, Florida Administrative Code. Beneficiary designation forms may be obtained from the same sources listed in subparagraph (3)(b), above.

(c) If one of the other forms is used, consistent with the employee's membership class, the employee shall provide the following information:

1. Employee's name and social security number;

2.a. For an employee who is not a member of any of the retirement plan options detailed in b. through f., below, a selection as to whether the employee decides to stay in the FRS

Pension Plan, or transfer his ABO, if any, to the FRS Investment Plan, or transfer to the FRS Investment Plan and leave his ABO, if any, in the FRS Pension Plan; or

b. For a state employee who is eligible for membership in the State Senior Management Service Class, a selection as to whether the employee wishes to elect:

i. The FRS Pension Plan; or

ii. The FRS Investment Plan and have future employer contributions sent to the FRS Investment Plan account; or

iii. To retain any accrued benefit in the FRS Pension Plan benefit and switch prospectively into the FRS Investment Plan, which requires that the employee must have at least 5 years of previous Pension Plan service to select this option iii; or

iv. To switch prospectively to the Senior Management Service Optional Annuity Program (SMSOAP) and retain any accrued benefit in the FRS Pension Plan, which requires that the choice form must be received no later than 4 PM Eastern Time on the 90th day from the employee's date of hire, in accordance with Section 121.055(6)(c)2., Florida Statutes;

c. For a local employee who is eligible for the Senior Management Service Class, a selection as to whether the employee wishes to elect:

i. The FRS Pension Plan; or

ii. The FRS Investment Plan and have all future employer contributions sent to the FRS Investment Plan account; or

iii. To retain any FRS Pension Plan benefit and switch prospectively into the FRS Investment Plan, which requires that the employee must have at least 5 years of previous Pension Plan service to select this option iii; or

iv. To withdraw from the Florida Retirement System, which requires contacting the employee's employer and submitting the appropriate form to that employer;

d. For an employee who is eligible for the State University System Optional Retirement Program (SUSORP), a selection as to whether the employee wishes to elect:

i. To join SUSORP and retain any accrued benefit in the FRS Pension Plan, which requires making such election no later than the 90th day after the date of hire by executing a contract with a SUSORP provider company and which also requires that faculty members employed at J. Hillis Miller Center at the University of Florida or the Medical Center at the University of South Florida shall elect this option, which requires the selection to be made no later than 4 p.m. Eastern Time on the 90th day from the employee's date of hire, in accordance with Section 121.35(3), Florida Statutes; or

ii. To join the FRS Pension Plan which must be completed no later than the last business day of the 5th month after the month of hire; or

iii. To join the FRS Investment Plan and to transfer the present value, if any, of the FRS Pension Plan benefit to the FRS Investment Plan and to have future contributions sent to the FRS Investment Plan account; or

iv. To switch prospectively to the FRS Investment Plan and retain any accrued benefit in the FRS Pension Plan, which requires that the eligible employee must have 5 years of previous Pension Plan service to select this option iv;

e. For an employee who is eligible for the Community College Optional Retirement Program, a selection as to whether the employee wishes to elect:

i. To join the FRS Pension Plan; or

ii. To join the FRS Investment Plan and to transfer any accrued benefit from the FRS Pension Plan to the FRS Investment Plan and to have future employer contributions sent to the FRS Investment Plan account; or

iii. To join the FRS Investment Plan and to retain any accrued benefit in the FRS Pension Plan which requires that the eligible employee must have 5 years of previous Pension Plan service to select this option iii; or

iv. To withdraw from the Florida Retirement System and participate in the Community College Optional Retirement Program (CCORP) which requires that the selection must be completed within 90 days of commencing CCORP qualifying employment, in accordance with Section 1012.875(3), Florida Statutes;

f. For an employee who is eligible for the Elected Officers' Class, a selection as to whether the employee wishes to elect:

i. To join the FRS Pension Plan; or

ii. To join the FRS Investment Plan and to transfer any accrued benefit from the FRS Pension Plan to the FRS Investment Plan and to have future employer contributions sent to the FRS Investment Plan account; or

iii. To join the FRS Investment Plan and to retain any accrued benefit in the FRS Pension Plan which requires that the eligible employee must have 5 years of previous Pension Plan service to select this option iii; or

iv. To join the Senior Management Service Class of the FRS Pension Plan and retain any accrued benefit in the FRS Investment Plan, which requires the eligible employee to make the choice no later than the last day of the 6th month after assuming his elected office, in accordance with Section 121.052(3)(a), Florida Statutes; or

v. To switch prospectively to the State Senior Management Service Optional Annuity Program and retain any accrued benefit in the FRS Pension Plan, which selection must be made no later than the last business day of the 6th month after assuming elected office and that the employee must be a state elected officer to select this option v; or

vi. To withdraw from the Florida Retirement System and participate in a local government Optional Annuity Program, which decision is irrevocable so long as the employee holds a position which is eligible for the Senior Management Service Class and which election must be made no later than the last

business day of the 6th month after assuming elected office and that the employee must be a local elected officer to select this option vi; or

vii. To withdraw from the Florida Retirement System altogether, which means that the employee will not participate in the Florida Retirement System or any retirement plan offered by his employer; that the effective date of the election will be the date he assumed elected office; that the employee can rejoin the Elected Officers Class upon written request; that the employee's decision must be made no later than the last business day of the 6th month after assuming elected office; and that this option vii is not available to any member who has already retired from a State of Florida administered retirement plan.

3. Understand that benefits will be distributed in accordance with Section 121.091(8), Florida Statutes, in the absence of the participant's filing a beneficiary designation form, which is available from the sources listed in paragraph (3)(b), above;

4. Select any combination of investment funds from among any of the balanced funds and other investment funds shown, provided, however, that the percentage of the employee's contributions for all of the funds selected must equal 100 percent;

5. [I understand section] sign and date a section indicating that, depending on which options were selected as described in Section 1 of the form and in subparagraph 2., above;

a. The employee understands that he can obtain a description of his rights and responsibilities under the FRS Pension Plan and the FRS Investment Plan by calling a toll-free number or accessing an internet website;

b. The employee understands the elections he has made by choosing among the various options available to him as described in Section 1 of the form and in subparagraph 2., above;

c. The employee understands that if he has elected the FRS Investment Plan, the initial ABO is an estimate which will be reconciled within 60 days and that if the employee is a member of the FRS Investment Plan Hybrid Option, he cannot make this choice unless he has at least 5 years of previous Pension Plan service and that if he is currently a member of the FRS Pension Plan, the election may constitute his second choice as provided under Section 121.4501(4)(e), Florida Statutes;

d. The employee understands that he should review the fund profiles and the Investment Fund Summary before choosing investment funds and that information will be available electronically unless the employee requests hard copies and that if the employee does not choose specific funds, his assets will be invested in the FRS Select Moderate Balanced Fund;

e. The employee understands that investment management fees may change and that funds may be added or terminated and that if funds are terminated, the employee has the choice of

moving his assets into other investment options or, if the employee does not make an affirmative decision, his assets will be moved to the FRS Select fund with the most similar risk characteristics or into a replacement fund designated by the Plan's Trustees;

f. The Florida Statutes incorporate federal law concepts of participant control so that if the employee exercises control over his assets in accordance with section 404(c) of the federal Employee Retirement Income Security Act of 1974, no program fiduciary shall be liable for any loss to his account which results from the employee's control;

g. The employee understands that he has a one time opportunity to switch plans and that to switch to the Pension Plan there will be a buy-in cost for doing so;

h. The employee understands that he can change his fund allocations at any time after the account is activated;

i. The employee understands that his account will be available by the end of the month following the date of his election;

j. The employee understands that by not selecting any investment options, he is authorizing that his assets be invested in the FRS Select Moderate Balanced Fund;

k. The employee understands that the FRS Investment Plan is not designed to facilitate short-term excessive trading; that foreign and international funds are subject to a 7-day holding period and that the excessive trading policy in Rule 19-11.004, Florida Administrative Code, applies to all participants;

l. The employee understands that he cannot file a second election using the initial enrollment form;

m. The employee understands that if he has chosen the Senior Management Service Optional Annuity Program, he must contact the plan marketing companies to receive information about investment funds; that his participation in any other state-administered retirement plan is inactivated once enrolled in SMSOAP; that he is not eligible for disability benefits; that his SMSOAP election is irrevocable so long as he is employed in a SMSOAP position; that the State of Florida does not guarantee or insure SMSOAP benefits; and that any employee contributions to SMSOAP are tax-deferred;

n. the employee understands that if he has chosen to withdraw from the Florida Retirement System, that his participation in any other state-administered retirement plan is inactivated once the withdrawal is complete; that he is not eligible for disability benefits; that his withdrawal decision is irrevocable so long as he is employed in a position eligible for participation in the Senior Management Service Class;

o. The employee understands that if he has chosen the State University System Optional Retirement Program (SUSORP), he must contact the plan marketing companies to receive information about investment funds; that his participation in any other state-administered retirement plan is inactivated once enrolled in SUSORP; that he cannot

participate in SUSORP if he is a retiree or receiving an annuity payment from the SUSORP; that he is not eligible for disability benefits; that his SUSORP election is irrevocable so long as he is employed in a SUSORP position; that the State of Florida does not guarantee or insure SUSORP benefits; and that any employee can contribute up to the statutory amount of his gross salary as an employee contribution and that these contributions to SUSORP shall be tax-deferred;

p. The employee understands that if he has chosen to withdraw from the Florida Retirement System and participate in the Community College Optional Retirement Program (CCORP), he must contract with the individual provider company(ies) for CCORP within 90 days of his employment; that failure to join CCORP will make him a compulsory member of the FRS Pension Plan; that by electing to withdraw from the Florida Retirement System, he must become a program participant in the CCORP's lifetime monthly annuity program; that his participation in any other state-administered retirement plan is inactivated once enrolled in CCORP; that he is not eligible for disability benefits; and that he has one opportunity to join either the FRS Pension Plan or the FRS Investment Plan;

q. The elected employee understands that if he has chosen to join the SMSOAP, he must be an elected officer; and that he must contact the marketing company(ies) to receive information about the plan; that his participation in any other state-administered retirement plan is inactivated; that the State of Florida does not guarantee or insure any benefits paid under the program; and that any employee contributions he makes are not tax-deferred;

r. The elected employee understands that if he has chosen to withdraw from the Florida Retirement System and participate in a local government annuity program, his effective date will be the first day of the month following the receipt of his written election to the FRS Plan Choice Administrator; and

s. The elected employee understands that if he has chosen to withdraw from the Florida Retirement System altogether, he may rejoin upon written request and that this option is not available to members who have already retired from a State of Florida administered retirement plan.

6. For employees who have chosen to participate in the Senior Management Service Optional Annuity Program, fill out a section designating marketing companies and contribution amounts for that option and check a statement that the employee has reviewed the investment fund options offered by the marketing companies and has signed the necessary contract(s) with the company(ies) for the deposit of the employees contributions as authorized in the section.

7. For employees who have chosen to participate in the State University System Optional Retirement Program, fill out a section designating marketing companies and contribution amounts for that option and check a statement that the

employee has reviewed the investment fund options offered by the marketing companies and has signed the necessary contract(s) with the company(ies) for the deposit of the employee's contributions as authorized in the section.

(d)1. The enrollment form shall be complete and the election shall be final if all the required information is clearly indicated and if the enrollment form is received by the TPA by 4:00 p.m., Eastern Time. The form shall be transmitted via the U.S. mail or shall be submitted online in accordance with instructions accompanying the form.

2. The TPA shall determine that the employee's enrollment in the FRS Investment Plan is within the prescribed time period, the form in toto is complete, and the employee's election is clearly indicated. If the TPA determines that the form is incomplete, the form shall be returned to the employee and resubmitted when complete.

(e) Upon receipt of the completed enrollment form by the TPA, the TPA shall enroll the employee in the FRS Investment Plan. Upon completion of the enrollment, but no later than two working days after enrollment, the TPA shall send confirmation of the effective enrollment to the employee at the employee's home address, to the employee's employer, and to the division to inform the division that the employee is no longer in the FRS Pension Plan.

(f) Employers shall pay retirement contributions monthly for their FRS Investment Plan employees and those contributions are due to the division by the 5th working day of the month following the month for which the contributions are made. The employer shall change its employee records to reflect that the contribution rates effective on the effective date of enrollment are applicable to those of its employees who have elected to enroll in the FRS Investment Plan.

(5) Asset Transfer and True-Up Procedures for Newly-hired Employees with Previous FRS Service.

(a) For employees with previous FRS service who elect to enroll in the FRS Investment Plan with a transfer of his or her ABO, the division shall determine the amount of the employee's ABO. This amount shall be transferred to the employee's FRS Investment Plan account and shall be allocated to each investment product selected by the participant on his or her enrollment form.

(b)1. The division shall determine the employee's ABO as of the last day of the month prior to the employee's effective date of enrollment in the FRS Investment Plan.

2. Example: If the division receives the enrollment during the month of June, the effective date of enrollment for the employee in the FRS Investment Plan is July 1. The division shall determine the employee's ABO, if any, through June 30.

(c) By the 15th day of the month, the division shall notify the TPA of the ABO for each employee whose effective date of enrollment is the first day of the month and the TPA shall notify the SBA of the aggregate ABO of employees whose effective date of enrollment is the first day of the month.

(d) On the last business day of the effective month of enrollment in the FRS Investment Plan, the SBA shall transfer the aggregate ABO amount to the FRS Investment Plan custodian for distribution to the FRS Investment Plan participant accounts. Such distribution shall be directed by the TPA and shall be based on the percentage of the total investment allocated to each investment option designated by the participant on the enrollment form.

(e) The total amount initially credited to each FRS Investment Plan participant's account who chooses to move his or her ABO out of the FRS Pension Plan is an estimate of the participant's ABO as calculated by the division. Thereafter, pursuant to Section 121.4501(3)(c)3., Florida Statutes, the division shall recompute the ABO not later than 60 days after the initial transfer of funds and, if the recomputed amount differs from the transferred ABO amount by \$10 or more, the division shall cause an adjustment of the transfer of assets between FRS Investment Plan account(s) of the affected participant(s) through a true-up transfer in accordance with that statutory section.

(f) If the recomputed ABO is greater than the initial amount transferred by \$10 or more, the amount to be transferred to the participant's FRS Investment Plan account from the FRSTF will equal the excess of the recomputed ABO over the amount initially transferred plus interest. The amount transferred to each investment product shall be based on the percentage of the total investment allocated to each investment product by the participant on his or her enrollment form.

(g) If the recomputed ABO is less than the original amount transferred by \$10 or more, the TPA shall cause to be transferred from the participant's FRS Investment Plan account to the FRSTF an amount equal to the excess of the initial amount transferred over the recomputed ABO plus interest. The amount transferred from each investment product shall be based on the percentage of the total investment allocated to each investment product by the participant on his or her enrollment form.

(h) The division shall notify the SBA of the aggregate true-up amount plus interest within 45 days of the initial transfer. The division shall notify the TPA of the true-up amounts plus interest by participant account within 45 days of the initial transfer. The true-up transfer shall include the true-up amount determined by the division plus interest at the rates specified in Section 121.4501(3)(c)3., Florida Statutes, from the date of the initial transfer to the date of the true-up transfer. The transfer of the true-up amount plus interest shall occur on the 60th day following the initial transfer. In the event the 60th day following the initial transfer falls on a Saturday, Sunday, or a legal holiday, the true-up transfer shall occur on the last business day of the month preceding the Saturday, Sunday, or legal holiday.

(i) The division shall calculate the interest owed on true-up amounts. If the recomputed ABO is greater than the original amount transferred by \$10 or more, the participant will be owed a true-up amount plus interest. Interest will be calculated using the rate of 8% effective annual interest, compounded annually, and the number of days from the date of the initial transfer to the date of the true-up transfer, as specified in paragraph (h), above. If the recomputed ABO is less than the original amount transferred by \$10 or more, the participant will owe a true-up amount plus interest. Interest will be calculated on the amount owed based upon 6% effective annual interest, compounded annually, and the number of days from the date of the initial transfer to the date of the true-up transfer.

(6) Grace Period.

(a) If an employee files an election with the TPA and the employee realizes that the election was made in error, the SBA will consider, on a case-by-case basis, whether the election will be voided, subject to the following requirements:

1. Member Elects the FRS Investment Plan. The employee must notify the SBA, by a telephone call to the toll free number: 1(866)446-9377, or by e-mail, or by written correspondence directly to the SBA, to the TPA, or to the Division of Retirement, before assets are transferred from the FRS Pension Plan to the member's FRS Investment Plan account. This transfer occurs no later than the last business day of the month following the election month.

2. Member Actively Elects the FRS Pension Plan. The employee must notify the SBA no later than the last business day of the month following the election month.

(b) If the request to void the election is made timely and the SBA agrees the election will be voided, the member will be required to sign a release and return it to the SBA prior to the election's being officially voided. The member will acknowledge that failure to make a new election within one calendar month will result in the original election's being reinstated, and that once the revised election is made it cannot be changed (unless the member uses his second election, if available).

(c) Upon receipt of the release, the Division of Retirement and the TPA will be directed to do the following:

1. The Division of Retirement will revise its database to reflect the member's plan change and extend the member's election period by one calendar month.

2. The TPA will contact the member via telephone or email and tell him or her that the election has been voided.

3. The member will make a new election via telephone, or using the website at MyFRS.com or using a form prior to the newly-established deadline.

(d) Nothing contained in this subsection will interfere with a member's right to file a complaint, as permitted by Section 121.4501(9)(f)3., Florida Statutes.

(7) Costs associated with the liquidation or transfer of assets from the FRSTF to the FRS Investment Plan will be deducted from the FRSTF. The FRSTF will not be responsible for any transaction costs associated with the purchase of FRS Investment Plan assets. Those costs will be deducted from FRS Investment Plan accounts or otherwise charged to FRS Investment Plan participants.

(8) The amount transferred to each investment product shall be based on the percentage of the total investment allocated to each fund by the participant on his or her enrollment form as described in paragraph (3)(b), above. However, pursuant to Section 121.4501(4)(d), Florida Statutes, amounts not specified will be invested in the default option designated in the Investment Policy Statement, as approved by the Trustees and adopted and incorporated by reference in Rule 19-9.001, Florida Administrative Code.

(9) In order to effectively and efficiently administer the investment programs of the SBA and in accordance with Section 215.44(8)(b), Florida Statutes, the records and other information relating to investments made by the SBA will be confidential and exempt from Chapter 119, Florida Statutes, until 30 days after completion of each investment transaction.

Specific Authority 121.4501(3)(c)4., (8)(a) FS. Law Implemented 121.051, 121.055, 121.35, 121.4501(2),(3),(4),(5),(6),(8),(15), 121.73, 121.74, 121.78, 215.44(8)(b), 1012.875(3) FS. History—New _____.

19-11.007 Second Election Enrollment Procedures for the FRS Retirement Programs.

(1) Purpose. The purpose of this rule is to establish procedures for making the second election permitted by Section 121.4501(4)(e), Florida Statutes. This rule includes procedures for participants who initially chose the FRS Investment Plan or the FRS Investment Plan Hybrid Option to use their 2nd election to transfer to the FRS Pension Plan; for participants who chose or defaulted into the FRS Pension Plan to use their 2nd election to transfer to the FRS Investment Plan; and for participants who chose or defaulted into the FRS Pension Plan to use their 2nd election to transfer to the FRS Investment Plan Hybrid Option.

(2) Definitions.

(a) "FRS Investment Plan" means the optional defined contribution retirement plan within the Florida Retirement System, established in Parts II and III of Chapter 121, Florida Statutes, in which a participant chooses to transfer his accrued service benefit in the FRS Pension Plan, if any, to the FRS Investment Plan and further chooses that all future employer contributions be deposited in his FRS Investment Plan account.

(b) "FRS Investment Plan Hybrid Option" means the optional defined contribution retirement plan within the Florida Retirement System, established in Parts II and III of Chapter 121, Florida Statutes, in which a participant chooses to retain his accrued service benefit in the FRS Pension Plan, in

accordance with Section 121.4501(3)(c)1., Florida Statutes, and further chooses that all future employer contributions be deposited in his FRS Investment Plan account.

(c) "FRS Pension Plan" means the defined benefit retirement plan within the Florida Retirement System, established in Part I of Chapter 121, Florida Statutes.

(d) "I," "you," or "your:" these references are to the participant in the context of relevant parts of the two enrollment forms described in this rule.

(3) General Procedures.

(a) All participants who wish to change their FRS retirement plan using their second election must use a 2nd election enrollment form. There are two types of forms. The "2nd Election Retirement Plan Enrollment Form" requires the participant to choose the investment options he wishes to use if he is choosing to move to either the FRS Investment Plan or the FRS Investment Plan Hybrid Option. Alternatively, by using the "2nd Election EZ Retirement Plan Enrollment Form," the participant authorizes that his investment fund option is the FRS Select Moderate Balanced Fund for his initial selection.

(b) Both forms are available by calling the toll-free number for the MyFRS Financial Guidance Line: 1(866)446-9377, or for the hearing-impaired: 1(888)429-2160; or by using the MyFRS.com website and clicking on Resources and then on Forms.

(c) The form must be mailed to the FRS Plan Choice Administrator, CitiStreet, FRS Investment Plan Administrator, P. O. Box 56290, Jacksonville, Florida 32241-6290.

(d) The form must be on the premises of the FRS Plan Choice Administrator before 4:00 p.m. Eastern time on the last day of the month in which the participant wishes to make the change from one retirement plan to the other. The participant must work at least one day in the month that the election becomes effective for the transfer to be effective. If the last day of the month is a Saturday, Sunday, or legal holiday, the deadline is the last business day of the month.

1. Example: if a participant submits the 2nd Election Retirement Plan Enrollment Form in the month of November, the effective date of the plan change will be December 1 and the participant must work at least one day in the month of December for the plan change to be effective.

2. Example: if a participant wishes to have the 2nd Election effective in the month of December, the participant must have the 2nd Election form on the premises of the FRS Plan Choice Administrator before 4:00 p.m. Eastern Time on November 30.

3. Example: the last day of February, 2004, was Sunday, February 29. Therefore, the last business day was the preceding Friday, February 27. For a 2nd Election to have been effective as of March 1, 2004, the form must have been received by the FRS Plan Choice Administrator before 4:00 p.m. Eastern Time on Friday, February 27.

(4) Specific Procedures for the "2nd Election Retirement Plan Enrollment Form."

(a) All participants are required to fill out Section 1 of the form by providing the participant's name and Social Security number and checking only one of three boxes, indicating which choice the participant is making. These boxes contain the following information:

1. Change from the FRS Investment Plan or FRS Investment Plan Hybrid Option to the FRS Pension Plan (Please complete Section 4, as described in paragraph (d) below.) I understand I am using my existing FRS Investment Plan account balance to "buy" into the FRS Pension Plan. I understand that if my account balance is not sufficient to cover the cost of the "buy in", I must pay the balance due from my personal funds before being allowed into the FRS Pension Plan. I understand that I may move my FRS Investment Plan account balance into more conservative, less risky investment options within the FRS Investment Plan in order to potentially reduce the volatility of my account balance prior to liquidation and movement to the FRS Pension Plan.

2. Change from the FRS Pension Plan to the FRS Investment Plan. (Please complete Sections 3 and 4, as described in paragraphs (c) and (d), below.) I understand I am transferring the present value, if any, of my FRS Pension Plan benefit to the FRS Investment Plan. I understand that I will have future employer contributions deposited in my Investment Plan account.

3. Change from the FRS Pension Plan to the FRS Investment Plan Hybrid Option. (Please complete Sections 3 and 4, as described in paragraphs (c) and (d) below) I am retaining any accrued benefit in the FRS Pension Plan with future employer contributions deposited in my FRS Investment Plan account. I understand that I must have 5 years of Pension Plan service to select this option.

(b) The second section on the form discusses the beneficiary designation. The designation cannot be made on the enrollment form. This section contains the following information:

1. A beneficiary designation can be completed after you qualify for a retirement benefit (i.e., become "vested"). If you do not designate a beneficiary after you are vested, your benefit will be distributed in accordance with Section 121.091(8), Florida Statutes, as applicable.

2. You may designate a beneficiary by completing a Beneficiary Designation Form (BEN-001 Pension Plan or IPBEN-1 Investment Plan). Both forms are available online at MyFRS.com or by calling the MyFRS Financial Guidance Line.

(c)1. The third section on the form discusses and describes the FRS Investment Plan Fund Selections. A participant who has checked the first box in the first section of the form, indicating a change to the FRS Pension Plan, must not complete this section. Participants who have checked either the

second or the third boxes in the first section of the form must complete this section by choosing their investment fund options.

2. The investment fund selection must be indicated by:

a. Writing the percentage you wish to allocate to each investment option. Use whole percentages only.

b. Choosing your investment funds from the balanced funds, the other investment funds OR from a combination of the two.

c. Ensuring that the total of all your selections equals 100%.

(d) The fourth section on the form is an authorization section which will ensure that all participants understand the information described. All participants must read the information in the fourth section before signing the form. The information which follows is applicable as indicated depending on the choice the participant has made.

1. For all participants: I understand that I can find a description of my rights and responsibilities under the FRS Pension Plan and the FRS Investment Plan in the respective Summary Plan Descriptions, Florida Statutes, and Administrative Rules available through the MyFRS Financial Guidance Line at 1(866)44-MyFRS (1(866)446-9377; or TTY: 1(888)429-2160) or at MyFRS.com.

2. For participants choosing to transfer to the FRS Pension Plan:

a. I understand that I have elected to change retirement plans to the FRS Pension Plan.

b. I understand that this election will constitute my one-time second election as provided under the FRS and that I must remain in this retirement plan until my retirement.

c. I understand that there may be a cost to change to the FRS Pension Plan, which I can get by calling the MyFRS Financial Guidance Line and connecting to the Division of Retirement, and that such cost may require that I pay some amount greater than my current FRS Investment Plan account balance.

d. I understand that I have the ability to move my FRS Investment Plan account balance into conservative investment options within the FRS Investment Plan in order to potentially reduce the volatility of my account balance prior to liquidation and movement to the FRS Pension Plan.

e. I understand that my one-time second election is irrevocable.

3. For participants choosing to transfer to the FRS Investment Plan:

a. I understand that I have elected to change retirement plans to the FRS Investment Plan, and that any accrued value I may have in the FRS Pension Plan will be transferred to the FRS Investment Plan.

b. I understand that this election will constitute my one-time second election as provided under the FRS and that I must remain in this retirement plan until my retirement.

c. I understand the initial transfer amount is an estimate and that within 60 days of that transfer, there will be a reconciliation pursuant to Florida law, which will use my actual FRS membership record. The amount could be more or less than the estimate I received.

d. I understand that I can get the amount of my accrued value by calling the MyFRS Financial Guidance Line and connecting to the Division of Retirement.

e. I understand that if I am currently a member of the FRS Investment Plan Hybrid Option, I cannot make this election.

f. I understand my one-time second election is irrevocable and I understand that I must remain in this plan until my retirement.

4. For participants choosing to transfer to the FRS Investment Plan Hybrid Option:

I understand that I have elected to change retirement plans to the FRS Investment Plan and that my FRS Pension Plan benefit already accrued will remain with the FRS Pension Plan and that a FRS Investment Plan account will be established to receive all future employer contributions.

5. For participants choosing to transfer either to the FRS Investment Plan or to the FRS Investment Plan Hybrid Option:

a. I understand that I should review the Fund Profiles and the Investment Fund Summary at MyFRS.com before making any changes to my investment fund selections. I understand that information on investment funds will be provided in electronic format, unless I request hard copies. I understand that I can change my fund allocations at any time after my account is activated by accessing MyFRS.com or by calling the toll-free MyFRS Financial Guidance Line. I understand that my account will be available by the end of the month following the effective date of this election. If I do not choose specific investment funds, I am authorizing that my assets be invested in the FRS Select Moderate Balanced Fund. I understand that the FRS Investment Plan is not designed to facilitate short-term excessive fund trading. Foreign and global investment funds are subject to a minimum holding period of 7-calendar days following any non-exempt transfers into such funds and I may be subject to trading controls on other funds in the event that I trade excessively or an equity wash is in effect for a stable value fund.

b. I understand that investment management fees will be deducted from my FRS Investment Plan account. I also understand that these fees may change in the future and that funds may be added or terminated. I understand that if any of the funds I select in the FRS Investment Plan are terminated in the future, I will be able to move my assets into other investment funds prior to termination. Otherwise, my assets in the terminated fund(s) will be automatically moved into a replacement fund designated at that time.

c. I understand that Sections 121.4501(8)(b)4, and 121.4501(15)(b) of Florida Statutes, incorporate the federal law concept of participant control, established by regulations of the U.S. Department of Labor under section 404(c) of the Employee Retirement Income Security Act of 1974. If I exercise control over the assets in my FRS Investment Plan account, pursuant to section 404(c) regulations and all applicable laws governing the operation of the FRS Investment Plan, no program fiduciary shall be liable for any loss to my account which results from my exercise of control.

(e) The form must be signed and dated by the participant and must include a daytime telephone number. Inclusion of an e-mail address or the name of the participant's employing agency is optional on the participant's part.

(f) The form must be mailed to the address set out in paragraph (2)(c), above.

(g) The participant must put his Social Security number at the bottom of each page of the form so that if the pages become separated, they can be properly reassembled.

(h) For participants transferring to the FRS Pension Plan, the election may require a personal payment if the participant's account balance was less than the calculated amount required to buy back into the FRS Pension Plan. Such payment, if necessary, must be received by the date determined by the Division of Retirement. If the required amount is not received by the Division of Retirement by the date due, the election will be voided. The participant will receive notification and proper instructions from the Division of Retirement detailing where and in what form to send any personal payments.

(i) A confirmation statement will be mailed to the participant's address of record once the completed form is received and processed.

(j) The participant should carefully review the form and be sure that it is signed and dated. The participant should keep a copy for his records.

(k) If the participant submits a form that is incomplete, it will not be processed. The incomplete form will be returned to the participant to add any missing information.

(5) Specific Procedures for the "2nd Election EZ Retirement Plan Enrollment Form."

(a) Form ELE-2, "2nd Election EZ Retirement Plan Enrollment Form," v. 03-04, is hereby adopted and incorporated by reference.

(b) All participants choosing to use this form are required to fill out Section 1 of the form by providing the participant's name and Social Security number and checking only one of three boxes, indicating which choice the participant is making.

(c) The form must be signed and dated by the participant and must include a daytime telephone number. Inclusion of an e-mail address or the name of the participant's employing agency is optional on the participant's part.

(d) The form must be mailed to the address set out in paragraph (3)(c), above.

(e) The participant must put his Social Security number at the bottom of each page of the form so that if the pages become separated, they can be properly reassembled.

(f) For participants transferring to the FRS Pension Plan, the election may require a personal payment if the participant's account balance was less than the calculated amount required to buy back into the FRS Pension Plan. Such payment, if necessary, must be received by the date determined by the Division of Retirement. If the required amount is not received by the Division of Retirement by the date due, the election will be voided. The participant will receive notification and proper instructions from the Division of Retirement detailing where and in what form to send any personal payments.

(g) A confirmation statement will be mailed to the participant's address of record once the completed form is received and processed.

(h) The participant should carefully review the form and be sure that it is signed and dated. The participant should keep a copy for his records.

(i) If the participant submits a form that is incomplete, it will not be processed. The incomplete form will be returned to the participant to add any missing information.

(6) Grace Period.

(a) If a member files an election with the TPA and the employee realizes that the election was made in error, the SBA will consider, on a case-by-case basis, whether the election will be voided, subject to the following requirements:

1. Member Elects the FRS Investment Plan. The SBA must be notified, by a telephone call to the toll free number: 1(866)446-9377, or by e-mail, or by written correspondence directly to the SBA, to the TPA, or to the Division of Retirement, before assets are transferred from the FRS Pension Plan to the member's FRS Investment Plan account. This transfer occurs no later than the last business day of the month following the election month.

2. Member Elects the FRS Pension Plan. The SBA must be notified no later than the last business day of the month following the election month.

(b) If the request to void the election is made timely and the SBA agrees the election will be voided, the Division of Retirement and the TPA will be directed to do the following:

1. The Division of Retirement will revise its database to reflect the member's plan change and extend the member's election period by one calendar month.

2. The TPA will contact the member via telephone or email and tell him or her that the election has been voided.

3. The member will make a new election via telephone, or using the website at MyFRS.com or using a form prior to the newly-established deadline.

(c) Nothing contained in this subsection will interfere with a member's right to file a complaint, as permitted by Section 121.4501(9)(f)3., Florida Statutes.

Specific Authority 121.4501(8)(a) FS. Law Implemented 121.4501(3),(4),(8)(b)4., (15)(b) FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kevin SigRist, Senior Investment Officer, Office of Defined Contribution Programs, State Board of Administration
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2004

STATE BOARD OF ADMINISTRATION

RULE TITLE: Acceptance of Rollovers
 RULE NO.: 19-12.007
 PURPOSE AND EFFECT: This proposed amended rule adopt a rollover form for the FRS Investment Plan.

SUMMARY: Proposed amended Rule 19-12.007, F.A.C., adopts a form for the acceptance of rollovers in compliance with the Economic Growth and Tax Relief Reconciliation Act of 2001 which permitted rollovers if state legislation were enacted. The Florida Legislature enacted such legislation in CS/HB 807 during the 2002 session.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and estimated the cost to be minimal.

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 121.4501(5)(c) FS.

LAW IMPLEMENTED 121.4501(5)(c) FS.

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

TIME AND DATE: 2:00 p.m. – 4:30 p.m., Monday, August 2, 2004

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1199

THE FULL TEXT OF THE PROPOSED RULE IS:

19-12.007 Acceptance of Rollovers.

(1) Notwithstanding the definitions of section 19-12.001, for purposes of this section the following words and terms have the following meanings: “Rollover” means either a direct rollover or a contribution of an eligible rollover distribution to the Plan for the benefit of the distributee that satisfies the time

period requirement and other requirements of Code s. 402(c). A “direct rollover” means an eligible rollover distribution that is made directly to the Plan by an eligible retirement plan for the benefit of the distributee. An “eligible rollover distribution” means any distribution of all or any portion of the balance to the credit of the distributee in an eligible retirement plan. Except for that portion of a distribution not includible in gross income which is transferred directly to the Plan in accordance with Code s. 402(c)(2), an eligible rollover distribution does not include any of the distributions described in the second sentence of the definition of “eligible rollover distribution” in Rule 19-12.001, F.A.C. An “eligible retirement plan” means any of the types of plans included in the definition of “eligible retirement plan” in Rule 19-12.001, F.A.C., that makes the distributee’s eligible rollover distribution.

(2) It is intended that the Plan accept rollovers in accordance with the requirements of this section. Except as otherwise provided below, before accepting a rollover to the Plan the administrator evaluating the rollover shall first obtain sufficient evidence to support a reasonable conclusion that the rollover is valid under the Code and shall determine that such rollover meets the requirements of this section.

(3) The Plan administrator shall accept that portion of a distribution in a direct trustee-to-trustee transfer which has been identified by the eligible retirement plan making the distribution as not includible in gross income if such portion is otherwise eligible for rollover. Such amount shall be accounted for separately, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.

(4) Payment to the Plan must be in cash in the form of a check. In a direct rollover the check should be made payable to the “FRS Investment Plan SBA as trustee of the Public Employee Optional Retirement Program Trust Fund FBO (the participant’s name).”

(5) Instructions regarding check delivery and other information relating to the processing of rollovers may be obtained by calling the program’s employee phone line which is a toll free line: 1(866)446-9377 or accessing the website at www.MyFRS.com. Participants shall use Form IPRO-1, rev. 12-03, “Employee Rollover Deposit Form,” which is hereby adopted and incorporated by reference, to effect rollovers described in this rule.

~~(6)(5)~~ Rollovers to the Plan shall be accounted for separately.

Specific Authority 121.4501(5)(c) FS. Law Implemented 121.4501(5)(c) FS. History-New 12-8-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kevin SigRist, Senior Investment Officer-Office of Defined Contribution Programs, State Board of Administration
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2004

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Role and Responsibilities of the State Board of Administration of Florida	19-13.001
Role and Responsibilities of the Division of Retirement within the Department of Management Services	19-13.002
Role and Responsibilities of State, School District, and Local Employers Participating in the Florida Retirement System	19-13.003
Role and Responsibilities of Third Party Contractors	19-13.004

PURPOSE AND EFFECT: These new rules state the role and responsibilities of entities involved in the FRS Investment Plan.

SUMMARY: Proposed new Rule 19-13.001, F.A.C., states the role and responsibilities for the State Board of Administration. Proposed new Rule 19-13.002, F.A.C., states the role and responsibilities of the Division of Retirement. Proposed new Rule 19-13.003, F.A.C., states the role and responsibilities of government employers. Proposed new Rule 19-13.004, F.A.C., states the role and responsibilities of third party contractors.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 121.4501(3)(c)4.,(8)(a) FS.

LAW IMPLEMENTED: 121.091(5), 121.4501(1),(4), (8)(b),(e),(9)(a),(10)(h),(14),(15),(19), 121.71, 121.72, 121.73, 121.74, 121.76, 121.77, 121.78 FS.

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

TIME AND DATE: 2:00 p.m. – 4:30 p.m., Monday, August 2, 2004

PLACE: Room 116, Hermitage Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1199

THE FULL TEXT OF THE PROPOSED RULES IS:

19-13.001 Role and Responsibilities of the State Board of Administration of Florida.

(1) The State Board of Administration of Florida (“SBA”) is responsible for establishing, implementing, and administering the optional defined contribution program, called the “Public Employee Optional Retirement Program” (“PEORP”), in accordance with Section 121.4501(1), Florida Statutes. The SBA is the Plan Sponsor and the plan documents consist of the Florida Statutes and rules adopted thereunder. The Summary Plan Document (SPD) is a summary of the plan documents for the convenience of participants. The SPD can be changed by the SBA at any time without prior notice to Florida Retirement System (FRS) members. The SBA’s primary responsibilities are set out in subsections (2) through (13), below. Each of these major responsibilities involves additional decisions which then in turn need to be implemented. Those decisions, to the extent they are not solely on a case-by-case basis, are adopted by rule. With regard to all of the responsibilities set out below, the SBA is responsible for ensuring that all of those individual responsibilities are carried out.

(2) The SBA has hired general and specialized consultants to assist in the implementation and on-going operation of the PEORP. Their roles and responsibilities are found in Rule 19-13.004, F.A.C.

(3) The SBA has hired a third party administrator, educational service providers, investment option providers, and has entered into a contract with the Division of Retirement within the Department of Management Services to provide certain administrative services. Their roles and responsibilities are found, respectively, in Rules 19-13.004 and 19-13.002, F.A.C.

(4) The SBA is responsible for adhering to and enforcing the fiduciary standards and responsibilities required by certain sections of the Employee Retirement Income Security Act of 1974, which are incorporated in Florida law in Section 121.4501(15), Florida Statutes.

(5) The SBA is responsible for coordinating with the Division of Retirement within the Department of Management Services (Division) in providing the education component described in Section 121.4501(10)(c) and (d), Florida Statutes, and a communication component to provide information to employers as described in Section 121.4501(10)(f), Florida Statutes, and has a contractual relationship with the Division regarding certain administrative activities.

(6) The SBA is responsible for providing information to PEORP participants on a quarterly basis, pursuant to Section 121.4501(11), Florida Statutes.

(7) The SBA is responsible for obtaining and maintaining the tax qualified status of the PEORP and for compliance with the federal Internal Revenue Code.

(8)(a) The SBA is responsible for directing and monitoring the activities of all private contractors as those contractors function in the on-going operation of the PEORP. These contractors include the third party administrator, the education service providers, and the investment product providers.

(b) The SBA is also responsible for directing and monitoring the activities of the Division of Retirement within the Department of Management Services with which the SBA has an interagency agreement for provision of services. Note that the Division is both a contractor with the SBA to provide some administrative services and coordinates with the SBA with regard to educational services.

(9) The SBA is responsible for the transition of assets from the defined benefit program to the defined contribution program upon the election of a member to transfer and is responsible for making such adjustments to plan accounts and participant accounts as are necessary to process election reversals and prior period corrections to contributions and accompanying payroll data.

(10) The SBA is responsible for developing an investment policy statement for the program.

(11) The SBA is responsible for choosing, monitoring, and terminating investment options in PEORP. The SBA is responsible for mapping account balances of participants in the event of investment option termination. The SBA is responsible for distributing all data regarding these investment options for presentation to participants. The SBA is responsible for rebalancing and reconstituting multiple manager investment options and also the three balanced options provided in the investment policy statement utilizing information from a registered investment advisor and fiduciary to the Florida Retirement System.

(12) The SBA is responsible for implementing the confidentiality provisions in Section 121.4501(19), Florida Statutes.

(13) The SBA is responsible for developing all contracts used in the PEORP.

(14) The SBA is responsible for all rulemaking for the PEORP.

Specific Authority 121.4501(8)(a) FS. Law Implemented 121.4501(1),(4),(8)(b),(e),(9),(10),(14),(15),(19) FS. History—New _____.

19-13.002 Role and Responsibilities of the Division of Retirement within the Department of Management Services.

(1) The Division of Retirement (Division) within the Department of Management Services has entered into a contract with the State Board of Administration of Florida (SBA) to provide certain administrative services, in accordance with Section 121.4501(8)(b)1., Florida Statutes.

(2) The administrative services referenced in subsection (1), above, are to:

(a) Determine membership eligibility and employer participation eligibility;

(b) Collect and process employer payroll contributions and payroll-related data;

(c) Forward employer payroll contributions and payroll-related data to the third party administrator, including termination and leave of absence indicators, if available;

(d) Calculate participants' defined benefit plan benefit, calculate the accumulated benefit obligation and calculate any buy-back amount for those participants who elected the PEORP but subsequently wish to return to the defined benefit plan;

(e) Maintain and provide access to the Florida Retirement System database;

(f) Provide telephone support regarding employee or employer questions on the defined benefit plan and contribution processing, but transfer general retirement plan choice, enrollment and financial planning telephone calls to other education and administration third party contractors;

(g) Administer the disability benefits for the Florida Retirement System;

(h) Administer the health insurance subsidy;

(i) Determine employee vesting requirements in the Florida Retirement System, as required by law;

(j) Administer qualified domestic relations orders for the Florida Retirement System; and

(k) Administer forfeiture of benefits procedures, in accordance with Section 121.091(5), Florida Statutes.

Specific Authority 121.4501(8)(a) FS. Law Implemented 121.091(5), 121.4501(8),(10) FS. History—New _____.

19-13.003 Role and Responsibilities of State, School District, and Local Employers Participating in the Florida Retirement System.

(1) Employer contributions.

(a) All state, school district, and local employers who participate in the Florida Retirement System (FRS) (employers) are responsible for making the employer contributions required by Parts II and III of Chapter 121, Florida Statutes. These include the contributions for the benefit of participants in the Public Employee Optional Retirement Program (PEORP), in accordance with Section 121.4501(5) and with Part III of Chapter 121, Florida Statutes, and also include the contributions for administrative and educational expenses, disability benefits, the health insurance subsidy, and social security.

(b) When an employer requests an adjustment to retirement contributions or accompanying payroll data for prior periods, the following applies:

1. If an employer's adjustment negatively affects a PEORP participant's account balance in either the contributions or the accumulated benefit obligation transferred from the FRS defined benefit plan, and the PEORP participant's account

balance is less than the monetary impact of the adjustment, then the employer will be granted an adjustment not to exceed the PEORP participant's account balance; or

2. If an employer's adjustment is with respect to a former PEORP participant (i.e. who has terminated FRS-covered employment and has taken a full distribution of his or her account balance), the State Board of Administration (SBA) will communicate to the former participant the obligation of the former participant to repay the amount of the adjustment to the employer.

3. However, neither the SBA, nor the PEORP Trust Fund, nor the Florida Retirement System Trust Fund shall incur any loss or gain as a result of an employer's negative adjustments for a PEORP participant or a former participant.

(2) Education.

(a) In the natural course of administering their personnel functions, all FRS employers shall at least annually communicate to all employees that the FRS is composed of two retirement plans; that employees have options as to which FRS plan to enter; that employees have multi-media educational resources from the FRS to inform their FRS plan choice; and that employees have statutory deadlines by which enrollments must be made. Employers shall use educational materials supplied by the SBA and the Division to communicate such information, but not to the exclusion of educational material they may independently develop. Employers are solely responsible for the accuracy and completeness of any educational material they develop.

(b) Employers may request all printed material and videos from the SBA and from the Division or from their agents.

(3) Employers are not agents of the SBA or the FRS.

Specific Authority 121.4501(8)(a) FS. Law Implemented 121.4501(5),(10)(h), 121.71, 121.72, 121.73, 121.74, 121.76, 121.77, 121.78 FS. History--New

19-13.004 Role and Responsibilities of Third Party Contractors.

(1) The Third Party Administrator (TPA) provides administrative services in the operation of the Public Employee Optional Retirement Program (PEORP) and enrollment processing for the Florida Retirement System (FRS). Other administrative services are provided by the Division of Retirement within the Department of Management Services (Division). Those services are described in Rule 19-13.002, Florida Administrative Code.

(2) The TPA's primary responsibilities are to:

(a) Maintain the PEORP database;

(b) Process new employee enrollments into the FRS defined benefit plan and PEORP and to process existing employee enrollments, via the exercise of the employees' one-time Second Election, pursuant to Section 121.4501(4)(e), Florida Statutes, into either FRS plan;

(c) Transmit election information to the Division and to the State Board of Administration of Florida (SBA);

(d) Maintain a database of PEORP beneficiary designations;

(e) Transfer PEORP employer contributions to the investment product providers, after contributions have been consolidated by the Division;

(f) Transmit aggregate accumulated benefit obligation data segregated by investment product provider to the SBA;

(g) Maintain PEORP member account data and such data as is sufficient to process Second Elections by existing employees;

(h) Implement account transfers at the request of participants;

(i) Implement withdrawals from account by phone, over the SBA's website, or by mail;

(j) Implement distribution of PEORP benefits to retirees or survivors or designated companies;

(k) Provide quarterly statements to participants;

(l) Distribute written material;

(m) Provide phone response service on a toll-free line to assist participants and employers to accomplish any required responsibility; and

(n) Provide recordkeeping for all PEORP data within its responsibilities, including monitoring of monetary limits imposed by the federal Internal Revenue Code.

(3) Educational services are provided by multiple providers hired by the SBA, in accordance with Section 121.4501(8)(b)3., Florida Statutes. Subsections (8) and (10) of Section 121.4501, Florida Statutes, require educational services to be provided to all members of the FRS, both during the initial election period for choosing either the defined benefit plan or the defined contribution plan and to support Second Elections. Educational services are also to be provided regarding retirement planning, including offering financial planning guidance on matters such as investment diversification, investment risks, investment costs, and asset allocation. Therefore, the educational service organizations were hired to provide a variety of services.

(4) One or more educational services providers furnish internet financial information, and guidance. More specifically, companies create technical education content and provide the following services on the internet:

(a) A defined benefit/defined contribution benefits projections calculator;

(b) A variety of other analytical financial and retirement planning tools;

(c) Investment guidance, which includes communicating general investment and financial information and risk and return modeling of investment options and optimized combinations or asset allocations, within a single participant-directed tax-exempt retirement account, under the following requirements:

1. Online modeling services will be based on generally-accepted investment theories that take into account historic returns of different generic asset classes over defined periods of time;

2. All material facts and assumptions that may affect a member's assessment of the different asset allocations shall either be specified in the online modeling service or entered into the online modeling services by the member;

3. To the extent that an asset allocation generated by the online modeling service identifies any specific investment option available under a participant-directed and tax-exempt retirement account, the online service will have fully incorporated and considered all investment options available within that retirement plan, as well as all household assets, except that the member must enter into the online modeling service non-FRS retirement account investment universes and household assets;

4. Any asset allocation, or specific combinations of investment options, communicated to members will be accompanied by a disclaimer that it is based on the information provided and is not individualized to reflect all of the particular needs of the member that may be relevant to his or her investment decisions, and that in applying the asset allocation to his or her individual situation, the member should consider his or her other assets, income and investments (including, for example, equity in a home, IRA investments, savings accounts and interest in other retirement plans) as well as his or her investments within the account for which the guidance is provided; and

5. There will be an objective correlation between the asset allocations and other information generated by the online modeling service and data supplied by the member;

(d) investment advice, which consists of communicating optimized combinations of specific investment options across multiple participant-directed tax-deferred or taxable accounts, under the requirements that the advice is rendered on a regular basis to the member, pursuant to a mutual agreement with the member that the advice will serve as a primary basis for the member's investment decisions with respect to the member's multiple participant-directed account assets and is individualized based on the particular needs of the participant. Use of the terms "recommended" or "advice" or forms thereof, in an online modeling service does not constitute the rendering of advice in the absence of requirements set out in the preceding sentence.

(5) Another education provider furnishes one-on-one employee and employer education and counseling. More specifically, the company:

(a) Conducts seminars and workshops for employees and employers;

(b) Provides one-on-one, face-to-face, employee financial counseling;

(c) Provides telephone support of education and guidance regarding:

1. The defined contribution plan design and the investment options;

2. Defined benefit/defined contribution choice information;

3. Retirement planning; and

4. Support of the online modeling service through which investment guidance or investment advice is rendered.

(6) Other education providers focus on printed educational material. More specifically, the companies:

(a) Create the education campaign and the overall deployment strategy;

(b) Research, monitor, and measure the education campaign;

(c) Create the look, theme, and branding for the education campaign;

(d) Determine message positioning and delivery; and

(e) Assist in graphic design and the content of the website.

(7) Another education provider focuses on the MyFRS website. This provider coordinates software application integration and the design and content of the MyFRS website among the other educational service providers, the TPA, the Division, and the SBA.

(8) Investment options for participants in PEORP are provided by multiple providers hired by the SBA, in accordance with Section 121.4501(9)(a), Florida Statutes. Section 121.4501, Florida Statutes, is generally constructed as an unbundled architecture, meaning that neither the TPA nor the education providers are permitted to offer investment products, and as a consequence, the SBA has hired multiple institutional investment managers and providers of mutual funds. The SBA has also hired several bundled providers to provide various combinations of administration, education, and investments.

(9) The unbundled institutional investment managers manage assets in a particular asset class and in a particular style. They are responsible solely for money management.

(10) The bundled providers provide mutual funds or investment options in collective trusts which are their own funds or funds contracted for or from another money management group. Some bundled providers provide solely their own funds; others provide solely other fund family's funds; and others provide a combination.

(11) Each investment manager:

(a) Has authority and discretion, delegated by each manager's contract, to invest employee payroll contributions deposited with the custodian and recorded by the third party administrator for individual PEORP accounts;

(b) Transmits product values and performance data to the custodian; and

(c) Is monitored by manager monitoring guidelines incorporated in each of their contracts.

(12) An additional investment provider has been hired to offer annuities to retired participants.

(13) The custodian provides custodial services for certain assets of PEORP. The custodian is hired by the SBA, pursuant to Section 121.4501(8), Florida Statutes.

(14) The custodian's primary responsibilities in acting as the custodian for the PEORP are to:

(a) Hold cash, non-cash and all securities delivered to it or which are held in accounts established by it, or in the Federal Reserve book-entry system;

(b) Invest contributions that it receives, transfer amounts among investment funds, or liquidate securities, after receipt of proper instructions from the SBA, TPA, or Investment Managers;

(c) Release and deliver securities held as directed by the SBA;

(d) Maintain a database of securities registered in the name of the PEORP;

(e) Remit or credit income;

(f) Communicate with the SBA regarding registered investment company shares and fund securities;

(g) Lend securities;

(h) Determine the value of assets; and

(i) Calculate rates of return of investment products.

(15) In accordance with Section 121.4501(8)(e)1., Florida Statutes, the SBA has hired consultants to assist the SBA in the implementation and the operational phases for PEORP. Their responsibilities are to:

(a) Assist in the selection process for the third party administrator, the educational vendors, and the investment product providers;

(b) Assist in all general investment product reviews;

(c) Assist in the evaluation and selection of annuity product providers;

(d) Consult on all phases of the asset transfer program, the educational program, and general PEORP matters;

(e) Consult on unbundled investment fund design;

(f) Assist in the selection and evaluation of all investment product providers;

(g) Assist in developing and implementing investment product manager monitoring guidelines; and

(h) Make recommendations for retention and termination of investment product providers.

Specific Authority 121.4501(8)(a) FS. Law Implemented 121.4501(4),(8)(b),(e)1.,(9)(a),(10) FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kevin SigRist, Senior Investment Officer-Office of Defined Contribution Programs, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2004

STATE BOARD OF ADMINISTRATION

RULE TITLE: Policy Statement RULE NO.: 19-14.001

PURPOSE AND EFFECT: This rule is promulgated to implement a policy adopted by the Trustees of the State Board of Administration regarding support for non-Florida Retirement System defined contribution programs.

SUMMARY: Proposed new Rule 19-14.001, F.A.C., adopts a policy statement approved by the Trustees regarding support for non-Florida Retirement System defined contribution programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 121.4501(8)(a), 215.52 FS.

LAW IMPLEMENTED: 112.215(4), 121.055(6)(f)2., 121.35(6)(c), 215.515 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:

TIME AND DATE: 2:00 p.m. – 4:30 p.m., Monday, August 2, 2004

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1199

THE FULL TEXT OF THE PROPOSED RULE IS:

19-14.001 Policy Statement.

The "Policy Statement on Support of Certain Non-FRS Defined Contribution Programs," as approved by the Trustees of the State Board of Administration, is hereby adopted and incorporated by reference.

Specific Authority 121.4501(8)(a), 215.52 FS. Law Implemented 112.215(4), 121.055(6)(f)2., 121.35(6)(c), 215.515 FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kevin SigRist, Senior Investment Officer-Office of Defined
Contribution Programs, State Board of Administration
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Trustees of the State Board of
Administration
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 24, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 7, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE TITLES: Spontaneous Fetal Demise
RULE NO.: 59A-11.0125

PURPOSE AND EFFECT: The Agency proposes to amend
rule 59A-11.0125, Florida Administrative Code, consistent
with provisions of Section 383.33625, F.S. The statute
provides for adoption of rules to develop forms to be used for
notifications and elections by health care facilities.

SUMMARY: The proposed rule establishes procedures and a
form to be used by health care facilities to provide notification
to a mother of the options available for the disposition of fetal
remains in the event of a spontaneous fetal demise occurring
after a gestation period of less than 20 completed weeks.

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: 383.33625(6) FS.

LAW IMPLEMENTED: 383.33625 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., August 2, 2004

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: Bill McCort, Bureau of Health Facility
Regulation, 2727 Mahan Drive, Tallahassee, Florida,
(850)487-0641

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-11.0125 Spontaneous Fetal Demise.

When a spontaneous fetal demise occurs after a gestation of
less than 20 completed weeks, the health care facility identified
in Section 383.33625(4), F.S., shall follow the provisions of
that section and shall provide AHCA Form 3100-0006, which

is incorporated by reference, to the mother for her completion.
A copy of the signed and completed form shall be retained in
the mother's birth center file and shall be available for review
by the Agency or Department of Health.

Specific Authority 383.33625(6) FS. Law Implemented 383.33625 FS.
History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill McCort, Bureau of Health Facility Regulation, Division of
Health Quality Assurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Jeffrey N. Gregg, Chief, Bureau of
Health Facility Regulation

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 30, 2004

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

Division of Medical Quality Assurance

RULE TITLES: Citations
Issue of Citations
Penalties
RULE NOS.: 64B-6.001
64B-6.002
64B-6.003

PURPOSE AND EFFECT: The Department proposes to
promulgate unlicensed activity citations, violations and
penalties rules pursuant to Section 456.065, F.S.

SUMMARY: The Department deems it necessary to set forth
regulatory rules regarding the unlicensed practice of health
care professions.

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

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

SPECIFIC AUTHORITY: 456.065 FS.

LAW IMPLEMENTED: 456.065 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Nancy Snurkowski, Department of Health, 4052 Bald Cypress Way, Bin A-02, Tallahassee, Florida 32399.

THE FULL TEXT OF THE PROPOSED RULES IS:

64B-6.001 Citations.

(1) The Department may impose by citation an administrative penalty not to exceed \$5000 per incident for violations of Chapter 456, F.S., or any statute or rule adopted pursuant thereto, that relates to the practice of a profession regulated by the Department.

(2) Definitions as used in this rule:

(a) "Citation" means an instrument which meets the requirements set forth in Section 456.065, F.S., and which is served upon a person or entity for the purpose of assessing a penalty in an amount established by rule.

(b) "Department" means the Department of Health.

(c) "Service" for the purposes of this rule means personal service on the subject or by mailing the citation to the last known address of the subject or to the subject's place of practice.

(d) "Subject" means a person, as defined in Section 1.01, Florida Statutes, alleged to have committed a violation of statute and/or rule.

Specific Authority 456.065 FS. Law Implemented 456.065 FS. History--New _____.

64B-6.002 Issuance of Citations.

(1) In addition to the remedies available to the Department under Section 456.065(2)(a), F.S., the Department may impose by citation an administrative penalty for violations of Chapter 456, F.S., or the applicable practice acts, or rules promulgated pursuant thereto.

(2) The contents of the citation shall comply with the requirements of Section 456.065(2)(b), F.S.

(3) Multiple violations of Chapter 456, F.S., the applicable professional practice acts or the rules promulgated thereto may be contained in a single citation or a separate citation may be issued for each violation or per each incident.

(4) Each day that the unlicensed practice continues shall constitute a separate violation.

(5) The Department shall be entitled to recover the costs of investigation and prosecution in addition to the fine levied pursuant to the citation.

(6) The citation becomes a Final Order of the Department within 30 days of service if the subject fails to dispute the issuance.

Specific Authority 456.065 FS. Law Implemented 456.065 FS. History--New _____.

64B-6.003 Penalties.

For the purposes of this rule only, the following violations with accompanying penalty may be disposed of by citation:

(1) Violations that form the basis of a misdemeanor in the second degree, as determined by the applicable statutes, shall result in a penalty of \$500 for the first offense. The fine for a second offense shall be \$1,000. A third offense or more shall be fined the maximum penalty of \$5,000.

(2) Violations that form the basis of a misdemeanor in the first degree, as determined by the applicable statute, shall result in a penalty of \$750 for the first offense. The fine for a second offense shall be \$1,500. A third offense or more shall be fined the maximum penalty of \$5,000.

(3) Violations that form the basis of a felony in the third degree, as determined by the applicable statute, shall result in a penalty of \$1,000 for the first offense. The fine for a second offense shall be \$2,000. A third offense or more shall be fined the maximum penalty of \$5,000.

(4) Violations that form the basis of a felony in the second degree, as determined by the applicable statute, shall result in a penalty of \$5,000, the maximum allowed per incident or violation.

(5) The costs the Department may recover for the investigation and prosecution shall be the actual dollar amount up to and including the day of service of the citation. If personal service is method of service, the Department investigator will determine the actual cost at the time of service of the citation on the subject.

Specific Authority 456.065 FS. Law Implemented 456.065 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Amy Jones, Division Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 25, 2004

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse and Mental Health Programs

RULE TITLES:	RULE NOS.:
Applicability	65E-14.001
Retention and Access Requirements for Records	65E-14.002
Unit Cost Method of Payment	65E-14.021
Data Requirements	65E-14.022

PURPOSE AND EFFECT: Chapter 65E-14, F.A.C., entitled Community Substance Abuse and Mental Health Services – Financial Rules, is being amended to make improvements and

corrections to the comprehensive revisions recently made to the substance abuse and mental health contracting system and financial rule, based upon input from departmental staff.

SUMMARY: Chapter 65E-14, F.A.C., is being amended to: clarify the definition of matching; clarify the definition of a "Third Party Payer"; update the records retention requirements; clarify the definition of a Direct Staff Hour; add a new definition, the Clubhouse Staff Hour; make changes in the unit of measure used for the Mental Health Clubhouse; make changes in the data elements for the Mental Health Clubhouse cost center; adjust the maximum unit cost rate for the Mental Health Clubhouse; update the description of outpatient detoxification services; correct a typographical error in a reference to staffing levels; clarify the number of days permitted for advance notification that must be given to the department prior to changing the Program Description; correct a typographical error regarding the non-direct staff hour productivity and utilization standard; extend to two decimal places the standard percentages used to project the contractor's minimum utilization standards for service capacity; add additional parameters for cost center funding flexibility; add new annualized standard units and productivity requirements for the Mental Health Clubhouse; and update the publication dates, edition and version numbers on administrative forms and data pamphlet, and their descriptions, as incorporated into the rule by reference that need revision.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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

SPECIFIC AUTHORITY: 394.78(1),(6), 397.321(5) FS.

LAW IMPLEMENTED: 216.181(16), 394.66(9),(12), 394.74(2)(b),(3)(d),(e),(4), 394.77, 394.78(1),(6), 397.321(10), 402.73(7) FS.

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

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.

TIME AND DATE: 10:00 a.m., August 2, 2004

PLACE: The Department of Children and Family Services, 1309 Winewood Boulevard, Building 6, Conference Room 335, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Ochalek, Senior Management Analyst II, The Department of Children and Families, 1309 Winewood Blvd., Building 6, Room 307, (850)414-1500, e-mail: larry_ochalek@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

65E-14.001 Applicability.

(1) No change.

(2) Definitions as used in this part, unless the context clearly requires otherwise.

(a) through (d) No change.

(e) "Matching" means the value of third-party funds and in-kind contributions and resources received, expended and identified by the contractor to defray 25 percent of allowable costs as a result of operating contracted programs pursuant to these rules.

(f) through (y). No change.

(z) "Third Party Payer" means commercial insurers such as workers' compensation, CHAMPUS/VA, Medicare, Health Maintenance Organizations, Managed Care Organizations, or other payers that are liable to pay for services on behalf of a specific client. Third party payers are liable to the extent that they are required by contract or law to participate in the cost of providing services to a specific client.

(aa) through (ff) No change.

Specific Authority 394.74, 394.77, 394.78(1), 397.321(5) FS. Law Implemented 394.74, 394.77, 397.481 FS. History-New 2-23-83, Amended 2-25-85, Formerly 10E-14.01, Amended 7-29-96, Formerly 10E-14.001, Amended 7-1-03, 12-14-03,_____.

65E-14.002 Retention and Access Requirements for Records.

This rule applies to all financial and programmatic records, supporting documents, statistical records, and other records of contractors which are necessary to document expenditures, income and assets of the contractor.

(1) Length of Retention Period

(a) Except as provided in paragraph (1)(b), records shall be retained for 6 ~~5~~ years from the starting date specified in paragraph (2).

(b) If any litigation claim, negotiation, audit, or other action involving the records has been started before the expiration of the 6 ~~5~~-year period, the records shall be retained until completeness of the action and resolution of all issues which arise from such actions.

(2) through (4) No change.

Specific Authority 394.77, 397.03 FS. Law Implemented 394.77, 397.03 FS. History-New 2-23-83, Amended 2-25-85, Formerly 10E-14.02, 10E-14.002, Amended _____.

65E-14.021 Unit Cost Method of Payment.

This section provides guidelines and requirements for implementing a unit cost method of payment for substance abuse and mental health services.

(1) through (5)(a)2. No change.

3. Direct Staff Hour. This unit of measure represents the actual time spent on activities directly associated with a single client, including case staffings. Time may include travel if the travel is integral to a service event otherwise billable to the department. Direct staff hour units shall be paid on the basis of utilization, ~~except in the case of the mental health clubhouse services cost center, which shall be paid on the basis of availability.~~

4. through 9. No change.

10. Clubhouse Staff Hour. This unit of measure represents an hour of staff time in which one or more persons (Clubhouse members) are being provided with a service or activity within the Clubhouse or away from the Clubhouse. It may also include staff time spent on behalf of members away from the facility, such as, developing employment prospects or exploring housing alternatives. Staff time spent in travel on behalf of Clubhouse members or activities may also be included.

(6) through (7)(q)2. No change.

3. Unit of Measure – ~~Clubhouse Staff~~ Direct Staff Hour

4. Data Elements:

a. Service Documentation – ~~Duty Roster Time Sheet~~

(I) Staff name and identification number ~~Recipient name and identification number.~~

(II) Date ~~Staff name and identification number.~~

(III) Hours on Duty – Beginning and ending time ~~Service date.~~

(IV) Cost Center ~~Duration.~~

(V) Program ~~Cost center.~~

(VI) Signature of Program Manager ~~Service (specify); and.~~

~~(VII) Program.~~

b. Audit Documentation. ~~Recipient Service Chart:~~

(I) Staff name and identification number ~~Recipient name and identification number.~~

(II) Date ~~Staff name and identification number.~~

(III) Hours worked – Beginning and ending time ~~Service date.~~

(IV) Program ~~Duration; and~~

(V) Cost Center ~~Service (specify).~~

(VI) Clubhouse Schedule.

(VII) Daily census log with date.

(VIII) Signature of Program Manager.

5. Maximum Unit Cost Rate: \$ 37.71 ~~\$10.50 for up to five hours per day.~~

(r) through (t) No change.

1. Description – Outpatient detoxification services utilize medication or a psychosocial counseling regimen that assists recipients in their efforts to withdraw from the physiological and psychological effects of the abuse of addictive substances. ~~They provide structured activities four (4) hours per day, seven (7) days per week.~~

2. through 5. No change.

(u) through (kk). No change.

(8)(a) through (d) 1.d. (II) (vii). No change

(viii) Staffing levels by type of service delivery position, unless the unit cost rate for the cost center is negotiated pursuant to paragraph 65E-14.021 (9)(b)(a) F.A.C.

(ix) through 4. No change

5. Advance notification must be given to the department ~~ten (10) calendar days prior to any changes to before any of the~~ Program Description elements specified in sub-sub-sub-subparagraphs 65E-14.021(8)(d)1.d.(II)(ix) and (x), and (III)(i)-(iii), F.A.C., ~~may be changed.~~ The Program Description shall be updated and resubmitted to the department within 10 calendar days of the end of any quarter in which a change in the Program Description occurs, except changes that pertain to sub-sub-sub-subparagraphs 65E-14.021(8)(d)1.d. (II)(iv), (vi), or (viii), F.A.C.

(9) through (a) 3. No change.

4. Productivity and Utilization Standards. The following standards shall be used to project the contractor's minimum service capacity on the Agency Capacity Report:

Unit of Measure	Standard Units (Annualized)	Standard %
Contact Hour	1,073 hours per FTE	51.59% 52%
Direct Staff Hour	1,252 hours per FTE	60.19% 60%
Non-Direct Staff Hour	1,430 1,443 hours per FTE	68.75% 70%
Staff Hour (Crisis Support / Emergency and Information and Referral)	2,080 hours per FTE	100%
Staff Hour (FACT)	1,788 hours per FTE	85.96% 86%
Bed-Day	365 Days	100%
24-hour Day	365 Days	85%
Facility Day	*	100%
4-hour Day	*	90%
Dosage	*	100%
<u>Mental Health Clubhouse Staff Hour</u>	<u>1,768 hours per FTE</u>	<u>85%</u>

* To be established through negotiation between the district and the contractor.

5. No change.

(c) through (d) No change.

b. The substance abuse and mental health program supervisors in the district or the region may increase from 15 percent to up to 30 percent the amount contractors may exceed the total non-TANF funding specified in the contract for an

individual cost center within a program and may further specify that funding may be added to that cost center but not subtracted from that cost center.

c. through e. No change.

4. through 6. No change.

(c) through (d) No change.

(11) The following forms are hereby incorporated by reference, copies of which may be obtained from the Substance Abuse Program Office, ATTN: PDSA, 1309 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700.

(a) through (b) No change.

(c) CF-MH 1043, Mar 2004 Agency Capacity Report, ~~Jul 2003~~ consisting of a thirteen-page form and four ~~three~~ pages of instructions.

(d) No change.

(e) CF-MH 1045, Mar 2004 Program Description, ~~Jul 2003~~ consisting of one page of instructions.

(f) CF-MH 1047, Nov Aug 2003 Monthly request for Non-TANF Payment/Advance, consisting of a two ~~one~~ page form and two pages of instructions.

(g) CF-MH 1058, Nov Aug 2003 Monthly request for TANF Payment / Advance, consisting of a two ~~one~~ page form and two pages of instructions.

(h) CF-MH 1046, Mar 2004 Worksheet for Request for Payment, ~~Aug 2003~~ for use with forms CF-MH 1047 and CF-MF 1058, consisting of a one page form and three pages of instructions.

(i) through (j) No change.

Specific Authority 394.78(1),(6), 397.321(5) FS. Law Implemented 216.181(16), 394.66(9),(12), 394.74(2)(b),(3)(d),(e),(4) 394.77, 394.78(1),(6), 397.321(10), 402.73(7) FS. History--New 7-1-03, Amended 12-14-03,

65E-14.022 Data Requirements.

The following document is hereby incorporated by reference, copies of which may be obtained from the Substance Abuse Program Office, ATTN: PDSA, 1309 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700.

CFP 155-2, Mar 2004, ~~July 2003~~ Mental Health and Substance Abuse Measurement and Data Pamphlet, 5th Edition Version 4 ~~2~~ consisting of 209 pages.

Specific Authority 394.78(1), 397.321(5) FS. Law Implemented 394.66(9), 394.74(3)(e), 394.77, 397.321(3)(c),(10) FS. History--New 7-1-03, Amended 12-14-03,

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Ochalek, Senior Management Analyst II, Substance Abuse Program Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken DeCerchio, MSW, C.A.P., Program Director of Substance Abuse and R. Ed Miles, Ph.D., Program Director of Mental Health

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2004

DATE NOTICE OF PROPOSED RULE PUBLISHED IN FAW: June 4, 2004, Vol. 30, No. 23

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Annual and Quarterly Reporting Requirements

RULE NO.: 690-137.001

PURPOSE, EFFECT, AND SUMMARY: To adopt 2004 NAIC manuals.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.307, 624.308(1) FS.

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

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

TIME AND DATE: 10:00 a.m., August 3, 2004

PLACE: 143 Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, E-mail krantzkc@dfs.state.fl.us

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

THE FULL TEXT OF THE PROPOSED RULE IS:

690-137.001 Annual and Quarterly Reporting Requirements.

(4) Manuals Adopted.

(a) Annual and quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC's Quarterly and Annual Statement Instructions, Property and Casualty, 2004 ~~2003~~;

2. The NAIC's Quarterly and Annual Statement Instructions/Life, Accident and Health, 2004 2003; and

3. The NAIC's Quarterly and Annual Statement Instructions/Health, 2004 2003; and

4. The NAIC's Accounting Practices and Procedures Manual, as of March 2004 2003.

(b) No change.

Specific Authority 624.307, 624.308(1) FS. Law Implemented 624.307(1), 624.424(1) FS. History--New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-137.001, Amended.

NAME OF PERSON ORIGINATING RULE: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jovita Ashton, Bureau Chief, Bureau of Life and Health Insurer Solvency, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 2004

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: RULE NO.:
NAIC Financial Examiners Handbook Adopted 690-138.001
PURPOSE, EFFECT, AND SUMMARY: To adopt 2004 NAIC manuals.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.316(1)(c) FS.

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

TIME AND DATE: 10:00 a.m., August 3, 2004

PLACE: Room 143, 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 IS: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, e-mail: krantz@dfs.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

690-138.001 NAIC Financial Examiners Handbook Adopted.

(1) The National Association of Insurance Commissioners Financial Condition Examiners Handbook Volume I (2004 2003) is hereby adopted and incorporated by reference.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.316(1)(c) FS. History--New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended.

NAME OF PERSON ORIGINATING RULE: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jovita Ashton, Bureau Chief, Bureau of Life and Health Insurer Solvency, Department of Insurance

DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD: April 8, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 2004

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE NO.: RULE TITLE:
3D-40.0271 Continuing Education
Requirements for Mortgage
Brokers, Loan Originators and
Principal Representatives

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 31, August 1, 2003, has been withdrawn.

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE NO.: RULE TITLE:
3D-40.043 Mortgage Broker License Renewal
and Reactivation

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 31, August 1, 2003, has been withdrawn.

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 MANAGEMENT SERVICES

Division of Purchasing

RULE NO.: RULE TITLE:
60A-1.005 Eligible Users

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., originally published in Vol. 30, No. 10, March 5, 2004 issue of the Florida Administrative Weekly and subsequently corrected in Vol. 30, No. 15, April 9, 2004 issue of the Florida Administrative Weekly. These changes are made in response to comments received at a public hearing on this rule held on June 28, 2004.

PROPOSED RULE 60A-1.005 IS CHANGED TO READ AS FOLLOWS:

60A-1.005 Eligible Users.

The following entities are eligible users:

(1) All governmental agencies, as defined in Section 163.3164, F.S., which have a physical presence within the State of Florida are eligible users of state term contracts subject to Section 287.056(1), F.S.

(2) Any independent, nonprofit college or university which is located within the State of Florida and is accredited by the Southern Association of Colleges and Schools.

Specific Authority 287.042(12) FS. Law Implemented 287.012(12) FS. History—New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, FL, 32399, (850)488-3049, Fax (850)414-6122, e-mail: brownr2@dms.state.fl.us.

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE NO.: RULE TITLE:
60DD-3.002 Definitions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1, F.S., published in the Vol. 30, No. 12, March 19, 2004 and Vol. 30, No. 22, May 28, 2004 issues of the Florida Administrative Weekly:

60DD-3.002 Definitions.

For the purposes of Rules 60DD-3.001-.005, Florida Administrative Code, the following terms shall be defined as set forth herein:

(1) “Business day” means 7:00 a.m. through 6:00 p.m. Eastern Standard Time EST, Monday through Friday, excluding Sstate holidays.

(2) “Case” means a unique End User problem requiring ETSD Services.

(3) “Closed Cease” means all Tier 0 or Tier 1 cases that have been resolved through the ETSD and all cases escalated to Tiers 2 and above, 3 or 4 that have either been resolved or which have been withdrawn.

(4) “Customer Relationship Manager” means an employee of the State Technology Office assigned to manage the portfolio of one or more Eligible Users.

(5) “Eligible User” means an entity or organization authorized to utilize ETSD Services.

(6) “End User” or “Eligible Entity” means individuals authorized by an Eeligible Uuser to received and use ETSD Services.

(7) “Enterprise Technology Services Desk Services” or “ETSD Services” means those services provided to Eligible Users via the ETSD as agreed by contract between the State Technology Office and the ETSD Service Provider and in Service Level Agreements between State Technology Office and Eligible Users.

(8) “Enterprise Technology Services Desk” or “ETSD” means the system through which information technology services are provided to Eeligible Uusers, as described in Rules 60DD-3.001-3.005, Florida Administrative Code

(9) “Enterprise Technology Services Desk Provider” or “ETSD Service Provider” means the entity that operates the Enterprise Technology Services Desk.

(10) “Help Desk Professional” or “ETSD Professional” means an ETSD worker individual who opens, attempts to resolve, tracks escalated cases, and closes ~~Tier 1~~ cases.

(11) “Knowledge base” means repository of information in an organized and structured format populated with solutions to problems or questions posed by Eeligible Uusers.

(12) “Knowledge Manager” means a process owner for knowledge management within all Tier levels and oversees the success of effective deployment of knowledge management processes ~~means an individual who provides support for the resolution of Tier 2 through Tier 4 cases.~~

(13) “Product Manager” means an individual employed by the State Technology Office who is responsible for providing input on contract management, oversight, strategic direction, and decision making regarding Enterprise Technology Services Desk Services.

(14) "Self Service ePortal" or "Self Service Portal" or "Help Desk eSupport" means web-enabled support services that provide for the resolution of cases without human interaction.

(15) "Service Level Agreement" means a written agreement, executed by the State Technology Office and the User or End User that describes the ETSD Services that will be provided to the User or End User and the specific responsibilities of the State Technology Office, the ETSD Provider, and the User or End User.

(16) "Tier" means the level of designation for cases assignment, as with those levels being Tier 0 through Tier 4, being self-resolved without with Tier 0 indicating those cases resolved without the necessity of human interaction; Tier 1 being between the End User and Tier 1 resolved with human interaction at the ETSD level only; and Tier 2 and above indicating those Cases that require human support and escalation to more specialized personnel within the Eligible User agency but can be resolved without the input of a Knowledge Manager. Tiers 2 through 4 refer to increasing levels of input and support from the Knowledge Manager in order to resolve the Case.

(17) "User" means an Eligible User that elects to use ETSD Services and that enters into a Service Level Agreement.

Specific Authority 282.102(16), 282.23(2), 287.057(24)(d) FS. Law Implemented 282.102(3)-(10),(17), 282.23, 282.3032, 287.57(24) FS. History—New _____.

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE IS: Julie Madden, Chief, Enterprise Technologies, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 115M, Tallahassee, Florida 32399-0950, (850)488-1320, Julie.Madden@MyFlorida.com

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.:	RULE TITLE:
61G1-17.001	Professional Fees and Penalties for Architects

NOTICE OF CORRECTION

The above-proposed rule was published in the June 25, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 26, on page 2580.

Subsection (2) of the rule has a typographical error in the amount of the fee. The correct amount of the fee is \$125.00 as was correctly stated in the Summary of the Rule Notice and also in the Rule Development previously published in the June 4, 2004 Florida Administrative Weekly, Vol. 30, No. 23.

The foregoing change does not affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 N. Monroe Street, Tallahassee, FL 32399-0750

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 CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program	
RULE NOS:	RULE TITLES:
65C-20.008	Application
65C-20.009	Staffing Requirements
65C-20.010	Health Related Requirements
65C-20.011	Health Records
65C-20.012	Enforcement
65C-20.013	Large Family Child Care Homes

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. 30, No. 17 April 17, 2004, issue of the Florida Administrative Weekly.

65C-20.008 Application.

(1) Application for a license or for renewal of a license to operate a family day care home shall be made on CF-FSP Form 5133, Feb. 2004, Application for a License to Operate a Family Day Care Home, which is incorporated herein by reference, can be obtained from the licensing authority or by going to the Department of Children and Families child care services website at www.myflorida.com/childcare/information at the Department of Children and Families local child care licensing office or the local licensing agency.

(2) For the purpose of issuing a license, any out-of-state criminal offence, which if committed in Florida, would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule.

(3)(2) A completed application for renewal of an annual license must be submitted to the licensing authority department or local child care licensing agency at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. The renewal application and required forms may be obtained from the licensing authority local child care licensing office.

(4)(3) An application will not be considered complete until the licensing authority office receives proof of background screening clearance on the operator/applicant of the family day care home/applicant and the operator/applicant provides proof to the licensing authority office, that the screening materials

have been submitted on all other household members who are subject to background screening. A screening conducted under this rule is valid for five (5) years, at which time a statewide re-screening must be conducted. The 5 year re-screening must include, at a minimum, statewide criminal records checks through the Florida Department of Law Enforcement and a local criminal records check. In addition, the operator/applicant must be re-screened following a break in operation of the family day care home which exceeds 90 days. A person in this category must undergo the same level of screening which was required at the time of initial operation of the family day care home. If operator/applicant takes a leave of absence, such as maternity leave, extended sick leave, etc., re-screening is not required unless the 5 year re-screening has come due during the leave of absence. An employment history check for the previous two years at a minimum, which must include at least the last three jobs, is also required as part of background screening. An employment history check conducted under this rule, shall include not only confirmation of employment dates from previous job(s), but may also include position held and job performance. Additionally, an Affidavit of Good Moral Character, CF-FSP 1649, Sept. 03, which is incorporated by reference, must be completed annually for all operators/applicants. CF-FSP 1649 may be obtained from the licensing authority or by accessing the Department of Children and Families Child Care Services website at www.myflorida.com/childcare/information.

Specific Authority ~~402.281~~, 402.313 FS. Law Implemented ~~402.281~~, 402.313 FS. History—New 7-2-98, Amended 7-13-03, _____.

65C-20.009 Staffing Requirements.

(1) Personnel.

(a) The family day care home license shall be issued in the name of the operator who must be at least 18 years of age and a resident of the family home. The operator of a family day care home may not work out of the home during the hours when the family day care home is operating. In the event of rental or leased property the operator shall be the individual who occupies the residence.

(b) Substitutes. There shall be a written plan to provide at least one other competent adult, who must be at least 18 years of age, to be available to substitute for the operator on a temporary or emergency basis. This plan shall include the name, address and telephone number of the designated substitute. Substitutes may not work over 40 hours per month on average during a twelve month period in any single home for which they have been identified as the designated substitute.

(c) No person while using, or who is under the influence of narcotics, alcohol, or other drugs, which impair their ability to provide supervision and safe child care, shall be an operator or substitute.

(2) Staff Training.

(a) Prior to licensure, all family day care home operators must successfully complete the Department of Children and Family Services department's 30-clock-hour Family Child Care Home training, as evidenced by passage of a competency based examination with a score of seventy (70) or better. Competency examinations will be offered by the Department of Children and Family Services or its designated representative Training Coordinating Agency. Prior to attending the training, Family Day Care Home operators have one opportunity, if they choose, to exempt from the Department of Children and Family Services department's 30-clock-hour Family Child Care Home training module by successfully completing competency examinations with a score of seventy (70) or better. All family day care home operators who have successfully completed the mandatory 30-clock-hour Family Child Care Home training prior to the availability of the competency examinations will not be required to complete the competency based testing.

(b) In addition to the training above, all family day care homes licensed on or before December 31, 2004, shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Family Day Care Homes licensed on or after January 1, 2005, prior to licensure, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. Literacy training must be a single class or course that is no less than 5 hours in duration. In order to meet this requirement, family day care home operators must select a training course from the Department of Children and Families list of approved literacy training programs, which may be accessed by going to www.myflorida.com/childcare/training or by contacting the licensing authority ~~complete a single class or course that is no less than 5 hours in duration.~~ Literacy training that was between July 1, 1999 and July 1, 2004 taken within the past five (5) years will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above. ~~It is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.~~

(c) Documentation. Training transcripts are updated upon the successful completion of training, as evidenced by the passage of a competency examination. The 30-clock-hour Family Child Care Home training successfully completed after July 1, 2004 will be documented on the child care training transcript only. Training successfully completed prior to July 1, 2004 may be documented either on CF-FSP Form 5267, May 2003, or and the Department of Children and Family Services department's child care training transcript.

(d) Family day care home substitutes who work 40 hours or more a month on average during a 12 month period must successfully complete the 30-clock-hour Family Child Care Home training, prior to caring for children, as evidenced by passage of a competency based examination with a score of seventy (70) or better, documented on the Department of Children and Families department's CF-FSP Form 5267, May 2003, ~~or~~ and the Department of Children and Families department's child care training transcript. All family day care home substitutes who have completed the 30-clock-hour Family Child Care Home training prior to the availability of the competency examination will not be required to complete the competency based testing. Prior to attending the training, Family Day Care Home substitutes have one opportunity, if they choose, to exempt from the Department of Children and Families department's 30-clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. Competency examinations will be offered by the Department of Children and Families or its designated representative, Training Coordinating Agency. In addition to the 30-clock-hour Family Child Care Home training, all substitutes hired on or before December 31, 2004, who work 40 hours or more a month on average during a 12 month period, shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Substitutes hired on or after January 1, 2005, prior to caring for children, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. In order to meet this requirement, substitutes must select a course from the Department of Children and Families list of approved literacy training programs, which may be accessed by going to www.myflorida.com/childcare/training or by contacting the licensing authority ~~complete a single class or course that is no less than 5 hours in duration.~~ Literacy training that was between July 1, 1999 and July 1, 2004 taken within the past five (5) years will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above. ~~It is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.~~

(e) Family day care home substitutes who work less than 40 hours a month on average during a 12 month period shall complete the Department of Children and Family Services department's 3-clock-hour Fundamentals of Child Care training prior to caring for children as documented on the Department of Children and Family Services department's CF-FSP Form 5267, May 2003, ~~or~~ and the Department of Children and Family Services department's child care training

transcript. Family day care home substitutes who have successfully completed the 30-clock-hour Family Child Care Home training will not be required to complete the 3-clock-hour Fundamentals of Child Care training.

(f) The operator of the family day care home must sign a statement attesting to the number of hours that the substitute works in the operators' their home.; ~~The statement must~~ which will be placed in the substitute's file.

(g) No change.

(3) Annual In-Service Training.

(a) through (b) No change.

(c) Documentation of the in-service training must be recorded on CF-FSP Form 5268, Feb. 04, Child Care In-Service Training Record, which is incorporated herein by reference, and maintained at the family day care home. CF-FSP Form 5268 may be obtained from the licensing authority or by going to the Department of Children and Families Child Care Services website at www.myflorida.com/childcare/training. A new in-service training record is required each fiscal year. In addition to maintaining the training record for the current fiscal year, the in-service training records for the previous two (2) fiscal years must also be maintained at the family day care home for review by the licensing authority. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.

(4) Supervision.

(a) through (b) No change.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History--New 7-2-98, Amended 5-21-00, 7-13-03, _____

65C-20.010 Health Related Requirements.

(1) General Requirements.

(a) Animals, pets or fowl must have current immunizations, if immunizations are available for the type of animal, pet or fowl, and be free of disease. Parents must be informed in writing of any ~~and~~ all animals on the premises of the home. Such information may be provided by way of a parent flier, a notification statement, or a statement included in the child's enrollment form.

(b) through (e) No change.

(f) Family day care homes caring only for infants under 12 months of age, shall not be required to have an outdoor play area; however, infants in care shall be provided opportunities for outdoor time each day that weather permits. For all other family day care homes, including those providing evening care, the outdoor space shall be fenced, a minimum of 4 feet in height, if the family day care home property borders any of the following:

1. through 4. No change.

All in-ground swimming pools and above-ground swimming pools, more than one foot deep, shall have either a fence or barrier on all four sides, a minimum of 4 feet in height,

separating the home from the swimming pool, or a pool alarm that is operable at all times when children are in care. The fence or barrier may not have any gaps or openings that could allow a young child to crawl under, squeeze through, or climb over the barrier. All spas and hot tubs must meet the same barrier requirements for in ground and above ground swimming pools, or instead, spas and hot tubs may be covered with a safety cover, as defined in Section 515.25(1), F.S., that complies with ASTM F1346-91(Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Hot Tubs, and Spas) at all times when children are in care. All spas and hot tubs must be covered with a safety cover that complies with ASTM F1346-91 (Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Hot Tubs, and Spas) at all times when children are in care. The exterior wall of the home, if it has ingress and egress, does not constitute a fence or barrier. All doors or gates in the fence or barrier shall be locked at all times when children are in care and when the pool is not being used by the children in care. In addition to the fence, barrier or pool alarm, the family day care home operator shall ensure that all exterior doors leading to the pool, spa, or hot tub area remain locked at all times while children are in care. Barriers may be temporary in nature but must be sturdy and meet all the above requirements and be in place during all times when children are in care. The wall of an aboveground swimming pool may be used as its barrier; however, such structure must be at least 4 feet in height. In addition, any ladder or steps that are the means of access to an aboveground pool must be removed at all times while children are in care and when the pool is not being used by the children in care.

(g) through (n) No change.

(o) All parts of the home, both indoors and outdoors, including the furnishings, equipment, and plumbing shall be kept clean and sanitary, free of hazards, in an orderly condition and in good repair at all times. The family day care home shall have an operable smoke detector and fire extinguisher with a current certificate, at least one operable corded a-working telephone, and lighting that allows for safe movement and egress for children in care. At all times and appropriate for the activity, lighting in family day care homes must be sufficient enough to allow the operator to visually observe and supervise children in care. The home must have proper ventilation, and the temperature must be maintained between 65 and 82 degrees Fahrenheit.

(p) No change.

(2) Hygiene and Sanitation.

(a) through (d) No change.

(e) When children in diapers are in care, there shall be a diaper changing area with an impermeable surface which is cleaned with a sanitizing solution after each use. The diaper changing area shall be in a separate area from the feeding and

~~food service area not be in or near the food service area.~~ Children must be attended at all times when being diapered or when changing clothes.

(3) First Aid Kit and Emergency Procedures.

(a) through (b) No change.

(4) Communicable Disease Control.

(a) through (b) No change.

(c) A child who has head lice will not be permitted to return until treatment has occurred. Verification of treatment may include a product box, box top, empty bottle, or signed statement signature by a parent or legal guardian, that complete treatment has occurred.

(d) No change.

(5) Medication.

(a) through (e) No change.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History--New 7-2-98, Amended 1-04-01, 7-13-03,_____.

65C-20.011 Health Records.

(1) Immunizations. The family day care home provider is responsible for obtaining, from the parent or legal guardian, a current and completed DH Form 680, Florida Certification of Immunization, Part A-1, B, and or C, (July), or, DH Form 681, Religious Exemption from Immunization (May 1999), for each child in care, within 30 days of enrollment, and maintaining a current copy at the family day care home, which are incorporated by reference in subsection 64D-3.011(9), F.A.C. DH Forms 680 and 681 can be obtained from the local county health department. The DH Form 680, Florida Certification of Immunization Parts A-1, Certification of Immunization for K-12 Excluding 7th Grade Requirements or Part B, Temporary Medical Exemption, shall be signed by a physician or authorized personnel licensed under the provisions of Chapter 458, 459, or 460, Florida Statutes and shall document vaccination for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, Haemophilus influenzae type B (HIB), and effective July 1, 2001, completion of the varicella vaccination. The DH Form 680, Florida Certification of Immunization Part C, Permanent Medical Exemptions, shall be dated and signed by a physician licensed under the provisions of Chapter 458 or 459, Florida Statutes.

(2) Children’s Student Health Examination.

(a) The family day care home provider is responsible for obtaining from the parent or legal guardian, a current and Within 30 days of enrollment, each child must have on file a completed DH Form 3040, (June 02), Student Health Examination, for each child in care, within 30 days of enrollment, and maintaining a current copy at the family day care home. DH Form 3040, which is incorporated by reference, can be obtained from the and copies of which are available from the local county health department or the child’s pediatrician. The student health examination shall be

completed by a person given statutory authority to perform health examinations. Certification that a health examination has been completed may be documented on the State of Florida, Department of Health, DH Form 3040, June 02, OR a signed statement by an authorized professional that indicates the results of the components included in the health examination.

- (b) No change.
- (3) Immunization and Health Records.
- (a) through (b) No change.
- (4) Enrollment and Medical Authorization.
- (a) through (b) No change.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History--New 7-2-98, Amended 5-21-00, 7-13-03, _____.

65C-20.012 Enforcement.

- (1) through (2) No change.

(3) The family day care operator must allow access to the entire premises of the family day care home to inspect for compliance with family day care home minimum standards. Access to the family day care home also includes ~~parental~~ access by the parent, legal guardian, and/or custodian, to their child(ren) while in care.

Specific Authority 402.313 FS. Law Implemented 402.313, 402.319(5) FS. History--New 7-2-98, 7-13-03, _____.

65C-20.013 Large Family Child Care Homes (LFCCH).

- (1) No change.
- (2) Definitions:
- (a) through (e) No change.
- (3) License.
- (a) through (b) No change.
- (4) LFCCH Personnel:
- (a) through (b) No change.

(c) No person while using ~~who uses~~, or who is under the influence of, narcotics, alcohol, or other drugs, which impair their ability to provide supervision and safe child care, shall be an operator, substitute, or employee.

(5) LFCCH Staff Training:

(a) In addition to the successful completion of the 30-clock-hour Family Child Care Home training completed prior to caring for children, large family child care home operators must successfully complete training as evidenced by passage of a competency examination with a score of seventy (70) or better in 10-clock-hours of specialized training from the Department of Children and Families department's specialized training modules within six (6) months of licensure:

- 1. through 5. No change.
- 6. Computer Technology for Child Care Professionals (5 ~~10~~ hours web based); and
- 7. No change.

(b) Large family child care home operators shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age by June 30, 2005, as documented on the certificate of course completion, classroom transcript, or diploma. Literacy training must be a single class or course that is no less than 5 hours in duration. In order to meet this requirement, large family child care home operators must select a training course from the Department of Children and Families list of approved training programs, which can be accessed by going to the Department of Children and Families Child Care Services website at www.myflorida.com/childcare/training, or by contacting the licensing authority Literacy training that was taken between July 1, 1999 and July 1, 2004 will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above complete a single class or course that is no less than 5 hours in duration within the past five (5) years.

(c) Training transcripts are updated upon the successful completion of training, as evidenced by the passage of a competency examination with a score of seventy (70) or better. Competency examinations will be offered by the Department of Children and Family Services or its designated representative Training Coordinating Agency. Prior to attending the training, Large Family Child Care Home operators have one opportunity, if they choose, to exempt from the 10-clock-hour specialized training modules by successfully completing competency examinations with a score of seventy (70) or better. The 10-hour specialized training must be documented on CF-FSP Form 5267, May 2003, or and the Department of Children and Family Services department's child care training transcript. Examination exemptions are not available for the Department of Children and Family Services department's web based Part II specialized training modules.

- (d) No change.

(e) Employees in a large family child care home shall be at least 18 years of age and within 90 days of employment within the child care field, shall begin the 30-clock-hour Family Child Care Home training. Prior to attending the training, employees in a large family child care home have one opportunity, if they choose, to exempt from the 30-clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. The training shall be successfully completed within one year of the date on which the training began, as evidenced by the passage of a competency examination with a score of seventy (70) or better. The Family Child Care Home training must be documented on the Department of Children and Family Services department's CF-FSP Form 5267, May 2003, or and the Department of Children and Family Services department's child care training transcript. In addition to the 30-clock-hour Family Child Care Home training, all employees in a large family child care home, hired on or before December 31, 2004,

shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Employees hired on or after January 1, 2005, prior to caring for children, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. Literacy training must be a single class or course that is no less than five (5) hours in duration. In order to meet this requirement, employees substitutes must select a training course from the Department of Children and Families list of approved literacy training programs, which can be accessed by going to the Department of Children and Families Child Care Services website at www.myflorida.com/childcare/training, or by contacting the licensing authority ~~complete a single class or course that is no less than 5 hours in duration. Literacy training that was taken between July 1, 1999 and July 1, 2004 within the past five (5) years will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above. It is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.~~

(f) Prior to taking care of children, substitutes for the operator of large family child care homes shall be at least 18 years of age and shall have successfully completed the 30-clock-hour Family Child Care Home training, as evidenced by the passage of a competency examination with a score of seventy (70) or better. Prior to attending the training, substitutes for the operator have one opportunity, if they choose, to exempt from the 30-clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. Competency examinations will be offered by the Department of Children and Family Services or its designated representative Training Coordinating Agency. Completion of the 30 hour Family Child Care Home training shall be documented on the Department of Children and Family Services department's CF-FSP Form 5267, May 2003, or and the Department of Children and Family Services department's child care training transcript. In addition to the 30-clock-hour Family Child Care Home training, prior to caring for children, all substitutes for the operator of the large family child care home, hired on or before December 31, 2004, shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Substitutes for the operator; hired on or after January 1, 2005, prior to caring for children, must complete 5-clock-hours or .5 continuing education unit (CEU) of

training in early literacy and language development of children from birth to 5 years of age. Literacy training must be a single class or course that is no less than five (5) hours in duration. In order to meet this requirement, substitutes for the operator must select a training course from the Department of Children and Families list of approved literacy training programs, which can be accessed by going to the Department of Children and Families child care services website at www.myflorida.com/childcare/training, or by contacting the licensing authority. Literacy training that was taken between July 1, 1999 and July 1, 2004, will be accepted by the licensing authority until July 1, 2005, if it meets all the required components stated above ~~complete a single class or course that is no less than 5 hours in duration within the past five (5) years. It is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.~~

(g) No change.

(h) Prior to taking care of children, substitutes for an employee at a large family child care home who work more than 40 hours a month on average during a 12 month period, shall successfully complete the 30-clock-hour Family Child Care Home training, as demonstrated through passage of a competency examination with a score of seventy (70) or better, documented on the form or and transcript referenced above. Prior to attending the training, substitutes for an employee at a large family child care home who work more than 40 hours a month on average during a 12 month period have one opportunity, if they choose, to exempt from the 30-clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. All large family child care home substitutes who have completed the 30-clock-hour Family Child Care Home training prior to the availability of the competency examination will not be required to complete the competency based testing. In addition to the 30-clock-hour Family Child Care Home training, prior to caring for children, all substitutes for an employee of a large family child care home, hired on or before December 31, 2004, shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Substitutes for the employee; hired on or after January 1, 2005, prior to caring for children, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. Literacy training must be a single class or course that is no less than five (5) hour in duration. In order to meet this requirement, substitutes for the employee must select a training course from the Department of Children and Families list of approved literacy training programs, which can be accessed by

~~going to the Department of Children and Families Child Care Services website at www.myflorida.com/childcare/training or by contacting the licensing authority complete a single class or course that is no less than 5 hours in duration. Literacy training that was taken between July 1, 1999 and July 1, 2004 within the past five (5) years will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above and it is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.~~

(6) Annual In-Service Training.

(a) through (b) No change.

(c) Documentation of the in-service training must be recorded on CF-FSP Form 5268, Feb. 04, Child Care In-Service Training Record, which is incorporated by reference in paragraph 65C-20.009(3)(c), F.A.C., and maintained at the large family child care home. CF-FSP Form 5268 may be obtained by contacting the licensing authority or by going to the Department of Children and Families Child Care Services website at www.myflorida.com/childcare/training. A new in-service training record is required each fiscal year. In addition to maintaining the training record for the current fiscal year, the in-service training records for the previous two fiscal years must also be maintained at the large family child care home for review by the licensing authority. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.

(7) LFCCH Supervision.

(a) No change.

(b) Additional Supervision Requirements.

1. through 2. No change.

(8) Transportation.

(a) through (g) No change.

(9) Planned and Unplanned Activities.

(a) through (b) No change.

(10) Child Discipline.

(a) through (c) No change.

(11) LFCCH General Requirements.

(a) through (d) No change.

(12) No change.

Specific Authority 402.3131 FS. Law Implemented 402.3131, 402.302, 402.305 FS. History--New 5-21-00, Amended 1-04-01, 7-13-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vikki Griffin, Government Operations Consultant II, 1317 Winewood Blvd. Building 6, Room 392, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deborah Russo, 1317 Winewood Blvd. Building 6, Room 389-A, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2004

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS:	RULE TITLES:
65C-22.001	General Information
65C-22.002	Physical Environment
65C-22.003	Training
65C-22.004	Health Related Requirements
65C-22.005	Food and Nutrition
65C-22.006	Record Keeping
65C-22.007	Evening Child Care
65C-22.008	School Age Child Care

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. 30, No. 17, April 23, 2004, issue of the Florida Administrative Weekly.

65C-22.001 General Information.

(1) Application.

(a) Application must be made on CF-FSP Form 5017, Feb. 2004, Application For A License To Operate A Child Care Facility, which is incorporated by reference. An application may be obtained from the licensing authority or by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/childcare/information.

(b) through (c) No change.

(d) For the purpose of issuing a license, any out-of-state criminal offence, which if committed in Florida, would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule.

~~(e)(d)~~ A completed application for renewal of an annual license must be submitted to the licensing authority department or local child care licensing agency at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. The renewal application and required forms may be obtained from the licensing authority local child care licensing office.

~~(f)(e)~~ In order to operate as an urban child care facility, the child care facility must provide documentation at the time of application that the outdoor play space requirement cannot be met, and must receive approval from the licensing authority. An urban child care facility will not be approved if outdoor space is found by the licensing authority department or local licensing agency to be available.

(2) License.

- (a) through (b) No change.
- (3) No change.
- (4) Ratios.
- (a) through (b) No change.
- (5) Supervision.

(a) Direct supervision means watching and directing children’s activities within the same room or designated outdoor play area and responding to each child’s need. Child care personnel at a facility must be assigned to provide direct supervision to a specific group of children and be present with that group of children at all times. When caring for school age children, child care personnel shall remain responsible for the supervision of the children in care and capable of responding to emergencies, and are accountable for children at all times, which includes when children are separated from their groups.

(b) During nap time, supervision means sufficient staff in close proximity, within sight and hearing of all the children. All other staff to meet the required staff-to-children ratio shall be within the same building on the same floor and be readily accessible and available to be summoned to ensure the safety of the children. Nap time supervision as described in this section, does not include supervision of children infants up to 24 ~~12~~ months of age, who must be directly supervised at all times.

(c) No person while using ~~who uses~~, or who is under the influence of, narcotics, alcohol, or other impairing drugs, which affects their ability to provide supervision and safe child care, shall be an operator, owner, or employee in a child care facility.

(d) Additional Supervision Requirements.

1. through 3. No change.

(6) Transportation.

(a) No change.

(b) All child care facilities must comply with the ~~inspection responsibilities and~~ insurance requirements found in Section 316.615, F.S.

(c) All vehicles regularly used to transport children shall be inspected annually, by a mechanic, to ensure proper working order and shall be equipped as required by subparagraphs 1. through 6. of Section 316.615(2)(a), F.S. Documentation by the mechanic shall be maintained in the vehicle.

(d) through (f) No change.

(7) Planned Activities.

(a) through (b) No change.

(8) Child Discipline.

(a) through (c) No change.

(9) No change.

Specific Authority 402.305, 402.281 FS. Law Implemented 402.281 , 402.305, 402.3055, 402.308 FS. History–New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, _____.

65C-22.002 Physical Environment.

(1) General Requirements.

(a) through (b) No change.

(c) Animals must be properly immunized, free of disease, and clean. Parents must be informed in writing of ~~any and~~ all animals on the premises. Such information may be provided by way of conspicuously posted notice or bulletin, policy handbook, parent flier, or a statement included on the enrollment form.

(d) through (h) No change.

(2) Rooms Occupied by Children.

(a) All rooms must have and maintain lighting the equivalent of 20 foot candles at three feet from the floor to allow for supervision and for safe methods of entering and exiting each room. In reading, painting, and other close work areas, lighting must be equivalent to 50 foot candles on the work surface. At all times lighting must be sufficient to visually observe and supervise children, including during naptime.

(b) through (d) No change.

(3) Indoor Floor Space.

(a) through (d) No change.

(4) Outdoor Play Area.

(a) through (g) No change.

(5) Napping and Sleeping Space.

(a) through (g) No change.

(6) Toilet and Bath Facilities.

(a) through (g) No change.

(7) Fire Safety.

(a) Unless statutorily exempted, all child care facilities shall conform to state standards adopted by the State Fire Marshal, Chapter 4A-36, F.A.C., Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities and shall be inspected annually. A copy of the current and approved annual fire inspection report by a certified fire inspector must be on file with the licensing authority ~~department or local licensing agency.~~

(b) through (c) No change.

(8) Health and Sanitation.

(a) through (b) No change.

(9) Equipment and Furnishings.

(a) through (b) No change.

Specific Authority 402.301, 402.305 FS. Law Implemented 402.305 FS. History–New 6-1-97, Amended 7-2-98, 3-17-99, 7-13-03, _____.

65C-22.003 Training.

(1) Definitions.

~~(a) “Training Coordinating Agencies” are authorized contract providers, designated by the department and responsible for the coordination of child care personnel training at the district/regional level.~~

~~(a)(b)~~ No change.

(b)(e) "State Approved CDA Equivalency" is a training program that has been approved by the Department of Children and Family Services department as meeting or exceeding the criteria established for an equivalency program.

(c)(d) No change.

(d)(e) "Director Credential" means a comprehensive credentialing program consisting of two levels of education and experiential requirements as outlined in subsection 65C-22.003(8)(7), F.A.C.

(f) through (g) renumbered (e) through (f) No change.

(g)(h) "Training Transcript" is the official electronic documentation for statutorily mandated training and staff credentialing requirements of all child care personnel. Training transcripts ~~certificates~~ can be downloaded and printed by the individual if desired or will be issued to the individual if requested.

(2) Training Requirements.

(a) The 40 hour Introductory Child Care Training requirement is divided into two parts. Part I is comprised of 30 hours of training, consisting of the Department of Children and Family Services' ~~department's~~ training modules, identified below:

1. through 5. No change.

(b) Part II is comprised of 10 hours of training, consisting of a selection from the Department of Children and Family Services' ~~department's~~ specialized training modules, identified below:

1. through 5. No change.

6. Computer Technology for Child Care Professionals (~~540~~ hours web based); and

7. No change.

(c) Child care personnel hired on or after October 1, 1992, must successfully complete Part I and Part II of the Department of Children and Family Services' ~~department's~~ 40 hour Introductory Child Care Training requirement. Successful completion of the 40 hour training requirement is evidenced by passage of competency examinations with a score of seventy (70) or better. Child care personnel who have completed the mandatory 40 hour Introductory Child Care Training prior to the availability of the competency examinations will not be required to complete the competency based testing.

(d) All child care personnel employed on or before December 31, 2004 shall complete 5-clock-hours or .5 documented continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. All child care personnel hired on or after January 1, 2005, shall complete this training within 12 months of date of employment. Literacy training must be a single class or course that is no less than five (5) hours in duration. In order to meet this requirement, child care personnel must select a training course from the Department of Children and Family Services'

list of approved literacy training programs, which can be accessed by contacting the licensing authority or by going to www.myflorida.com/childcare/training complete a single class or course that is no less than 5 hours in duration. Literacy training that was taken between July 1, 1999 and July 1, 2004 within the past five (5) years will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above. It is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.

(e) Training transcripts are updated upon the successful completion of training, as evidenced by the passage of a competency examination. Competency examinations will be offered by the Department of Children and Family Services or its designated representative Training Coordinating Agency.

1. The successful completion of Part I and Part II modules will be documented on either CF-FSP Form 5267, May 2003, or ~~and~~ the department's child care training transcript.

2. No change.

(3) Exemptions from the Introductory Child Care Training.

(a) Examination Exemptions.

Prior to attending the training, child care personnel have one opportunity, if they choose, to exempt from any of the 40 hour Introductory Child Care Training modules by successfully completing competency examinations with a score of seventy (70) or better. Examination exemptions are not available for the Department of Children and Family Services' ~~department's~~ web based Part II specialized training modules.

(b) Educational Exemptions.

1. The Department of Children and Family Services or its designated representative Training coordinating agencies shall exempt child care personnel with one of the following educational qualifications, from the Health, Safety and Nutrition, Child Growth and Development and Behavioral Observation and Screening Modules:

a. through b. No change.

2. The Department of Children and Family Services or its designated representative Training coordinating agencies shall exempt child care personnel with a B.A., B.S. or advanced degree in Early Childhood Education or Preschool Education from the Infant and Toddler Appropriate Practices module and Preschool Appropriate Practices module.

3. The Department of Children and Family Services or its designated representative Training coordinating agencies shall exempt child care personnel with a B.A., B.S. or advanced degree in Elementary Education from the School-Age Appropriate Practices module.

4. The Department of Children and Family Services or its designated representative ~~Training coordinating agencies~~ shall exempt child care personnel with a B.A., B.S or advanced degree in Exceptional Student Education from the Special Needs Appropriate Practices module.

(4) No change.

(5) Trainer Qualifications. Qualified child care professionals approved to teach the Department of Children and Family Services' department's child care training modules at a minimum must meet the following qualifications:

(a) No change.

(b) Complete the 6-clock-hour Train-the-Trainer course developed by the Department of Children and Family Services department.

(c) Meet one of the following educational experiential credentials verified by the Department of Children and Family Services or its designated representative ~~training coordinating agency~~:

1. through 2. No change.

(d) No change.

(e) The Department of Children and Family Services or its designated representative ~~Training Coordinating Agencies~~ may require a trainer to attend a specific child care training module prior to being approved.

(6) Annual In-service Training.

(a) through (b) No change.

(c) Documentation of the in-service training must be recorded on CF-FSP Form 5268, Feb. 04, Child Care In-service Training Record, which is incorporated by reference, and included in the child care facilities' personnel records. CF-FSP 5268 may be obtained from the licensing authority or by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/childcare/training. A new in-service training record is required each fiscal year. In addition to maintaining the training record for the current fiscal year, the in-service training records for the previous two (2) fiscal years must also be maintained at the child care facility for review by the licensing authority. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.

(7) Staff Credentials.

(a) No change.

1. No change.

2. Formal Educational Qualifications. Procedures for individuals with an associate level (2 year) degree or higher seeking the credentialing requirement are outlined on CF-FSP Form 5211, Feb. 04, Child Care Personnel Education/Employment History Verification Form, which is incorporated by reference. CF-FSP Form 5211 may be

obtained by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/childcare/training.

3. No change.

a. Early Childhood Education Training Programs seeking equivalency to the CDA should submit a completed CF-FSP Form 5191, Feb. 04, Application for CDA Equivalency for Training Programs, which is incorporated by reference, to the Ddepartment of Children and Family Services for approval. CF-FSP Form 5191 may be obtained by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/childcare/training.

b. The criterion for programs wishing to be recognized as a state approved CDA equivalency is determined by the Ddepartment of Children and Family Services and is outlined on the Application for CDA Equivalency for Training Programs.

4. No change.

a. through b. No change.

5. No change.

a. Early Childhood Education Training organizations seeking to provide the Florida School-Age Certification Training Program, must utilize the Florida School-Age Certification Training Program as approved by the Ddepartment of Children and Family Services Child Care Service Program. Organizations seeking to provide the Florida School-Age Certification Training Program, must apply for approval on CF-FSP Form 5257, July 02, Application to Provide the Florida School-Age Certification Training Program, which is incorporated by reference. CF-FSP Form 5257 may be obtained by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/childcare/training.

b. In order to receive the Florida School-Age Certification, a candidate must have completed the Ddepartment's of Children and Family Services Florida School-Age Certification Training Program, which consists of the following:

(I) A total of 120 hours of training consisting of the successful completion of Part I of the Introductory Child Care Training, and the Ddepartment of Children and Family Services approved School-Age Appropriate Practices training module, as evidenced by passage of competency examinations with a score of seventy (70) or better; and a minimum of 80-clock-hours of training using the Ddepartmentally of Children and Family Services approved curriculum, which focuses on the following six competency areas:

(A) through (F) No change.

(II) A portfolio containing an autobiographical statement, written examples demonstrating mastery of each of the school-age competency subject areas, and a collection of resource materials as identified in the Ddepartment's of Children and Family Services Florida School-Age

Certification Training Portfolio and Resource Materials Checklist, CF-FSP Form 5258, Oct. 01, which is incorporated by reference.

- (III) No change.
- (IV) No change.
- c. through d. No change.

e. Early Childhood Education Training organizations that provide the Florida School-Age Certification Training Program must complete CF-FSP Form 5259, Oct. 01, Confirmation of Completion of the Florida School-Age Certification Training Program, which is incorporated by reference, for each graduate. The Early Childhood Education Training Organizations must submit the completed CF-FSP Form 5259 for each graduate, to the Department of Children and Family Services or its designated representative local training coordinating agency for processing upon completion of all components of the Florida School-Age Certification Training Program.

f. The Department of Children and Family Services or its designated representative will update the child care training transcript to document the successful completion of the training coordinating agency must issue CF-FSP Form 5267, May 2003, Florida School-Age Certification Training Program Certificate, which is incorporated by reference, to all graduates of the Florida School-Age Certification Training Program.

g. To maintain a valid Florida School-Age Certification, candidates must complete and document the satisfactory completion of 4.5 Continuing Education Units (CEUs) or one three-hour college-credit course in any school-age child care curriculum area, every five years. Coursework completed to renew a State of Florida Teaching Certificate satisfies the coursework requirement for renewal of the Florida School-Age Certification. This documentation must be submitted to the Department of Children and Family Services or its designated representative local training coordinating agency to verify completion of the required coursework. The Department of Children and Family Services or its designated representative local training coordinating agency will issue a new Florida School-Age Certification Training Program Certificate upon verification of the documentation.

(b) ~~For those providers choosing to participate in Universal Pre-Kindergarten a CDA or Child Development Associate Equivalency (CDAE) may be renewed as specified in subparagraph 1.-3. below, the following Child Development Associate Equivalency (CDAE) renewal process applies.~~ However, for the purpose of meeting the staff credentialing requirement for every 20 children in care, as mandated in Section 402.305(3), F.S., a renewal is not required, but is encouraged and appropriate if the individual chooses.

1. Florida CDAE Renewals. To maintain a Florida CDAE, every 5 years a candidates must complete and provide documentation of the following criteria, along with the Florida CDAE Renewal Application, CF-FSP 5273, Feb. 2004, which

can be obtained by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/childcare/training, incorporated herein by reference:

- a. through e. No change.
- f. Three (3) completed Parent Opinion Questionnaires (within current year), documented on CF-FSP 5271, Feb. 2004, which can be obtained by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/childcare/training, or an equivalent form that contains all the information required by the Department's of Children and Family Services' form.

g. The renewal fee for the Florida CDAE shall ~~be not exceed~~ \$65.00.

- 2. No change.
- 3. The State of Florida CDAE program will renew and issue a CDAE renewal to individuals holding an inactive National CDA upon submission of the renewal documents specified in paragraph 65C-22.003(7)(b), F.A.C., above. This renewal option will be available through June 30, 2005. The Florida CDAE renewal will be documented on CF-FSP 5270, Feb. 2004, Florida CDA Equivalency Certificate of Renewal. CF-FSP 5270 may be obtained by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/childcare/training.

- (c) No change.
- (d) No change.

1. Child care personnel seeking satisfaction of the staff credentialing requirement, in subparagraphs (a)1.-5. of this section, are responsible for completing and submitting to the Department of Children and Family Services or its designated representative their local Training Coordinating Agency, CF-FSP Form 5211, Feb. 04, Child Care Personnel Education and Employment History Verification Form, including education and employment history documentation.

2. Upon receipt and approval of the completed forms, the individual's training transcripts will be updated to reflect the staff credential verification. From the individual's child care training transcript, they may print CF-FSP Form 5206, Feb. 04, Child Care Personnel Professional Development Confirmation Form, which is incorporated by reference, for the individual's records. The individual may also request a copy of CF-FSP Form 5206, from the Department of Children and Family Services or its designated representative TCA, for a nominal fee determined by the Department of Children and Family Services TCA.

- 3. No change.
- (e) No change.
- 1. through 3. No change.
- 4. The licensing authority department will calculate the number of credentialed personnel required based on daily attendance.
- 5. through 6. No change.

(8) Director Credential.

(a) No change.

1. Child care facility owners must notify the licensing authority within five (5) working days of when the facility loses a credentialed director or when there is a change of director. The licensing authority will then issue a provisional license for a period not to exceed six (6) months. The provisional license will have an effective date of the first day the facility was without a credentialed director.

~~2.4.~~ No change.

~~3.2.~~ Each child care facility must have a director that is on site a majority of hours that the facility is in operation; except where facilities operate 24 hours, a credentialed director is not required during the hours of evening care from 6:00 p.m. – 7:00 a.m.

~~4.3.~~ No change.

(b) 1. through 2. No change.

(c) No change.

1. No change.

2. The Department of Children and Family Services' 30-clock-hour Introductory Child Care Training (Part I); and The Department of Children and Family Services' Special Needs Appropriate Practices module or a minimum of 8 hours of in-service training in serving children with disabilities; and

4. through 6. No change.

(d) No change.

1. through 6. No change.

(e) All applications and documentation will be verified and credentials issued by the Department of Children and Family Services or ~~its designated representative.~~

(f) Exceptions: For the foundational level, Directors who have attained another state's approved Director Credential shall receive credit towards the, "Overview of Child Care Management", educational component of the credential. For the advanced level credential only, an educational exception will be granted to individuals who meet subparagraphs 65C-22.003~~(8)(7)(c)~~1.-4. and 6., F.A.C., and any of the following:

1. through 4. No change.

(g) Testing. For the advanced level credential only, individuals who meet the requirements for the educational exception but do not have coursework in early childhood education or administration may opt to take a competency-based test to meet the three credit hour course requirement in early childhood education/child development or the three credit hour course requirement in administration, or both. This process will require the candidate to complete a written test, developed and approved by the Department of Children and Family Services department, ~~at a local community college~~ with a minimum score of 70 percent.

(h) Renewal.

1. To maintain a valid temporary Director Credential or Director Credential at either level, every 5 years, candidates must complete and document 4.5 Continuing Education Units (CEUs) or one three-hour college credit course in any one of the curriculum areas listed in subparagraph 65C-22.003~~(8)(7)(c)~~5., F.A.C. Coursework completed to renew a State of Florida Teaching Certificate also satisfies this coursework requirement for renewal of a Director Credential. Candidates must also demonstrate professional contributions in the field through any one of the following.

a. through i. No change.

2. No change.

(i) No change.

1. The Department of Children and Family Services is responsible for reviewing existing and developing coursework, offered through vocational-technical schools, community colleges and universities, to determine if it meets the requirements for the Director Credential. Vocational-technical schools, community colleges and universities shall submit CF/FSP Form 5247 for course review and approval, hereby incorporated by reference. Course work will be reviewed and approved according to the guidelines found in "Florida Child Care and Education Program Director Credential, Curriculum Areas," hereby incorporated by reference, and copies of which can be obtained from the Department of Children and Family Services Florida Children's Forum.

2. A list of approved courses must be maintained and will be available through the Department of Children and Family Services Florida Children's Forum.

(j) No change.

1. No change.

a. through b. No change.

c. In counties where the public school district has included 4-year-old children in public before-school and after-school programs, the school district may participate in the multi-site supervision option. Public school districts which serve 4-year old children in the before-school and after-school programs are required to have a credentialed staff person pursuant to the credentialing requirements in paragraph 65C-22.003~~(7)(6)~~(a), F.A.C., in order to accommodate the 4-year old's children.

2. No change.

a. No change.

b. Have completed the ~~department~~-approved 40-clock-hour Introductory Child Care Training (Parts I and II) approved by the Department of Children and Family Services, and

c. Have completed the Department of Children and Family Services department's basic training in serving children with special needs, by completing the Part II, specialized training module, Special Needs Appropriate Practices or through completion of a minimum of 8 hours of in-service training in serving children with disabilities, or

d. Have completed the Department of Children and Family Services' department's School Age Appropriate Practices, specialized training module.

Specific Authority 402.305 FS. Law Implemented 402.302, 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 10-10-01, 4-2-02, 7-13-03, _____.

65C-22.004 Health Related Requirements.

(1) Communicable Disease Control.

(a) Children in care shall be observed on a daily basis for signs of communicable disease. Any child, child care personnel or other person in the child care facility suspected of having a communicable disease shall be removed from the facility or placed in an isolation area until removed. Such person may not return without medical authorization, or until the signs and symptoms of the disease are no longer present. With a child, the condition shall be reported to the custodial parent or legal guardian. Signs and symptoms of a suspected communicable disease include the following:

1. through 10. No change.

(b) A child who has head lice shall not be permitted to return until treatment has occurred. Verification of treatment may include a product box, box top, empty bottle, or signed statement signature by a parent that treatment has occurred.

(c) through (d) No change.

(2) No change.

(a) through (b) No change.

(c) At least one first aid kit containing materials to administer first aid must be maintained on the premises of all child care facilities at all times. A first aid kit must also accompany child care staff when children are participating on field trips. Each kit shall be in a closed container and labeled "First Aid". The kits shall be accessible to the child care staff at all times and kept out of the reach of children. Each kit must at a minimum, include:

1. through 11. No change.

(d) No change.

1. through 3. No change.

4. After a fire or natural disaster, the operator must notify the licensing authority agency within 24 hours, in order for the licensing authority department or local licensing agency to ensure health standards are being met for continued operation.

(3) No change.

(a) through (c) No change.

Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History--New 6-1-97, Amended 3-17-99, 7-26-00, 4-2-02, 7-13-03, _____.

65C-22.005 Food and Nutrition.

(1) Nutrition.

(a) If a facility chooses to supply food, they shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA Food Guide Pyramid for Young Children, March 1999, incorporated

by reference, shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children one year of age and older. The fats and sweets category within the USDA Food Guide Pyramid for Young Children cannot be counted as a food group. Copies of the USDA Food Guide Pyramid for Young Children may be obtained from the licensing authority or the local county health department district child care licensing office or local licensing agency. Using the USDA Food Guide Pyramid for Young Children; breakfast shall consist of at least three different food groups; lunch and dinner shall consist of at least four different food groups and snacks shall consist of at least two different food groups.

(b) through (d) No change.

(2) through (3) No change.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, _____.

65C-22.006 Record Keeping.

(1) No change.

(a) through (b) No change.

(2) Children's Health Requirements.

(a) The child care facility is responsible for obtaining a current and ~~Within 30 days of enrollment, unless statutorily exempted, each child shall have on file at the facility a completed DH Form 3040, June 2002, Student Health Examination for each child in care, within 30 days of enrollment and maintaining a current copy on file while the child is enrolled at the facility, which is incorporated by reference.~~ DH Form 3040, which is incorporated by reference, can be obtained from the local county health department. Certification that a health examination has been completed may be documented on the State of Florida, Department of Health, DH Form 3040, OR a signed statement by authorized professionals that indicates the results of the components included in the health examination. The Student Health Examination shall be completed by a person given statutory authority to perform health examinations.

(b) No change.

(c) The child care facility is responsible for obtaining a current and completed DH Form 680, Florida Certification of Immunization Part A-1, B, or C (July 2001), or DH Form 681, Religious Exemption from Immunization (May1999), for each child in care, within 30 days of enrollment, and maintaining a current copy on file while the child is enrolled at the facility. DH forms 680 and 681, which are incorporated by reference in subsection 65D-3.011(9), F.A.C., can be obtained from the local county health department. The DH Form 680, Florida Certification of Immunization Parts A-1, Certificate of Immunization for K-12 Excluding 7th Grade Requirements or Part B Temporary Medical Exemption, shall be signed by a physician or authorized personnel licensed under the provisions of Chapter 458, 459, or 460, F.S., and shall

document vaccination for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, and Haemophilus influenza type B (HIB), and effective July 1, 2001, completion of the varicella vaccination. The DH Form 680, Florida Certification of Immunization Part C, Permanent Medical Exemption, shall be dated and signed by a physician licensed under the provisions of Chapter 458 or 459, F.S. Immunizations received out of state are acceptable, however, immunizations must be documented on DH Form 680 and signed by a practicing physician in the State of Florida.

(d) School-aged children attending public or non-public schools are not required to have student health examination and immunization records on file at the child care facility as such records are on file at the school where the child is enrolled.

~~(e)(4)~~ Medical records are the property of the custodial parent or legal guardian when the child withdraws from the facility and are transferable if the child attends another facility.

(3) No change.

(a) through (b) No change.

(4) Enrollment Information. The facility operator shall obtain enrollment information from the child's custodial parent or legal guardian, prior to accepting a child in care. This information shall be documented on CF-FSP Form 5219, Dec. 02, Child Care Application for Enrollment, which is incorporated by reference, or an equivalent form that contains all the information required by the Department of Children and Family Services department's form. CF-FSP Form 5219 may be obtained from the licensing authority or by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/childcare/information.

(a) through (b) No change.

(c) There shall be signed statements that the child care facility has provided the following information to parents:

1. The Department of Children and Family Services department's child care facility brochure, CF/PI 175-24, March 2002, Know Your Child Care Center, which is incorporated by reference. This brochure may be obtained from the licensing authority or by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/information. Local licensing agencies may use an equivalent brochure approved by the Department of Children and Family Services, department's district licensing office containing all the information required by the Department of Children and Family Services department.

2. No change.

(5) No change.

(a) through (c) No change.

(d) Level 2 screening information documented on CF-FSP Form 5131, Feb. 04, Background Screening and Personnel File Requirements. A screening conducted under this rule is valid for five (5) years, at which time a statewide re-screening must

be conducted. The 5 year re-screening must include, at a minimum, statewide criminal records checks through the Florida Department of Law Enforcement and a local criminal records check. In addition, child care personnel must be re-screened following a break in employment in the child care industry which exceeds 90 days. A person in this category must undergo the same level of screening which was required upon initial employment. If child care personnel takes a leave of absence, such as maternity leave, extended sick leave, migrant child care programs, etc., re-screening is not required unless the 5 year re-screening has come due during the leave of absence. An employment history check for the previous two years at a minimum, which must include at least the ~~or~~ last three jobs, is required as part of background screening. An employment history check conducted under this rule, shall include not only confirmation of employment dates from previous job(s), but may also include position held and job performance. Additionally, an Affidavit of Good Moral Character, CF-FSP 1649, Sept. 03, must be completed annually for all child care personnel. CF-FSP 1649 may be obtained from the licensing authority or by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/childcare/information.

(e) through (f) No change.

(6) No change.

(a) through (h) No change.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 1-4-01, 7-13-03, _____.

65C-22.007 Evening Child Care.

(1) through (2) No change.

(3) No change.

(a) through (b) No change.

(c) Director credentialed staff is not required of Evening Child Care as defined in subsection 65C-22.007(1), F.A.C.

Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History--New 7-2-98, Amended _____.

65C-22.008 School Age Child Care.

(1) Definitions.

(a) "School Age Child" – means a child who is at least five years of age by September 1st of the beginning of the school year and who is attending kindergarten through grade 5.

(b) "School Age Child Care Program" – means before and after school programs that are licensed as child care defined in Section 402.302, F.S., and serve only school age children as defined in paragraph 65C-22.008(1)(a), F.A.C., ~~above~~.

(c) "An After School Program (Serving School Age Children)" ~~as defined below~~ is not required to be licensed if the program meets one of the following criteria:

1. Programs located on public/nonpublic school sites, operated and staffed directly by that school or through a written or formal agreement contract between the school and a provider to serve school age children attending the school.

These programs ~~are exclusively serve to only~~ those children who attend the public/nonpublic school during the school day. The program may extend to providing services before school, on teacher planning days, holidays, and intersessions that occur during the school district's official calendar year. Pursuant to Section 402.305(5), F.S., programs operated in public school facilities, regardless of the operator, shall follow the standards set forth by the Florida Building Code State Requirements for Public Educational Facilities; or

2. Programs that provide activities to all children, regardless of age, that are strictly instructional or tutorial/academic in nature. These programs cannot extend beyond the instructional, and tutorial/academic, ~~and extracurricular~~ activities of that program, ~~do not provide any transportation~~, and do not serve or prepare meals or snacks. However, the program may choose to provide drinks and snacks that do not require refrigeration or vending machine items that do not require refrigeration. Some examples of these programs include, but are not limited to computer class, ballet, karate, gymnastics, baseball, and other sports; or

3. After school programs that meets all the following criteria:

a. through b. No change.

c. Do not provide any transportation, directly or through a contract or agreement with an outside entity, for the purpose of field trips, during the hours of operation; and

d. No change.

4. Programs providing after school care exclusively for children in grades 6 and above.

(2) Licensure Requirements.

(a) A program that meets the definition of "An After School Program Serving School Age Children" is not required to be licensed.

~~(b)(d) An after school program~~ After school programs exempted under subparagraph 65C-22.008(1)(c)1. or and 3., F.A.C., may become be licensed if they choose to meet all of the applicable licensing standards in subsection 65C-22.008(3)(2), F.A.C.

~~(c)(e)~~ After school programs that choose to expand their program beyond the parameters in subparagraph (1)(c)1. through 4., above, must be assessed to determine if licensure is required. Any of the after school programs accepting children under the age of the school age child as defined in paragraph 65C-22.008(1)(a). F.A.C., above must be licensed.

~~(3)(2)~~ School Age Child Care Standards. The following For the purposes of ~~this section~~, school age child care standards apply to "School Age Child Care Programs" as defined in paragraph 65C-22.008(1)(b), F.A.C. These programs must meet the following licensing standards:

(a) through (b) No change.

(c) All provisions under subsections 65C-22.001(b)-(e)~~(d)~~, (3), (5)(c)-(d), (6), (8), and (9), F.A.C.

(d) through (e) No change.

(f) All provisions under paragraphs 65C-22.002(1), (2)(b) through (d), (5)(a), (6)(a),(b),(c),(f), and (g), F.A.C., are required of school age child care programs, except a bath facility ~~except a bath facility is not required of school age child care programs.~~

(g) Indoor Floor Space and Outdoor Play Area. School age child care programs must meet all provisions under paragraphs 65C-22.002(3)(a) through (c) and 65C-22.002(4)(a) through (e), F.A.C. However, the program may choose to request in writing, permission from the licensing authority, to operate under an exception to either usable indoor floor space as specified in subsection 65C-22.002(3), F.A.C., or outdoor play area as specified in subsection 65C-22.002(4), F.A.C. The written request must include an explanation of why the exception is necessary as well as an alternate plan to accommodate instances of inclement weather for those programs requesting an exception to the usable indoor floor space and a plan for inclusion of fine and gross motor skills opportunities for those programs requesting an exception to the outdoor play area.

(h) No change.

1. No change.

2. In addition to the established staff to children ratios, for the purpose of safety, an additional staff member is present, at ~~during~~ all times during ~~of~~ outdoor activities, to assist in providing direct supervision;

3. The outdoor play area is bordered by a road or street open to travel by the public with a posted or unposted speed limit of no more than 25 miles per hour, or where the posted or unposted speed limit is no greater than 35 miles per hour and the playground is a minimum of 30 feet from the edge of the road not located adjacent to a congested, heavily trafficked location or near any major intersections, crowded business areas, or water hazards; and

4. The licensing authority ~~department or local licensing agency~~ has provided written authorization to the program to operate without a fence.

(i) No change.

(j) Health and Sanitation. All provisions under subparagraphs 65C-22.002(8)(a)1. through 3., F.A.C., must be met. In addition, school age child care programs may seek an exemption to environmental health standards. The written exemption request, which must include a plan to ensure the health safety of children in care, must be made to the local Environmental Health Unit and if granted, the exemption must be documented and maintained on file at the program.

(k) through (l) No change.

(m) All provisions under subsections 65C-22.005(1), (2), (3)(a) and (c), F.A.C, as it pertains to age appropriate food and heated food only, and paragraph ~~65C-22.005~~(3)(e). School age child care programs may seek an exemption from the environmental health standards as it pertains to the food preparation area specified in subsection 65C-22.005(2), F.A.C.

The written exemption request, which must include a plan to ensure safe and sanitary food preparation for children in care, must be made to the local Environmental Health Unit and if granted, the exemption must be documented and maintained on file at the program.

(n) No change.

~~(4)(3) School Age Child Care Personnel Training Requirements Child Care Personnel (Serving School Age children) Training Requirements.~~

(a) Child care personnel must complete 40 hours of child care training by completing the following 20 hours of the Department of Children and Family Services' departmental training as evidenced by passage of a competency examination with a score of seventy (70) or better:

1. State & Local Rules and Regulation;
2. Health, Safety, and Nutrition;
3. Identifying and Reporting Child Abuse & Neglect; and
4. School Age Appropriate Practices.

(b) The remaining 20 hours must be met by successfully completing other Department of Children and Family Services' departmental training identified in paragraphs 65C-22.003(2)(a) and (b), F.A.C., or by completing 20 hours of specialized school age training, provided by a national organization or its affiliates that requires demonstration of competencies through passage of examination(s) or completion and assessment of a Professional Resource File (portfolio of materials that demonstrate competency).

(c) Child care personnel are exempt from the training requirement of 5-clock-hour early literacy and language development of children from birth to 5 years of age, under 65C-22.003(2)(d).

(d) Child care personnel may choose to meet the training exemptions under subsection 65C-22.003(3), F.A.C.

(e) All provisions under subsection 65C-22.003(6)(5), F.A.C., must be met.

(f) School age child care programs are exempt from the staff credentialing requirement in subsection 65C-22.003(7)(6), F.A.C.

(g) No change.

Specific Authority 402.302, 402.305 F.S. Law implemented 402.302, 402.305 F.S. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vikki Griffin, Management Analyst, 1317 Winewood Blvd. Building 6, Room 387, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deborah Russo, 1317 Winewood Blvd. Building 6, Room 389-A, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2004

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NOS.:	RULE TITLES:
69B-221.051	Actively Engaged in Business; Place Suitably Designated; Accessible to Public
69B-221.060	Notice of Change of Address

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 30, No. 15, April 9, 2004, of the Florida Administrative Weekly, has been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE:	RULE NO.:
Florida Motor Fuel Tax Relief Act of 2004	12BER04-6

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, OR WELFARE: Chapter 2004-73, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules to implement the provisions of the Florida Motor Fuel Tax Relief Act of 2004. The promulgation of this emergency rule ensures that the public is notified in the most expedient and appropriate means that: (1) during the period from 12:01 a.m., August 1, 2004, through 12:00 p.m. August 31, 2004, the per gallon motor fuel sales tax levied on motor fuel will be reduced by 8 cents per gallon; (2) licensed terminal suppliers, wholesalers, and importers of motor fuel are required to charge and collect the reduced rate of tax on sales of motor fuel to retail dealers located in this state; (3) terminal suppliers, wholesalers, importers, resellers, and retail dealers of motor fuel are prohibited from retaining any part of the tax reduction or from interfering with providing the full benefit of the tax reduction to the retail purchaser of motor fuel; (4) retail dealers of motor fuel should manage their inventory of motor fuel in a manner to avoid selling more gasoline at the reduced rate than the amount for which they can recoup the loss; (5) any person violating the provisions of the Florida Motor Fuel Tax Relief Act of 2004 commits a felony of the third degree, punishable as provided in Sections 775.082 or 775.083, F.S.; and (6) the Office of Statewide Prosecution may investigate and prosecute any violation of the provisions of the Florida Motor Fuel Tax Relief Act of 2004.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of an emergency rule to administer the provisions of Sections 3 through 11, Chapter 2004-73, Laws of Florida, which that, during the period from 12:01 a.m. August 1, 2004, through

12:00 p.m. August 31, 2004, the per gallon motor fuel sales tax levied on motor fuel will be reduced by 8 cents per gallon. Additionally, an emergency rule is the most expedient and appropriate means of notifying dealers and taxpayers of the provisions of Sections 3 through 11, Chapter 2004-73, Laws of Florida.

SUMMARY OF THE RULE: Emergency Rule 12BER04-6 notifies the motor fuel dealers and taxpayers of the provisions of the Florida Motor Fuel Tax Relief Act of 2004 (the "Act"). The emergency rule also provides guidelines to terminal suppliers, importers, and wholesalers regarding the filing of returns, the calculation of the tax during August 2004, the requirement to separately state the tax from the price of motor fuel on all invoices, the audit criteria to be used by the Department to ensure that the reduction of tax is passed on to the ultimate consumer, how to handle inventories of gasoline during and after the tax-reduction period, how to obtain credits and ultimate vendor credits from the Department, and the penalties imposed for violation of the Act. The emergency rule provides guidelines to retail dealers regarding how to handle inventories of tax-paid gasoline before, during, and after the tax-reduction period. The emergency rule provides the compliance guidelines established by the Department to ensure that the reduction of tax is passed on to the ultimate consumer, provides the penalties imposed by the Act, and provides that the Office of Statewide Prosecution may investigate and prosecute any violation of the Act. General guidelines for purposes of obtaining refunds authorized pursuant to Section 206.41, F.S., are provided in the emergency rule, as well as specific guidelines for quarterly refund applications for the following purposes: agricultural, aquacultural, and commercial fishing; mass transit system users; municipalities, counties, and school districts; and non-public schools. Guidelines are also provided to local government users and mass transit systems who file monthly returns on how to file returns with the Department and how the Department will apply the tax reduction credit for the reporting period of August 2004. In addition, the emergency rule provides information on how to obtain forms for purposes of the Act from the Department.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Lynwood Taylor, Tax Law Specialist, and Ron Gay, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4725 and (850)922-4732

THE FULL TEXT OF THE EMERGENCY RULE IS:

12BER04-6 Florida Motor Fuel Tax Relief Act of 2004.

(1) MOTOR FUEL RELIEF ACT OF 2004.

(a) During the period beginning at 12:01 a.m. August 1, 2004, and ending 12:00 p.m. August 31, 2004, the 10.3 cents per gallon motor fuel sales tax levied on motor fuel, pursuant to Section 206.41(1)(g), F.S., shall be reduced by 8 cents per

gallon. During this period, licensed terminal suppliers, wholesalers, and importers of gasoline shall charge and collect tax at the reduced rate of 2.3 cents per gallon on sales of motor fuel. It is the intent of the Legislature that the 8-cents tax reduction shall be in effect, and shall be passed on to the ultimate customer on each gallon of gasoline sold at retail between August 1, 2004 and August 31, 2004.

(b) Any person violating any provision of the Florida Motor Fuel Tax Relief Act of 2004 (the "Act") who purchases gasoline at the reduced tax rate and does not pass that reduced rate to the ultimate consumer, is committing a felony of the third degree, punishable as provided in Sections 775.082 or 775.083, F.S.

(c)1. For purposes of administering the Act, the term "Florida fuel tax," as used in this rule, shall mean the total tax rate of 24.0 cents per gallon tax imposed statewide, consisting of 14.3 cents per gallon of state motor fuel taxes imposed by Sections 206.41(1)(a), (b), (c), and (g), F.S., and a minimum local option tax of 9.7 cents per gallon.

2. "Motor fuel" means all gasoline products or any product blended with gasoline or any fuel placed in the storage supply tank of a gasoline-powered motor vehicle.

3. For purposes of administering the Act, the product "gasohol" shall be treated in the same manner as motor fuel and the term "gasoline" shall be used instead of the term "motor fuel."

4. "Retail dealer" means any person who is engaged in the business of selling fuel at retail at posted retail prices. The term "retail dealer" shall be used synonymously with the term "retail station."

(2) TERMINAL SUPPLIERS.

(a) GENERAL.

1. During the period beginning 12:01 a.m. August 1, 2004, and ending 12:00 p.m. August 31, 2004, terminal suppliers shall reduce the total of Florida fuel tax charged on gasoline sold to Florida customers from 24 cents per gallon to 16 cents per gallon.

2. During the specified tax relief period, terminal suppliers will continue to charge and remit local option taxes imposed under Sections 206.41(1)(d), (e), and (f), F.S., in the same manner as required by Chapter 206, F.S.

3. Only sales of gasoline through the loading racks of terminals beginning 12:01 a.m. August 1, 2004, and ending 12:00 p.m. August 31, 2004, shall be eligible for the reduction of Florida fuel tax. Sales above the loading rack prior to the beginning date of the Act and sales above the loading rack during the Act but delivered through the loading rack after the ending period of the tax relief act, shall be subject to the full rate of tax at 24 cents per gallon.

(b) TERMINAL SUPPLIER FUEL TAX RETURN ADJUSTMENTS.

1. For the month of August 2004, licensed terminal suppliers shall complete and file Form DR-309631, Terminal Supplier Fuel Tax Return (R. 01/04, hereby incorporated by reference), based on Form DR-309631N, Instructions for Filing Terminal Supplier Fuel Tax Return (R. 01/04, hereby incorporated by reference), utilizing the same rate as returns filed prior to August 1, 2004, without any adjustments. All inventories, purchases, and sales will be reported as a normally filed return.

2. The Department will adjust all applicable lines and schedules of the returns to reduce the Florida fuel tax rate by 8 cents per gallon to calculate the tax due on taxable gallons of gasoline sold during the month. All credits and liabilities reflected on the Terminal Supplier Fuel Tax Returns will be reduced by 8 cents per gallon.

3. Terminal suppliers shall remit Florida fuel tax based on calculations using Form DR-309631*A, Supplemental Terminal Supplier Worksheet with Instructions – August 2004 (N. 09/04, hereby incorporated by reference). Terminal suppliers are not required to remit the amount of tax shown on Line 26 of the Terminal Supplier Fuel Tax Return.

4. Terminal Supplier Fuel Tax Returns filed for the month of August 2004, shall be due on September 1, 2004, and will be considered late if submitted to the Department after September 20, 2004.

(c) INVOICES.

1. Terminal suppliers are required to add the amount of Florida fuel tax to the selling price of gasoline and to state the tax separately from the price of the gasoline on all invoices.

2. All taxes due the State shall be separately stated and identified as Florida fuel tax and as a local option fuel tax imposed by a specific county. For purposes of administering the Florida Motor Fuel Tax Relief Act of 2004, if terminal suppliers are unable to adjust the rates listed on invoices because of programming changes, a credit memo issued by the terminal supplier to a purchaser will be acceptable.

3. Invoices issued by terminal suppliers for gasoline sales to Florida customers during the period August 1, 2004 through August 31, 2004, shall have the Florida fuel tax rate stated as 16 cents per gallon.

(d) COMPLIANCE GUIDELINES.

1. To assure that the proper reduction of tax is passed on to the ultimate consumer, the following factors may be considered for determining compliance:

a. The average cost of gasoline sold at loading racks of terminals located in neighboring states (i.e., Alabama, Georgia, Mississippi, or South Carolina) during the month of the tax relief act as compared to the price charged by Florida suppliers.

b. For retail stations either operated by terminal suppliers or stations where terminal suppliers set the price of gasoline sold at retail stations, the average gross margin (cents per

gallon) per grade for the previous 60-day period, or any other factors that a terminal supplier may provide to prove that the price was reduced to reflect the tax reduction.

2. Only gasoline sales through the loading racks of terminals as of 12:00 p.m. August 31, 2004, shall be eligible for the reduction of Florida fuel tax. If a sale occurs above the loading rack before 12:00 p.m. August 31, 2004, but does not pass through the loading rack until September 1, 2004, the full amount of tax shall be charged.

3. Sections 213.34, F.S., grants authority to the Department to audit the books and records of any person subject to taxation under the provisions of Chapter 206, F.S.

(3) IMPORTERS/WHOLESALERS.

(a) GENERAL.

1. During the period beginning at 12:01 a.m. August 1, 2004, and ending 12:00 p.m. August 31, 2004, importers and wholesalers who purchase gasoline from licensed terminal suppliers shall be charged Florida fuel tax by the licensed terminal suppliers at the rate of 16 cents per gallon rather than 24 cents per gallon.

2. During the relief period, wholesalers and importers will continue to charge and remit local option taxes imposed under Sections 206.41(1)(d), (e), and (f), F.S., at the same rate as charged and remitted prior to August 1, 2004.

3. Only gasoline purchased by wholesalers beginning at 12:01 a.m. August 1, 2004, and ending at 12:00 p.m. August 31, 2004, shall be eligible for sale at the reduced rate of 16 cents per gallon.

(b) COMPLIANCE GUIDELINES.

1. To assure that the proper reduction of tax is passed on to the ultimate consumer, the following factors may be considered for determining compliance:

a. In the case of gasoline sold through retail stations either operated by wholesalers, or stations where the wholesaler sets the retail price for the gasoline sold at the retail station, the average gross margin (cents per gallon) per grade for the previous 60-day period; or

b. Any other factors that a wholesaler may provide to prove that the price was reduced to reflect the tax reduction.

2. Any person violating the provisions of this rule commits a felony of the third degree, punishable as provided in Sections 775.082 or 775.083, F.S.

(c) WHOLESALER/IMPORTER TAX RETURN ADJUSTMENTS.

1. For the month of August 2004, licensed wholesalers and importers shall complete and file Form DR-309632, Wholesaler/Importer Fuel Tax Return (R. 01/04, hereby incorporated by reference), based on Form DR-309632N, Instructions for Filing Wholesaler/Importer Fuel Tax Return (R. 01/04, hereby incorporated by reference), at the same rate as returns filed prior to August 1, 2004.

2. Upon receipt of Wholesaler/Importer Fuel Tax Returns filed for the month of August 2004, the Department will adjust all applicable lines and schedules of the returns to reduce the Florida fuel tax rate used to calculate the tax due on taxable gallons of gasoline sold during the month of August 2004. All credits and liabilities reflected on the Wholesaler/Importer Fuel Tax Returns will be reduced by 8 cents per gallon.

3. Wholesaler/Importers shall remit Florida fuel tax based on calculations using Form DR-309632*A, Supplemental Wholesaler/Importer Worksheet with Instructions – August 2004 (N. 09/04, hereby incorporated by reference).

4. A Wholesaler/Importer Fuel Tax Return filed for the month of August 2004, shall be due on September 1, 2004, and be considered late if submitted to the Department after September 20, 2004.

(c) INVENTORY ADJUSTMENTS.

1. Wholesalers.

a. Wholesalers that have gasoline inventory on August 1, 2004, upon which the Florida fuel tax was paid at 24 cents per gallon shall charge and collect the reduced tax rate on all sales or deliveries to retail stations, and at no time during the tax relief period may charge the 24 cents tax rate.

b. Beginning September 1, 2004, wholesalers shall collect 24 cents per gallon on all sales and deliveries of gasoline.

c. If a wholesaler's ending gasoline inventory on August 31, 2004, is greater than the wholesaler's beginning inventory on August 1, 2004, the Department will bill the wholesaler 8 cents per gallon on the difference. If the wholesaler's ending gasoline inventory on August 31, 2004, is less than the wholesaler's gasoline beginning inventory on August 1, 2004, the Department will issue a refund to the wholesaler.

(I) EXAMPLE 1: On August 1, 2004, a wholesaler has a beginning gasoline inventory of 3,000 gallons, on which the 24 cent per gallon Florida fuel tax is paid. During the month of August 2004, the wholesaler purchases 25,000 gallons at the reduced tax rate and at 12:00 p.m. August 31, 2004, has an ending inventory of 5,000 gallons. During the entire month of August 2004, the wholesaler must charge the reduced tax rate on all sales. The Department will bill the wholesaler 8 cents per gallon on 2,000 gallons.

(II) EXAMPLE 2: On August 1, 2004, a wholesaler has a beginning gasoline inventory of 3,000 gallons on which the 24 cent per gallon Florida fuel tax is paid. During the month of August 2004, the wholesaler purchases 25,000 gallons at the reduced tax rate and at 12:00 p.m. August 31, 2004, has an ending inventory of 1,000 gallons. The Department will refund the wholesaler 8 cents per gallon on the 1,000 gallons.

2. Imported Gasoline. All gallons of gasoline imported and sold between 12:00 a.m. August 1, 2004, and 12:00 p.m. August 31, 2004, shall be subject to the reduced tax rate. Gallons purchased before August 31, 2004, but imported after 12:00 p.m. August 31, 2004, shall be subject to tax at 24 cents per gallon.

(d) CREDITS.

1. Wholesalers with No Ultimate Vendor Credits. Wholesalers that have no ultimate vendor credits for the month of August, 2004, and importers are required to file Form DR 309632, showing the Florida fuel tax collections on page 2 line 8 of the return at 24 cents per gallon, but remit tax at the reduced rate of 16 cents per gallon. The Department will make the corrections to the return to verify that the correct amount of tax has been remitted.

2. Wholesalers with Ultimate Vendor Credits. Wholesalers that have ultimate vendor credits for the month of August 2004 are required to file Form DR-309642, Ultimate Vendor Credits (R. 01/04, incorporated by reference), as previously filed. The Department will adjust the return to reduce the ultimate vendor credit by the 8 cents per gallon.

(4) RETAIL DEALERS.

(a) GENERAL.

1. Beginning at 12:01 a.m. August 1, 2004, through 12:00 p.m. August 31, 2004, retail dealers who purchase gasoline from licensed terminal suppliers, wholesalers, or importers shall be charged Florida fuel tax of 16 cents per gallon. It is the intent of the Legislature that the 8 cent tax reduction on sales of gasoline by terminal suppliers, wholesalers and importers to retail dealers, shall be passed on by the retail dealers in its entirety to Florida consumers.

2. It is unlawful for a retail dealer of gasoline to retain any part of the tax reduction set forth in the Act or to interfere with providing the full benefit of the tax reduction to the retail purchaser of gasoline. Any person violating the provisions of the Act commits a felony of the third degree, punishable as provided in Sections 775.082 or 775.083, F.S.

(b) GASOLINE IN INVENTORY OF RETAIL DEALERS.

1. Retail dealers having gallons of gasoline in inventory on August 1, 2004, upon which Florida fuel tax was paid at the rate of 24 cents per gallon should recognize that consumers will expect prices to be reduced by 8 cents per gallon during the period between August 1, 2004, and August 31, 2004. While customers are expecting prices to be reduced by 8 cents per gallon, a retail station should manage its inventory to avoid selling more gasoline at the reduced rate for which they cannot recoup that loss.

2. Retail dealers having gasoline in inventory on September 1, 2004, upon which the Florida fuel tax was paid at the rate of 16 cents per gallon must continue to sell the gasoline purchased at the reduced tax rate until such gasoline has been completely sold.

3. The total number of gallons of gasoline purchased by a retail dealer from licensed terminal suppliers, wholesalers, and importers during the period of August 1, 2004 and August 31, 2004, must be sold to Florida consumers at the reduced rate.

4. To comply with the above requirements, please refer to the following examples:

a. EXAMPLE 1: On August 1, 2004, a retail dealer has a beginning gasoline inventory of 3,000 gallons, on which the 24 cent per gallon Florida fuel tax is paid. During the month of August 2004, the retail dealer purchases 25,000 gallons at the reduced tax rate and at 12:00 p.m. August 31, 2004, has an ending inventory of 5,000 gallons. If during the entire month of August 2004, the retail dealer charges the reduced tax rate on all sales, the retail dealer will still have 2000 gallons of gasoline in inventory at the reduced tax rate. In that situation, the retail dealer must charge the reduced tax rate on the first 2,000 gallons sold in September 2004.

b. EXAMPLE 2: On August 1, 2004, a retail dealer has a beginning gasoline inventory of 3,000 gallons, on which the 24 cents per gallon Florida fuel tax is paid. During the month of August 2004, the retail dealer purchases 25,000 gallons at the reduced tax rate and at 12:00 p.m. August 31, 2004, has an ending inventory of 1,000 gallons. In this situation, retail dealers should manage their inventory so that sales of gasoline at the reduced tax rate are not greater than the purchases if gasoline at the reduced tax rate. If a retail dealer determines that this is the case, the dealer can charge the additional 8-cent tax on those gallons in the month of August 2004.

c. Under the provisions of subparagraph 3., and EXAMPLE 1, it is the legislative intent that, although licensed terminal suppliers, wholesalers, and importers are limited to selling gasoline at the reduced tax rate of 16 cents per gallon during the period of August 1, 2004, and August 31, 2004, retail dealers must continue to sell gasoline at the reduced rate (without regard to the tax relief period) until the gallons purchased at the reduced rate are completely sold to Florida consumers at the reduced rate.

(c) COMPLIANCE GUIDELINES.

1. To assure that the proper reduction of tax is passed on to the ultimate consumer, the following factors may be considered for determining compliance:

a. The average gross margin (cents per gallon) per grade for the previous 60 day period; or

b. Any other factors that a retail dealer may provide to prove that the price was reduced to reflect the tax reduction.

2. Any person violating the provisions of this rule commits a felony of the third degree, punishable as provided in Sections 775.082 or 775.083, F.S.

(5) PENALTIES IMPOSED BY THE MOTOR FUEL TAX RELIEF ACT OF 2004.

(a) It is unlawful for terminal suppliers, wholesalers, importers, resellers, or retail dealers of gasoline to retain any part of the tax reduction set forth in the Act or to interfere with providing the full benefit of the tax reduction to the retail purchaser of gasoline. Any person violating the provisions of the Act commits a felony of the third degree, punishable as provided in Sections 775.082 or 775.083, F.S.

(b) The Office of Statewide Prosecution may investigate and prosecute any violation of the provisions of the Florida Motor Fuel Tax Relief Act of 2004.

(c) No person, including a corporation, general or limited partnership, business trust, joint venture or unincorporated association, or other business entity shall hold a fuel tax license if such legal entities are convicted of a felony under the Florida Motor Fuel Tax Relief Act of 2004. This includes terminal suppliers and wholesalers who either operate or set the retail price for gasoline sold at retail stations.

(6) REFUNDS.

(a) GENERAL.

1. Refunds authorized pursuant to Section 206.41, F.S., on gasoline purchased during the period between 12:01 a.m. August 1, 2004, and 12:00 p.m. August 31, 2004, shall be reduced by the amount of the 8-cent tax reduction.

2. Section 206.41(5)(b)1., F.S., provides that in addition to the provision found in Section 206.23, F.S., requiring that tax must be separately stated from the purchase price of gasoline on invoices, when gasoline is sold to a person who claims to be entitled to a refund under Section 206.41(4), F.S., the seller of such gasoline shall make out a sales invoice which shall contain the name and address of the purchaser; the number of gallons purchased; the date on which the gasoline was purchased; the price paid for the gasoline; the name and place of business of the seller of the gasoline; and, the license number, or other identification number of the motor vehicle or boat of the purchaser.

3. Retail dealers are not required, under the provisions of Section 206.23, F.S., to provide a purchaser with a receipt containing the information required in subparagraph 2. However, when selling gasoline to a purchaser who qualifies for a refund under Section 206.41(4), F.S., a retail dealer shall provide a receipt, and such receipt must contain all information required of Sections 206.23 and 206.41(5)(b)1., F.S. Failure to provide such receipt will disqualify an eligible purchaser from obtaining a refund.

4. When a retail dealer provides an invoice or sales receipt on gasoline sold to an entity authorized for refund under Section 206.41(4), F.S., and when such sale is the sale of gasoline purchased by the retail dealer at the 8 cent Florida fuel tax reduction rate, the retail dealer must separately state the Florida fuel tax on the purchaser's invoice or sales receipt at the rate of 16 cents per gallon, plus the applicable local option tax charged.

(b) QUARTERLY REFUND APPLICATIONS.

1. Agricultural, Aquacultural, and Commercial Fishing Quarterly Refunds.

a. For the month of August 2004, persons filing Form DR-138, Application for Fuel Tax Refund – Agricultural, Aquacultural, and Commercial Fishing Purposes (R. 01/04,

hereby incorporated by reference), shall complete and file the application in the same manner as calendar quarter applications filed prior to the third calendar quarter of 2004.

b. However, applicants filing Form DR-138 must also submit Form DR-138*A, Supplemental Worksheet Application for Fuel Tax Refund – Agricultural, Aquacultural, and Commercial Fishing Worksheet (N. 09/04, hereby incorporated by reference), and provided by the Department, when filing the third calendar quarter refund application.

c. The Department will reduce the fuel tax rate on Page 1, Part I, Line 7, by 8 cents per gallon, on gallons of gasoline purchased during the month of August 2004, which are eligible for a refund of fuel tax. Gallons of gasoline eligible at the reduced rate shall be the gallons reflected on Form DR-161, Refund Application Schedule of Purchases For Tax Paid Purchases Only (R. 01/04, hereby incorporated by reference), filed with the third calendar quarter 2004 refund application, as gallons purchased in August 2004.

d. Gallons of gasoline purchased during the months of July 2004 and September 2004 are eligible for a refund at the rate in effect prior to August 1, 2004.

2. Mass Transit Systems Quarterly Refunds.

a. For the month of August 2004, persons filing Form DR-160, Application for Fuel Tax Refund Mass Transit System Users (R. 01/04, hereby incorporated by reference), shall complete and file the application in the same manner as calendar quarter applications filed prior to the third calendar quarter of 2004.

b. However, applicants filing Form DR-160 must also submit Form DR-160*A, Supplemental Worksheet Application for Fuel Tax Refund – Mass Transit Systems Users (N. 09/04, hereby incorporated by reference), provided by the Department, when filing the third calendar quarter refund application.

c. The Department will reduce the fuel tax rate on Page 1, Part I, Line 7 by 8 cents per gallon on gasoline purchased during the month of August 2004. Gallons of gasoline eligible at the reduced rate shall be the gallons entered on Form DR-161, Refund Application Schedule of Purchases For Tax Paid Purchases Only, filed with the third calendar quarter 2004 refund application as gallons purchased in August 2004.

d. Gallons of gasoline purchased during the months of July 2004 and September 2004 are eligible for a refund at the rate in effect prior to August 1, 2004.

3. Municipalities, Counties and School Districts Quarterly Refunds.

a. For the month of August 2004, persons filing Form DR-189, Application for Fuel Tax Refund – Municipalities, Counties and School Districts (R. 01/04, hereby incorporated by reference), shall complete and file the application in the same manner as calendar quarter applications filed prior to the third calendar quarter 2004.

b. However, applicants filing Form DR-189 must also submit Form DR-189*A, Supplemental Worksheet Application for Fuel Tax Refund – Municipalities, Counties, and School Districts (N. 09/04, hereby incorporated by reference), provided by the Department, when filing the third calendar quarter refund application.

c. The Department will reduce the fuel tax rate on Page 1, Line 7 by 8 cents per gallon, on gallons of gasoline purchased during the month of August 2004. Gallons of gasoline eligible for the reduced tax rate shall be the gallons entered on Form DR-161, Refund Application Schedule of Purchases For Tax Paid Purchases Only, filed for the third calendar quarter 2004, as gallons purchased in August 2004.

d. Gallons of gasoline purchased during the months of July 2004 and September 2004 are eligible for a refund at the rate in effect prior to August 1, 2004.

4. Non-Public Schools.

a. For the month of August 2004, persons filing Form DR-190, Application for Fuel Tax Refund Non-Public Schools (R. 01/04, hereby incorporated by reference), shall complete and file the application in the same manner as calendar quarter applications filed prior to the third calendar quarter 2004.

b. However, applicants filing Form DR-190 must also submit Form DR-190*A, Supplemental Worksheet Application for Fuel Tax Refund – Non-Public Schools (N. 09/04, hereby incorporated by reference), provided by the Department when filing the third calendar quarter refund application.

c. The Department will reduce the fuel tax rate on Page 1, Line 7, by 8 cents per gallon on gasoline purchased during the month of August 2004. Gallons of gasoline eligible at the reduced tax rate shall be the gallons entered on Form DR-161, Refund Application Schedule of Purchases For Tax Paid Purchases Only, filed with the third calendar quarter 2004 refund application as gallons purchased in August 2004.

d. Gallons of gasoline purchased during the months of July 2004 and September 2004 are eligible for a refund at the rate in effect prior to August 1, 2004.

(c) LOCAL GOVERNMENT USERS AND MASS TRANSIT SYSTEMS FILING MONTHLY RETURNS.

1. Local Government Users.

a. For the month of August 2004, persons filing Form DR-309634, Local Government User of Diesel Fuel Tax Return (R. 01/04, hereby incorporated by reference), based on Form DR-309634N, Instructions for Local Government User of Diesel Fuel Tax Return (R. 01/04, hereby incorporated by reference), shall complete and file the return at the same rate as returns filed prior to August 2004.

b. The Department will reduce the fuel tax rate on Page 2, Part I, Line 6 by 8 cents per gallon on gasoline purchased during the month of August 2004 and apply the adjusted gasoline credit rate of 3.3 cents to gallons of gasoline eligible for credit for the month of August 2004.

c. If the ending inventory on August 31, 2004, is greater than the beginning inventory on August 1, 2004, the Department will bill local government users 8 cents per gallon on the difference. If the ending inventory on August 31, 2004, is less than the beginning inventory on August 1, 2004, the Department will issue a refund to local government users.

d. The Local Government User of Diesel Fuel Tax Return, filed for the month of August 2004, shall be due on September 1, 2004, will be considered late if submitted to the Department after September 20, 2004.

e. To comply with the above requirements, please refer to the following examples:

(I) EXAMPLE 1: On August 1, 2004, a Local Government User has a beginning inventory of 3,000 gallons on which the 24 cent per gallon Florida fuel tax is paid. During the month of August 2004, the Local Government User purchases 25,000 gallons at the reduced tax rate and at 12:00 p.m. August 31, 2004, has an ending inventory of 5,000 gallons. During the entire month of August 2004, the Local Government User must apply the reduced tax rate on the gallons consumed. The Department will bill the Local Government User 8 cents per gallon on 2,000 gallons.

(II) EXAMPLE 2: On August 1, 2004, a Local Government User has a beginning inventory of 3,000 gallons on which the 24 cent per gallon Florida fuel tax is paid. During the month of August 2004, the Local Government User purchases 25,000 gallons at the reduced tax rate and at 12:00 p.m. August 31, 2004, has an ending inventory of 1,000 gallons. The Department will refund the Local Government User 8 cents per gallon on the 1,000 gallons.

2. Mass Transit Systems.

a. For the month of August 2004, persons filing Form DR-309633, Local Mass Transit System Provider Fuel Tax Return (R. 01/04, hereby incorporated by reference), based on Form DR-309633N, Instructions for Local Mass Transit System Provider Fuel Tax Return (R. 01/04, hereby incorporated by reference), shall complete and file the return at the same tax rate as returns filed prior to August 2004.

b. The Department will reduce the fuel tax rate on Page 2, Part I, Line 6 by 8 cent per gallon on gasoline purchased during the month of August 2004 and apply the appropriate adjusted gasoline tax credit rate to gallons of gasoline eligible for credit for the month of August 2004.

c. If the ending inventory on August 31, 2004, is greater than the beginning inventory on August 1, 2004, the Department will bill mass transit systems 8 cents per gallon on the difference. If the ending inventory on August 31, 2004, is less than the beginning inventory on August 1, 2004, the Department will issue a refund to mass transit systems.

d. The Mass Transit System Provider Fuel Tax Return, filed for the month of August 2004, shall be due on September 1, 2004, and will be considered late if submitted to the Department after September 20, 2004.

e. To comply with the above requirements, please refer to the following examples:

(I) EXAMPLE 1: On August 1, 2004, a Mass Transit System has a beginning inventory of 3,000 gallons, on which the 24 cent per gallon Florida fuel tax is paid. During the month of August 2004, the Mass Transit System purchases 25,000 gallons at the reduced tax rate and at 12:00 p.m. August 31, 2004, has an ending inventory of 5,000 gallons. During the entire month of August 2004, the Mass Transit System must apply the reduced tax rate on the gallons consumed. The Department will bill the Mass Transit System 8 cents per gallon on 2,000 gallons.

(II) EXAMPLE 2: On August 1, 2004, a Local Government User has a beginning inventory of 3,000 gallons on which the 24 cent per gallon Florida fuel tax is paid. During the month of August 2004, the Local Government User purchases 25,000 gallons at the reduced tax rate and at 12:00 p.m. August 31, 2004, has an ending inventory of 1,000 gallons. The Department will refund the Local Government User 8 cents per gallon on the 1,000 gallons.

(6) All forms and worksheets referenced in this emergency rule may be obtained without cost by using one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or 2) faxing the Distribution Center at (850)922-2208; or 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

This rule shall take effect on July 1, 2004.

Specific Authority Section 6, Chapter 2004-73 L.O.F. Law Implemented Sections 3-11, Chapter 2004-73, L.O.F. History--New 7-1-04.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE ARE SPECIFIED IN THE RULE.

EFFECTIVE DATE: July 1, 2004

DEPARTMENT OF REVENUE

RULE TITLE: Florida Motor Fuel Tax Relief Act of 2004
RULE NO.: 12BER04-7
SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2004-73, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules to implement the provisions of the Florida Motor Fuel Tax Relief Act of 2004. The promulgation of this emergency rule ensures that the public is notified in the most expedient and appropriate means that: (1) during the period

from 12:01 a.m., August 1, 2004, through 12:00 p.m. August 31, 2004, the per gallon motor fuel sales tax levied on motor fuel will be reduced by 8 cents per gallon; (2) licensed terminal suppliers, wholesalers, and importers of motor fuel are required to charge and collect the reduced rate of tax on sales of motor fuel to retail dealers located in this state; (3) terminal suppliers, wholesalers, importers, resellers, and retail dealers of motor fuel are prohibited from retaining any part of the tax reduction or from interfering with providing the full benefit of the tax reduction to the retail purchaser of motor fuel; (4) retail dealers of motor fuel should manage their inventory of motor fuel in a manner to avoid selling more gasoline at the reduced rate than the amount for which they can recoup the loss; (5) any person violating the provisions of the Florida Motor Fuel Tax Relief Act of 2004 commits a felony of the third degree, punishable as provided in Sections 775.082 or 775.083, F.S.; and (6) the Office of Statewide Prosecution may investigate and prosecute any violation of the provisions of the Florida Motor Fuel Tax Relief Act of 2004.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of an emergency rule to administer the provisions of Sections 3 through 11, Chapter 2004-73, Laws of Florida, which that, during the period from 12:01 a.m. August 1, 2004, through 12:00 p.m. August 31, 2004, the per gallon motor fuel sales tax levied on motor fuel will be reduced by 8 cents per gallon. Additionally, an emergency rule is the most expedient and appropriate means of notifying dealers and taxpayers of the provisions of Sections 3 through 11, Chapter 2004-73, Laws of Florida.

SUMMARY OF THE RULE: Emergency Rule 12BER04-7 notifies the motor fuel dealers and taxpayers of the provisions of the Florida Motor Fuel Tax Relief Act of 2004 (the "Act"). The emergency rule also provides guidelines to terminal suppliers, importers, and wholesalers regarding the filing of returns, the calculation of the tax during August 2004, the requirement to separately state the tax from the price of motor fuel on all invoices, the audit criteria to be used by the Department to ensure that the reduction of tax is passed on to the ultimate consumer, how to handle inventories of gasoline during and after the tax-reduction period, how to obtain credits and ultimate vendor credits from the Department, and the penalties imposed for violation of the Act. The emergency rule provides guidelines to retail dealers regarding how to handle inventories of tax-paid gasoline before, during, and after the tax-reduction period. The emergency rule provides the compliance guidelines established by the Department to ensure that the reduction of tax is passed on to the ultimate consumer, provides the penalties imposed by the Act, and provides that the Office of Statewide Prosecution may investigate and prosecute any violation of the Act. General guidelines for purposes of obtaining refunds authorized pursuant to Section 206.41, F.S., are provided in the emergency rule, as well as

specific guidelines for quarterly refund applications for the following purposes: agricultural, aquacultural, and commercial fishing; mass transit system users; municipalities, counties, and school districts; and non-public schools. Guidelines are also provided to local government users and mass transit systems who file monthly returns on how to file returns with the Department and how the Department will apply the tax reduction credit for the reporting period of August 2004. In addition, the emergency rule provides information on how to obtain forms for purposes of the Act from the Department.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Lynwood Taylor, Tax Law Specialist, and Ron Gay, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4725 and (850)922-4732

THE FULL TEXT OF THE EMERGENCY RULE IS:

12BER04-7 Florida Motor Fuel Tax Relief Act of 2004.

(1) MOTOR FUEL RELIEF ACT OF 2004.

(a) During the period beginning at 12:01 a.m. August 1, 2004, and ending 12:00 p.m. August 31, 2004, the 10.3 cents per gallon motor fuel sales tax levied on motor fuel, pursuant to Section 206.41(1)(g), F.S., shall be reduced by 8 cents per gallon. During this period, licensed terminal suppliers, wholesalers, and importers of gasoline shall charge and collect tax at the reduced rate of 2.3 cents per gallon on sales of motor fuel. It is the intent of the Legislature that the 8-cents tax reduction shall be in effect, and shall be passed on to the ultimate customer on each gallon of gasoline sold at retail between August 1, 2004 and August 31, 2004.

(b) Any person violating any provision of the Florida Motor Fuel Tax Relief Act of 2004 (the "Act") who purchases gasoline at the reduced tax rate and does not pass that reduced rate to the ultimate consumer, is committing a felony of the third degree, punishable as provided in Sections 775.082 or 775.083, F.S.

(c)1. For purposes of administering the Act, the term "Florida fuel tax," as used in this rule, shall mean the total tax rate of 24.0 cents per gallon tax imposed statewide, consisting of 14.3 cents per gallon of state motor fuel taxes imposed by Sections 206.41(1)(a), (b), (c), and (g), F.S., and a minimum local option tax of 9.7 cents per gallon.

2. "Motor fuel" means all gasoline products or any product blended with gasoline or any fuel placed in the storage supply tank of a gasoline-powered motor vehicle.

3. For purposes of administering the Act, the product "gasohol" shall be treated in the same manner as motor fuel and the term "gasoline" shall be used instead of the term "motor fuel."

4. “Retail dealer” means any person who is engaged in the business of selling fuel at retail at posted retail prices. The term “retail dealer” shall be used synonymously with the term “retail station.”

(2) TERMINAL SUPPLIERS.

(a) GENERAL.

1. During the period beginning 12:01 a.m. August 1, 2004, and ending 12:00 p.m. August 31, 2004, terminal suppliers shall reduce the total of Florida fuel tax charged on gasoline sold to Florida customers from 24 cents per gallon to 16 cents per gallon.

2. During the specified tax relief period, terminal suppliers will continue to charge and remit local option taxes imposed under Sections 206.41(1)(d), (e), and (f), F.S., in the same manner as required by Chapter 206, F.S.

3. Only sales of gasoline through the loading racks of terminals beginning 12:01 a.m. August 1, 2004, and ending 12:00 p.m. August 31, 2004, shall be eligible for the reduction of Florida fuel tax. Sales above the loading rack prior to the beginning date of the Act and sales above the loading rack during the Act but delivered through the loading rack after the ending period of the tax relief act, shall be subject to the full rate of tax at 24 cents per gallon.

(b) TERMINAL SUPPLIER FUEL TAX RETURN ADJUSTMENTS.

1. For the month of August 2004, licensed terminal suppliers shall complete and file Form DR-309631, Terminal Supplier Fuel Tax Return (R. 01/04, hereby incorporated by reference), based on Form DR-309631N, Instructions for Filing Terminal Supplier Fuel Tax Return (R. 01/04, hereby incorporated by reference), utilizing the same rate as returns filed prior to August 1, 2004, without any adjustments. All inventories, purchases, and sales will be reported as a normally filed return.

2. The Department will adjust all applicable lines and schedules of the returns to reduce the Florida fuel tax rate by 8 cents per gallon to calculate the tax due on taxable gallons of gasoline sold during the month. All credits and liabilities reflected on the Terminal Supplier Fuel Tax Returns will be reduced by 8 cents per gallon.

3. Terminal suppliers shall remit Florida fuel tax based on calculations using Form DR-309631*A, Supplemental Terminal Supplier Worksheet with Instructions – August 2004 (N. 09/04, hereby incorporated by reference). Terminal suppliers are not required to remit the amount of tax shown on Line 26 of the Terminal Supplier Fuel Tax Return.

4. Terminal Supplier Fuel Tax Returns filed for the month of August 2004, shall be due on September 1, 2004, and will be considered late if submitted to the Department after September 20, 2004.

(c) INVOICES.

1. Terminal suppliers are required to add the amount of Florida fuel tax to the selling price of gasoline and to state the tax separately from the price of the gasoline on all invoices.

2. All taxes due the State shall be separately stated and identified as Florida fuel tax and as a local option fuel tax imposed by a specific county. For purposes of administering the Florida Motor Fuel Tax Relief Act of 2004, if terminal suppliers are unable to adjust the rates listed on invoices because of programming changes, a credit memo issued by the terminal supplier to a purchaser will be acceptable.

3. Invoices issued by terminal suppliers for gasoline sales to Florida customers during the period August 1, 2004 through August 31, 2004, shall have the Florida fuel tax rate stated as 16 cents per gallon.

(d) COMPLIANCE GUIDELINES.

1. To assure that the proper reduction of tax is passed on to the ultimate consumer, the following factors should be considered for determining compliance:

a. The average cost of gasoline sold at loading racks of terminals located in neighboring states (i.e., Alabama, Georgia, Mississippi, or South Carolina) during the month of the tax relief act as compared to the price charged by Florida suppliers.

b. For retail stations either operated by terminal suppliers or stations where terminal suppliers set the price of gasoline sold at retail stations, the average gross margin (cents per gallon) per grade for the previous 60-day period, or any other factors that a terminal supplier may provide to prove that the price was reduced to reflect the tax reduction.

2. Only gasoline sales through the loading racks of terminals as of 12:00 p.m. August 31, 2004, shall be eligible for the reduction of Florida fuel tax. If a sale occurs above the loading rack before 12:00 p.m. August 31, 2004, but does not pass through the loading rack until September 1, 2004, the full amount of tax shall be charged.

3. Sections 213.34, F.S., grants authority to the Department to audit the books and records of any person subject to taxation under the provisions of Chapter 206, F.S.

(3) IMPORTERS/WHOLESALEERS.

(a) GENERAL.

1. During the period beginning at 12:01 a.m. August 1, 2004, and ending 12:00 p.m. August 31, 2004, importers and wholesalers who purchase gasoline from licensed terminal suppliers shall be charged Florida fuel tax by the licensed terminal suppliers at the rate of 16 cents per gallon rather than 24 cents per gallon.

2. During the relief period, wholesalers and importers will continue to charge and remit local option taxes imposed under Sections 206.41(1)(d), (e), and (f), F.S., at the same rate as charged and remitted prior to August 1, 2004.

3. Only gasoline purchased by wholesalers beginning at 12:01 a.m. August 1, 2004, and ending at 12:00 p.m. August 31, 2004, shall be eligible for sale at the reduced rate of 16 cents per gallon.

(b) COMPLIANCE GUIDELINES.

1. To assure that the proper reduction of tax is passed on to the ultimate consumer, the following factors should be considered for determining compliance:

a. In the case of gasoline sold through retail stations either operated by wholesalers, or stations where the wholesaler sets the retail price for the gasoline sold at the retail station, the average gross margin (cents per gallon) per grade for the previous 60-day period; or

b. Any other factors that a wholesaler may provide to prove that the price was reduced to reflect the tax reduction.

2. Any person violating the provisions of this rule commits a felony of the third degree, punishable as provided in Sections 775.082 or 775.083, F.S.

(c) WHOLESALER/IMPORTER TAX RETURN ADJUSTMENTS.

1. For the month of August 2004, licensed wholesalers and importers shall complete and file Form DR-309632, Wholesaler/Importer Fuel Tax Return (R. 01/04, hereby incorporated by reference), based on Form DR-309632N, Instructions for Filing Wholesaler/Importer Fuel Tax Return (R. 01/04, hereby incorporated by reference), at the same rate as returns filed prior to August 1, 2004.

2. Upon receipt of Wholesaler/Importer Fuel Tax Returns filed for the month of August 2004, the Department will adjust all applicable lines and schedules of the returns to reduce the Florida fuel tax rate used to calculate the tax due on taxable gallons of gasoline sold during the month of August 2004. All credits and liabilities reflected on the Wholesaler/Importer Fuel Tax Returns will be reduced by 8 cents per gallon.

3. Wholesaler/Importers shall remit Florida fuel tax based on calculations using Form DR-309632*A, Supplemental Wholesaler/Importer Worksheet with Instructions – August 2004 (N. 09/04, hereby incorporated by reference).

4. A Wholesaler/Importer Fuel Tax Return filed for the month of August 2004, shall be due on September 1, 2004, and be considered late if submitted to the Department after September 20, 2004.

(d) INVENTORY ADJUSTMENTS.1. Wholesalers.

a. Wholesalers that have gasoline inventory on August 1, 2004, upon which the Florida fuel tax was paid at 24 cents per gallon shall charge and collect the reduced tax rate on all sales or deliveries to retail stations, and at no time during the tax relief period may charge the 24 cents tax rate.

b. Beginning September 1, 2004, wholesalers shall collect 24 cents per gallon on all sales and deliveries of gasoline.

c. If a wholesaler's ending gasoline inventory on August 31, 2004, is greater than the wholesaler's beginning inventory on August 1, 2004, the Department will bill the wholesaler 8 cents per gallon on the difference. If the wholesaler's ending

gasoline inventory on August 31, 2004, is less than the wholesaler's gasoline beginning inventory on August 1, 2004, the Department will issue a refund to the wholesaler.

(I) EXAMPLE 1: On August 1, 2004, a wholesaler has a beginning gasoline inventory of 3,000 gallons, on which the 24 cent per gallon Florida fuel tax is paid. During the month of August 2004, the wholesaler purchases 25,000 gallons at the reduced tax rate and at 12:00 p.m. August 31, 2004, has an ending inventory of 5,000 gallons. During the entire month of August 2004, the wholesaler must charge the reduced tax rate on all sales. The Department will bill the wholesaler 8 cents per gallon on 2,000 gallons.

(II) EXAMPLE 2: On August 1, 2004, a wholesaler has a beginning gasoline inventory of 3,000 gallons on which the 24 cent per gallon Florida fuel tax is paid. During the month of August 2004, the wholesaler purchases 25,000 gallons at the reduced tax rate and at 12:00 p.m. August 31, 2004, has an ending inventory of 1,000 gallons. The Department will refund the wholesaler 8 cents per gallon on the 1,000 gallons.

2. Imported Gasoline. All gallons of gasoline imported and sold between 12:00 a.m. August 1, 2004, and 12:00 p.m. August 31, 2004, shall be subject to the reduced tax rate. Gallons purchased before August 31, 2004, but imported after 12:00 p.m. August 31, 2004, shall be subject to tax at 24 cents per gallon.

(e) CREDITS.

1. Wholesalers with No Ultimate Vendor Credits. Wholesalers that have no ultimate vendor credits for the month of August, 2004, and importers are required to file Form DR 309632, showing the Florida fuel tax collections on page 2 line 8 of the return at 24 cents per gallon, but remit tax at the reduced rate of 16 cents per gallon. The Department will make the corrections to the return to verify that the correct amount of tax has been remitted.

2. Wholesalers with Ultimate Vendor Credits. Wholesalers that have ultimate vendor credits for the month of August 2004 are required to file Form DR-309642, Ultimate Vendor Credits (R. 01/04, incorporated by reference), as previously filed. The Department will adjust the return to reduce the ultimate vendor credit by the 8 cents per gallon.

(4) RETAIL DEALERS.(a) GENERAL.

1. Beginning at 12:01 a.m. August 1, 2004, through 12:00 p.m. August 31, 2004, retail dealers who purchase gasoline from licensed terminal suppliers, wholesalers, or importers shall be charged Florida fuel tax of 16 cents per gallon. It is the intent of the Legislature that the 8 cent tax reduction on sales of gasoline by terminal suppliers, wholesalers and importers to retail dealers, shall be passed on by the retail dealers in its entirety to Florida consumers.

2. It is unlawful for a retail dealer of gasoline to retain any part of the tax reduction set forth in the Act or to interfere with providing the full benefit of the tax reduction to the retail

purchaser of gasoline. Any person violating the provisions of the Act commits a felony of the third degree, punishable as provided in Sections 775.082 or 775.083, F.S.

(b) GASOLINE IN INVENTORY OF RETAIL DEALERS.

1. Retail dealers having gallons of gasoline in inventory on August 1, 2004, upon which Florida fuel tax was paid at the rate of 24 cents per gallon should recognize that consumers will expect prices to be reduced by 8 cents per gallon during the period between August 1, 2004, and August 31, 2004. While customers are expecting prices to be reduced by 8 cents per gallon, a retail station should manage its inventory to avoid selling more gasoline at the reduced rate for which they cannot recoup that loss.

2. Retail dealers having gasoline in inventory on September 1, 2004, upon which the Florida fuel tax was paid at the rate of 16 cents per gallon must continue to sell the gasoline purchased at the reduced tax rate until such gasoline has been completely sold.

3. The total number of gallons of gasoline purchased by a retail dealer from licensed terminal suppliers, wholesalers, and importers during the period of August 1, 2004 and August 31, 2004, must be sold to Florida consumers at the reduced rate.

4. To comply with the above requirements, please refer to the following examples:

a. EXAMPLE 1: On August 1, 2004, a retail dealer has a beginning gasoline inventory of 3,000 gallons, on which the 24 cent per gallon Florida fuel tax is paid. During the month of August 2004, the retail dealer purchases 25,000 gallons at the reduced tax rate and at 12:00 p.m. August 31, 2004, has an ending inventory of 5,000 gallons. If during the entire month of August 2004, the retail dealer charges the reduced tax rate on all sales, the retail dealer will still have 2000 gallons of gasoline in inventory at the reduced tax rate. In that situation, the retail dealer must charge the reduced tax rate on the first 2,000 gallons sold in September 2004.

b. EXAMPLE 2: On August 1, 2004, a retail dealer has a beginning gasoline inventory of 3,000 gallons, on which the 24 cents per gallon Florida fuel tax is paid. During the month of August 2004, the retail dealer purchases 25,000 gallons at the reduced tax rate and at 12:00 p.m. August 31, 2004, has an ending inventory of 1,000 gallons. In this situation, retail dealers should manage their inventory so that sales of gasoline at the reduced tax rate are not greater than the purchases of gasoline at the reduced tax rate. If a retail dealer determines that this is the case, the dealer can charge the additional 8-cent tax on those gallons in the month of August 2004.

c. Under the provisions of subparagraph 3., and EXAMPLE 1, it is the legislative intent that, although licensed terminal suppliers, wholesalers, and importers are limited to selling gasoline at the reduced tax rate of 16 cents per gallon during the period of August 1, 2004, and August 31, 2004, retail dealers must continue to sell gasoline at the reduced rate

(without regard to the tax relief period) until the gallons purchased at the reduced rate are completely sold to Florida consumers at the reduced rate.

(c) COMPLIANCE GUIDELINES.

1. To assure that the proper reduction of tax is passed on to the ultimate consumer, the following factors should be considered for determining compliance:

a. The average gross margin (cents per gallon) per grade for the previous 60 day period; or

b. Any other factors that a retail dealer may provide to prove that the price was reduced to reflect the tax reduction.

2. Any person violating the provisions of this rule commits a felony of the third degree, punishable as provided in Sections 775.082 or 775.083, F.S.

(5) PENALTIES IMPOSED BY THE MOTOR FUEL TAX RELIEF ACT OF 2004.

(a) It is unlawful for terminal suppliers, wholesalers, importers, resellers, or retail dealers of gasoline to retain any part of the tax reduction set forth in the Act or to interfere with providing the full benefit of the tax reduction to the retail purchaser of gasoline. Any person violating the provisions of the Act commits a felony of the third degree, punishable as provided in Sections 775.082 or 775.083, F.S.

(b) The Office of Statewide Prosecution may investigate and prosecute any violation of the provisions of the Florida Motor Fuel Tax Relief Act of 2004.

(c) No person, including a corporation, general or limited partnership, business trust, joint venture or unincorporated association, or other business entity shall hold a fuel tax license if such legal entities are convicted of a felony under the Florida Motor Fuel Tax Relief Act of 2004. This includes terminal suppliers and wholesalers who either operate or set the retail price for gasoline sold at retail stations.

(6) REFUNDS.

(a) GENERAL.

1. Refunds authorized pursuant to Section 206.41, F.S., on gasoline purchased during the period between 12:01 a.m. August 1, 2004, and 12:00 p.m. August 31, 2004, shall be reduced by the amount of the 8-cent tax reduction.

2. Section 206.41(5)(b)1., F.S., provides that in addition to the provision found in Section 206.23, F.S., requiring that tax must be separately stated from the purchase price of gasoline on invoices, when gasoline is sold to a person who claims to be entitled to a refund under Section 206.41(4), F.S., the seller of such gasoline shall make out a sales invoice which shall contain the name and address of the purchaser; the number of gallons purchased; the date on which the gasoline was purchased; the price paid for the gasoline; the name and place of business of the seller of the gasoline; and, the license number, or other identification number of the motor vehicle or boat of the purchaser.

3. Retail dealers are not required, under the provisions of Section 206.23, F.S., to provide a purchaser with a receipt containing the information required in subparagraph 2. However, when selling gasoline to a purchaser who qualifies for a refund under Section 206.41(4), F.S., a retail dealer shall provide a receipt, and such receipt must contain all information required of Sections 206.23 and 206.41(5)(b)1., F.S. Failure to provide such receipt will disqualify an eligible purchaser from obtaining a refund.

4. When a retail dealer provides an invoice or sales receipt on gasoline sold to an entity authorized for refund under Section 206.41(4), F.S., and when such sale is the sale of gasoline purchased by the retail dealer at the 8 cent Florida fuel tax reduction rate, the retail dealer must separately state the Florida fuel tax on the purchaser's invoice or sales receipt at the rate of 16 cents per gallon, plus the applicable local option tax charged.

(b) QUARTERLY REFUND APPLICATIONS.

1. Agricultural, Aquacultural, and Commercial Fishing Quarterly Refunds.

a. For the month of August 2004, persons filing Form DR-138, Application for Fuel Tax Refund – Agricultural, Aquacultural, and Commercial Fishing Purposes (R. 01/04, hereby incorporated by reference), shall complete and file the application in the same manner as calendar quarter applications filed prior to the third calendar quarter of 2004.

b. However, applicants filing Form DR-138 must also submit Form DR-138*A, Supplemental Worksheet Application for Fuel Tax Refund – Agricultural, Aquacultural, and Commercial Fishing Worksheet (N. 09/04, hereby incorporated by reference), and provided by the Department, when filing the third calendar quarter refund application.

c. The Department will reduce the fuel tax rate on Page 1, Part I, Line 7, by 8 cents per gallon, on gallons of gasoline purchased during the month of August 2004, which are eligible for a refund of fuel tax. Gallons of gasoline eligible at the reduced rate shall be the gallons reflected on Form DR-161, Refund Application Schedule of Purchases For Tax Paid Purchases Only (R. 01/04, hereby incorporated by reference), filed with the third calendar quarter 2004 refund application, as gallons purchased in August 2004.

d. Gallons of gasoline purchased during the months of July 2004 and September 2004 are eligible for a refund at the rate in effect prior to August 1, 2004.

2. Mass Transit Systems Quarterly Refunds.

a. For the month of August 2004, persons filing Form DR-160, Application for Fuel Tax Refund Mass Transit System Users (R. 01/04, hereby incorporated by reference), shall complete and file the application in the same manner as calendar quarter applications filed prior to the third calendar quarter of 2004.

b. However, applicants filing Form DR-160 must also submit Form DR-160*A, Supplemental Worksheet Application for Fuel Tax Refund – Mass Transit Systems Users (N. 09/04, hereby incorporated by reference), provided by the Department, when filing the third calendar quarter refund application.

c. The Department will reduce the fuel tax rate on Page 1, Part I, Line 7 by 8 cents per gallon on gasoline purchased during the month of August 2004. Gallons of gasoline eligible at the reduced rate shall be the gallons entered on Form DR-161, Refund Application Schedule of Purchases For Tax Paid Purchases Only, filed with the third calendar quarter 2004 refund application as gallons purchased in August 2004.

d. Gallons of gasoline purchased during the months of July 2004 and September 2004 are eligible for a refund at the rate in effect prior to August 1, 2004.

3. Municipalities, Counties and School Districts Quarterly Refunds.

a. For the month of August 2004, persons filing Form DR-189, Application for Fuel Tax Refund – Municipalities, Counties and School Districts (R. 01/04, hereby incorporated by reference), shall complete and file the application in the same manner as calendar quarter applications filed prior to the third calendar quarter 2004.

b. However, applicants filing Form DR-189 must also submit Form DR-189*A, Supplemental Worksheet Application for Fuel Tax Refund – Municipalities, Counties, and School Districts (N. 09/04, hereby incorporated by reference), provided by the Department, when filing the third calendar quarter refund application.

c. The Department will reduce the fuel tax rate on Page 1, Line 7 by 8 cents per gallon, on gallons of gasoline purchased during the month of August 2004. Gallons of gasoline eligible for the reduced tax rate shall be the gallons entered on Form DR-161, Refund Application Schedule of Purchases For Tax Paid Purchases Only, filed for the third calendar quarter 2004, as gallons purchased in August 2004.

d. Gallons of gasoline purchased during the months of July 2004 and September 2004 are eligible for a refund at the rate in effect prior to August 1, 2004.

4. Non-Public Schools.

a. For the month of August 2004, persons filing Form DR-190, Application for Fuel Tax Refund Non-Public Schools (R. 01/04, hereby incorporated by reference), shall complete and file the application in the same manner as calendar quarter applications filed prior to the third calendar quarter 2004.

b. However, applicants filing Form DR-190 must also submit Form DR-190*A, Supplemental Worksheet Application for Fuel Tax Refund – Non-Public Schools (N. 09/04, hereby incorporated by reference), provided by the Department when filing the third calendar quarter refund application.

c. The Department will reduce the fuel tax rate on Page 1, Line 7, by 8 cents per gallon on gasoline purchased during the month of August 2004. Gallons of gasoline eligible at the reduced tax rate shall be the gallons entered on Form DR-161, Refund Application Schedule of Purchases For Tax Paid Purchases Only, filed with the third calendar quarter 2004 refund application as gallons purchased in August 2004.

d. Gallons of gasoline purchased during the months of July 2004 and September 2004 are eligible for a refund at the rate in effect prior to August 1, 2004.

(c) LOCAL GOVERNMENT USERS AND MASS TRANSIT SYSTEMS FILING MONTHLY RETURNS.

1. Local Government Users.

a. For the month of August 2004, persons filing Form DR-309634, Local Government User of Diesel Fuel Tax Return (R. 01/04, hereby incorporated by reference), based on Form DR-309634N, Instructions for Local Government User of Diesel Fuel Tax Return (R. 01/04, hereby incorporated by reference), shall complete and file the return at the same rate as returns filed prior to August 2004.

b. The Department will reduce the fuel tax rate on Page 2, Part I, Line 6 by 8 cents per gallon on gasoline purchased during the month of August 2004 and apply the adjusted gasoline credit rate of 3.3 cents to gallons of gasoline eligible for credit for the month of August 2004.

c. If the ending inventory on August 31, 2004, is greater than the beginning inventory on August 1, 2004, the Department will bill local government users 8 cents per gallon on the difference. If the ending inventory on August 31, 2004, is less than the beginning inventory on August 1, 2004, the Department will issue a refund to local government users.

d. The Local Government User of Diesel Fuel Tax Return, filed for the month of August 2004, shall be due on September 1, 2004, will be considered late if submitted to the Department after September 20, 2004.

e. To comply with the above requirements, please refer to the following examples:

(I) EXAMPLE 1: On August 1, 2004, a Local Government User has a beginning inventory of 3,000 gallons on which the 24 cent per gallon Florida fuel tax is paid. During the month of August 2004, the Local Government User purchases 25,000 gallons at the reduced tax rate and at 12:00 p.m. August 31, 2004, has an ending inventory of 5,000 gallons. During the entire month of August 2004, the Local Government User must apply the reduced tax rate on the gallons consumed. The Department will bill the Local Government User 8 cents per gallon on 2,000 gallons.

(II) EXAMPLE 2: On August 1, 2004, a Local Government User has a beginning inventory of 3,000 gallons on which the 24 cent per gallon Florida fuel tax is paid. During the month of August 2004, the Local Government User purchases 25,000 gallons at the reduced tax rate and at 12:00

p.m. August 31, 2004, has an ending inventory of 1,000 gallons. The Department will refund the Local Government User 8 cents per gallon on the 1,000 gallons.

2. Mass Transit Systems.

a. For the month of August 2004, persons filing Form DR-309633, Local Mass Transit System Provider Fuel Tax Return (R. 01/04, hereby incorporated by reference), based on Form DR-309633N, Instructions for Local Mass Transit System Provider Fuel Tax Return (R. 01/04, hereby incorporated by reference), shall complete and file the return at the same tax rate as returns filed prior to August 2004.

b. The Department will reduce the fuel tax rate on Page 2, Part I, Line 6 by 8 cent per gallon on gasoline purchased during the month of August 2004 and apply the appropriate adjusted gasoline tax credit rate to gallons of gasoline eligible for credit for the month of August 2004.

c. If the ending inventory on August 31, 2004, is greater than the beginning inventory on August 1, 2004, the Department will bill mass transit systems 8 cents per gallon on the difference. If the ending inventory on August 31, 2004, is less than the beginning inventory on August 1, 2004, the Department will issue a refund to mass transit systems.

d. The Mass Transit System Provider Fuel Tax Return, filed for the month of August 2004, shall be due on September 1, 2004, and will be considered late if submitted to the Department after September 20, 2004.

e. To comply with the above requirements, please refer to the following examples:

(I) EXAMPLE 1: On August 1, 2004, a Mass Transit System has a beginning inventory of 3,000 gallons, on which the 24 cent per gallon Florida fuel tax is paid. During the month of August 2004, the Mass Transit System purchases 25,000 gallons at the reduced tax rate and at 12:00 p.m. August 31, 2004, has an ending inventory of 5,000 gallons. During the entire month of August 2004, the Mass Transit System must apply the reduced tax rate on the gallons consumed. The Department will bill the Mass Transit System 8 cents per gallon on 2,000 gallons.

(II) EXAMPLE 2: On August 1, 2004, a Local Government User has a beginning inventory of 3,000 gallons on which the 24 cent per gallon Florida fuel tax is paid. During the month of August 2004, the Local Government User purchases 25,000 gallons at the reduced tax rate and at 12:00 p.m. August 31, 2004, has an ending inventory of 1,000 gallons. The Department will refund the Local Government User 8 cents per gallon on the 1,000 gallons.

(6) All forms and worksheets referenced in this emergency rule may be obtained without cost by using one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4)

calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

This rule shall take effect on July 1, 2004.

This rule supersedes Emergency Rule 12BER04-6, F.A.C.

Specific Authority Section 6, Chapter 2004-73 L.O.F. Law Implemented Sections 3-11, Chapter 2004-73, L.O.F. History--New 7-1-04, Supersedes 12BER04-6.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE ARE SPECIFIED IN THE RULE.

EFFECTIVE DATE: July 1, 2004

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 THE LOTTERY

RULE TITLE: Instant Game Number 546/646, GOLD RUSH
 RULE NO.: 53ER04-34
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 546/646, "GOLD RUSH," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-34 Instant Game Number 546/646, GOLD RUSH.


(1) Name of Game. Instant Game Number 546/646, "GOLD RUSH."

(2) Price. GOLD RUSH lottery tickets sell for \$20.00 per ticket.

(3) GOLD RUSH lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning GOLD RUSH lottery ticket, a combination of essential elements sufficient to

validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any GOLD RUSH lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVN	12 TWELV
13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN
19 NINTN	20 TWENTY	21 THYONE	22 THYTWO	23 THYTHR	24 TWYFOR
25 THYFIV	26 THYSIX	27 THYSVN	28 THYEGT	29 THYNIN	30 THIRTY
31 THYONE	32 THYTWO	33 THYTHR	34 THYFOR	35 THYFIV	36 THYSIX
37 38 39					
THYSVN THYEGT THYNIN				WIN \$500	

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVN	12 TWELV
13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN
19 NINTN	20 TWENTY	21 THYONE	22 THYTWO	23 THYTHR	24 TWYFOR
25 THYFIV	26 THYSIX	27 THYSVN	28 THYEGT	29 THYNIN	30 THIRTY
31 THYONE	32 THYTWO	33 THYTHR	34 THYFOR	35 THYFIV	36 THYSIX
37 38 39					
THYSVN THYEGT THYNIN					

(6) The prize symbols and prize symbol captions are as follows:

\$2.00	\$5.00	\$10.00	\$15.00	\$20.00	\$25.00	\$40.00
TWO FIFTY	FIVE ONE HUN	TEN FIVE HUN	FIFTEEN ONE THO	TWENTY TEN THO	THY FIV FIVE HUN THO	FORTY
\$50.00	\$100	\$500	\$1,000	\$10,000	\$500,000	

(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to 25 sets of matching numbers. The prizes are: \$2.00, \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$40.00, \$50.00, \$100, \$500, \$1,000, \$10,000, and \$500,000.



(b) A ticket having a "MIN \$500" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$500.

(9) The estimated odds of winning, value, and number of prizes in combined Instant Game Number 546/646 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 125 POOLS OF 120,000 TICKETS PER POOL
\$5 x 4	\$20	15.00	1,000,000
\$10 x 2	\$20	15.00	1,000,000
\$20	\$20	15.00	1,000,000
\$5 x 8	\$40	60.00	250,000
(\$5 x 4) + (\$10 x 2)	\$40	60.00	250,000
\$10 x 4	\$40	85.71	175,000
\$15 + \$25	\$40	85.71	175,000
\$40	\$40	100.00	150,000
\$50	\$50	30.00	500,000
\$5 x 20	\$100	120.00	125,000
\$25 x 4	\$100	120.00	125,000
(\$10 x 6) + \$40	\$100	150.00	100,000
(\$2 x 20) + (\$5 x 4) + \$40	\$100	133.33	112,500
\$100	\$100	400.00	37,500
\$25 x 20	\$500	1,200.00	12,500
\$50 x 10	\$500	1,200.00	12,500
\$20 x 25	\$500	1,200.00	12,500
\$100 x 5	\$500	800.00	18,750
\$500 (GOLD BAR)	\$500	517.24	29,000
\$50 x 20	\$1,000	30,000.00	500
\$100 x 10	\$1,000	30,000.00	500
(\$25 x 20) + (\$100 x 5)	\$1,000	30,000.00	500
\$40 x 25	\$1,000	30,000.00	500
\$1,000	\$1,000	30,000.00	500
\$500 x 20	\$10,000	150,000.00	100
\$10,000	\$10,000	150,000.00	100
\$500,000	\$500,000	2,500,000.00	6

(10) The estimated overall odds of winning some prize in Instant Game Number 546/646 are 1 in 2.95. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 546/646, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a GOLD RUSH lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for GOLD RUSH lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History--New 6-25-04.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 25, 2004

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 549, \$10,000 CLUB
 RULE NO.: 53ER04-35

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 549, "\$10,000 CLUB," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

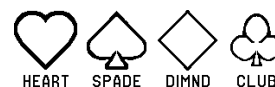
53ER04-35 Instant Game Number 549, \$10,000 CLUB.

(1) Name of Game. Instant Game Number 549, "\$10,000 CLUB."

(2) Price. \$10,000 CLUB lottery tickets sell for \$2.00 per ticket.

(3) \$10,000 CLUB lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning \$10,000 CLUB lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any \$10,000 CLUB lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:



(5) The legend is as follows:

PLAY AREA

(6) Determination of Prizewinners.



A ticket having four or more “ CLUB ” symbols in the play area shall entitle the claimant to the corresponding prize shown in



the prize legend for the number of “ CLUB ” symbols appearing in the play area. The prizes are: FREE TICKET, \$3, \$5, \$10, \$25, \$50, \$100, \$1,000, and \$10,000. A claimant who is entitled to a prize of a “FREE TICKET” shall be entitled to a prize of a \$2.00 ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a \$10,000 CLUB lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(7) The estimated odds of winning, value, and number of prizes in Instant Game Number 549 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF
			WINNERS IN
FREE TICKET	\$2 TICKET	1 IN	56 POOLS OF
\$3	\$3	10.00	180,000 TICKETS
\$5	\$5	15.00	PER POOL
\$10	\$10	15.00	1,008,000
\$25	\$25	37.50	672,000
\$50	\$50	150.00	672,000
\$100	\$100	400.00	268,800
\$1,000	\$1,000	1,104.29	67,200
\$10,000	\$10,000	458,181.82	25,200
		2,520,000.00	9,128
			22
			4

(8) The estimated overall odds of winning some prize in Instant Game Number 549 are 1 in 3.70. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(9) For reorders of Instant Game Number 549, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(10) By purchasing a \$10,000 CLUB lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(11) Payment of prizes for \$10,000 CLUB lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 6-25-04.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 25, 2004

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.”

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

**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

NOTICE IS HEREBY GIVEN that on June 23, 2004, South Florida Water Management District (District) received a petition for waiver from Naranja Lakes Construction, LLC, Application Number 04-0614-1M for issuance of a Modification to Right of Way Occupancy Permit Number 5046, for utilization of Works or Lands of the District known as the C-103N Canal, Miami-Dade County, for the proposed widening of the existing Waldin Drive (S. W. 280th Street) Bridge crossing C-103N, Section 34, Township 56 South, Range 39 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the minimum low member elevation of pile-supported bridges crossing Works or Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320, e-mail: kruff@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on June 21, 2004, the Division of Hotels and Restaurants received a Petition for Emergency Variance for paragraph 61C-1.004(2)(a), Florida Administrative Code from Amici Pizza and Deli located in St. Cloud. The above F.A.C. states that public access to toilet facilities shall not be permitted through food preparation, storage, or warewashing areas. They are requesting a variance to not add an additional bathroom facility for customer access, instead use public facilities that are approximately 38 feet away.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on June 21, 2004 the Division of Hotels and Restaurants received a Petition for Emergency Variance for paragraph 61C-4.0161(2)(a) Florida Administrative Code from Albert Barnes Catering (VW 2004-063). The above referenced F.A.C. states serving openings shall not be larger than necessary for the particular operation conducted and shall be kept closed at all times except when food is actually being served. They are requesting to do open air cooking and serving on Mobile Food Dispensing Vehicles.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on June 22, 2004, the Division of Hotels and Restaurants received a Petition for Routine Variance for paragraph 61C-1.004(1)(d), Florida Administrative Code from McDot's located in Gainesville. The above referenced F.A.C. states that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601, F.A.C. Petitioner is requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on June 23, 2004 the Division of Hotels and Restaurants received a Petition for Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code from Fruit N' Cream located in Ft. Lauderdale. The above referenced F.A.C. states that all bathroom facilities shall be of easy and convenient access to both patrons and employees, and shall be located on the same floor of the premises served. The Petitioner is requesting a variance to use bathroom facilities at another store located on the same floor that is approximately 250 feet away or use bathroom facilities located on the first floor of the mall (VW 2004-070).

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

The Bureau of Elevator Safety hereby gives notice that it has received a petition filed on June 24, 2004, by Lee Rigby of Vertical Assessment Associates, representing Centrex Destination Properties as owners of The Villas at Hammock Beach located in Palm Coast, Florida (Petition VW 2004-067). Petitioner is seeking a waiver from Rules 111.6a, 204.5h and 211.3b of ASME A17.1, as adopted by Chapter 61C-5, Florida Administrative Code, with regard to the requirements for hoistway unlocking devices at each elevator entrance, the ability to open the elevators by hand from the inside if the car is within the opening zone and that the elevator go to an alternate floor in the event the designated level smoke detector goes off.

Comments on this petition should be filed with Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, within 14 days of publication of this notice.

For a copy of the petition, contact Mark J. Boutin, Management Review Specialist, Bureau of Elevator Safety, at above address or telephone (850)921-2468.

The Bureau of Elevator Safety hereby gives notice that it has received a petition filed on June 23, 2004, by Richard Bieniarz, President, Sanibel View Condominium Association located in Sanibel, Florida (Petition VW 2004-066). Petitioner is seeking a waiver from Rules 110.1 of ASME A17.1, as adopted by

Chapter 61C-5, Florida Administrative Code, with regard to the requirement of a minimum clearance in machine rooms of 78 inches.

Comments on this petition should be filed with Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, within 14 days of publication of this notice.

For a copy of the petition, contact Mark J. Boutin, Management Review Specialist, Bureau of Elevator Safety, at above address or telephone (850)921-2468.

NOTICE IS HEREBY GIVEN that on June 24, 2004, Bureau of Elevator Safety received a Petition for Variance from Rules 100.3a, 101.6, 206.5a, 208.2a, 2082b, and 212.1, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Chapter 61C-5.001, Florida Administrative Code, requiring access to the overspeed governor from outside the hoistway, a machine room, a minimum 3/8 inch governor rope, metallic sheaves and steel ropes with sheaves 40 times the diameter of the rope. The petition was received from Lee Rigby of Vertical Assessments, requesting a variance to allow the installation of an ISIS™ elevator system in the following location: Rivers Edge Condominium (Petition VW 2004-068).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on June 24, 2004, Bureau of Elevator Safety received a Petition for Variance from Rules 100.3a, 101.6, 206.5a, 208.2a, 2082b, and 212.1, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Chapter 61C-5.001, Florida Administrative Code, requiring access to the overspeed governor from outside the hoistway, a machine room, a minimum 3/8 inch governor rope, metallic sheaves and steel ropes with sheaves 40 times the diameter of the rope. The petition was received from Lee Rigby of Vertical Assessments, requesting a variance to allow the installation of an ISIS™ elevator system in the following location: Tioga Town Center in Gainesville (Petition VW 2004-069).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on March 30, 2004, by Lee Rigby of Vertical Assessment Associates on behalf of Pulte Home Corporation for Wolf Creek Condominiums. The petition sought a waiver from Rules 100.3a, 101.6, 206.5a, 208.2a, 2082b, and 212.1, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, requiring access to the overspeed governor from outside the hoistway, a machine room, a minimum 3/8 inch governor rope, metallic sheaves and steel ropes with sheaves 40 times the diameter of the rope.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on March 30, 2004, by Lee Rigby of Vertical Assessment Associates on behalf of The Preserve at Oakleaf Plantation LLC for The Preserve at Oakleaf Plantation (petition VW 2004-027). The petition sought a waiver from Rules 100.3a, 101.6, 206.5a, 208.2a, 2082b, and 212.1, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, requiring access to the overspeed governor from outside the hoistway, a machine room, a minimum 3/8 inch governor rope, metallic sheaves and steel ropes with sheaves 40 times the diameter of the rope.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on March 30, 2004, by Lee Rigby of Vertical Assessment Associates on behalf of Pulte Home Corporation for Campfield Condominiums (petition VW 2004-028). The petition sought a waiver from Rules 100.3a, 101.6, 206.5a, 208.2a, 2082b, and 212.1, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, requiring access to the overspeed governor from outside the hoistway, a machine room, a minimum 3/8 inch governor rope, metallic sheaves and steel ropes with sheaves 40 times the diameter of the rope.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on March 30, 2004, by Lee Rigby of Vertical Assessment Associates on behalf of Faith Christian Center in Jacksonville, FL (petition VW 2004-030). The petition sought a waiver from Rules 100.3a, 101.6, 206.5a, 208.2a, 2082b, and 212.1, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, requiring access to the overspeed governor from outside the hoistway, a machine room, a minimum 3/8 inch governor rope, metallic sheaves and steel ropes with sheaves 40 times the diameter of the rope.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

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

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by the Bay Area Renal Stone Center. The Notice of Petition for Waiver was published in Vol. 30, No. 19, of the May 7, 2004, Florida Administrative Weekly. The Board considered the Petition at its meeting held on June 5, 2004, in Tampa, Florida. The Board's Order, filed on June 18, 2004, denies the petition for waiver finding that the Petitioner has not demonstrated a substantial hardship or a violation of the principles of fairness.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has received a petition filed on June 21, 2004, on behalf of Rita Siraj Ratani, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on June 22, 2004, by Nilmarie Guzman, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on June 23, 2004, by Maria Josefa Paricio, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on June 28, 2004, on behalf of Ketan A. Patel, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames and number of examination attempts imposed for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Optometry hereby gives notice that it has received a petition filed on June 22, 2004, by Charles W. Ficco, O.D., seeking a variance from Rule 64B13-4.001, F.A.C., with regard to the requirements for eligibility to sit for the Florida Board examination in 2005.

Comments on this petition should be filed with Board of Optometry, MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, within 14 days of publication of this notice.

For a copy of the petition, contact: Joe Baker, Jr., Executive Director, Executive Director, Board of Optometry, at above address or telephone (850)245-4444.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on June 29, 2004, Florida Housing Finance Corporation received a Petition for Waiver of subsection 67-50.005(8), Florida Administrative Code, from The Housing League, Inc. ("Petition") (St. Johns County Scattered Sites). The Petition is seeking a variance from the rule which provides that a Phase I Environmental Site Assessment be provided.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on June 29, 2004, Florida Housing Finance Corporation received a Petition for Waiver of subsection 67-50.005(8), Florida Administrative Code, from The Housing League, Inc. ("Petition") (Miami-Dade Infill Housing). The Petition is seeking a variance from the rule which provides that a Phase I Environmental Site Assessment be provided.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on June 29, 2004, Florida Housing Finance Corporation received a Petition for Waiver of paragraph 67-21.008(1)(g), F.A.C., from Hampton Point Limited Partnership ("Petition"). The Petition is seeking a variance from the rule which provides that audited financial statements are submitted for the year ending 12/31/03.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.,

Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on June 30, 2004, Florida Housing Finance Corporation received a Petition for Waiver of subsection 67-50.005(8), Florida Administrative Code, from Homes and Land Realty, Inc. ("Petition"). The Petition is seeking a variance from the rule which provides that a Phase I Environmental Site Assessment be provided.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI
Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Florida Folklife Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 28, 2004, 11:00 a.m.

PLACE: Research Center of the Historical Museum of Southern Florida, 101 West Flagler Street, Miami, Florida 33130

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting.

A copy of the agenda may be obtained by writing: Florida Folklife Programs, Bureau of Historic Preservation, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Department of State, Division of Cultural Affairs**, Florida Arts Council announces public meetings to which all persons are invited:

DATE AND TIME: Thursday, August 12, 2004, 9:00 a.m. – 3:00 p.m.

PLACE: Rollins College, Bush Auditorium, 1000 Holt Avenue, Winter Park, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Arts Council Visioning Project – In order to develop a new strategic plan to redefine the role of arts and culture in Florida, the Department is inviting discussion and comments from the state's cultural organizations on the results of business stakeholder meetings held to determine what the state's top businesses and community organizations feel about how the arts and business relate to the following three areas: Economic Development, Learning and Wellness, and Design and Development.

A copy of the agenda may be accessed at the Division of Cultural Affairs' website: www.Florida-Arts.org, or by contacting: Dianne Alborn, Executive Assistant, 500 South Bronough Street, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6473, e-mail: dalborm@dos.state.fl.us.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office two days prior to the date of the chosen session, if you need an accommodation. Accommodations can be arranged through: Dana DeMartino, ADA Coordinator, Division of Cultural Affairs, (850)245-6477, Fax (850)245-6492, e-mail: ddemartino@dos.state.fl.us.

DEPARTMENT OF LEGAL AFFAIRS

The Legislative Advocacy Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: Tuesday, July 13, 2004, 10:00 a.m.

PLACE: Call (850)414-3300 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

The Bylaws Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: Tuesday, July 13, 2004, 3:00 p.m.

PLACE: Call (850)414-3300 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

The Executive Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: Tuesday, July 20, 2004, 10:00 a.m.

PLACE: Call (850)414-3300 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

The Annual Report Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: Wednesday, July 21, 2004, 10:00 a.m.

PLACE: Call (850)414-3300 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

The LCSW Task Force Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: Wednesday, July 21, 2004, 2:30 p.m.

PLACE: Call (850)414-3300 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Florida Sturgeon Production Working Group to which all interested persons are invited.

DATE AND TIME: July 23, 2004, 11:00 a.m. – 1:00 p.m.

PLACE: Evans Fish Farm, 1195 East Washington Avenue, Pierson, Florida 32180

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Sturgeon Production Working Group is responsible for coordinating the implementation of a state sturgeon production management plan to promote the commercial production and stock enhancement of sturgeon. The workshop will address administrative issues, status of commercial sturgeon production in Florida, and sturgeon production as it relates to the Endangered Species Act.

A copy of the agenda may be obtained by writing: Division of Aquaculture, 1203 Governor's Square Blvd, Fifth Floor, Tallahassee, Florida 32301.

ADA NOTICE: If an accommodation is needed for a disability in order to participate in the public workshop, please notify the Division of Aquaculture of the Department of Agriculture and Consumer Services by calling (850)488-5471, at least seven days prior to the public workshop.

DEPARTMENT OF EDUCATION

The State of Florida, **Department of Education, Education Practices Commission**, announces a Teacher Hearing Panel; all persons are invited.

Teacher Hearing

DATE AND PLACE: July 23, 2004, 9:00 a.m.

PLACE: Sheraton Suites Tampa Airport, 4400 W. Cypress Street, Tampa, Florida 33607, (813)873-8675

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Teacher Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, Room 224, Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)245-0455, at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System at 711.

The **Florida Charter School Review Panel** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 20, 2004, 9:00 a.m. – 4:00 p.m.

PLACE: Kissimmee Charter Academy, 2850 Billbeck Blvd., Kissimmee, Florida 34744

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Review Panel will discuss issues, rules, policies and procedures, laws and recent developments relevant to Florida charter schools.

An agenda will be available one week prior to the meeting. To obtain a copy of the agenda, please call or write: Cynthia D. Morani, Esq., Florida Charter School Legal Resource Center, Florida Atlantic University, 777 Glades Road, Boca Raton, Florida 33431, (561)297-6044.

SPECIAL ACCOMMODATION: Persons with disabilities who require assistance to participate in this meeting should contact the Florida Charter School Legal Resource Center, at the above address or telephone number.

The Florida **Department of Education, Office of Independent Education and Parental Choice** announces a public hearing of the Charter School Appeal Commission to which all persons are invited.

DATE AND TIME: July 20, 2004, 10:00 a.m. – completion

PLACE: Kissimmee Charter Academy, 2850 Billbeck Boulevard, Kissimmee, Florida 34744

GENERAL SUBJECT MATTER TO BE CONSIDERED: Charter School Appeal Commission hearing for the termination of Mesta Charter School, Inc.

SPECIAL ACCOMMODATIONS: Persons with disabilities who require assistance to participate in this meeting are requested to contact: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, (850)245-0502.

The public is invited to Committee meetings and the regular meeting of the Florida **Board of Governors**. The following Committees will meet: Accountability, Facilities, Strategic Planning/Educational Policy, and Finance. The regular meeting of the Board will follow.

DATE AND TIME: July 22, 2004, 8:00 a.m. – 6:00 p.m.

PLACE: University Center, University of North Florida, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Accountability and Performance Measures for the Universities; Facilities usage in the universities, and Update from the State Board of Education Advisory Council on Educational Facilities; Continuing discussion of the Strategic Plan, mission and goals for the State University System; Consideration of the 2005-2006 Legislative Budget Request; Discussion of University Fee Policies; Request for Implementation Authorization, Ph.D., Sociology, UCF; Proposed Affiliation Agreement of the Board of Governors with the Florida Institute for Human and Machine Cognition, Inc.; Presentation, Ed Moore, ICUF; Proposed New Rule 6C-7.0055, F.A.C., Residency Determination for Graduate Assistants; Resolution of the Board of Governors Authorizing the Financing of the USF Research Foundation, Inc., Buildings (Interdisciplinary Research Building and the Multi-Tenant Office Building); Resolution of the Board of Governors Authorizing the Financing of the USF Parking Garage V on the Campus of the University of South Florida; Appointments, University Boards of Trustees; and other matters pertaining to the Florida Board of Governors.

A copy of the agenda may be obtained from the Department of Education's website: <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The public is invited to a meeting of the **Department of Education**, Advisory Council on Educational Facilities.

DATE AND TIME: Tuesday, July 20, 2004, 9:00 a.m. – 5:00 p.m.

PLACE: Florida Atlantic University/Broward Community College, Building 33, Higher Education Complex, Rooms 1110A and 1110B, 111 E. Las Olas Blvd., Ft. Lauderdale, FL 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the monthly convening of the Council charged with making recommendations relating to educational facilities in the K-20 education system in Florida. Sub-committees will

meet to review and evaluate facilities planning and budgeting processes; needs for existing and proposed facilities; forming alliances with non-public educational institutions and/or community organizations; alternatives to minimize construction of additional facilities; available sources to meet funding requirements; methods of distribution of funds; and alternatives to minimize funding needs.

A copy of the agenda may be obtained from the Advisory Council on Educational Facilities website at <http://www.myfloridaeducation.com/council>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces the following meeting to which all persons are invited to participate.

DATE AND TIME: July 19, 2004, 10:00 a.m.

PLACE: Room 210L, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider amendment to action previously taken regarding the 2004 Florida Building Code, specifically the Residential Volume's requirements for residential buildings built within wind zones under 110 mph and staffs' findings and recommendations whether to hold additional hearings on those requirements.

This meeting shall be held utilizing communications media technology, specifically, commissioners may participate by conference call. The point of public access for this meeting is Room 210L, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida.

A copy of the agenda may be obtained by sending a request in writing: Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Barbara Bryant, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation** announces a public meeting to which all persons are invited:

DATES AND TIMES: July 14, 2004, 1:00 p.m.; July 15, 2004, 12:00 Noon

PLACE: Renaissance Orlando Resort at SeaWorld, 6677 Sea Harbor Drive, Orlando, Florida 32821

GENERAL SUBJECT MATTER TO BE CONSIDERED: Statewide Intermodal Transportation Advisory Council (SITAC) Meeting.

A copy of the agenda may accessed through the web site at www.dot.state.fl.us/planning/sitac/ or be obtained by writing: Florida Department of Transportation at 605 Suwannee Street, MS 28, Tallahassee, Florida 32399-0450 or by calling Terry Kraft, (850)414-4800.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 72 hours before the meeting by contacting: Terry Kraft, (850)414-4800.

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: August 12, 2004, 8:30 a.m.

PLACE: Department of Transportation, Turnpike Headquarters Auditorium, Mile Post 263, Turkey Lake Service Plaza, Building 5315, Ocoee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call Rosa Seabrooks, (850)245-7914.

Special accommodation requests under the Americans With Disabilities Act should be made at least 48 hours prior to the public meeting.

A copy of the agenda may be obtained by writing: Rosa Seabrooks, Executive Secretary, Commercial Motor Vehicle Review Board, 1815 Thomasville Road, Tallahassee, FL 32303-5750.

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 CITRUS

The **Department of Citrus** announces a joint public meeting via telephone conference of the Fresh Orange and Specialty Advisory Council and Fresh Domestic Grapefruit Advisory Council to which all persons are invited.

DATE AND TIME: Tuesday, July 20, 2004, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, FL 33801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committees will meet to review staff's recommendation for fresh tangerines and fresh grapefruit in retailer promotions with the Florida Department of Agriculture's Power Grid program (formerly called Northern Exposure). Fresh Orange and Specialty Fruit Advisory Council only will review Epcot Center's proposal for the 2004 Food and Wine Festival and to discuss any other business which may appropriately come before the council.

To assure the public has access to this meeting, the Florida Department of Citrus will have a speakerphone available at the Department of Citrus. Additionally, if there is a member of the public who cannot attend the meeting at the Florida Department of Citrus, but wishes to appear by telephone, they may make arrangements to do so by contacting: Office of the General Counsel, (863)499-2530.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone at (863)499-2510.

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Wednesday, July 21, 2004, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene for the purpose of standing committee meetings and the regular monthly meeting of the Florida Citrus Commission. The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, balanced scorecards, licensing, rulemaking, and other matters addressed during monthly meetings of the Commission. The Commission may also go into closed session pursuant to the provisions of Section

286.011(8), F.S., to address issues related to the Tampa Juice, et. al. & Graves Brothers, et. al. vs. FDOC and The Lakeland Ledger Publishing Company, Publisher of The Ledger vs. FDOC. The parties attending the closed session will be John R. Alexander, Patrick Carlton, Michael L. Carrere, Tristan G. Chapman, W. Cody Estes, Sr., Harry H. Falk, William J. Ferrari, George T. Pantuso, Anina C. McSweeney, Stephen W. Ryan, Ray Smith, Andrew R. Taylor, Dan Gunter, Hank B. Campbell, Esq., Monterey Campbell, Esq., Barry Richard, Esq., and Kenneth O. Keck, Esq.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone at (863)499-2510.

PUBLIC SERVICE COMMISSION

Notice is hereby given that the Florida **Public Service Commission** will conduct a six-month review workshop in Docket No. 000121A-TP to which all interested persons are invited.

DATE AND TIME: August 25, 2004, 9:30 a.m. (EST)

PLACE: Room 234, Betty Easley Conference Center, 4075 Esplanade Way Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to discuss proposed changes to the Performance Assessment Plan (Plan).

Staff is soliciting comments on proposed changes to BellSouth's current Performance Assessment Plan and requests that any comments on changes to the Plan be filed by July 28, 2004, with the Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399, (an electronic version should also be provided to: Jerry Hallenstein, jhallens@psc.state.fl.us). The comments should specifically address the BellSouth Service Quality Measurement Plan Version 3.00 issued July 1, 2003, and the Self-Effectuating Enforcement Mechanism Administrative Plan Version 2.7 dated June 16, 2003. All parties are encouraged to electronically submit a redline version of both plans.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

For additional information, please contact Patty Christensen, Office of General Counsel, at the above address or telephone (850) 413-6220.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive Committee

DATE AND TIME: July 22, 2004, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: Clearinghouse Committee

DATE AND TIME: July 22, 2004, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: July 22, 2004, 7:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Quality Inn and Conference Center, I-75 and U.S. 90, Lake City, Florida

Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meetings, may need to make a verbatim record of the proceedings.

A copy of any of these agendas may be obtained by emailing ncfrpc@ncfrpc.org or writing: NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653.

Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

The District 5, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

COMMITTEE NAME: Training Subcommittee

DATE AND TIME: Wednesday, July 21, 2004, 9:00 a.m. – 10:15 a.m.

COMMITTEE NAME: Local Emergency Planning Committee

DATE AND TIME: Wednesday, July 21, 2004, 10:30 a.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474

GENERAL SUBJECT MATTER TO BE DISCUSSED: Chairman report, Committee updates, and other organizational matters regarding the committees. If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you have any questions regarding the meeting you may contact: Charlotte Neupauer, (352)732-1315.

The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive/Budget Committee

DATE AND TIME: Monday, August 11, 2004, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

MEETING: Tampa Bay Regional Planning Council

DATE AND TIME: Monday, August 11, 2004, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

MEETING: TBRPC Legislative Committee

DATE AND TIME: Monday, August 11, 2004, 11:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

MEETING: Agency On Bay Management

DATE AND TIME: Thursday, August 14, 2004, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management.

MEETING: Clearinghouse Review Committee

DATE AND TIME: Monday, August 25, 2004, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782 (Please call to confirm date, time and location)

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: Thursday, July 22, 2004, 10:30 a.m. (Eastern Time), 9:30 a.m. (Central Time)

PLACE: Holiday Inn Select, 316 W. Tennessee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue East, Suite 1, Blountstown, FL 32424 or calling (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

METROPOLITAN PLANNING ORGANIZATIONS

The **Florida Metropolitan Planning Organization Advisory Council** (MPOAC) announces a meeting of the Staff Directors' Advisory Committee to which all persons are invited:

DATE AND TIME: July 22, 2004, 12:00 Noon – 3:00 p.m.

PLACE: Crowne Plaza Hotel – Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state, and federal agencies.

A copy of the agenda may be obtained by contacting: Heidi Langston, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, 1(866)374-3368, Ext. 4037 or e-mail: heidi.langston@dot.state.fl.us.

The **Florida Metropolitan Planning Organization Advisory Council** (MPOAC) announces a meeting of the Governing Board to which all persons are invited:

DATE AND TIME: July 22, 2004, 4:00 p.m. – 7:00 p.m.

PLACE: Crowne Plaza Hotel – Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state and federal agencies.

A copy of the agenda may be obtained by contacting: Heidi Langston, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, Telephone 1(866) 374-3368, Ext. 4037 or e-mail: heidi.langston@dot.state.fl.us.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited:

DATE AND TIME: July 22, 2004, 10:30 a.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop on Bottled Water – To discuss water issues.

DATE AND TIME: July 22, 2004, 11:30 a.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee – To consider land acquisition matters.

DATE AND TIME: July 22, 2004, 1:00 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – To consider District business.

DATE AND TIME: July 22, 2004, 1:15 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regulatory Public Hearing – To consider regulatory matters.

DATE AND TIME: July 22, 2004, 1:30 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Public Hearing – To consider land acquisition matters.

PLACE: District headquarters, 10 miles west of Tallahassee on U.S. Highway 90, Tallahassee, FL

A copy of the agendas may be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at www.state.fl.us/nwfwmd).

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

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **Southwest Florida Water Management District** announces the CANCELLATION of the following public meeting.

WELL DRILLERS ADVISORY COMMITTEE

DATE AND TIME: Wednesday, July 21, 2004, 1:30 p.m.

PLACE: FL Dept. of Environment Protection, Tampa Office, 3804 Coconut Palm Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Consideration of Committee Business.

The next meeting is scheduled for October 20, 2004. Some members of the District's Governing and Basin Boards may attend the meeting.

A copy of the agenda for the next meeting may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)423-1476 (Florida), or (352)796-7211, Extension 4604, Fax (352)754-6874, TTD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited:

DATE AND TIME: July 21, 2004, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District Headquarters, B-1 Building, Room 3B, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and Finance Advisory Commission meeting to discuss SFWMD budget and finance-related matters.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6260, P.O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information or wishing to submit written or physical evidence may contact: Marcie Daniel, Budget Division, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6469.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, August 3, 2004, 9:00 a.m. – completed

PLACE: Fort Lauderdale Field Station, 2535 Davie Rd, Ft. Lauderdale, FL 33317

GENERAL SUBJECT MATTER TO BE CONSIDERED: Land Resources Committee meeting to discuss regulation, real estate acquisition and land management issues.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-6297, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Garrett Wallace, Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130 West Palm Beach, FL 33406, (561)682-6371.

REGIONAL UTILITY AUTHORITIES

The **Withlacoochee Regional Water Supply Authority** announces that the Authority will hold its regular July monthly board meeting as scheduled. This is a public meeting to which all persons are invited:

DATE AND TIME: July 21, 2004, 4:30 p.m.

PLACE: Hernando County Government Center, County Commission Chambers, 20 N. Main Street, Brooksville, FL 34601

GENERAL MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, Florida 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

SPACEPORT FLORIDA AUTHORITY

The **Florida Space Research Institute**, Inc. (FSRI) Board of Directors announces a public meeting to which all interested persons are invited to attend.

DATE AND TIME: July 29, 2004, 9:00 a.m. – 4:00 p.m.

PLACE: SOCC Conference Room, Florida Space Authority, 100 Spaceport Way, Cape Canaveral, FL 32920

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting will be to discuss the status of FSRI programs and to appoint members to the FSRI Board of Directors.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact FSRI at least seven days prior to the meeting.

If any person decides to appeal any decision made by FSRI with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to secure a verbatim record of the proceedings, which record includes the testimony and evidence upon which the appeal is to be based.

For more information, contact: Melissa Glover, (321)452-2653, Ext. 201.

To obtain a copy of the agenda, write: Florida Space Research Institute, Inc., Mail Stop: FSRI, Building M6-306, Room 9030, Kennedy Space Center, Florida 32899.

DEPARTMENT OF ELDER AFFAIRS

The Senior Resource Alliance, the **Area Agency on Aging of Central Florida**, Inc. announces that there will be a public hearing on the Area Plan on Aging 2005 to which all interested persons are invited to attend.

DATE AND TIME: Friday July 23, 2004, 12:00 Noon – 2:30 p.m.

PLACE: Senior Resource Alliance, 988 Woodcock Rd., Suite 200, Orlando, FL 32803

For more information, directions, or special accommodations, please call (407)228-1800.

The **Area Agency on Aging of Palm Beach/Treasure Coast**, Inc. is holding a public hearing to which all interested persons are invited to attend.

DATE AND TIME: Thursday, July 22, 2004, 2:00 p.m.

PLACE: North County Senior Center, 5217 Northlake Boulevard, Palm Beach Gardens, FL 33418

GENERAL SUBJECT MATTER TO BE CONSIDERED: Secure testimony concerning information required for its 2005 Area Plan.

The public is encouraged to attend and to testify concerning services that the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. currently provides or plans to provide directly to older persons and their caregivers residing in Indian River, Martin, Okeechobee, Palm Beach, and St. Lucie counties. Persons that wish to offer comment at the hearing are asked to limit their presentations to three minutes and to restrict their remarks to issues related to services provided by the Area Agency on Aging.

Those persons wishing to speak at the public hearing or obtain a copy of the agenda should contact: Holly Carter, (561)684-5885. It is also requested that you submit a written copy of your testimony to: Holly Carter, Area Agency on Aging of Palm Beach/Treasure Coast, Inc., 1764 North Congress Avenue, Suite 201, West Palm Beach, FL 33409.

Persons with hearing disabilities may request assistance by contacting Holly Carter at the number above prior to July 16, 2004.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a Rule Development Workshop to which all persons are invited:

DATE AND TIME: Friday, July 23, 2004, 9:00 a.m. – 12:00 Noon

PLACE: Building 3, Conference Room A, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed Rule 59A-31, F.A.C., Disputed Reimbursement, published in the May 14, 2004, Florida Administrative Weekly.

CONTACT PERSONS: Beverly J. Williams, Medical Health Care Program Analyst, willibev@fdhc.state.fl.us.com., (850)410-0819; Donna Reynolds, Registered Nursing Consultant, reynoldo@fdhc.state.fl.us.com, (850)410-0822.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 29, 2004, 10:00 a.m. – 3:00 p.m.

PLACE: South Hurston Tower, First Floor, Conference Rooms A, B and C, 400 W. Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Inaugural Florida Patient Safety Corporation Board of Directors Meeting

A copy of the agenda may be obtained by writing: Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308.

Agendas can also be requested via e-mail at colvin1@fdhc.state.fl.us.

To be included in e-mail notices of the Florida Patient Safety Corporation Board "Interested Parties", please mail/e-mail or fax your e-mail address to the address above or fax to (850)413-7955.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)922-0791.

DEPARTMENT OF MANAGEMENT SERVICES

The **State Technology Office** announces a meeting of the Joint Dispatch Oversight Committee of the Joint Task Force on State Agency Law Enforcement Communications to which all interested persons are invited.

DATE AND TIME: July 19, 2004, 9:00 a.m.

PLACE: State Technology Office, 4030 Esplanade Way, Suite 225A, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss operational matters of the Joint Dispatch Centers.

For more information about the agenda, contact: Capt. Jeff Merritt, Bureau of Fire and Arson Investigations, Division of State Fire Marshal's Office, (850)413-3907.

The **State Technology Office** announces a meeting of the Standard Operating Procedures Committee and Technical Committee of the Joint Task Force on State Agency Law Enforcement Communications to which all interested persons are invited.

DATE AND TIME: July 20, 2004, 8:30 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Room A3046, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss operational matters of the Statewide Law Enforcement Radio System.

For more information about the agenda, contact Vic Cullars, FDLE (Technical Committee), (850)410-8300 or Todd Preston, FWCC (SOP Committee) at (850)410-0656.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meeting, which all persons are invited to attend.

DATE AND TIME: August 3, 2004, 2:00 p.m. (Eastern Time)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Workshop, Architecture, Interior Design, and Rules Committee Meetings, followed by General Business.

DATE AND TIME: August 4, 2004, 9:00 a.m. (Eastern Time)

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Educators Task Force Committee Meeting.

DATE AND TIME: August 5, 2004, 9:00 a.m. (Eastern Time)

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

PLACE: Marriott Sawgrass Ponte Vedra Resort, 1000 PGA Tour Blvd., Ponte Vedra Beach, FL 32082, 1(800)457-4653

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St. Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Business and Professional Regulation** announces a public meeting of the Florida Barber's Board to which all persons are invited to participate.

DATE AND TIME: Monday, August 2, 2004, 9:00 a.m.

PLACE: The Florida Mall Hotel, 1500 Sand Lake Road, Orlando, Florida 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

A copy of the agenda may be obtained by writing: Florida Barbers' Board, 1940 North Monroe Street, Suite #60, Tallahassee, Florida, 32399.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Funeral Directors and Embalmers** announces the following meeting, to which all persons are invited to attend.

DATE AND TIME: August 10, 2004, 1:00 p.m. (Eastern Time)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance and Rules Committee Meetings, followed by Probable Cause Panel Meeting (portions may be closed to the public).

DATE AND TIME: August 11, 2004, 8:00 a.m. (Eastern Time)

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

PLACE: Embassy Suites – Fort Lauderdale, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Funeral Directors and Embalmers, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Veterinary Medicine** announces the following meeting to be held by telephone conference call, to which all persons are invited to attend.

DATE AND TIME: August 6, 2004, 9:00 a.m.

PLACE: Access Phone: (850)413-9245, Suncom 293-9245, Toll Free 1(877)651-3473

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel meeting portions which, are closed to the public. Agenda available on request.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 1940 N. Monroe St. Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-7154, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Building Code Administrators and Inspectors Board** announces the following meetings to which all persons are invited to attend.

DATE AND TIME: August 11, 2004, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Application Review Committee Meeting.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rules and Legislation, Examination and Continuing Education, Executive Committee Meetings, General Board and Business Meeting.

DATE AND TIME: August 13, 2004, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

PLACE: Double Tree Grand Key Resort, 3990 S. Roosevelt Blvd., Key West, FL

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, (850)922-5012, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission** (FREC) announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, July 20, 2004, 8:30 a.m.; reconvene Wednesday, July 21, 2004, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J-2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: July 21, 2004, 2:30 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

The **Board of Orthotists and Prosthetists** will hold a duly noticed rules workshop, to which all persons are invited to attend.

DATE AND TIME: Thursday, July 22, 2004, 1:00 p.m.

PLACE: Department of Health, Capital Circle Office Complex, 4052 Bald Cypress Way, Building 4052, Room 301, Tallahassee, Florida (850)245-4355

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Rule Chapter 64B14, Florida Administrative Code.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Orthotists and Prosthetists, Executive Director, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257, website: www.doh.state.fl.us/mqa/Orth&Pros/por_home.html.

The **Board of Orthotists and Prosthetists** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, July 23, 2004, 9:00 a.m.

PLACE: Department of Health, Capital Circle Office Complex, 4052 Bald Cypress Way, Building 4052, Room 301, Tallahassee, Florida (850)245-4355

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257, website: www.doh.state.fl.us/mqa/Orth&Pros/por_home.html.

The **Department of Health, Board of Respiratory Care** announces a meeting to which all persons are invited:

DATE AND TIME: August 6, 2004, 8:30 a.m. or soon thereafter

PLACE: Omni Hotel, 245 Water Street, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Business Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, Tallahassee, FL 32399-3255 or by calling (850)245-4373 or by visiting the website at www.doh.state.fl.us/mqa.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Commission on Marriage and Family Support Initiatives** announces the following meeting of the commission to which all persons are invited to attend.

MEETING TYPE: Program Committee

DATE AND TIME: Monday, July 12, 2004, 1:00 p.m. – 3:00 p.m.

PLACE: Via conference call: 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

For a copy of the agenda and more information about how to attend the meeting contact: Heidi Rodriguez, hrodriguez@ounce.org, (850)488-4952, Ext. 135.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

The **Commission on Marriage and Family Support Initiatives** announces the following meeting of the commission to which all persons are invited to attend.

MEETING TYPE: Policy Committee

DATE AND TIME: Thursday, July 15, 2004, 2:00 p.m. – 4:00 p.m.

PLACE: Via conference call at 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

For a copy of the agenda and more information about how to attend the meeting contact: Heidi Rodriguez, hrodriguez@ounce.org, (850)488-4952, Ext. 135.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

The **Department of Children and Family Services**, District 11, Substance Abuse and Mental Health Program Office announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, July 19, 2004, 10:00 a.m. – 12:00 Noon

PLACE: Rhode Building, 401 N. W. 2nd Avenue, Suite N-425, Miami, Florida 33128, (305)377-5029

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the re-designation of the following facility:

Bayview Center for Mental Health – FASTTRACK

Persons with disabilities requiring accommodations in order to participate in this event should contact Jennifer Holtz, Utilization Management, (305)377-5029, or in writing by close of business (5:00 p.m.) no later than five working days prior to the meeting.

The **Department of Children and Family Services, Mental Health Program Office** will be conducting a public hearing regarding the development of the Federal Community Mental Health Services Block Grant Application.

DATE AND TIME: Thursday, July 22, 2004, 9:00 a.m. – 11:00 a.m.

PLACE: Florida Department of Children and Family Services, Mental Health Program Office, 1317 Winewood Boulevard, Building 6, 2nd Floor, Conference Room A

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to receive public input to assist the Department with the overall direction and planning of the application.

Contract Person: Anthony Provenzano, 1317 Winewood Boulevard, Building 6, Room 299, (850)921-0883, Suncom 291-0883, e-mail: Anthony_provenzano@dcf.state.fl.us

NAVIGATION DISTRICTS

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 23, 2004, 8:00 a.m.

PLACE: The Sea Turtle Inn, One Ocean Blvd., Atlantic Beach, Duval County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Personnel, Finance and Budget and Land Acquisition and Management Committees will meet.

Please contact: District office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

The **Technological Research and Development Authority** (TRDA) announces a general meeting of its Board of Directors to which all persons are invited to participate.

DATE AND TIME: July 14, 2004, 2:00 p.m.

PLACE: TRDA Conference Room, Technological Research and Development Authority, 5195 South Washington Avenue, Titusville, FL 32780

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting, Board of Directors.

A copy of the agenda may be obtained by contacting: Dave Kershaw, TRDA Deputy Director, (321)269-6330, e-mail: dkershaw@trda.org.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

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 BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a notice of withdrawal of petition for declaratory statement In Re: Petition for Declaratory Statement, Nathan D. Gold, Unit Owner, Kings Point Housing Corporation. Docket Number 2004004057.

Petitioner has withdrawn the petition.

A copy of the Petition for Declaratory Statement, Docket Number 2004004057, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217

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

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Medicine received a Petition for Declaratory Statement filed on June 24, 2004, from Dr. Dennis Fiorini, D.C. The petition seeks the agency's opinion as to the applicability of Sections 456.062 and 460.413(1)(bb) and (cc), Florida Statutes, and Rule 64B2-15.001, Florida Administrative Code, and how these provisions affects petitioner's ability to publish a proposed advertisement in light of Federal restrictions on discounting charges for Medicare and Medicaid patients.

For a copy of the Petition for Declaratory Statement and/or the date, time and place of the meeting at which the petition will be considered, contact: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY given that the Office of Financial Regulation has received a petition filed on March 16, 2004, pursuant to Section 120.565, Florida Statutes, from Clay Finance, LLC for a declaratory statement regarding the application of Chapter 494, Florida Statutes. Specifically, the petitioner has requested a declaratory statement concerning whether Clay Finance, LLC, its owners or employees, are required to be licensed as a mortgage lender or mortgage broker.

The Petition for Declaratory Statement is being processed and is available for public inspection during normal business hours, 8:00 a.m. through 5:00 p.m., Monday through Friday, except legal holidays, at the Office of Financial Regulation, Jacksonville Regional Office, 1300 Riverplace Blvd., Suite 640, Jacksonville, Florida 32207. Requests for copies or inspection should be made to Scott A. Tavolieri, Assistant General Counsel, at the above address.

Those persons whose substantial interests may be determined by these proceedings, including settlements, grants and denials, are advised that they may intervene concerning this matter in accordance with the provisions of Rule 28-106.205, Florida Administrative Code. Petitions for leave to intervene should be in conformance with Rule 28-106.201 or 28-106.301, Florida Administrative Code, and shall also include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule, or that the substantial interests of the intervenor are subject to determination or will

be affected through the proceeding. Original petitions and two copies shall be filed with the Clerk, Office of Financial Regulation, Legal Services Office, Suite 526, The Fletcher Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0379. The following statutory chapters and rule chapters directly govern proceedings before the Department: Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code. In deference to the rights of substantially affected persons, the Office will not settle or otherwise reach a final resolution of these matters for a period of twenty-one (21) days from the date of this publication.

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed June 17, 2004, from the Miami-Dade County Fire Department, Fire Prevention Division, c/o Pedro Bas, Deputy Fire Marshal. The Petition is seeking the Department's interpretation of certain portions of NFPA 1 and 101. Specifically, Petitioner asks:

1. Is it the intent of NFPA 1: 8-15.2.1 to require fire sprinkler protection in new storage occupancies that potentially will be storing combustible materials?
2. If it is not the intent of NFPA 1: 8-15.2.1 to require fire sprinkler protection, does the A.H.J. have the authority to require such fire sprinkler protection in all new Storage occupancies that potentially will be storing combustibles?
3. Is it the intent of NFPA 1: 1-9.4.1 and NFPA 1: 8-15.2.1 or 8-15.2.2 to require fire sprinkler protection when an existing building without fire sprinkler protection changes use from some other occupancy classification or sub-classification to a storage occupancy storing combustible materials?
4. If it is not the intent of NFPA 1: 1-9.4.1 and NFPA 1: 8-15.2.1 or 8-15.2.2 to require fire sprinkler protection when an existing building without fire sprinkler protection changes use from some other occupancy classification or sub-classification to a storage occupancy storing combustible materials, does the A.H.J. have the authority to require such fire sprinkler protection?

A copy of the Petition may be obtained by writing, calling or faxing: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, Fax (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), e-mail: mazzeog@doi.state.fl.us.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

The Florida Retail Federation, Inc. vs. Agency for Health Care Administration; Case No.: 04-1828RX; Rule No.: 59G-4.250

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Micosaukee Tribe of Indians vs. Department of Environmental Protection and Environmental Regulation Commission and United States Sugar Corporation and South Florida Water Management District; Case No.: 03-2872RP; Rule Nos.: 62-302.530, 62-302.540; Dismissed

Friends of the Everglades vs. Department of Environmental Protection and Environmental Regulation Commission and United States Sugar Corporation and South Florida Water Management District; Case No.: 03-2873RP; Rule Nos.: 62-302.530, 62-302.540; Dismissed

Sugar Cane Growers Cooperative of Florida vs. Department of Environmental Protection and South Florida Water Management District; Case No.: 03-2884RP; Rule No.: 62-302.540; Dismissed

Florida Dental Association, Inc. vs. Department of Health; Case No.: 04-0284RP; Rule Nos.: 64B-5.001, 64B-5.002; Voluntary Dismissal

Jose Anibal Cruz, M.D. vs. Department of Health, Board of Medicine; Case No.: 04-1672RU; Rule No.: 64B8-1; Voluntary Dismissal

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida, St. Petersburg announces that continuing professional services are required for the following disciplines: Civil Engineering; Mechanical/Electrical/Plumbing Engineering; and Cost Estimating.

Projects included in the scope of this agreement will be specific projects for renovations, alterations, and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Campus Service contracts for these projects provide that the consultant will be available on an as-needed basis for the upcoming fiscal year, July 1, 2004 to June 30, 2005. Award of contract is for an initial period of one (1) year with an Owner's option to renew for up to two years in annual extensions. The consultant receiving the award will not have an exclusive contract to perform services for these projects. The university may have additional campus service professionals under contract during the same time period.

Firms desiring to provide professional services shall submit a letter of interest specifying the discipline for which they are applying and a completed State University System "Professional Qualifications Supplement" form. Proposals must not exceed 40 pages, including the "Professional Qualifications Supplement" and letter of interest. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. Attach to each letter of interest:

1. The State University System "Professional Qualifications Supplement," dated September, 1999, completed by the applicant. Applications on any other form will not be considered.

2. A copy of the applicant’s current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida. Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability; past experience; design ability; volume of work; and distance from project.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The State University System “Professional Qualifications Supplement,” descriptive project information, and selection criteria may be obtained by contacting: Maria de Laval, Contracts Administrator, University of South Florida, St. Petersburg, Facilities Planning and Construction, 140 7th Avenue, S., TER 100, St. Petersburg, FL 33701, (727)553-4822, Fax (727)553-4194.

All interested firms are invited and encouraged to attend a pre-submittal meeting to be held at 2:00 p.m., Eastern Standard Time, on July 26, 2004, at the University of South Florida, St. Petersburg, Davis Hall 130, 140 7th Avenue, S., St. Petersburg, Florida, to review the scope and requirements of this project. Requests for meetings by individual firms will not be granted.

It shall be noted that no verbal communication shall take place between the shortlisted applicants and the University of South Florida St. Petersburg. Requests for any project information must be in writing to the above address.

Six (6) bound copies of the above required proposal data shall be submitted to: James A. Grant, AIA, Director, Facilities Planning and Construction, University of South Florida, St. Petersburg, 140 7th Avenue, S., TER 100, St. Petersburg, FL 33701. Applications that do not comply with the above instructions may be disqualified. Application materials will not be returned. Submittals must be received at the above campus address by 2:00 p.m. Eastern Standard Time, on August 13, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered. The Selection Committee may reject all proposals and stop the selection process at any time.

NOTICE TO PROFESSIONAL CONSULTANTS
OFFICE OF FACILITIES DESIGN AND CONSTRUCTION
Duval County Public Schools
FOR
Request for Qualifications (RFQ)
Professional Services
For

Annual Contract for Architectural Roofing Services

The Office of Facilities Design and Construction announces that professional services are required for an annual contract for Architectural Services for Duval County Public Schools. The firm(s) selected under an annual contract will be responsible for assigned projects having estimated construction costs and study fees not exceeding the threshold amounts of \$1,000,000, (construction) and \$50,000 (study fees) respectively, provided for in §287.055 Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Applications are to be sent to: Duval County Public Schools
Facilities Design and
Construction
1701 Prudential Drive
5th Floor
Jacksonville, FL 32207-8182

PROJECT MANAGER: Dale Hughes
PHONE NO.: (904)390-2279
RESPONSE DUE DATE: Friday, August 13, 2004, and
will be accepted until
4:30 p.m.

MBE GOALS: Encouragement Plan
Information on the selection process can be found at
www.educationcentral.org/facilities under Forms and
Standards, General Documents, Selection of
Architect/Engineer.

DEPARTMENT OF TRANSPORTATION

INVITATION TO BID

As a General Licensed Contractor, you are invited to submit a sealed bid to be received and publicly opened and read aloud by the Florida Department of Transportation (hereinafter referred to as the Owner) at the following date, location, and local time August 4, 2004, at 10:00 a.m. (EDST) at the Florida Department of Transportation, District One Contracts Office, 801 North Broadway, MS 1-18, Bartow, Florida 33830.

FINANCIAL PROJECT NO.: 41448015201& 2016101A102
CONTRACT NO.: E1E33

PROJECT NAME: Renovations, Repairs, and Modifications to the District One Materials Building

PROJECT LOCATION: 2730 Highway 60, West Bartow, Florida, Polk County

PROJECT DESCRIPTION: This project consists of Renovations, Repairs, and Modifications to the District One Materials Building

PRE-BID MEETING: Not Applicable

PROJECT MANAGER: The Owner's Project Manager is Dennis Hall who may be reached at (863)519-2501.

PLANS AND SPECIFICATIONS: Plans and Specifications may be obtained for review (free of charge) from Evelyn Jan Thompson, Florida Department of Transportation, District One Contracts Office, 801 North Broadway, MS1-18, Bartow, Florida, Phone (863)519-2302 beginning July 9, 2004 through 10:00 a.m. (EDST) July 30, 2004. Bid documents will be issued only to the prospective bidders who have completed, signed and faxed a completed Fax Order Form to (863)534-7172 and met the Florida Department of Transportation qualification for this project.

MINORITY BUSINESS ENTERPRISES (MBE) UTILIZATION: The owner encourages the recruitment and utilization of certified and non-certified minority business. The owner, its contractors, suppliers, and consultants should take all necessary and reasonable steps to ensure that minority businesses have an opportunity to compete for and perform contract work for the Owner in a nondiscriminatory environment.

BID PROPOSAL: Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions, and Contractual Conditions as specified in the Non-Technical Specifications.

INSURANCE: The awarded Bidder is responsible for maintaining the insurance coverage specified in the Non-Technical Specifications for the duration of this project.

PREQUALIFICATION: Each bidder shall submit a current Building or General Contractor license issued by the State of Florida and, if a Florida Corporation, a copy of the Corporate Charter as prequalification of their eligibility with the bid document to the: Department of Transportation, District One Contracts Office, 801 North Broadway Avenue, MS1-18; Bartow, Florida 33830.

The bid will be rejected if a copy of the Contractor's License is not included either with the bid or provided to the Owner prior to the Letting. After the bid opening, the lowest responsive bidder shall qualify in accordance with this contract document.

BID BOND: If the bid amount exceeds \$100,000, the bidder must provide with the bid, a Bid Guaranty of five percent of the actual total bid in the form of a certified check, cashier's check, treasurer's check, bank draft of any national or state bank, or a Surety Bid Bond made payable to the Department of Transportation. A Bid Guaranty in an amount less than five percent of the actual bid will invalidate the bid. Bid Bonds shall conform to the Departments Bid/Proposal Bond Form furnished with the proposal package.

PERFORMANCE BOND AND LABOR AND MATERIALS PAYMENT BOND: If the contract award amount exceeds \$100,000, both a Performance Bond and a Labor and Material Payment Bond of 100 percent each of the contract sum are required at the time of award.

BID POSTING/CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted on August 17, 2004 at 10:00 a.m., at the Florida Department of Transportation, District One Lobby, 801 North Broadway; Bartow, Florida 33830. If no protest is filed, the Owner will award the contract to the qualified, responsive low bidder. The Owner reserves the right to reject any or all bids.

BID SOLICITATION/AWARD/NON-AWARD PROTEST RIGHTS: Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents in accordance with Section 120.57(3), Florida Statutes, and Rule Chapter 28-110, Florida Administrative Code. Any person adversely affected by the intended decision of the Owner to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting of the Summary of Bids (bid tabulation). If notice of intended decision is given by certified mail, express or FAX delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent.

A formal written protest must be filed within 10 days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with Section 120.569 and 120.57, Florida Statutes. The required notice of protest and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, MS 58, Room 550, General Counsel's Office; Tallahassee, Florida 32399-0458. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

DISCRIMINATION CLAUSE: Any entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity of the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity, per Section 287.134(3)(a), Florida Statutes.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building

or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for Category Two for a period of 36 months for the date of being placed on the convicted vendor list.

INVITATION TO BID

As a General Licensed Contractor, you are invited to submit a sealed bid to be received and publicly opened and read aloud by the Florida Department of Transportation (hereinafter referred to as the Owner) at the following date, location, and local time August 4, 2004, at 10:00 a.m. (EDST) at the Florida Department of Transportation, District One Contracts Office, 801 North Broadway, MS 1-18, Bartow, Florida 33830.

FINANCIAL PROJECT NO.: 41446015201 & 2016101A102
CONTRACT NO.: E1E34

PROJECT NAME: Renovations, Repairs, and Modifications to the District One Administration Building

PROJECT LOCATION: 801 North Broadway Avenue; Bartow, Florida; Polk County

PROJECT DESCRIPTION: This project consists of Renovations, Repairs, and Modifications to the District One Administration Building

PRE-BID MEETING: Not Applicable

PROJECT MANAGER: The Owner's Project Manager is Dennis Hall who may be reached at (863)519-2501.

PLANS AND SPECIFICATIONS: Plans and Specifications may be obtained for review (free of charge) from Evelyn Jan Thompson, Florida Department of Transportation, District One Contracts Office; 801 North Broadway, MS1-18; Bartow, Florida Phone (863)519-2302 beginning July 9, 2004 through 10:00 a.m. (EDST) July 30, 2004. Bid documents will be issued only to the prospective bidders who have completed, signed and faxed a completed Fax Order Form to (863)534-7172 and met the Florida Department of Transportation qualification for this project.

MINORITY BUSINESS ENTERPRISES (MBE) UTILIZATION: The owner encourages the recruitment and utilization of certified and non-certified minority business. The owner, its contractors, suppliers, and consultants should take all necessary and reasonable steps to ensure that minority businesses have an opportunity to compete for and perform contract work for the Owner in a nondiscriminatory environment.

BID PROPOSAL: Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions, and Contractual Conditions as specified in the Non-Technical Specifications.

INSURANCE: The awarded Bidder is responsible for maintaining the insurance coverage specified in the Non-Technical Specifications for the duration of this project.

PREQUALIFICATION: Each bidder shall submit a current Building or General Contractor license issued by the State of Florida and, if a Florida Corporation, a copy of the Corporate Charter as prequalification of their eligibility with the bid document to the: Department of Transportation, District One Contracts Office, 801 North Broadway Avenue, MS1-18; Bartow, Florida 33830.

The bid will be rejected if a copy of the Contractor's License is not included either with the bid or provided to the Owner prior to the Letting. After the bid opening, the lowest responsive bidder shall qualify in accordance with this contract document.

BID BOND: If the bid amount exceeds \$100,000, the bidder must provide with the bid, a Bid Guaranty of five percent of the actual total bid in the form of a certified check, cashier's check, treasurer's check, bank draft of any national or state bank, or a Surety Bid Bond made payable to the Department of Transportation. A Bid Guaranty in an amount less than five percent of the actual bid will invalidate the bid. Bid Bonds shall conform to the Departments Bid/Proposal Bond Form furnished with the proposal package.

PERFORMANCE BOND AND LABOR AND MATERIALS

PAYMENT BOND: If the contract award amount exceeds \$100,000, both a Performance Bond and a Labor and Material Payment Bond of 100 percent each of the contract sum are required at the time of award.

BID POSTING/CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted on August 17, 2004 at 10:00 a.m., at the Florida Department of Transportation, District One Lobby; 801 North Broadway; Bartow, Florida 33830. If no protest is filed, the Owner will award the contract to the qualified, responsive low bidder. The Owner reserves the right to reject any or all bids.

BID SOLICITATION/AWARD/NON-AWARD PROTEST RIGHTS: Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents in accordance with Section 120.57(3), Florida Statutes, and Rule Chapter 28-110, Florida Administrative Code. Any person adversely affected by the intended decision of the Owner to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting of the Summary of Bids (bid tabulation). If notice of intended decision is given by certified mail, express or FAX delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent.

A formal written protest must be filed within 10 days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with Sections 120.569 and 120.57, Florida Statutes. The required notice of protest and formal protest must each be timely filed

with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, MS 58, Room 550, General Counsel's Office; Tallahassee, Florida 32399-0458. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

DISCRIMINATION CLAUSE: Any entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity of the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity, per Section 287.134(3)(a), Florida Statutes.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for Category Two for a period of 36 months for the date of being placed on the convicted vendor list.

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."

EXECUTIVE OFFICE OF THE GOVERNOR

Volunteer Florida is pleased to announce a Request for Proposals for 2004-2005 Operation Step Up programs.

Through Operation Step Up, volunteer centers work with emergency response agencies around the state to engage Floridians in homeland security and disaster preparedness, mitigation, and response. Programs are to operate between October 2004 and September 2005. The anticipated deadline is 5:00 p.m. EST, Tuesday, August 24, 2004. Eligibility criteria, guidelines, application forms and technical assistance information will be available at www.volunteerflorida.org beginning July 26, 2004.

WATER MANAGEMENT DISTRICTS

Request for Bids 03/04-058 LM

Systematic Vegetation Inventory

The Suwannee River Water Management District (SRWMD) announces its interest in obtaining proposals for Systematic Vegetation Inventory.

This project should follow the schedule below:

- July 9, 2004: Release of Request for Proposal
- July 21, 2004: Proposer's Conference at SRWMD Headquarters in Live Oak, 10:00 a.m.
- August 2, 2004: Proposals due prior to 4:00 p.m. at SRWMD Headquarters in Live Oak
Opening of proposals at this time and date.
- August 16, 2004: Short list selections announced by SRWMD.
- September 14, 2004: Present short list ranking to SRWMD Governing Board and request permission to enter into contract negotiation with top-ranked contractor.
- September 21, 2004: Final selection of contractor announced.
- October 1, 2004: Execution of contracts and initiation of project.
- September 27, 2005: Project completion (first year).
- Request for Proposals Documents (RFP 03/04-056 LM) are available on the District's website at <http://www.mysuwanneeriver.com/services/bids+and+contracts>.
- Persons interested in submitting qualifications for this project should return those completed documents to: Gwen Lord, Administrative Assistant, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060.
- For more information or assistance contact: Gwen Lord, (386)362-1001 or 1(800)226-1066 (Florida only).

EXPRESSWAY AUTHORITIES

NOTICE TO PROFESSIONAL ENGINEERING CONSULTANTS

The Orlando-Orange County Expressway Authority requires the services of a Professional Engineering Consultant in connection with the design for the new S.R. 429/S.R. 414 (Maitland Boulevard Extension) limited access roadway from Boy Scout Road to U.S. 441, identified as Project No. 429-201, in Orange County, Florida. Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as determined by the Authority, based on information provided by the firms, and who have been prequalified by FDOT to perform the indicated Types of Work.

MAJOR TYPES OF WORK: Group 3.2, Major Highway Design; Group 3.3, Controlled Access Highway Design; Group 4.3, Complex Bridge Design.

ADDITIONAL TYPES OF WORK REQUIRED: Group 6.3, Intelligent Transportation Systems Analysis, Design, and Implementation; Group 7, Traffic Operations Design; Group 8, Surveying and Mapping and Group 9, Soil Exploration, Material Testing and Foundations.

DESCRIPTION: The work to be performed under this project will include final geometric design for the new limited access roadway (S.R. 429/S.R. 414) from south of Boy Scout Road to north of U.S. 441 and new interchange with U.S. 441. Additional elements include: surveying, right-of-way mapping, drainage evaluation and design, permitting, lighting, signalization, signing and pavement markings, maintenance of traffic, utility design and coordination, intelligent transportation systems, geotechnical analysis, scheduling and project control, progress reporting and other tasks and associated activities.

LETTERS OF INTEREST SUBMITTAL REQUIREMENTS: Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package. The letter shall be a maximum of ten (10) pages exclusive of attachments and resumes. The packages shall include the following:

1. Experience – Details of specific experience for at least three (3) projects, similar to that described above that involve limited access highway reconstruction, completed by the consultant’s Project Manager and other key project team members including the name of client contact person, telephone number, and physical address;
2. Personnel Experience – Resumes of the consultant’s proposed Project Manager and other key personnel presently employed by the consultant who will be assigned to the project. The Project Manager shall have a minimum of five (5) years of specific experience in complex highway and/or bridge design projects;
3. Project Team – Anticipated subconsultants shall be identified and the roles that each will play in providing the required services. Resumes should be provided for subconsultants that may be involved in key roles;
4. Prequalification Documentation – A copy of the Notice of Qualification issued by the FDOT showing current qualification in the Types of Work specified above;
5. Office Location – The office assigned responsibility and its physical address shall be identified. It is required that the consultant have an office and key staff located within the Orlando area.

Failure to submit any of the above required information may be cause for rejection of the package as non-responsive.

SELECTION / NEGOTIATIONS: The Authority may shortlist up to five (5) firms based on its evaluation of the Letters of Interest and qualifications information received. Shortlisted firms will proceed to the next step in the process which includes preparation and submittal of a Technical Proposal and an oral presentation or interview. The Authority will provide the shortlisted firms with a comprehensive outline of the Scope

of Services for use in preparing the Technical Proposal. Each firm will be evaluated and ranked by the Authority’s Consultant Recommendation Committee based on the Technical Proposal and oral presentations/interview. As part of its evaluation process, the Committee will also consider the consultant’s willingness to meet time requirements, consultant’s projected workload, and consultant’s use of Minority/Women Owned Businesses.

EQUAL OPPORTUNITY STATEMENT: The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities.

MINORITY / WOMEN / DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION: Minority / Women / Disadvantaged Business Enterprises will not be discriminated against on the basis of race, color, sex, or national origin in consideration for qualification or an award by the Authority.

NON-SOLICITATION PROVISION: From the first date of publication of this notice, no person may contact any Authority Board Member, Officer or Employee or any selection committee member, with respect to this notice or the services to be provided, except as related to the Submittal Requirements detailed above. Reference is made to the lobbying guidelines of the Authority for further information regarding this Non-Solicitation Provision.

LETTER OF RESPONSE DEADLINE:

August 6, 2004, 3:00 p.m., Orlando local time

AUTHORITY CONTACT PERSON:

Mr. Joseph A. Berenis, P.E.
Deputy Executive Director
Telephone: (407)316-3800

LETTER OF RESPONSE ADDRESS:

Orlando-Orange County Expressway Authority
525 S. Magnolia Avenue
Orlando, FL 32801
Re: S.R. 429/S.R. 414 – Boy Scout Road to U.S. 441
Project No. 429-201

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 CHILDREN AND FAMILY SERVICES**INVITATION TO BID**

Proposals are requested from general contractors by the Department of Children and Family Services, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: DCF 04240710
 PROJECT: REPAIRS TO THE BUILDING
 "F" FOUNDATION
 THE MONROE CENTER
 COCOA, FLORIDA

PREQUALIFICATION: The Owner accepts bids from those firms which are duly licensed with the Florida Department of Business & Professional Regulation as general contractors.

PERFORMANCE BOND AND LABOR AND MATERIAL BOND: If the construction award is \$100,000.00 or less, a Performance Bond and Labor and Material Payment Bond are not required.

DATE AND TIME: Sealed bids will be received on July 29, 2004, until 11:00 a.m., local time, at which time they will be publicly opened and read aloud.

PLACE: MONROE CENTER
 705 BLAKE AVENUE
 COCOA, FLORIDA 32922
 ATTN: CONNIE BALOG
 (321)690-3870

PROPOSAL: Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be examined and obtained from the Architect/Engineer:

ARCHITECTS IN ASSOCIATION ROOD & ZWICK, INC.
 661 SOUTH BREVARD AVENUE
 COCOA, FLORIDA 32922

ATTENTION: STEVE SNOW, (321)631-8039

CONTRACT AWARD: The bid tabulation and Notice of Award Recommendation will be posted at 11:00 a.m., local time, on July 30, 2004, at the architect's office. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by Certified United States mail, Return Receipt requested. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in Section 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions to Bidders, "notice and Protest Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5 by the Owner.

FLORIDA HOUSING FINANCE CORPORATION**Invitation to Negotiate**

The Florida Housing Finance Corporation (Florida Housing) invites all qualified and interested parties wishing to provide Affordable Housing Catalyst Program Services, funding through the State Housing Trust Fund, to submit proposals for consideration. Written, sealed proposals shall be accepted until 2:00 p.m., Eastern Daylight Time, Friday, August 6, 2004 to the attention of Robin Grantham, Contract Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Robin Grantham. (850)488-4197, e-mail: robin.grantham@floridahousing.org.

To obtain a copy of the Invitation to Negotiate, which outlines selection criteria and offeror's responsibilities, please submit requests to the attention of Robin Grantham, or you can download the Invitation to Negotiate from the Florida Housing web site at <http://www.floridahousing.org/ViewPage.aspx?page=77>. Any modifications that occur to the Invitation to Negotiate will be posted at the web site and may result in an extension of the deadline.

Re-issuance of Request for Qualifications

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to participate in a limited pool of proposers to purchase properties offered by Florida Housing Finance Corporation to submit proposals for consideration.

Written, sealed proposals shall be accepted until 2:00 p.m., Eastern Time, Friday, August 25, 2004, to the attention of Robin Grantham, Contract Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Robin Grantham, (850)488-4197, e-mail: robin.grantham@floridahousing.org. To obtain a copy of the Request for Qualifications, which outlines selection criteria and offeror's responsibilities, please submit requests to the attention of Robin Grantham, or you can download the Request for Qualifications from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/ViewPage.aspx?page=77>. Any modifications that occur to the Request for Qualifications will be posted at the web site and may result in an extension of the deadline.

FISH AND WILDLIFE CONSERVATION COMMISSION

REQUEST FOR PROPOSAL

Competitive sealed request for proposal will be received by the Purchasing Office until the time and date shown for the following:

DATE AND TIME: August 10, 2004, 2:30 p.m.
PRE-PROPOSAL CONFERENCE: July 21, 2004, 10:00 a.m.
PROPOSAL NO.: RFP 04/05-02
PROPOSAL TITLE: LEASING OF BUILDING IN PORT CHARLOTTE FLORIDA

Proposals are requested from responsible developers interested in developing a site and building, containing 6600 net rentable square feet (3600 office/3000 warehouse), for the purpose of leasing the building and its site to the State of Florida.

The site of the building which is to be located in the Port Charlotte, FL area between:

- Northern limit – I-75 exit 179 (Toledo Blade Blvd. exit)
- Eastern limit – I-75 (location should be west of I-75)
- Southern limit – I-75 exit 158 (Tuckers Grade exit)
- Western limit – Toledo Blade Blvd / Flamingo Blvd.

All program requirements and instructions shall be furnished to all interested developers at a pre-proposal conference to be held at 10:00 a.m., EDT on July 21, 2004, at 1481 Market Circle Unit 1, Pt Charlotte, Florida, between the State of Florida and interested developers. The building is to be used as office and warehouse space.

If you have any question please contact Philip Stevens at (941)255-7403 between 9:00 a.m. and 4:00 p.m., Monday through Friday.

To receive a copy of the Proposal contact Philip Stevens, (941)255-7403, Charlie Miller, (850)488-7345 or the Purchasing Office by Fax (850)921-2500.

PROPOSAL OPENING LOCATION

The public opening of this REQUEST FOR PROPOSAL will be conducted at 2:30 p.m., Eastern Daylight Time, August 10, 2004, at the Florida Fish and Wildlife Conservation Commission, Purchasing Room 364, 620 South Meridian Street, Tallahassee, Florida 32399-1600. PROPOSALS RECEIVED AFTER DATE AND TIME SPECIFIED WILL BE REJECTED.

MAILING INSTRUCTIONS

All proposals shall be submitted in a SEALED ENVELOPE addressed to the Florida Fish and Wildlife Conservation Commission, Room 364, 620 South Meridian Street, Tallahassee, Florida 32399-1600. THE ENVELOPE SHALL BE PLAINLY MARKED ON THE OUTSIDE WITH: PROPOSAL NUMBER, DATE AND TIME OF THE

PROPOSAL OPENING. THE COMMISSION IS NOT RESPONSIBLE FOR THE OPENING OF ANY ENVELOPES THAT ARE NOT PROPERLY MARKED.

The Commission reserves the right to reject any and all bid/proposals.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Order No. DCA04-OR-087

In re: A LAND DEVELOPMENT REGULATION
ADOPTED
BY ISLAMORADA, VILLAGE OF ISLANDS
ORDINANCE NO. 04-02

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.

2. On March 30, 2004, the Department received for review Islamorada, Village of Islands Ordinance No. 04-02 which was adopted by the Village Council on March 25th, 2004 (“Ord. 04-02”). The purpose of Ord. 04-02 is to amend the Official Zoning Map for the Village of Islamorada for the property described as Lots 1-40, Block 9 for the Plantation Key Colony Subdivision, Plantation Key, Section 5, Township 61 South, Range 38 East, from Village Center (VC) to Highway Commercial (HC).

3. Ord. 04-02 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).

5. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2003), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 04-02 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. (2003). See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 04-02 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

(h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

- 3. Solid waste collection and disposal facilities;
- 5. Transportation facilities;

9. Ord. 04-02 is not inconsistent with the remaining Principles. Ord. 04-02 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 04-02 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

 VALERIE J. HUBBARD, DIRECTOR
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S

ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this ____ day of May, 2004.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Chris Sante, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Beverly Raddatz, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

John Herin, Esq.
Weiss, Serota, Helfman, Pastoriza & Guedes, P.A.
2665 South Bayshore Drive
Miami, FL 33133

By Hand Delivery or Interagency Mail:

Jim Quinn, Bureau of State Planning
Rebecca Jetton, ACSC Administrator
Timothy E. Dennis, Assistant General Counsel

AMENDED NOTICE OF SCHEDULE FOR EVALUATION AND APPRAISAL REPORTS (EARs) 2003-2011

Notice is hereby given to the public that the Department of Community Affairs has amended the Evaluation and Appraisal Report (EAR) Schedule for submittal of adopted EAR reports pursuant to Section 163.3191(9), Florida Statutes. The amended schedule provides for the additions to the EAR schedule during the years 2003-2011 for the newly incorporated municipalities: City of Bonita Springs, Town of Miami Lakes and Town of Southwest Ranches. The amended schedule is available upon request by contacting Ray Eubanks, Plan Review Administrator, Department of Community Affairs, Division of Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. The amended schedule is also available electronically on the Department of Community Affairs web site at <http://www.dca.state.fl.us/fdcp/DCP/Resources/index.htm>.

The amendments to the schedule include:

Municipality	Due Date
BONITA SPRINGS	10/1/2005
MIAMI LAKES	5/1/2006
SOUTHWEST RANCHES	6/1/2006
PALM COAST	11/1/2010

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American Suzuki Motor Corporation intends to allow the establishment of Gulfview Motors, Inc. d/b/a Hernando Suzuki as a dealership for the sale of Suzuki automobiles at 15249 Cortez Blvd., Brooksville, (Hernando County), Florida 34613 on or after June 1, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Gulfview Motors, Inc. d/b/a Hernando Suzuki are dealer operator(s) and principal investor(s): Leon

Kreisler, 1000 Royal Birkdale Drive, Tarpon Sprinto the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Daniel Mallby, Dealer Development Manager, American Suzuki Motor Corporation, 3251 E. Imperial Hwy., P. O. Box 1100, Brea, CA 92822-1100.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Vento Motorcycles, Inc., intends to allow the establishment of Auto Stop, Inc. as a dealership for the sale of Vento motorcycles, at 17630 US 41, Lutz (Hillsborough County), Florida 33549, on or after July 1, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Auto Stop, Inc. are dealer operator(s) and principal investor(s): Robert Sardegna, 8435 Flagston Drive, Tampa, FL 33615.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Alan Bini, Vento Motorcycles, Inc., 5355 Mira Sorrento PL 100, San Diego, CA 92121.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Redneck Engineering, intends to allow the establishment of Big Boy Toys, Inc., as a dealership for the sale of Redneck motorcycles, at 604 New Warrington Road, Pensacola (Escambia County), Florida 32506, on or after June 1, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Big Boy Toys, Inc. are dealer operator(s) and principal investor(s): Gary Lowry, 6045 N. New Warrington Road, Pensacola, FL 32506.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mike Marquart, President, Redneck Engineering, 107 Nix Rd., Liberty, SC 29657.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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 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 JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted one new policy and the revision of a second existing policy for review and comment on MyFlorida.com at: http://www.djj.state.fl.us/djj/djjservices/administration/policies_procedures/policyreview.shtml (please note new Website location).

Central Communications Center (new department-wide policy type B) was originally noticed in the Miscellaneous Section of the FAW that will appear on July 2, 2003 as the Emergency Action Center (with a deadline for comments of July 30). The retitled Central Communications Center (CCC) Policy is designed to provide a service to DJJ, Provider, and Grant

facilities, programs and sites in maintaining a safe environment for the treatment, care, provision of services to juveniles. These procedures establish guidelines to assure that accurate information is disseminated to and from the CCC and to track and document action related to incidents telephoned to the CCC. The CCC activities will be conducted 24 hours a day, 7 days a week, in a user friendly manner, with an emphasis on assisting DJJ, Provider, and Grant staff in the relay of information related to the care, safety, and humane treatment of all juveniles served by DJJ, Providers, or Grantees.

At the discretion of Secretary Anthony J. Schembri, this policy is being posted for a SINGLE 20 working day review and comment period. The closure date for submission of comments on this policy is August 5, 2004. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

Development and Review of Policies, FDJJ-1000 (revised department-wide policy type B) makes a number of changes in how the department will formally review and approve all new and revised policies. The most significant change is the reduction in the number of times a draft policy will be posted, going from two – 20 working day to a single 20 working day review and comment period effective with the publication of notice in the FAW. Other changes clarify steps to be taken in the development and review of policies and spelling out the responsibilities of various parties in the process. This is the first of two 20 working day review and comment periods. The closure date for submission of comments on this policy is August 5, 2004. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

DEPARTMENT OF HEALTH

On June 28, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Patricia Maynor, R.N., license number RN 9195671. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8), and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 24, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Paul Andrew Elliott, D.O., license number OS 6351. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8), and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 24, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Susan Kessler, L.P.N., license number PN 869501. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8), and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 24, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Dwite Knowles, L.P.N., license number PN 1194701. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8), and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

SECURITIES GUARANTY FUND

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Office of Financial Regulation, on March 23rd, 2004, issued a Notice of Intent to Enter a Final Order Approving Recovery from the Securities Guaranty Fund and Notice of Rights in Administrative Proceeding No. 3277b-S-10/01 to Van R. Lewis, III, CRD#1562328, Jay Harry Drivas, CRD#1517814, and Sunpoint Securities, Inc., CRD#25442. Those persons whose substantial interests may be determined by this proceeding are advised that they may request a hearing concerning the Notice of Intent, to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petition for hearing must comply with Rules 28-106.201, 28-106.301 or 28-107.004, Florida Administrative Code, and must be received within twenty-one (21) days of the date of publication of this notice. Petitions shall be filed with:

Agency Clerk
Department of Financial Services
Office of Financial Regulation
Suite 526, Fletcher Building
200 East Gaines Street
Tallahassee, Florida 32399-0379

FAILURE OF A RESPONDENT TO TIMELY FILE A REQUEST FOR HEARING WITHIN THE 21 DAY TIME PERIOD, SHALL CONSTITUTE A WAIVER OF THAT RESPONDENT'S RIGHT TO REQUEST A HEARING ON ANY MATTER SET FORTH IN THE NOTICE OF INTENT, AND THE OFFICE WILL ISSUE ITS FINAL ORDER TAKING THE ACTIONS SET FORTH IN THE NOTICE OF INTENT.

NOTICE OF FILINGS

Office of Financial Regulation

Notice is hereby given that the Office of Financial Regulation has received the following applications.

Comments may be submitted to the Deputy Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Rule 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., July 30, 2004:

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Citizens Bank Wakulla, Crawfordville, Florida

Proposed Purchaser: ABC Bancorp, Moultrie, Georgia
Received: June 16, 2004

APPLICATION TO MERGE

Constituent Institutions: Florida Department of Transportation Credit Union, Tallahassee, Florida, and D.O.T. District 2 Credit Union, Lake City, Florida

Resulting Institution: Florida Department of Transportation Credit Union
Received: June 25, 2004

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN June 21, 2004
and June 25, 2004

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF STATE

Division of Elections

1S-2.032	6/22/04	7/12/04	30/16	30/22
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DEPARTMENT OF EDUCATION

State Board of Education

6A-4.0021	6/23/04	7/13/04	30/16	30/22
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REGIONAL PLANNING COUNCILS

South Florida Regional Planning Council

29J-2.009	6/22/04	7/12/04	30/20	
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DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

60A-1.016	6/21/04	7/11/04	30/14	30/21
60A-1.025	6/21/04	7/11/04	30/10	30/21
60A-1.042	6/21/04	7/11/04	30/14	30/21
60A-1.047	6/21/04	7/11/04	30/10	30/21
60A-1.063	6/21/04	7/11/04	30/14	30/21

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

61-20.504	6/23/04	7/13/04	30/13	
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Board of Professional Engineers

61G15-22.006	6/23/04	7/13/04	29/35	30/22
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Board of Veterinary Medicine

61G18-16.003	6/23/04	7/13/04	30/18	
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Board of Accountancy

61H1-33.0065	6/23/04	7/13/04	30/16	30/18
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-204.800	6/25/04	7/1/04	30/22	
62-302.540	6/25/04	7/15/04	29/12	

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

64B-4.003	6/22/04	7/12/04	30/11	30/20
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Board of Osteopathic Medicine

64B15-6.0035	6/23/04	7/13/04	29/44	30/10
64B15-19.003	6/23/04	7/13/04	30/15	

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

68A-9.004	6/25/04	7/15/04	30/19	
68A-15.005	6/25/04	8/1/04	30/19	
68A-15.062	6/25/04	8/1/04	30/19	
68A-15.063	6/25/04	8/1/04	30/19	

Marine Fisheries

68B-3.007	6/25/04	7/15/04	30/19	
68B-4.002	6/25/04	7/15/04	30/19	30/26
68B-4.019	6/25/04	7/15/04	30/19	30/26
68B-13.008	6/25/04	7/15/04	30/19	
68B-13.010	6/25/04	7/15/04	30/19	
68B-14.0045	6/25/04	7/15/04	30/19	
68B-24.0055	6/25/04	7/15/04	30/19	
68B-45.002	6/25/04	7/15/04	30/19	30/26
68B-45.006	6/25/04	7/15/04	30/19	

Marine Resources

68E-18.002	6/25/04	7/15/04	30/19	
68E-18.005	6/25/04	7/15/04	30/19	

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

69A-64.005	6/23/04	7/13/04	30/20	
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